



CITY COUNCIL MEETING

AGENDA

TUESDAY, OCTOBER 26, 2021 – 7:00 P.M.

Please Note: Per California Executive Order N-29-20, the City Council will meet via Telephone/Video Conference only.

Members of the Public may join and participate in the Council meeting at <https://webinar.ringcentral.com/j/1494032709>

TO PARTICIPATE VIA THE LINK ABOVE - Members of the public will need to have a working microphone on their device and **must have the latest version of Ringcentral available at this link <http://www.ringcentral.com/download.html>**. To request to speak please use the “Raise hand” feature located at the bottom of the screen.

TO PARTICIPATE VIA TELEPHONE - Members of the public may also participate via telephone by calling 1-650-242-4929 (Meeting ID: 149 403 2709. Press * 9 on your telephone to indicate a desire to speak.

Public testimony will be taken at the direction of the Mayor and members of the public may only comment during times allotted for public comments. Once called to speak, speakers will be asked to state their name and place of residence. Providing this information is optional.

TO SUBMIT WRITTEN COMMENTS, prior to the meeting, on matters listed on the agenda email PublicComment@losaltosca.gov with the subject line in the following format:
PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE.

Emails sent to the above email address are sent to/received immediately by the City Council.

Correspondence submitted in hard copy/paper must be received by 2:00 p.m. on the day of the meeting to ensure it can be distributed prior to the meeting. Correspondence received prior to the meeting will be included in the public record.

[Please follow this link for more information on submitting written comments.](#)

CALL MEETING TO ORDER

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE TO THE FLAG

REPORT ON CLOSED SESSION

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - Members of the audience may bring to the Council's attention any item that is not on the agenda. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "the Brown Act") items must first be noticed on the agenda before any discussion or action.

CONSENT CALENDAR - These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. City Council Minutes: Approve the Minutes of the October 12, 2021, Regular Meeting (A. Chelemengos)
2. Resolution No. 2021-52 Notice of Completion – Los Altos Community Center: Move to adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002; and authorize the Engineering Services Director to record a Notice of Completion as required by law. (A. Trese)

PUBLIC HEARINGS

3. D20-0008 - Packard Foundation - 374 Second Street: Adopt Resolution No. 2021-53 approving Design Review Application D20-0008 subject to the recommended findings and conditions. The project proposes to merge and reconfigure the existing parking lot areas. The project proposes to create two-way drive aisles accessible from Second Street and eliminate the existing ingress/egress to the public alley. A carport structure with photovoltaic panels is proposed to cover a portion of the parking stalls. (S. Golden)

DISCUSSION ITEMS

4. Ordinance Nos. 2021-482 and 2021-483 California Senate Bill 1383: 1.) Introduce, as read by title only, and hold first reading of Ordinance No. 2021- 482 amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling; and 2.) Introduce, as read by title only, and hold first reading of Ordinance No. 2021- 483 adding Chapter 6.13 Edible Food Recovery Ordinance and direct staff to place the Ordinances on the Consent Calendar for adoption at the November 9, 2021, meeting. (E. Ancheta)
5. Off-Leash Pilot Program Review and Recommendations: Receive report and staff recommendation to City Council discontinue the off-leash program at the Hillview Baseball Field and direct staff and the Parks and Recreation Commission (PARC) to explore additional fenced-in options for dogs in Los Altos. (D. Legge)
6. Fiscal Year 2021/22 City Fee Schedule: Adopt Resolution No. 2021-54 setting the FY 2021/22 Fee Schedule for the City of Los Altos. (J. Maginot)
7. Lehigh Stevens Creek Quarry Subcommittee Update: Receive and discuss update from City Council Lehigh Subcommittee. (Council Members Lee Eng and Meadows)
8. Council Tentative Calendar Quarterly Review: Review, discuss and provide direction to staff relative to the Council Tentative Calendar. (A. Chelemengos)

INFORMATIONAL ITEMS ONLY

- None

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

(Council Norms: It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.)

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body. If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council for the public record.



**MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF LOS ALTOS
7:00 P.M., TUESDAY, OCTOBER 12, 2021**

Held Via Video/Teleconference Per California Executive Order N-29-20.

MEETING CALLED TO ORDER

At 7:00 p.m., Mayor Fligor called the meeting to order.

ESTABLISH QUORUM

Present: Mayor Fligor, Vice Mayor Enander, Council Members Lee Eng, Meadows, and Weinberg

Absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Fligor led the Council in the Pledge.

REPORT ON CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *40 Main Street Offices LLC v. City of Los Altos, et al.*
Superior Court of the State of California, County of Santa Clara Case No. 19CV349845
2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *California Renters Legal Advocacy and Education Fund, San Francisco Bay Area Renters Federation, Victoria Fierce, and Sonja Trauss v. City of Los Altos, et al.*
Superior Court of the State of California, County of Santa Clara Case No. 19CV350422
3. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. City of Los Altos, et al.*
United States District Court, Northern District of California
Case No. 5:18-cv-01223-HRL
4. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Satish Ramachandran v. Best, Best and Krieger, a limited liability Partnership; Christopher Diaz; Christina Hickey; Kirk Ballard; David Kornfield; Christopher Jordan; Pamela Jacobs, and Does 1-20*
United States District Court, Northern California District

Case number: 5:20-cv-03963-NC

5. Public Employment: City Attorney Performance Review
Pursuant to Government Code Section 54957 (b)

Mayor Fligor reported that the Council held a closed session earlier in the evening and that there was no action taken and nothing to report. City Attorney Houston was not present during closed session items 1 and 2.

SPECIAL ITEM

- Introduction of John Furtado, Finance Director

City Manager Engeland and Human Resources Manager Silipin introduced Finance Director Furtado. The Council welcomed Mr. Furtado and Finance Director Furtado commented.

SPECIAL PRESENTATION

- Presentation of Proclamation Proclaiming October Domestic Violence Awareness Month – Presentation of Los Altos City Council Grant to WomenSV

Mayor Fligor commented and thanked WomenSV for the services provided to the community, read the proclamation aloud and presented it along a grant from the City to Ms. Darlene of WomenSV.

Ms. Darlene, Executive Director of WomenSV, thanked the Council and commented on the efforts of WomenSV.

- Presentation of Proclamation Proclaiming October as Breast Cancer Awareness Month

Mayor Fligor read the Proclamation aloud.

- Presentation of Proclamation Proclaiming October 17-24 Flood Preparedness Week

Senior Planner/Flood Administrator Golden, noted the correct dates should be October 23 – October 30. He read the Proclamation aloud and thanked the Council for the Proclamation.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Bette Houtchens provided comments.

CONSENT CALENDAR

1. City Council Minutes: Approve the Minutes of the September 21, 2021, Regular Meeting (A. Chelemengos)
2. Contract Extension and Additional Budget for Traffic Signal Maintenance Services: Authorize the City Manager to execute a contract amendment with Bear Electrical Solutions, Inc. to extend the term for FY 21/22 and add funds in the amount of \$75,000 for a total not to exceed project budget of \$306,000 for on-call traffic signal maintenance services. (G Watanabe)
3. Contract Award: On-Call City Wide Tree Maintenance Services: Authorize the City Manager to execute a not-to-exceed contract with West Coast Arborist in the amount of \$110,000 to provide on-call city wide tree maintenance services. (M. Hernandez)
4. Ordinance No. 2021-481 Firearm Safe Storage Ordinance: Adopt an ordinance of the City Council of the City of Los Altos amending the Los Altos Municipal Code by adding a new Chapter 7.29 entitled “Safe Storage of Firearms” in the City of Los Altos and making findings pursuant to California Environmental Quality Act that this ordinance is categorically exempt from environmental review. (A Galea)
5. Emergency Declaration Resolution: Adopt Resolution No. 2021-51 extending the declaration of a local emergency due to the COVID-19 pandemic (J. Maginot)
6. Professional Services Agreement for Various Engineering Services: Authorize the City Manager to execute an Agreement with Bellecci and Associates, Inc. to provide funds for assistance with Various Engineering Services for FY2021-2022 and to annually execute an Amendment to that Agreement for Various Engineering Services through FY 2023-2024. (A. Trese)
- 6A. Contract Award: Sanitary Sewer Video Inspection, Project WW-01011- Award the Base Bid and Add Alternate Bid No. 1 for the Sanitary Sewer Video Inspection, Project WW-01011 to Pipe and Plant Solutions, Inc. in the amount of \$397,385.65 and authorize the City Manager to execute a contract in the amount of \$397,385.65 and up to 15% contingency on behalf of the City (A. Trese) Item added 10.5.2021

Council Member Lee Eng moved to approve the Consent Calendar. The motion was seconded by Council Member Weinberg and the motion passed 5-0 with the following roll call vote:

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

PUBLIC HEARINGS - None

DISCUSSION ITEMS

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7. Proposed Amendments to City of Los Altos Guidelines for Public Art: Review and approve the proposed amendments, as recommended by the PAC, to the City of Los Altos Guidelines for Public Art.

Recreation Manager Chew provided a staff report and answered questions from the Council.

Public Arts Commissioner Waldman was called upon to answered questions from the Council.

The Mayor invited Public Comment. The following individuals commented: Monica Waldman, Hilary King and Teresa Morris.

Following Council discussion, Vice Mayor Enander moved to approve the proposed amendments to the Los Altos Guidelines for Public Arts with corrections to typographical errors (noted by Council Member Weinberg), and with the addition of the words “or member of their immediate family” in the paragraph in Section 3 discussing criteria for recusal from voting; addition of the same recusal criteria in Section 6; addition of language at the beginning of Section 6 clarifying and differentiating between the two partnership programs, and addition of language to Section 6 that specifies that the decision to award the \$1,000 stipend is the decision of the Public Arts Commission and shall be based upon criteria as outlined in the Los Altos Guide for Public Arts. The motion was seconded by Council Member Lee Eng and the motion passed with the following 5-0 roll call vote:

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

There was Council consensus that the Commission should report back to the Council on the new guidelines with any recommended changes.

8. City Council Member Censure Policy: Consider Draft City Council Censure Policy; provide direction to staff

City Attorney Houston provided a report and answered questions from the Council.

Mayor Fligor invited public comment. The following individuals commented: Frank Martin, Roberta Phillips, Terri Couture, Teresa Morris, Tony G., Jeanine Valadez (with time ceded from Toni Moos, Tanya Maluf, and Reynette Au), Joe Beninato, Katherine Wurzburg and Freddie Wheeler.

Following Council discussion, Council Member Weinberg moved to adopt the proposed policy as renamed to Accountability Policy of the Los Altos City Council, with the addition of a preamble as read by Mayor Fligor, addition of language to clarify that the same Council Norm or Policy

must be violated before action can be taken to censure or admonish a Council Member; and addition of language that clarifies that an investigation of the alleged violations is not required, but that any Council Member may request and be granted an investigation of the alleged violation; and addition of language specifying that any formal action to censure or admonish a Council Member must be placed on an agenda of a Regular Council meeting. The motion was seconded by Council Member Meadows and the motion passed 3-2 with the following roll call vote:

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

At 9:40 p.m., Mayor Fligor called for a brief recess. At 9:51 p.m., the meeting was reconvened.

9. Formation of City Council Summer Intern Subcommittee: Discuss formation of a City Council Summer Intern Program Subcommittee; appoint no more than two Council members; and provide direction to the Subcommittee on its role and scope.

Mayor Fligor provided background information on the item.

There were no members of the public wishing to comment.

Council Member Lee Eng moved that the Council form a City Council Summer Intern Program Subcommittee and appoint Mayor Fligor and Vice Mayor Enander to the subcommittee with direction to draft a summer intern program proposal to present to the City Council for implementation summer of 2022. The motion was seconded by Council Member Meadows and the motion passed 5-0 with the following roll call vote:

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

10. Council Legislative Subcommittee Update And Potential Council Action: Receive update from the City Council Legislative Subcommittee; discuss pending legislation including, but not limited to: AB 14, AB 68, SB 215, AB 339, AB 473, AB 682, AB 989, AB 1401, AB 1322; SB 4, SB 6, SB 9, SB 10, SB 15, SB 16, SB 278, SB 477, SB 478, SB 556, SB 612, SB 640, SB 785.

Vice Mayor Enander and Council Member Weinberg presented the final update and answered questions from the Council.

Salim provided public comment.

INFORMATIONAL ITEMS ONLY

- Tentative Council Calendar

No comments/No action taken.

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

City Manager Engeland reported on the ICMA Conference, various administrative matters and the scheduling of upcoming agenda items and study sessions.

Mayor Fligor inquired about a report from the Lehigh Subcommittee. The Committee members indicated a readiness to be placed on the next Council agenda to report out. Mayor Fligor reported that at the next meeting a group of citizens would be bring forth a presentation on a potential Los Altos Theater.

Council Member Lee Eng, with support from Vice Mayor Enander, requested that an item be placed on a future Council agenda to discuss opportunities for empathy training. In addition, with unanimous Council support Council Member Lee Eng requested a matter be placed on a future Council agenda to discuss the condition of the tree canopy in Los Altos and how to protect and preserve it.

Both Council Member Weinberg and Mayor Fligor reported on their attendance at the Annual League of California Cities Conference.

ADJOURNMENT

At 10:53 p.m., Mayor Fligor adjourned the meeting.

ATTEST:

Neysa Fligor, MAYOR

Andrea M. Chelemengos MMC, CITY CLERK

**CONSENT CALENDAR****Agenda Item # 2****AGENDA REPORT SUMMARY****Meeting Date:** October 26, 2021**Subject:** Resolution No. 2021-52: Acceptance of Los Altos Community Center Project**Prepared by:** Andrea Trese, Associate Civil Engineer**Reviewed by:** Jim Sandoval, Engineering Services Director**Approved by:** Gabriel Engeland, City Manager**Attachment(s):**

1. Resolution No. 2021-52

Initiated by:

City Council, CIP Project CF-01002

Previous Council Consideration:

October 27, 2020; October 13, 2020; October 22, 2019; July 30, 2019; July 9, 2019; March 12, 2019; September 11, 2018; July 10, 2018; March 13, 2018; December 12, 2017; September 26, 2017; August 22, 2017; April 25, 2017

Fiscal Impact:

The table below summarizes the final costs of the Los Altos Community Center Project. The final approved budget for the overall project (including construction as well as soft costs; furnishings, fixtures & equipment; and respective contingencies) is \$38,335,400. The final overall project cost is \$37,279,861. The project cost is \$1,055,539 less than the final approved budget.

Project Item	Project Budget	Final Cost	Remaining Budget
Soft Costs (Design, Construction Management, Construction Inspections, etc.)	\$ 5,535,443	\$ 5,767,373	\$ (231,930)
Construction	\$ 31,035,400	\$ 30,403,310	\$ 632,090
Furnishings, Fixtures, and Equipment (FF&E) and Expenses	\$ 1,764,557	\$ 1,109,178	\$ 655,379
Total	\$ 38,335,400	\$ 37,279,861	\$ 1,055,539

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

City Manager

*GE***Reviewed By:**

City Attorney

JH

Finance Director

JE



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

Summary:

- Adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002
- Authorize the Engineering Services Director to record a Notice of Completion as required by law
- Construction of the new Los Altos Community Center has been completed by Gonsalves and Stronck Construction Company and the building is now open to the public

Staff Recommendation:

Move to adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project, CF-01002; and authorize the Engineering Services Director to record a Notice of Completion as required by law



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

Purpose

Accept completion of the Los Altos Community Center Project by construction contractor Gonsalves and Stronck Construction Company.

Background

On Tuesday, April 25, 2017, the City Council approved the creation of a Capital Improvement Project for the design and construction of a new Community Center, originally referred to as the Hillview Community Center Redevelopment Project, CF-01002. The new 24,500 square foot building includes a large community room, three multipurpose rooms, meeting rooms, a catering kitchen, and dedicated spaces for seniors, teens, and the City-run preschool program. The site's amenities and outdoor spaces support learning, play, and community gatherings. The building has been designed to achieve LEED Gold equivalency with photovoltaic (solar) panels, electric vehicle charging stations, water-wise devices, stormwater bioretention areas, and an abundance of natural light. Several avenues of public art are incorporated through murals, gallery exhibits, and sculptures. The project features a pathway connecting the library to the Community Center. The building also includes unique and complex features, such as rain screens and a metal roofing system.

On October 2, 2021, the Los Altos City Council and City staff hosted a ribbon-cutting celebration to unveil the highly anticipated addition to the civic center to the Los Altos community.

Project History

Since April 25, 2017, the project consisted of planning, design and construction of a new Community Center at 97 Hillview Avenue. The design contract was awarded to Noll & Tam Architects & Planners on August 22, 2017. Los Altos community members were extensively involved in the planning and design of the project through the work of the Hillview Community Center Project Task Force. The task force consisted of eleven residents who worked with Noll & Tam to provide Council with a recommended design and layout that align with the character and community values of Los Altos.

The construction contract was awarded to Gonsalves and Stronck Construction Company, on July 30, 2019, at which time a total project budget of \$38,335,400 was approved by Council. A groundbreaking ceremony was held on October 8, 2019.

Construction Management was provided by NOVA Partners through a contract with the City authorized on July 9, 2019. NOVA Partners provided services including design and constructability-review, on-site oversight, project coordination, monitoring of scheduling and budget, validating costs and completion for various construction items, and subcontracting of special testing and inspections. Many unexpected challenges arose during construction due to the



Subject: Resolution No. 2021-52: Acceptance of Los Altos Community Center Project

COVID-19 pandemic and unforeseen conditions. However, the building was substantially completed on June 30, 2021, and received a Temporary Certificate of Occupancy in August 2021. The Final Certificate of Occupancy was approved on September 30, 2021. Construction is complete and the building has been open to the public since October 4, 2021. Despite the unprecedented pandemic, other challenges, and the nearly one-year delay, the project was delivered approximately \$1 million under budget.

As staff settles into the new facility, there are “Day 2” furnishings, fixtures, and equipment (FF&E) that are needed to create a fully functioning and secure operation. Staff estimates approximately \$150-200K in expenditures from the FF&E budget to cover numerous items, including IT and security equipment, office furniture, recycling/trash containers, kitchen supplies, art/décor, plants & planters, bocce ball equipment, window treatments, signage, podiums, teen room supplies, etc.

Discussion/Analysis

Gonsalves and Stronck Construction Company (G&S) completed the construction of the new Los Altos Community Center project. The facility was built in accordance with the plans and specifications. As such, staff recommends that Council authorizes the Engineering Services Director to record a Notice of Completion, as required by law.

The City is required to release retained funds to the contractor 35 days after filing the Notice of Completion with the Santa Clara County Recorder. Given the complexity of the project, the City retained 10% of the construction payments (public projects typically retain no more than 5%). The purpose of the retention is to provide security to the City in the case of contractor non-performance and to provide security in case any potential stop payment notices are filed by G&S’s subcontractors. The release of retained funds allows the general contractor to complete payments to the subcontractors (including those from early stages of the project, such as demolition in Fall 2019), whose payments have also typically been withheld at 10%.

After the project is accepted, the facility is covered by a warranty from the contractor. The warranty acts as a written guarantee from the Contractor that the work will remain free of defects and suitable for its intended use for the duration of the warranty. The contractor will repair or replace any items found to be defective for a period of one (1) year from the date of the Notice of Completion of the project, per the contract. All costs associated with such corrective actions are the responsibility of the Contractor.

Recommendation

The staff recommends that the Council, *Adopt Resolution No. 2021-52 accepting completion of the Los Altos Community Center Project; and authorize the Engineering Services Director to record a Notice of Completion as required by law.*

RESOLUTION NO. 2021-52

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ACCEPTING COMPLETION OF AND DIRECTING THE ENGINEERING
SERVICES DIRECTOR TO FILE A NOTICE OF ACCEPTANCE OF
COMPLETION OF THE LOS ALTOS COMMUNITY CENTER PROJECT**

WHEREAS, the Engineering Services Director has filed with the City Clerk of the City of Los Altos an Engineer's Certificate as to completion of all the work provided to be done under and pursuant to the contract between the City of Los Altos and Gonsalves and Stronck Construction Company, dated August 19, 2019; and

WHEREAS, it appears to the satisfaction of this City Council that said work under the contract has been fully completed and done as provided in said contract, and the plans and specifications therein referred to.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds and authorizes the following:

1. The acceptance of completion of said work.
2. That the Engineering Services Director is directed to execute and file for record with the County Recorder of Santa Clara, notice of acceptance of completion thereof, as required by law.

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 26th day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK



PUBLIC HEARING

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021

Subject: Design Review (D20-0008) for parking lot modifications and installation of carport structure at 374 Second Street

Prepared by: Steve Golden, Senior Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2021-53
2. Planning Commission Meeting Minutes, September 2, 2021
3. Planning Commission Agenda Report September 2, 2021
4. Complete Streets Commission Agenda Report September 29, 2021
5. Recorded Development Agreement
6. Recorded Deed Restriction
7. Conditions of Approval (Application No. 08-D-06, approved May 11, 2010)
8. Design Plans

Initiated by:

Ryan Martini, The David and Lucile Packard Foundation

Previous Council Consideration:

None

Fiscal Impact:

There is no negative fiscal impact to the City for this project.

Environmental Review:

This 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, as amended, 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

Reviewed By:

City Manager

City Attorney

Finance Director

GE

JH

JE



Subject: Design Review (D20-0008) at 374 Second St

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.

Policy Question(s) for Council Consideration:

- Does the modification of the existing parking lot and proposed carport structure satisfy the design review findings pursuant to Section 14.78.060 of the Municipal Code?

Summary:

- The project includes a design review application to modify the layout, circulation pattern, landscaping, and other improvements that will increase the number of parking spaces from 58 to 86 stalls.
- Subsequent to the design review approval and prior to issuance of building permits, a lot line adjustment would be approved administratively to merge the existing lots
- The Planning Commission reviewed the application on September 2, 2021, and the Complete Streets Commission reviewed the application on September 29, 2021.

Staff Recommendation:

Approve Resolution No. 2021-53 approving design review application D20-0008 subject to the recommended findings and conditions.

Purpose

To review and consider a request for design review approval to allow for the modification of an existing parking lot and the construction of a carport structure.

Background

This is a request for design review approval for modifications to the existing parking lots at 374 Second Street which is associated with the David and Lucile Packard Foundation Building (Packard Foundation) at 343 Second Street. The existing parking lot area consists of five separate lots, three of which are surface parking lots with a total of 58 parking spaces that are accessed from Second Street and the public alley, and two of which are currently vacant with landscaping. The applicant proposes to merge the lots together and use the merged lot as one larger parking area consisting of a two-way drive aisle with access from Second Street only that will accommodate 86 parking stalls. A carport structure is proposed that will cover 32 parking spaces in the interior portion of the lot, and a photovoltaic system will be mounted to the top of the carport structure. Forty-one electric vehicle parking spaces are proposed. New landscaping, lighting, and other surface improvements associated with the parking lot area are proposed.

The Planning Commission held public hearings on August 5, 2021, and September 2, 2021, to consider the design review approval request. The Commission voted unanimously to recommend



Subject: Design Review (D20-0008) at 374 Second St

design review approval. The Planning Commission meeting minutes and agenda report are included as Attachments 2 and 3. Typically the Complete Streets Commission reviews applications prior to the Planning Commission public hearings and their recommendations are incorporated into the Planning Commission recommendation; however, in this case the Complete Streets Commission reviewed the project on September 29, 2021, after the Planning Commission meeting. The CSC members provided feedback, but the Commission did not make a formal recommendation by motion. Further discussion is included below.

Discussion/Analysis

The project proposes construction of a new structure/building; therefore, pursuant to Section 14.78.020 of the Municipal Code, it requires City Council approval. To approve the project, the City Council must make the findings in Section 14.78.060 of the Municipal Code, which may be summarized as follows:

- The project meets the goals, policies and objectives of the General Plan and complies with any Zoning Code design criteria for the CD District;
- The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
- The horizontal and vertical building mass is articulated to relate to the human scale; it has variation and depth of building elevations to avoid large blank walls.
- The exterior materials that convey high quality, integrity, permanence and durability; materials are used effectively to define building elements and to reduce the perceived appearance of height, bulk and mass; and materials are harmonious with other structures in the immediate area;
- The landscaping is generous and inviting, the landscape and hardscape complements the building and is well integrated with the building architecture and surrounding streetscape, and the landscape includes substantial street tree canopy;
- Any signage is appropriately designed to complement the building architecture;
- Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; and
- 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 design review findings are typically associated with the construction of a new building or major modification of an existing building; however, the proposed project is more ancillary to the existing Packard Foundation building, so the design review findings should be applied accordingly and/or recognize the previous development associated with the Packard Foundation building.

The Applicant proposes to merge the five existing lot together and use the merged lot as one larger parking area consisting of a two-way drive aisle with two driveways accessing the reconfigured



Subject: Design Review (D20-0008) at 374 Second St

parking lot from Second Street. The reconfigured parking area replaces the 58 existing parking spaces that currently exist across three of the lots and will incorporate the other two vacant parcels. The new parking lot reconfiguration is designed to be a more conventional parking lot with a total of 86 ninety-degree parking spaces that replaces the angled parking stalls and includes new accessible parking that replaces existing accessible parking that are noncompliant with current building code requirements. The applicant proposes electric vehicle (EV) charging for 41 parking spaces. The new parking lot design will improve overall circulation efficiency for the parking lots as well as the public street and alley by reducing the need to enter/exit the public right-of-way to access other portions of parking lot areas. Also, the reconfigured design will eliminate curb cuts which should result in improved pedestrian and bicyclist experience and safety by eliminating potential vehicle pedestrian/bicyclist conflicts.

A carport structure, which includes a photovoltaic system array mounted to the roof, is proposed to be constructed to cover the interior 32 parking stalls. The structure is proposed to be metal construction with the support posts in the center of the structure with a sloping roof structure that projects over the full depth of the interior parking spaces. The structure is well within the required setbacks and the proposed height is under the maximum height for buildings in the CD Zoning District.

Other improvements include the installation of 41 electric vehicle parking spaces with charging kiosks, new fencing, storm drainage/retention facilities, landscaping, and trees. A total of 22 trees including one off-site (Chinese pistache street tree) and 21 on-site trees are proposed to be removed. Of the 21 on-site trees proposed to be removed, five would be considered “protected” trees under Chapter 11.08 Tree Protection Regulations because they are greater than 48 inches in circumference. It should be noted that some of the trees including the protected trees are considered to be in declining health as detailed in the arborist report included in the Planning Commission agenda report that details the conditions of all of the trees. The applicant proposes to provide 13 small canopy replacement trees and two medium canopy replacement trees including one off-site Chinese pistache street tree on Second Street. The smaller canopy trees are proposed so that the tree at full maturity doesn’t block solar access to the photovoltaic panels attached on top of the carport structure. In addition, the applicant has worked on an agreement with GreenTown Los Altos that represents the commitment of the Packard Foundation to coordinate with GreenTown to provide 27 large canopy off-site replacement trees. GreenTown intends to plant trees that will be a minimum of 15 gallons and will strive to plant trees closest to the downtown area. GreenTown already has agreements and a working relationship with the City to facilitate tree planting and maintenance activities.

The Planning Commission considered this application at their August 5, 2021 and September 2, 2021 meetings and recommended City Council approval of this project pursuant to findings and subject to conditions of approval, as set forth in the draft resolution (see Attachment 1). The Planning Commission did not provide a specific recommendation regarding the landscape



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treatment options proposed along the south property line as shown on Sheet L1.01A with tall upright shrubs or Sheet L1.01B with small canopy trees.

The Complete Streets Commission (CSC) held a public meeting on September 29, 2021, to review the multi-modal transportation components of this project pursuant to Section 14.78.090 of the Municipal Code. As described in the CSC and PC agenda reports, when the Packard Foundation office building at 343 Second Street was approved, the City entered into a Development Agreement (Attachment 5) and a subsequent Deed Restriction (Attachment 6) that established the implementation of an Alternative Transportation Management Program (ATMP). The ATMP was recognized as a tool to reduce the parking demand of the Packard Foundation office building since the building was approved with the number of parking spaces below the standard required. The recorded deed restriction requires the ATMP to continue into perpetuity and the Packard Foundation has updated the City on its current ATMP activities (see Attachment 4). Staff reviewed the deed restriction language with the City Attorney and concluded that monitoring was to occur for a five-year period and be terminated after five years if the ATMP was determined by the City to be effective during which time the Packard Foundation would reserve an additional parcel for supplemental parking should the ATMP not succeed in reducing parking demand. Parking monitoring started in 2013 and on July 11, 2018, in a letter to the Packard Foundation and pursuant to the deed restriction language, the City discontinued the parking monitoring requirement. As noted in previous Commission reports, the existing deed restriction will ensure the ATMP continues in perpetuity; however, the City Attorney recommends that a release be executed by the Foundation at this time to affirm their obligation to continue with the ATMP but release them against “a reserve parking parcel” per the deed restriction which staff has also included as a proposed condition of approval (see Condition #32 in Attachment 1).

Additional background information is contained in both the Planning Commission and Complete Streets Commission agenda reports. Staff has included the recorded deed restriction, development agreement, and agenda report and resolution from the original Packard Foundation approval in this agenda report. Staff notes that typically when a design review approval is granted with conditions, once the construction of the project is completed or other required actions are performed (e.g. recording documents, etc), then those conditions are considered satisfied.

Options

- 1) Approve the design review permit to allow the modification of the existing parking lot and construction of the carport structure as recommended by the Planning Commission and staff

Advantages: The parking lot would increase the overall number of parking spaces available to the Packard Foundation, the number of EV parking spaces, and



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would provide for covered parking that supports the installation of a new photovoltaic system to off-set energy demand.

Disadvantages: The modification of the parking lot would remove some mature trees, but would be off-set by tree replacement planting on-site and off-site.

2) Deny the design review permit to allow the modification of the parking lot and installation of the carport structure.

Advantages: Maintains the existing parking lot as is.

Disadvantages: Rejects approval of ancillary structures that could be used to install photovoltaic systems to off-set energy demands and new EV parking spaces, maintains less efficient on-site circulation pattern and related surrounding public streets, and maintains conflicts at the parking lot driveway entrances with pedestrians and bicyclists.

Recommendation

The staff recommends Option 1.

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 ____ day of _____, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

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.

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS, HELD ON THURSDAY, SEPTEMBER 2, 2021 BEGINNING AT 7:00 P.M. HELD VIA VIDEO/TELECONFERENCE PER EXECUTIVE ORDER N-29-20

Per California Executive Order N-29-20, the Commission will meet via teleconference only. Members of the Public may call (650) 242-4929 to participate in the conference call (Meeting ID: 147 709 1741 or via the web at <https://tinyurl.com/43kk2wwe>) Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Members of the public are also encouraged to submit written testimony prior to the meeting at PlanningCommission@losaltosca.gov or Planning@losaltosca.gov. Emails received prior to the meeting will be included in the public record.

ESTABLISH QUORUM

PRESENT: Vice-Chair Doran, Commissioners Ahi, Marek (arrived after item No. 1) Mensinger, Roche and Steinle

ABSENT: Chair Bodner

STAFF: Community Development Director Biggs, Planning Services Manager Persicone and Senior Planner Golden

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. **Planning Commission Minutes**
Approve minutes of the regular meeting of August 5, 2021.

Action: Upon motion by Commissioner Steinle, seconded by Commissioner Roche, the Commission approved the minutes from the August 5, 2021, meeting as written.

The motion was approved (5-0) by the following vote:

AYES: Ahi, Doran, Mensinger, Roche and Steinle

NOES: None

ABSENT: Bodner and Marek

PUBLIC HEARING

2. **D20-0008 - Packard Foundation – 374 Second Street**
The project proposes to merge and reconfigure the existing parking lot areas. The project proposes to create two-way drive aisles accessible from Second Street and eliminate the existing ingress/egress to the public alley. A carport structure with photovoltaic panels is proposed to cover a portion of the parking stalls. *Project Planner: Golden.* This item was continued from the August 5, 2021 PC meeting.

Vice-Chair Doran noted she was not at the last meeting for the item on August 5, 2021, but she did review the video tape and the agenda report from that meeting.

Senior Planner Golden presented the staff report recommending approval of design review application D20-0008 to the City Council per the findings and conditions in the Resolution – Attachment A. He noted the letter received from Green Town Los Altos committing to planting 27 off-site trees, larger specimens in downtown locations, 15-gallon trees for planting that are a manageable size, they will plant November through March, and 11-15 trees will be planted on site. He also noted five public correspondences received.

Commissioner Questions to Staff

Commissioner Mensinger questioned what was approved in 2010, asked if extra parking spaces are needed, and what the square footage of the existing canopy on Whitney is.

Commissioner Roche asked a question about the original approval for the building, landscaping, and open space.

Senior Planner Golden said there is no restriction in the deed recorded from the 2010 approval on the development of the parking lot and noted the ATMP Alternative Transportation Mitigation Plan is still in effect.

Craig Neyman, Vice President and Chief Financial Officer for the Packard Foundation provided the presentation. He stated they have the need for the parking spaces for five reasons: 1) to address the original project's constraints; 2) the proposed plan is consistent with the ATMP already in place; 3) the level of hybrid work on average in the office may decrease, noting there is a relative increase on the number of days staff is spending in the office; 4) the existing parking lot is not in compliance with current code requirements for ADA compatibility and the new configuration will be; and 5) solar enabled EV charging will bring down the carbon footprint for the facility.

Vice-Chair Doran noted that Commissioner Marek had joined the meeting.

Commissioner Questions to Applicant

Commissioner Steinle asked the applicant the following: is this parking lot dedicated to the Packard Foundation employees and business guests; were the two parcels acquired after the project approval in 2010; the San Antonio Road lot/area buffer period of five years is over and the deed restriction for the overflow parking should be removed on that lot; if the development agreement allowed for the project to provide fewer parking spaces than required; the City's goal in reaching the agreement was to keep employees from parking in City lots or on the street; will fewer spaces still be provided than required in the zoning code with this new plan; and will the parking spaces be assigned or first come first serve.

Craig Neyman confirmed the above information and stated that the parking spaces will not be assigned at this point and would be first come first serve and encouraged use of electric vehicles but maintaining both types of parking on the site.

Commissioner Steinle asked about the angle of tilt on the solar arrays.

Community Development Director Biggs noted that the City Attorney conveyed that the solar arrays themselves are not subject to discretionary review because there are state laws in place that protect

the installation of these. The Commission's review is limited to that of design review for a carport structure.

Commissioner Steinle asked if there was any new information or recommendations from the project arborist.

Craig Neyman stated that the arborist has not changed his recommendations on the trees and they are just trying to save some of the trees recommended for removal by the arborist.

Vice-Chair Doran opened the meeting up for public comment.

Public Comment

Gary Hedden of Green Town Los Altos noted tree planting efforts, supports the project, and is happy to help with the tree mitigation.

Resident Roberta Phillips stated her concerns with trees being removed, said that there is no good reason to tear down trees for more concrete and asphalt, does not buy the stated reasons for parking spaces needs, and is concerned with the tree trimming done by the Packard Foundation on Second Street.

Resident Jon Baer stated he was on the Planning Commission when the original project was approved, said the Packard Foundation owned all the lots at the time of project approval, but that should be verified by staff, and he is sorely disappointed in the hypocrisy of the Foundation in taking down trees for parking and not keeping open space for their employees and the community.

The public comment period was closed for Commissioner discussion.

Community Development Director Biggs noted that Commissioner Marek had joined the meeting and asked him to confirm that he had reviewed the video from the previous meeting and the agenda report since he was not in attendance for the August 5, 2021, meeting on the item.

Commissioner Marek confirmed he had and was ready to participate in tonight's meeting.

PC Discussion/Comments

Vice-Chair Doran:

- Sees the parking as a benefit to the community;
- Commended the applicant for the efforts to minimize the need for parking with the project and landscaping the alley;
- Said it is visually pleasing and the applicant has made every effort to address the Commission's concerns; and
- Gave her support.

Commissioner Ahi:

- In favor of the project and should recommend approval to the City Council;
- Remove tree No. 10 since the arborist notes it is dead at the top and recommended removal; and
- The trees noted for removal are small and not in good condition/shape.

Commissioner Roche:

- Noted the modifications made by the applicant addressing his previous concerns about trees and appreciated the addition of more landscaping;
- The applicant has done a good job of addressing the parking lot changes with revisions; and
- Supports the project and changes that were made.

Commissioner Mensinger:

- Agreed and echoed Commissioner Roche's comments; and
- Would like the trees and green space to stay but supports the project.

Commissioner Marek:

- Supports the project and agrees with the other Commissioners;
- Will add a lot of positive attributes with solar and more parking spaces;
- The applicant has done their best to consider the issues that were raised; and
- Asked about the accountability for the trees to be planted by Green Town Los Altos.

Community Development Director Biggs said the required tree planting will be recorded in the resolution that is approved by City Council and signed by the mayor and those conditions remains on the property. If compliance is not met, the City has options to make sure conditions are being complied with.

Commissioner Steinle:

- New parking is an improvement;
- Too many EV chargers;
- Structure is monolithic and can it be broken up into finger islands as suggested;
- Not in favor of keeping trees for sake of keeping trees;
- Could landscaping be rethought to a strategic/decorative use to be considered;
- The parking recaptures some of the spirit of the current setup;
- Is encouraged by the second letter received from Green Town Los Altos; and
- He is in favor of moving the project forward to City Council for approval.

Vice-Chair Doran asked about the damage to the parking lot fences and the repair and maintenance of the landscaping and to look at options for undergrounding the utility poles as more development takes place in the area.

Community Development Director Biggs said the City could help facilitate discussion between the developer of the First Street project and the Packard Foundation for repairs of the fences and mentioned the City does not have the funds available to do a full undergrounding of the power lines.

Senior Planner Golden noted the alternative layouts that were submitted by the applicant and that the Commission should recommend a specific plan moving forward to the City Council. He then provided those options for the Commission to consider.

Action: Upon motion by Commissioner Ahi, seconded by Vice-Chair Doran, the Commission recommended approval of design review application D20-0008 to the City Council per the findings and conditions in the Resolution – Attachment A and in favor of either Option A or B.

The motion was approved (6-0) by the following vote:
AYES: Ahi, Doran, Marek, Mensinger, Roche and Steinle
NOES: None
ABSENT: Bodner

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Ahi reported on the August 24, 2021, City Council meeting regarding the Objective Standards and asked Community Development Director Biggs to elaborate.

Community Development Director Biggs stated that the City Council introduced an ordinance with modifications to the draft that will lead to a set of Objective Standards for Multi-Family and Mixed-Use buildings here in Los Altos. The item is going back to City Council on September 14, 2021, with recommendation to adopt the ordinance that would become effective 30 days later. He stated the City Council also asked that the Commission do some more review of items in the Objective Standards and develop a recommendation.

POTENTIAL FUTURE AGENDA ITEMS

Community Development Director Biggs gave an overview of future agenda items and let the Commission know that the September 16, 2021 Planning Commission meeting has been cancelled due to a holiday.

ADJOURNMENT

Vice-Chair Doran adjourned the meeting at 8:13 P.M.

Jon Biggs
Community Development Director



PLANNING COMMISSION AGENDA REPORT

Meeting Date: September 2, 2021

Subject: Design Review (D20-0008) for proposed carport and parking lot modifications at 374 Second Street (Packard Foundation) (Continued From August 5, 2021))

Prepared by: Steve Golden, Senior Planner

Initiated by: Ryan Martini, The David and Lucile Packard Foundation

Attachments:

- A. Draft Resolution
- B. August 5, 2021 Planning Commission Agenda Report
- C. Applicant Letter Summarizing Revisions
- D. GreenTown Los Altos Letter of Intent (August 18, 2021)
- E. Public Correspondences
- F. Revised Design Plans

Recommendation:

Recommend to the City Council approval of the Design Review application (D20-0008).

Environmental Review:

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, as amended, 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.

Project Description:

This is a request for a design review for modifications to the existing parking lots at 374 Second Street which is associated with the David and Lucile Packard Foundation Building (Packard Foundation) at 343 Second Street. The existing parking lot area consists of five separate lots, three of which are surface parking lots with a total of 58 parking spaces that are accessed from Second Street and the public alley, and two of which are currently vacant with landscaping. The applicant proposes to merge

all of the lots together¹ and to use the merged lot as one larger parking area consisting of a two-way drive aisle with access from Second Street only that will accommodate 86 parking stalls. A carport structure is proposed that will cover 32 parking spaces in the interior portion of the lot, and a photovoltaic system will be mounted to the top of the carport structure. Forty-one electric vehicle parking spaces are proposed. New landscaping, lighting, and other surface improvements associated with the parking lot area are proposed.

Background

This item was introduced at the August 5, 2021 Planning Commission meeting (see agenda report in Attachment B). After presentation by staff and the applicant and answering questions posed by the Commission, the Commission accepted public comments, discussed the proposed project, and unanimously voted with four members present to continue this item to the September 2, 2021 Planning Commission meeting. In the decision to continue this item, the Commission provided direction to the applicant to address concerns or other items for consideration as follows:

- Provide renderings (and more detailed elevation) plans for the carport structure;
- Provide a color sample (palette) for the carport structure;
- Enhance the tree planting on-site. Provide more buffer to the residential units being constructed between First Street and public alley; and
- Enhance the tree replacement agreement/plan with Greentown Los Altos

Discussion/Analysis

Following the August 5, 2021 Commission meeting, staff met with the Applicant to discuss the Commission's direction and to provide further recommendations and opportunities in addressing the Commission's comments. The Applicant has submitted revised design plans (Attachment F) and also provided an updated Letter of Intent from GreenTown Los Altos (Attachment D) to address tree replacement concerns. The revised design plans include the following (also summarized in a letter submitted by the Applicant in Attachment C:

- Revised the parking lot design including parking space layouts and landscaping to preserve three additional existing trees (Trees #9, 10, 20);
- Revised the landscaping and site plan to include six additional trees (small canopy deciduous trees) planted along the southwest boundary (public alley), one additional large canopy tree at the Second Street entrance area, and tall upright screening shrubs along the southeast of the parking lot (Sheet L1.01A). An alternative plan (L1.01B) would include four additional trees along the southeast boundary (removing the tall upright screening shrubs);
- Included EV chargers for all 32 interior spaces under the carport structure for a total of 41 EV charging spaces; and
- Added more detailed rendering and elevation plans (Sheets C.5's) in color (dark brown to match Packard Foundation Building)

¹ A lot line adjustment application has been submitted and is subject to an administrative review which is being reviewed concurrently with this application.

The proposed tree replacement now includes a total of 11 small canopy trees (13 if the alternative site plan is approved) and two medium canopy trees (one off-site along Second Street). The alternative layout that includes the additional four trees along the southeast boundary of the parking lot revises the landscape area and curb abutting the parking spaces and creates a slight “notch” into eight adjacent parking spaces to accommodate the tree planting. Section 14.74.200 of the Zoning Code requires a minimum parking space dimension of nine feet wide and 18 feet in depth; therefore, the eight parking spaces do not comply with the minimum dimensions, however, Section 14.74.200.D of the Zoning Code allows a space to overhang into the landscape area and reduce the length up to two feet if approved by the Planning Commission and/or City Council. Also, because an alternative parking requirement was originally approved with the Packard Foundation building (see August 5, 2021 agenda report for further discussion), these parking spaces would be deemed excess parking and do not need to comply with the minimum requirements. However, if the alternative layout is approved, staff recommends that these parking spaces be marked as compact since the depth is slightly less than what the standard requires.

The applicant has also submitted an updated Letter of Intent from GreenTown Los Altos which specifies and clarifies the commitment of the Packard Foundation to coordinate with GreenTown to provide off-site replacement trees. The letter specifies the tree types (large canopy trees) and sample species that GreenTown intends to be planted, that the trees will be a minimum of 15 gallons, and GreenTown will strive to plant trees closest to the downtown area. The time of the year that they will be targeting is November thru March as the trees will take root better in the rainy season. Staff would recommend a specific timeframe for the trees to be planted in so there is surety that the condition has been met.

Public Notification

Since this meeting was continued to a date certain meeting, a new public notice mailer was not required; however, a new meeting notice was posted on the billboard public sign on the property.

Public Correspondence

All public correspondences including correspondences received by staff since the August 5, 2021 agenda report was published and up to the publication of this report are included in Attachment E.

Attachment A

RESOLUTION NO. 2021-__

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 _____, 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 ____ day of _____, 2021 by the following vote:

Attachment A

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

Attachment A

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.

Attachment A

CONDITIONS

GENERAL

1. **Expiration**

The Design Review Approval will expire on _____ (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).

Attachment A

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

Attachment A

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.

Attachment A

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**

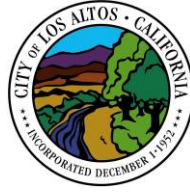
All on- and off-site landscaping and irrigation shall be installed and approved by the Community Development Director and the City Engineer. Provide a landscape WELO Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and 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, as described in the development agreement and deed restriction.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: August 5, 2021

Subject: Design Review (D20-0008) for proposed carport and parking lot modifications at 374 Second Street (Packard Foundation)

Prepared by: Steve Golden, Senior Planner

Initiated by: Ryan Martini, The David and Lucile Packard Foundation

Attachments:

- A. Draft Resolution
- B. Vicinity Map and Public Notification Map
- C. Arborist Report
- D. GreenTown Los Altos Agreement Letter
- E. Design Plans

Recommendation:

Recommend to the City Council approval of the Design Review application (D20-0008).

Environmental Review:

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, as amended, 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.

Project Description:

This is a request for a design review for modifications to the existing parking lots at 374 Second Street which is associated with the David and Lucile Packard Foundation Building (Packard Foundation) at 343 Second Street. The existing parking lot area consists of five separate lots, three of which are surface parking lots with a total of 58 parking spaces that are accessed from Second Street and the public alley, and two of which are currently vacant with landscaping. The applicant proposes to merge

all of the lots together¹ and to use the merged lot as one larger parking area consisting of a two-way drive aisle with access from Second Street only that will accommodate 86 parking stalls. Carport structures are proposed that will cover 32 parking spaces in the interior portion of the lot, and a photovoltaic system will be mounted to the top of the carport structures. Seven electric vehicle parking spaces are proposed. New landscaping and other surface improvements associated with the parking lot area proposed. The following tables summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Downtown Commercial
ZONING: Commercial Downtown District (CD)
PARCEL SIZE: 35,508 square feet (0.82 acres) [merged lots]

	Existing	Proposed	Allowed/Required
FLOOR AREA:	-	-	-
LOT COVERAGE:	-	5,610 sq ft (15.8%) ²	-
SETBACKS³:			
Front	-	51.5 feet	2 feet
Rear	-	51.5 feet	10
Left side	-	53.0 feet	0 feet
Right side	-	53.0 feet	0 feet
HEIGHT:	-	14.33 feet	30 feet
PARKING SPACES:	58 spaces	86 spaces	NA

Background

Site Description and Surrounding Uses

The existing surface parking lot area is located on an 35,508 square foot site which consists of five separate lots between Second Street and the public alley in a Commercial Downtown Zoning District. Three of the five lots have paved surface parking and other associated parking lot features including landscaping. Each of the three lots include one, one-way drive aisle (differing in direction) between Second Street and the public alley and has angled oriented parking depending upon the direction of the drive aisle. The two remaining lots are vacant and separate two of the paved lot areas. The parking lot areas served the previous building that existed to the current Packard Foundation building at 343 Second Street and has continued to serve as parking for the newer building. The two vacant lots previously had one-story structures that were demolished when the new Packard Foundation building was constructed and are now landscaped with no-mow grasses and the trees that existed on those sites. Further information regarding the trees is discussed below. The parking lot area is bounded by

¹ A lot line adjustment application has been submitted and is subject to an administrative review which is being reviewed concurrently with this application.

² Measured to the outside of the covered carport area.

³ Setbacks are typically measured from the exterior wall or vertical support, but in this case the setbacks were measured to the edge of carport's roof structure since the posts are positioned in the center and the roof structure is vertically supported by the horizontal beams.

the Packard Foundation building to the east, the public alley and existing buildings fronting First Street to the west, a commercial office building to the north, and a surface parking lot (serving another property) to the south.

Site History

When Packard Building was approved in 2010, the proposed site provided 67 parking spaces (including the 58 parking spaces in the lots fronting Second Street) whereas 152 parking spaces would have been required to comply with the standard parking ratio for office buildings in the Zoning Code based on the size of the building. In lieu of providing the required parking, the City agreed to an Alternative Transportation Management Program (ATMP) to off-set the demand for the parking. The ATMP which was memorialized in a recorded Development Agreement and Deed Restriction recorded on the property required that the Packard Foundation commit to strategies to reduce single occupancy vehicles (SOVs) including providing shuttling from Cal Train and VTA stations, providing Cal Train and VTA passes, Eco and Go passes, car pooling, emergency ride home guarantees, telecommuting, biking incentives, and other strategies and incentives as developed overtime to reduce SOVs. The Packard Foundation was required to submit monitoring reports to the City for review for a five year period and if determined that the ATMP was achieving its objective, the City could then eliminate the requirement to continue the monitoring thereafter, but the ATMP would need to continue in perpetuity or until the building itself is demolished. The Packard Foundation provided ATMP monitoring reports that was conducted by Hexagon Transportation Consultants, Inc for at least a five-year period and in 2018, the City sent a letter to the Packard Foundation that discontinued the requirement for providing the continued ATMP monitoring; however, as stated above the ATMP should continue in perpetuity. The applicant acknowledges that the ATMP is still continuing, and City staff will work to record the proper documentation releasing the Packard Foundation from further monitoring requirements, but will not release the requirement for the ATMP to continue into perpetuity.

Discussion/Analysis

Design Review for Proposed Parking Lot Reconfiguration

The project proposes construction of a new structure/building; therefore, pursuant to Section 14.78.020 requires City Council approval. In order to approve the project, the City Council must make positive design review findings as outlined in Section 14.78.060 of the Municipal Code. The design review findings are summarized as follows:

- The project meets the goals, policies and objectives of the General Plan and complies with any Zoning Code design criteria for the CD District;
- The project has architectural integrity and an appropriate relationship with other structures in the immediate area in terms of height, bulk and design;
- The horizontal and vertical building mass is articulated to relate to the human scale; it has variation and depth of building elevations to avoid large blank walls.
- The exterior materials that convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements and reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area;

- The landscaping is generous and inviting, the landscape and hardscape complements the building and is well integrated with the building architecture and surrounding streetscape, and the landscape includes substantial street tree canopy;
- Any signage is appropriately designed to complement the building architecture;
- Mechanical equipment is screened from public view and the screening is designed to be consistent with the building architecture in form, material and detailing; and
- 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 design review findings are typically associated with the construction of a new building or major modification of existing buildings; however, the proposed project is more ancillary to the existing Packard Foundation building, so the design review findings should be applied accordingly and/or recognize the previous development associated with the Packard Foundation building.

The Applicant proposes to merge the five existing lot together and use the merged lot as one larger parking area consisting of a two-way drive aisle with two driveways accessing the reconfigured parking lot from Second Street. The reconfigured parking area replaces the 58 existing parking spaces that currently exist across three of the lots and will incorporate the other two vacant parcels. The new parking lot reconfiguration is designed to be a more conventional parking lot design with a total of 86 parking spaces designed as 90-degree parking stalls which replaces the angled parking stalls that currently exists. The new parking lot design will improve overall circulation efficiency for the parking lots as well as the public street and alley by reducing the need to enter/exit the public right-of-way to access other portions of parking lot areas. Also, the reconfigured design will eliminate curb cuts which should result in improved pedestrian experience and safety by eliminating potential vehicle/pedestrian conflicts.

As stated previously, a lot line adjustment or parcel map is required in order to merge the lots together so that the proposed carport structure does not extend beyond property lines. A lot line adjustment application is being processed concurrently with the design review application and can be approved subsequent to City Council approval of the design review. Consistent with other recent development along the public alley between First and Second Streets, the City is requesting the property owner provide a dedication for right-of-way or a public access easement to increase the width of the alley by two feet. A public access easement is proposed which is included in the civil plans (see Attachment E) and will be conditioned to be recorded concurrently with the lot line adjustment.

With regards to compliance with the Commercial Downtown (CD) Zoning District, the proposed parking lot is in compliance with the yard and landscaping requirements per Sections 14.44.060, 14.44.070, 14.44.080 and 14.44.090 of the Zoning Code by meeting or exceeding the requirements. The proposed parking lot provides the following: a seven-foot front landscaped area (where only five feet is required); a five-foot rear landscaped area, as required; and a three-foot landscaped area on each side area (where no specific landscaping is required); and 5,258 square feet (17.5% of the parking lot area) of landscaping (where only 10% landscaping is required). In addition, shrouded lighting for the parking lot is proposed as required by Section 14.44.050.C.

A carport structure, which includes a photovoltaic system array mounted to the roof is proposed to be constructed to cover the interior 32 parking stalls. The structure is proposed to be metal

construction with the support posts in the center of the structure with a sloping roof structure that projects over the full depth of the interior parking spaces. The structure is well within the required setbacks (see table above) and the proposed height of 14.33 feet is under the maximum height for buildings in the CD Zoning District.

Other improvements include the installation of seven electric vehicle parking spaces with charging kiosks, new fencing, storm drainage/retention facilities, landscaping, and trees which is discussed in more detail below.

Staff recommends the Planning Commission recommend City Council approval of this project subject to the conditions and positive design review findings contained in the draft resolution (see Attachment A).

Tree Preservation and Mitigation

The project area includes a total of 35 trees (28 on-site and seven off-site trees in the public right-of-way fronting on Second Street). Sheet C1.1 of the design plans (see Attachment E) shows the location and information table of the existing trees. The majority of species includes Chinese pistache, Tristania, Coast live oaks, and Japanese maples. More details regarding the condition of the trees can be found in the arborist report (see Attachment C). The seven trees in the public right-of-way and nine of the trees on-site would be considered protected trees under Chapter 11.08 Tree Protection Regulations because they are greater than 48 inches in circumference. The project proposes to remove a total of 25 trees, including 24 trees on-site (seven protected trees) and one tree in the public right-of-way. Of the 24 on-site trees, the arborist notes that three of the trees would be recommended for removal, regardless of improvements, because of the condition of the trees. All of the preserved trees are located along the landscape boundary of the parking lot area. Of the four on-site trees being preserved, two are protected trees (over 48 inches in circumference). The project proposes to plant seven new trees on-site and one tree in the public right-of-way along Second Street, for a total of 18 trees.

Section 11.08.090 of the Tree Protection Ordinance provides criteria for which requests for tree removal are determined and based on these criteria, staff would consider “the necessity to remove the tree for economic or other enjoyment of the property” as justification for tree removal. The property is located in the downtown area of Los Altos which is considered the most urban area of the city and preserving all of these trees could be financially infeasible in order to further development of these parcels.

This section of the ordinance also provides criteria for which replacement tree planting may be warranted which may consist of one or more replacement trees. There is a net loss of 17 trees on-site, which includes seven protected trees being removed. Since the site is physically constrained to provide additional replacement tree plantings, the applicant has requested to provide replacement trees off-site and/or at other public facilities. City staff recommended that the Packard Foundation inquire with GreenTown Los Altos to facilitate off-site planting in public facilities since the City of Los Altos already has reached agreement and is coordinating with GreenTown on other tree planting activities throughout the City. The Packard Foundation independently reached out to GreenTown and has reached agreement to support the planting of 27 trees in Los Altos (see Attachment D). A condition of approval has been included to confirm that a contribution is provided to GreenTown

Subject: Design Review (D20-0008) at 374 Second St (Packard Foundation)

for planting of 27 trees consistent with the agreement letter prior to the final inspection of the building permit for the parking lot improvements/carport structure.

Public Notification

For this meeting a billboard size public notice sign was posted on the property and notices were mailed to the property owners within 1,000 feet of the site. The application's public notification map is included in Attachment B.

Public Correspondence

No public correspondences were received by the City at the time of this report publication.

Attachment A

RESOLUTION NO. 2021-__

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, 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 _____, 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 ____ day of _____, 2021 by the following vote:

Attachment A

AYES:
NOES:
ABSENT:
ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

Attachment A

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.

Attachment A

CONDITIONS

GENERAL

1. **Expiration**

The Design Review Approval will expire on _____ (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 June 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**

Attachment A

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.

Attachment A

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).

Attachment A

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.

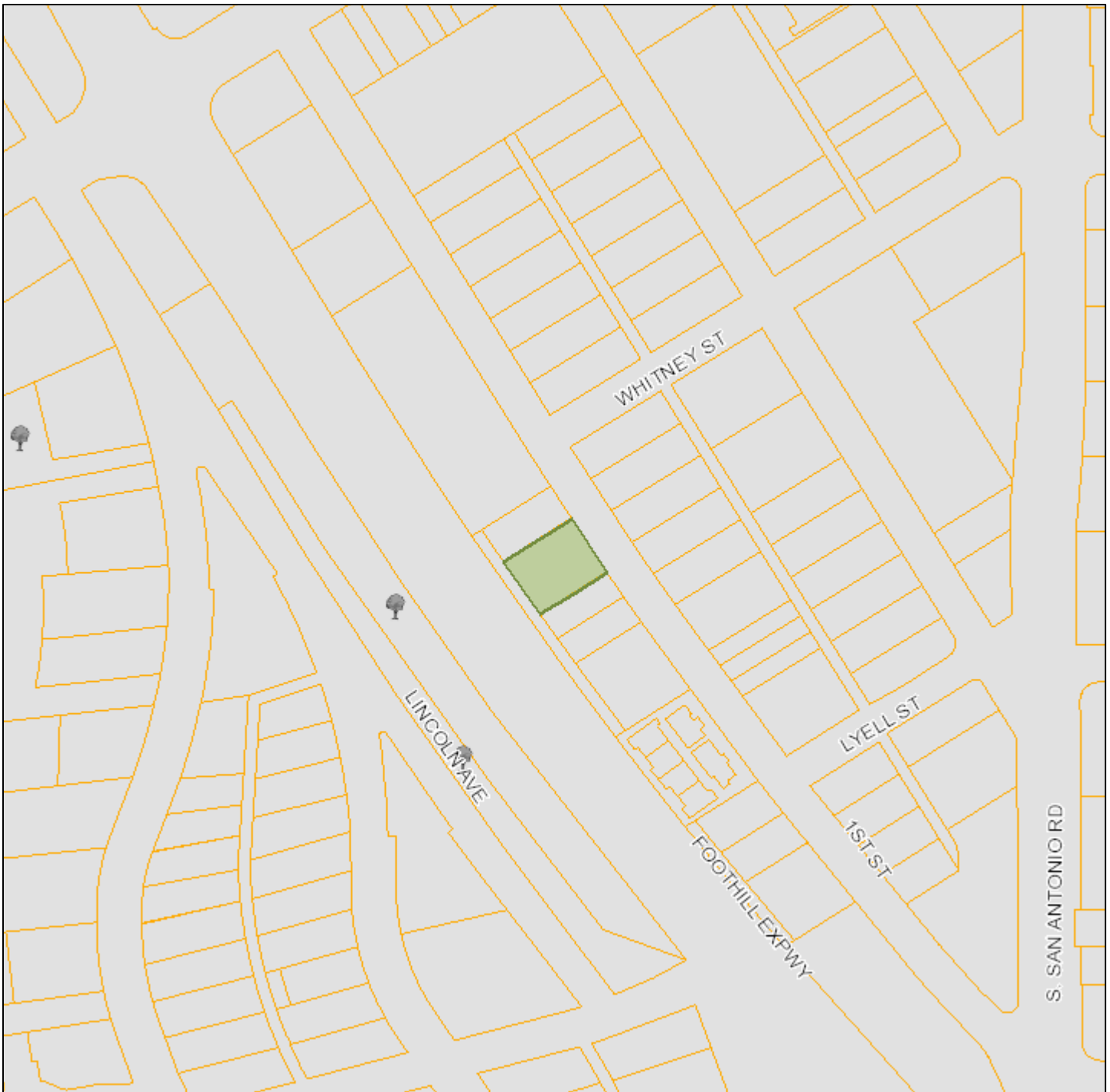
31. **Label Catch Basin Inlets**

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.

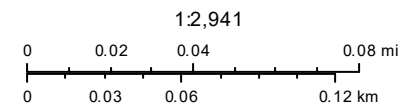
32. **Release Obligations for ATMP Monitoring**







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, as described in the development agreement and deed restriction.

Vicinity Map ATTACHMENT B



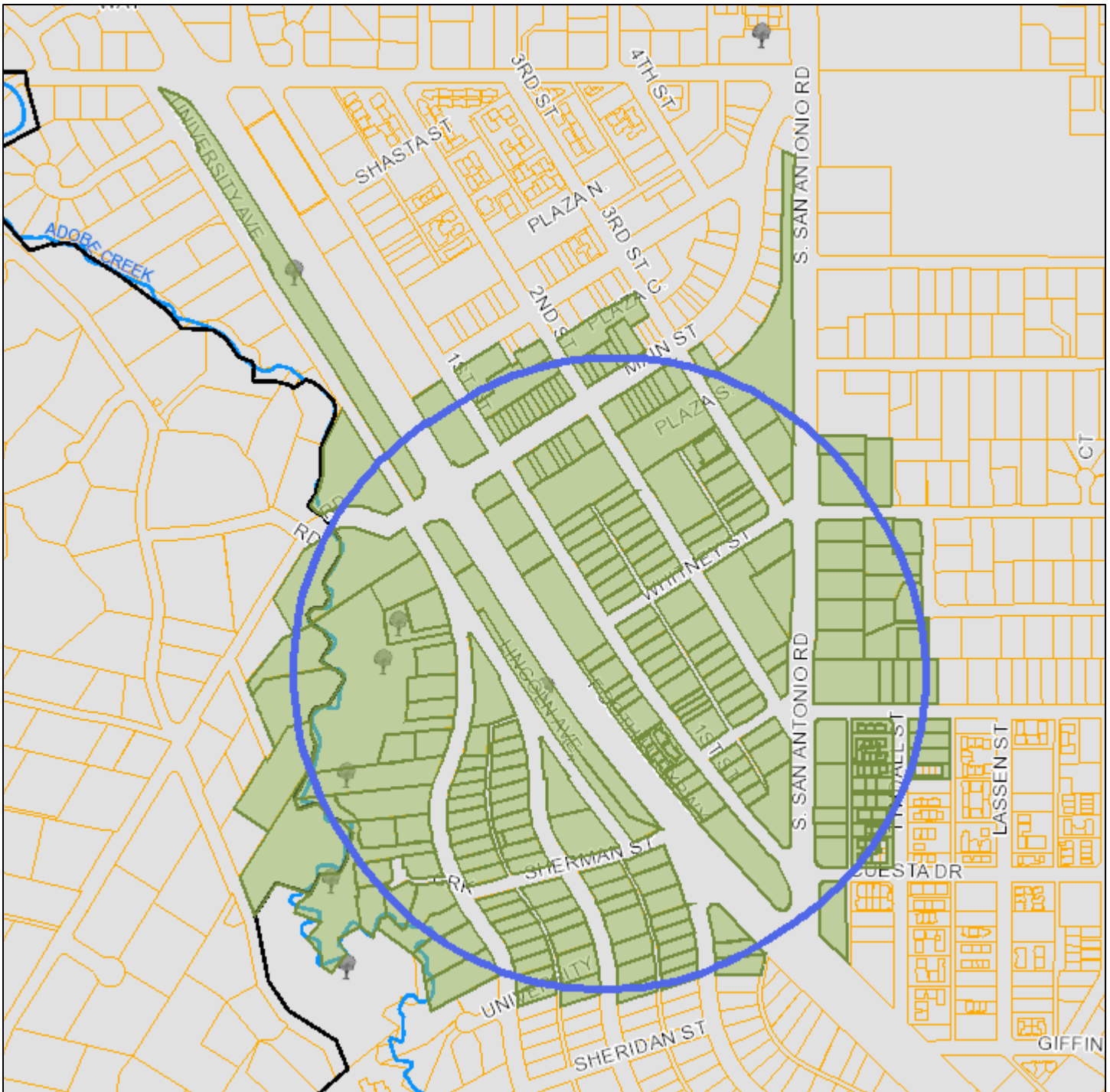
Print Date: December 14, 2020



-  Schools
-  Park and Recreation Areas
-  City Limit
-  Waterways
-  Situs Label
-  TaxParcel
- Road Names

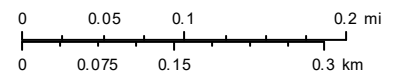
The information on this map was derived from the City of Los Altos' GIS. The City of Los Altos does not guarantee data provided is free of errors, omissions, or the positional accuracy, and it should be verified.








Notification Map



Print Date: December 14, 2020

1:7,494



-  Schools
-  Park and Recreation Areas
-  City Limit
-  Waterways
-  TaxParcel
-  Situs Label
-  Road Names

The information on this map was derived from the City of Los Altos' GIS. The City of Los Altos does not guarantee data provided is free of errors, omissions, or the positional accuracy, and it should be verified.



5/17/2021

Packard Foundation
374 Second Street
Los Altos, CA 94022

Re: Tree Survey

To Whom It May Concern:

Assignment

It was my assignment to inspect all the trees in the parking area, tag and catalogue them and provide a Tree Survey.

Summary

There are thirty-five trees in the parking area, including seven along the street, which I assume belong to the City of Los Altos. There is a new solar panel installation and remodel planned for this parking lot. To accomplish this, trees #2, #9- #18, #20, #22 - #29, and #31 - #35, which totals twenty-five trees, need to be removed. Of these,



#9 (is over-mature, out of its natural range in habitat, and will not last much longer), #10 (has a dead top), #16 (which has a trunk infection), and #20 is crowding # 21, and therefore I recommend removing #20. I believe all the trees are Protected by the City due to it being a commercial property.

Discussion

All the trees surveyed were examined and then rated based on their individual health and structure according to the table following. For example, a tree may be rated “good” under the health column for excellent/vigorous appearance and growth, while the same tree may be rated “fair/poor” in the structure column if structural mitigation is needed. More complete descriptions of how health and structure are rated can be found under the “Methods” section of this report.

<u>Rating</u>	<u>Health</u>	<u>Structure</u>
Good	excellent/vigorous	flawless
Fair/good	no significant health concerns	very stable
Fair	showing initial or temporary disease, pests or lack of vitality. measures should be taken to improve health and appearance.	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	in decline, significant health issues	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Methods

The trunks of the trees are measured using an arborist’s diameter tape at 48” above soil grade. In cases where the main trunk divides below 48”, the tree is measured (per the City of Los Altos) at the point where the trunks divide. In these cases, the height of that measurement is given in the note’s column on the attached data sheet. The canopy height and spread are estimated using visual references only.

The condition of each tree is assessed by visual observation only from a standing position without climbing or using aerial equipment. No invasive equipment is used. Consequently, it is possible that individual tree(s) may have internal (or underground) health problems or structural defects, which are not detectable by visual inspection. In cases where it is thought further investigation is warranted, a “full tree risk assessment” is recommended. This assessment may be inclusive of drilling or using sonar equipment to detect internal decay and include climbing or the use of aerial equipment to assess higher portions of the tree.

The health of an individual tree is rated based on leaf color and size, canopy density, new shoot growth and the absence or presence of pests or disease.

Individual tree structure is rated based on the growth pattern of the tree (including whether it is leaning); the presence or absence of poor limb attachments (such as co-dominant leaders); the length and weight of limbs and the extent and location of apparent decay. For each tree, a structural rating of fair or above indicates that the structure can be maintained with routine pruning such as removing dead branches and reducing end weight as the tree grows. A fair/poor rating indicates that the tree has significant structural weaknesses and corrective action is warranted. The notes section for that tree will then recommend a strategy/technique to improve the structure or mitigate structural stresses. A poor structural rating indicates that the tree or portions of the tree are likely to fail and that there is little that can constructively be done about the problem other than removal of the tree or large portions of the tree. Very large trees that are rated Fair/Poor for structure AND that are near structures or in an area frequently traveled by cars or people, receive an additional ****CONSIDER REMOVAL**** notation under recommendations. This is included because structural mitigation techniques do not guarantee against structural failure, especially in very large trees. Property owners may or may not choose to remove this type of tree but should be aware that if a very large tree experiences a major structural failure, the danger to nearby people or property is significant.

Local Regulations Governing Trees

Protected Trees

1. Any tree that is 48-inches (four feet) or greater in circumference when measured at 48-inches above the ground.
2. Any tree designated by the Historical Commission as a Heritage Tree or any tree under official consideration for a Heritage Tree designation. (All Canary Island Palm trees on Rinconada Court are designated as Heritage Trees.)
3. Any tree which was required to be either saved or planted in conjunction with a development review approval (i.e. new two-story house).
4. Any tree located within a public right-of-way.
5. Any tree, regardless of size, located on property zoned other than single-family (R1).

The Trees

Tree #1 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 7.5" trunk diameter that is 16' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #2 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 7" trunk diameter that is 14' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #3 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 7.25" trunk diameter that is 15' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #4 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 14.25" trunk diameter that is 22' tall and 25' wide. This tree is in Good Health and has a Fair Structure.

Tree #5 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 7" trunk diameter that is 14' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #6 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 4.5" trunk diameter that is 12' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #7 is a Chinese Pistache on the street (*Pistacia chinensis*) with a 6" trunk diameter that is 13' tall and wide. This tree is in Good Health and has a Fair Structure.

Tree #8 is a Tristania (*Tristaniopsis laurina*) with an 8" trunk diameter that is 25' tall and 16' wide. This tree has Good Health and Structure.

Tree #9 is an Incense Cedar (*Calocedrus decurrens*) with a 24" trunk diameter that is 35' tall and 16' wide. This tree has Fair – Poor Health and Structure. This tree prefers to be at 4000' elevation and is over-mature at this altitude and will continue to do nothing but decline. I recommend it be removed.

Tree #10 is a Redwood (*Sequoia sempervirens*) with a 29" trunk diameter that is 40' tall and 25' wide. Tree Health and Structure are Fair – Poor. Top of tree is dead. I recommend removal.

Tree #11 is a Coast Live Oak (*Quercus agrifolia*) with a 22" trunk diameter that is 25' tall and wide. Tree Health is Fair – Good and Tree Structure is Fair.

Tree #12 is a Tristania (*Tristaniopsis laurina*) with an 8.5" trunk diameter that is 20' tall and wide. This tree has Fair Health and Structure.

Tree #13 is a Tristania (*Tristaniopsis laurina*) with a 7" trunk diameter that is 20' tall and 11' wide. This tree has Fair Health and Structure.

Tree #14 is a Tristania (*Tristaniopsis laurina*) with a 9" trunk diameter that is 20' tall and 14' wide. This tree has Fair Health and Structure.

Tree #15 is a Coast Live Oak (*Quercus agrifolia*) with a 15" trunk diameter that is 30' tall and 25' wide. Tree Health is Fair – Good and Tree Structure is Fair.

Tree #16 is a Coast Live Oak (*Quercus agrifolia*) with a 23.5" trunk diameter that is 28' tall and 25' wide. Tree Health and Structure are Fair – Poor due to a trunk infection and codominant leaders, which are prone to failure.

Tree #17 is a Coast Live Oak (*Quercus agrifolia*) with a 14.5" trunk diameter that is 30' tall and 20' wide. Tree Health and Structure are Fair – Poor due to a trunk infection and codominant leaders, which are prone to failure. I recommend removal of this tree.

Tree #18 is a Coast Live Oak (*Quercus agrifolia*) with a 14.5" trunk diameter that is 25' tall and 20' wide. Tree Health and Structure are Fair.

Tree #19 is a Coast Live Oak (*Quercus agrifolia*) with a 15" trunk diameter that is 25' tall and 20' wide. Tree Health and Structure are Fair.

Tree #20 is a Coast Live Oak (*Quercus agrifolia*) with a 23" trunk diameter that is 30' tall and wide. Tree Health is Fair – Poor and Structure is Fair. Recommended for removal to alleviate crowding.

Tree #21 is a Coast Live Oak (*Quercus agrifolia*) with an 11" trunk diameter that is 18' tall and 20' wide. Tree Health is Good and Structure is Fair. Trees #16 – 21 are too crowded.

Tree #22 is a Tristania (*Tristaniopsis laurina*) with an 11" trunk diameter that is 25' tall and 20' wide. Tree Health is Fair – Good and Tree Structure is Fair – Poor due to codominant stems.

Tree #23 is a Tristania (*Tristaniopsis laurina*) with a 6.5" trunk diameter that is 18' tall and 12' wide. This tree has Fair Health and Structure.

Tree #24 is a Tristania (*Tristaniopsis laurina*) with a 9" trunk diameter that is 25' tall and 14' wide. Tree Health is Good and Tree Structure is Fair.

Tree #25 is a Tristania (*Tristaniopsis laurina*) with a 10.5" trunk diameter that is 25' tall and 10' wide. Tree Health is Good and Tree Structure is Fair.

Tree #26 is a Tristania (*Tristaniopsis laurina*) with a 3" trunk diameter that is 12' tall and 6' wide. This tree has Fair Health and Structure.

Tree #27 is a Tristania (*Tristaniopsis laurina*) with an 10" trunk diameter that is 18' tall and wide wide. Tree Health is Good and Tree Structure is Poor due to a codominant limb failure.

Tree #28 is a Tristania (*Tristaniopsis laurina*) with a 5" trunk diameter that is 18' tall and 6' wide. Tree Health is Good and Tree Structure is Fair.

Tree #29 is a Tristania (*Tristaniopsis laurina*) with a 9" trunk diameter that is 18' tall and 12' wide. Tree Health is Good and Tree Structure is Fair.

Tree #30 is a Carob (*Ceratonia siliqua*) with a 25" trunk diameter that is 28' tall and 34' wide. This tree has Fair Health and Structure.

Tree #31 is a Japanese Maple (*Acer palmatum*) with a 6" trunk diameter that is 12' tall and wide. Tree Health and Structure are Fair.

Tree #32 is a Japanese Maple (*Acer palmatum*) with a 5" trunk diameter that is 12' tall and wide. Tree Health and Structure are Fair.

Tree #33 is a Japanese Maple (*Acer palmatum*) with a 6" trunk diameter that is 10' tall and wide. Tree Health and Structure are Fair.

Tree #34 is a Japanese Maple (*Acer palmatum*) with 4"/4"/4" trunk diameters that is 9' tall and wide. Tree Health and Structure are Fair.

Tree #35 is a Tristania (*Tristaniopsis laurina*) with a 10.5" trunk diameter that is 28' tall and 20' wide. Tree Health and Structure are Fair.

Risks to Trees by Construction

Besides the above-mentioned health and structure-related issues, the trees at this site could be at risk of damage by construction or construction procedures that are common to most construction sites. These procedures may include the dumping or the stockpiling of materials over root systems; the trenching across the root zones for utilities or for landscape irrigation; or the routing of construction traffic across the root system resulting in soil compaction and root dieback. It is therefore essential that Tree Protection Fencing be used as per the Civil Engineer's drawings. In constructing underground utilities, it is essential that the location of trenches be done outside the drip lines of trees except where approved by the Arborist.

General Tree Protection Plan

Protective fencing is required to be provided during the construction period to protect trees to be preserved. This fencing must protect a sufficient portion of the root zone to be effective. Fencing is recommended to be located 8 to 10 X the diameter at breast height (DBH) in all directions from the tree. DBH for each tree is shown in the attached data table. The minimum recommendation for tree protection fencing location is 6 X the DBH, where a larger distance is not possible. There are areas where we will amend this distance based upon tree condition and proposed construction. In my experience, the protective fencing must:

- a. Consist of chain link fencing and having a minimum height of 6 feet.

- b. Be mounted on steel posts driven approximately 2 feet into the soil.
- c. Fencing posts must be located a maximum of 10 feet on center.
- d. Protective fencing must be installed prior to the arrival of materials, vehicles, or equipment.
- e. Protective fencing must not be moved, even temporarily, and must remain in place until all construction is completed, unless approved by a certified arborist.
- f. Tree Protection Signage shall be mounted to all individual tree protection fences.

Based on the existing development and the condition and location of trees present on site, the following is recommended:

1. The Project Arborist is Michael Young (650) 321-0202. A Project Arborist should supervise any excavation activities within the tree protection zone of these trees.
2. Any roots exposed during construction activities that are larger than 2 inches in diameter should not be cut or damaged until the project Arborist has an opportunity to assess the impact that removing these roots could have on the trees.
3. The area under the drip line of trees should be thoroughly irrigated to a soil depth of 18" every 3-4 weeks during the dry months.
4. Mulch should cover all bare soils within the tree protection fencing. This material must be 6-8 inches in depth after spreading, which must be done by hand. Course wood chips are preferred because they are organic and degrade naturally over time.
5. Loose soil and mulch must not be allowed to slide down slope to cover the root zones or the root collars of protected trees.
6. There must be no grading, trenching, or surface scraping inside the driplines of protected trees, unless specifically approved by a Certified Arborist. For trenching, this means:
 - a. Trenches for any underground utilities (gas, electricity, water, phone, TV cable, etc.) must be located outside the driplines of protected trees, unless approved by a Certified Arborist. Alternative methods of installation may be suggested.
 - b. Landscape irrigation trenches must be located a minimum distance of 10 times the trunk diameter from the trunks of protected trees unless otherwise noted and approved by the Arborist.
7. Materials must not be stored, stockpiled, dumped, or buried inside the driplines of protected trees.
8. Excavated soil must not be piled or dumped, even temporarily, inside the driplines of protected trees.
9. Landscape materials (cobblestones, decorative bark, stones, fencing, etc.) must not be installed directly in contact with the bark of trees because of the risk of serious disease infection.
10. Landscape irrigation systems must be designed to avoid water striking the trunks of trees, especially oak trees.

11. Any pruning must be done by a Company with an Arborist Certified by the ISA (International Society of Arboriculture) and according to ISA, Western Chapter Standards, 1998.
12. Any plants that are planted inside the driplines of oak trees must be of species that are compatible with the environmental and cultural requirements of oaks trees. A publication detailing plants compatible with California native oaks can be obtained from The California Oak Foundation's 1991 publication "Compatible Plants Under & Around Oaks" details plants compatible with California native oaks and is currently available online at: <http://californiaoaks.org/wp-content/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pdf>

+ + + + +

I certify that the information contained in this report is correct to the best of my knowledge and that this report was prepared in good faith. Please call me if you have questions or if I can be of further assistance.

Respectfully,



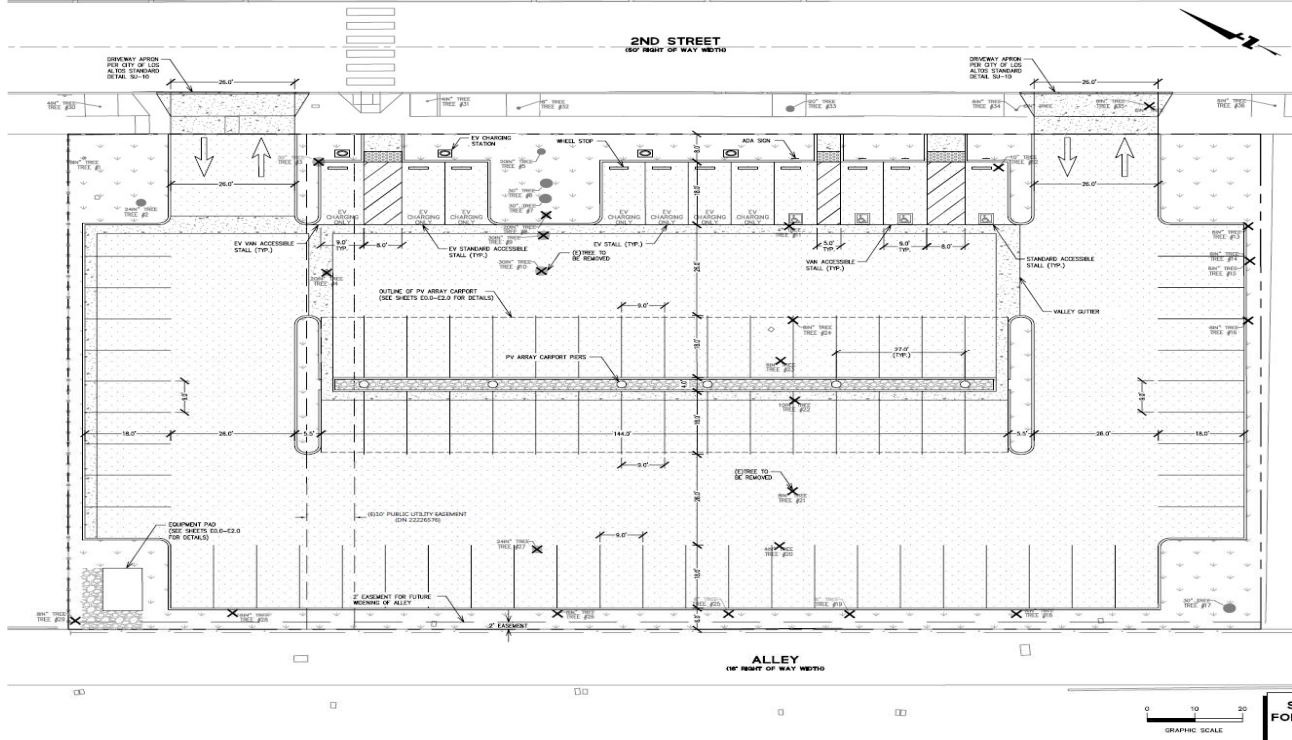
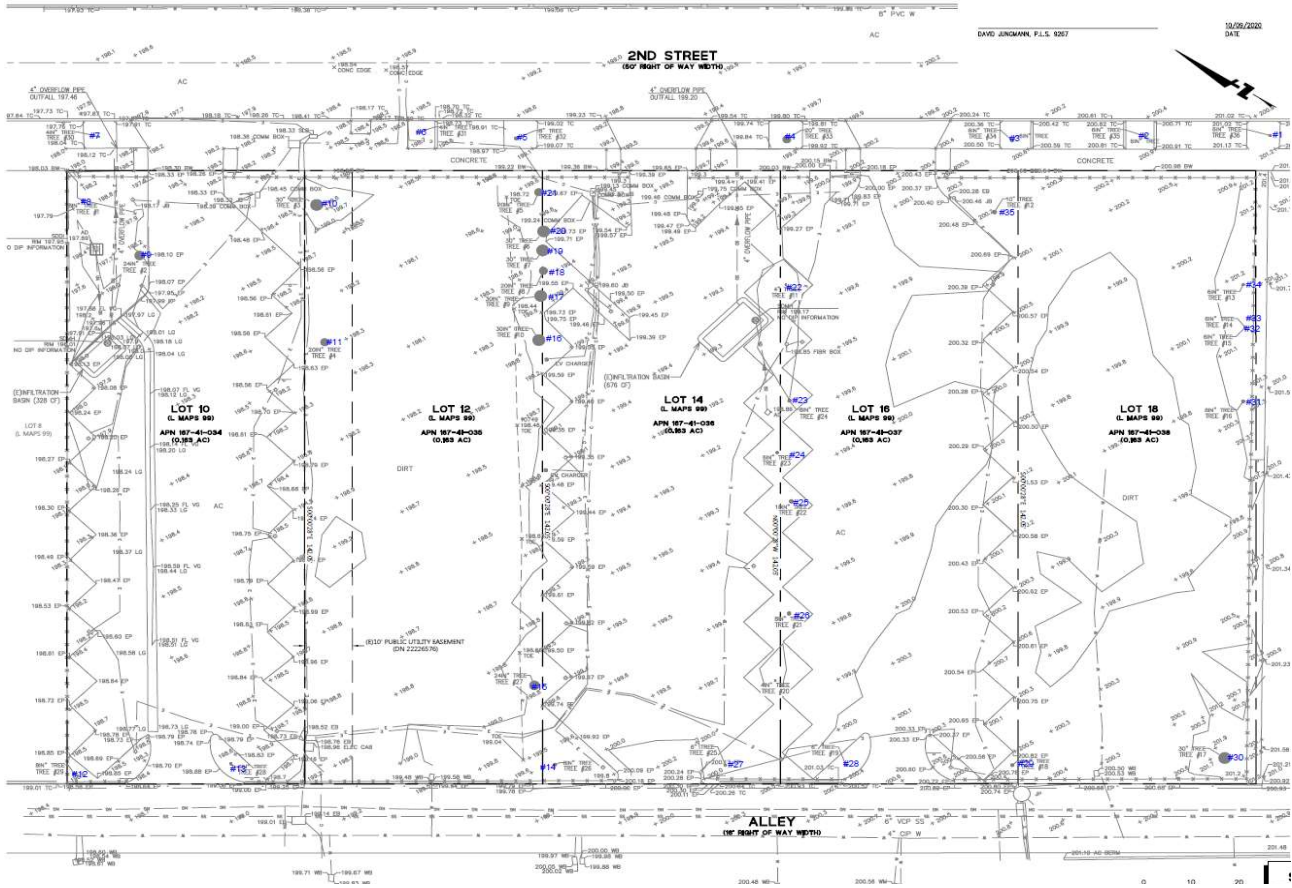
Michael P. Young

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.

DAVID JUNGWALD P.L.S. 0267

12/09/2022
DATE





P.O. Box 539
Los Altos, CA 94023-0539
www.GreenTownLosAltos.org

June 17, 2021

Ryan Martini
Facilities Manager
The David and Lucile Packard Foundation
343 Second Street, Los Altos, CA 94022

Dear Ryan,

This letter confirms that the Packard Foundation has agreed to partner with GreenTown Los Altos to support the planting of 27 trees in Los Altos. This agreement aims to mitigate the loss of 18 trees related to the Foundation's parking lot project.

We look forward to working with you on this project.

Warm regards,

A handwritten signature in black ink, appearing to be "Kris Jensen", with a long horizontal line extending to the right.

Kris Jensen
Executive Director
kris@greentownlosaltos.org



REDWOOD CITY OFFICE | 650.482.6300

REVISIONS SUMMARY

Date: 08/25/2021 **BKF Job Number:** 20191214-10
Deliver To: **Steve Golden** **Application Number:** D20-0008/
Senior Planner LLA20-002
City of Los Altos
Community Development Department
One North San Antonio Road
Los Altos, CA 94022
Subject: **Packard Foundation Parking Lot (374 Second Street)**

Attachments:

- Revised Drawing Set – 08/23/2021
 - Revised Green Town Letter – 08/18/2021
-

This memo is intended to accompany revised design drawings and provides a summary of design revisions to the Packard Foundation Parking Lot project, based on feedback provided by Los Altos Planning Commission during public hearing on August 05, 2021.

1. *Commissioners requested that the design team work to adjust the site plan to enhance tree planting/screening on the project site. Particular attention given to screening from the south and west (alley) sides of the project site, whether through increased tree count, incorporating planter fingers, or other measures.*

Site Plan Revisions:

- a. The site plan is revised to more efficiently layout proposed parking along Second Street side, allowing preservation of (3) existing significant trees (Trees #9, #10, #20) which were previously to be removed. A replacement small canopy deciduous is no longer proposed in proximity to Tree #9. Enlarged planting area allows for one additional large canopy deciduous tree to be planted near the southern entrance.
- b. The proposed new tree count along the alley side of the project has been increased from (5) to (11) new small canopy deciduous trees.
- c. The proposed planting along the south side has been revised to continuous band of tall upright screening shrub.

The overall impact to the site plan vs our August 5th plans is zero change in parking stall count, and a net increase of (9) trees onsite. The site plan has also been updated to show (32) EV stalls proposed under the canopy. Revisions to parking and tree counts can be found on C2.1. Revised planting plan can be found on sheet L1.01. Renderings of the south and alley planting areas are also included on sheet C5.3.

Alternative Site Plan Revisions:

- d. Sheets C2.2 and L1.01B show an alternative curb layout and planting along the south side of the parking lot. In lieu of straight curb, wheel stops and tall screening shrub, this alternative plan proposes diamond bump outs in the curb face that provides planter space for additional (4) small canopy deciduous trees. This plan would require Planning Commission and City Council to make an exception to the parking stall depths in accordance with 14.74.200 of Municipal Code.
2. *Commissioners requested the design drawings include additional detail regarding the canopy structure. What will it look like, materials and color palette to be used in the construction.*

Additional Design Detail:

- a. Additional site renderings have been added to the drawing set, showing the solar canopy structure from different perspectives as well as additional angled views of the proposed parking lot. Rendered images of the site and canopy are on sheets C5.2 and C5.3.
 - b. Architectural front and side elevations for the canopy have been included with notes on dimensions, finishes and colors. It is the intent that the canopy matches the color palette utilized on the existing Packard Foundation exterior metal elements (dark brown finish) and utilizes similar geometric shapes (tapered beam, rectangular tubing). Specific color ID numbers were unavailable, but the design team will work with City staff during building permit stage to ensure an adequate match. Examples of finishes and geometry from the existing Foundation buildings and similar structures are included for reference. Please see sheets C5.1 and C5.4.
3. *Commissioners requested more detail to be provided in the replacement tree agreement with GreenTown Los Altos, regarding the size and type of trees to be planted, location and timing.*

Letter Revisions: An updated Letter of Intention is provided from GreenTown which better defines those items requested above regarding tree type, box size and planting schedule.

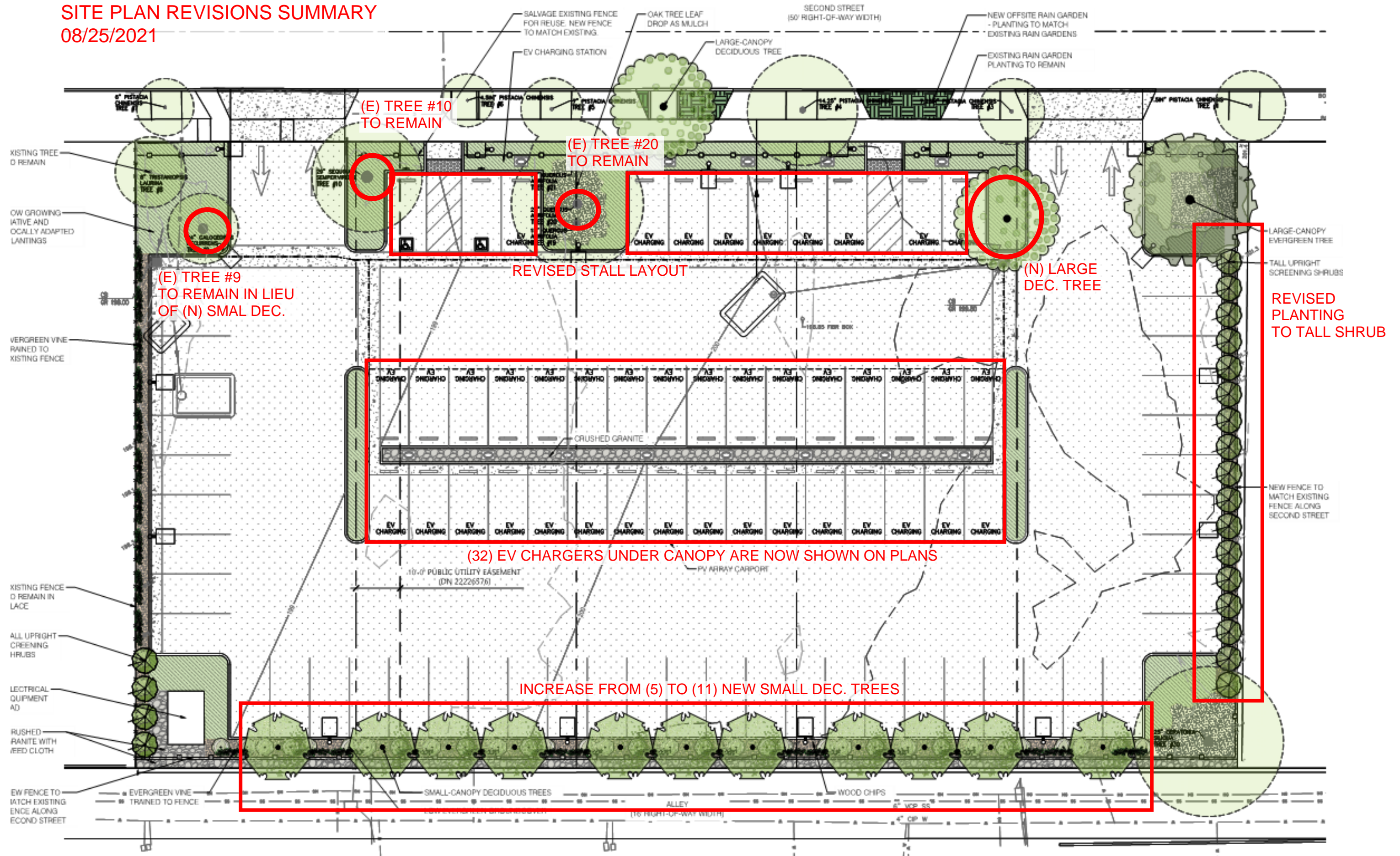
Please refer to the attached Site Plan Markup highlighting areas of changes. Feel free to contact me with any questions or comments.

Thank you kindly,



Dale Leda, PE
Project Manager
(650) 482-6457
dleda@bkf.com

SITE PLAN REVISIONS SUMMARY
08/25/2021





P.O. Box 539
Los Altos, CA 94023-0539
www.GreenTownLosAltos.org

August 18, 2021

Ryan Martini
Facilities Manager
The David and Lucile Packard Foundation
343 Second Street, Los Altos, CA 94022

Re: Letter of Intention

Dear Ryan,

GreenTown Los Altos has an active tree planting campaign in Los Altos, and we support the Packard Foundation in their effort to get more trees planted to mitigate the loss of trees with the new parking lot configuration. Losing any tree is regrettable, but we will replace the trees lost and in time they will more than replace the lost canopy.

Specifically, we will do the following:

1. We will plant 27 trees to replace the 18 that will be lost in the proposal presented August 5.
2. We will plant large native tree species such as Coast Live Oak and Valley Oak whenever possible.
3. We will also consider Deodar Cedar, Canary Island Pine, Fern Pine, Cork Oak, Silver Linden, Chinese Elm, Island Oak, Chinese Pistache and Persian Ironwood. These are all medium to large trees that will do well here.
4. We use volunteers from the community and the local schools to help us plant, and to help us spread the message about the value of planting trees.
5. We plant trees in 15-gallon containers as this size can easily be planted by volunteers. This size tree also survives the planting well.
6. If volunteers are not available, we will hire workers from the Day Worker Center.
7. We will target the downtown for the tree planting, extending to nearby adjacent areas as needed.
8. We will plant the trees starting in November, or as soon as it rains, and continue until March.

9. We have a good track record. We have planted over 200 trees in the past two planting seasons and have a 98% success rate. We will replace trees if necessary.

Warm regards,

A handwritten signature in black ink, appearing to be 'Kris Jensen', with a long horizontal line extending to the right.

Kris Jensen

Executive Director

kris@greentownlosaltos.org

Steve Golden

From: Jon Baer [REDACTED]
Sent: Saturday, July 31, 2021 1:11 PM
To: Planning Services; Los Altos Planning Commission
Subject: agenda item # 2 packard foundation

I do not support the project as proposed. While I do appreciate the applicant's desire to add solar panels and change the traffic flow, it should NOT be at the expense of the trees on site. Removing trees and planting 27 elsewhere, while politically correct, does not mitigate the removal of trees from that portion of the town.

Of course the elephant in the room is why the applicant wants to add 28 more spaces (and the resulting asphalt) when it, at least in theory, doesn't need those spots. Just as a reminder the Foundation refused to build an underground parking garage at the time of the initial construction as it deemed it was bad for the environment. How is adding more asphalt and removing trees and greenery from that portion of town any better?

Steve Golden

From: Bill Hough <[REDACTED]>
Sent: Tuesday, August 3, 2021 3:33 PM
To: Los Altos Planning Commission
Cc: Andrea Chelemengos
Subject: public comment regarding item 2 on August 5 agenda

I oppose this project, since it will needlessly remove mature trees and destroy land that should be converted into a small public park into just another unattractive parking lot.

The currently vacant space on the west side of 2nd Street could be improved at minimal expense into two attractive parks, something seriously lacking in downtown. Is it really necessary for the Packard Foundation to add an additional 28 parking spaces? In this time of COVID, it has become obvious that most white collar work can be performed from home, which should reduce the demand for parking downtown. Lets encourage more working from home going forward.

Vote "no" on this proposal.

Bill Hough
Los Altos

Steve Golden

From: Jon Biggs
Sent: Tuesday, August 3, 2021 6:02 PM
To: Steve Golden; Guido Persicone
Subject: FW: planning commission meeting Aug 5 agenda item 5

FYI

From: Couture, Terri <[REDACTED]>
Sent: Tuesday, August 3, 2021 5:25 PM
To: Planning Services <planning@losaltosca.gov>; planningcommission@losaltoca.gov
Cc: Jon Biggs <jbiggs@losaltosca.gov>
Subject: planning commission meeting Aug 5 agenda item 5

Dear Commission members

1. the bill board notices were placed on 2nd street under the trees, and on the alleyway. Both barely visible and hardly suffice for adequate public notice
2. page 3 exhibit A - the proposed landscaping is a meager replacement compared to the existing at least some 20+ year old trees, some that are now heritage trees. Also the trees should have been managed better per the conditions of original approval.
3. The current trees on the west side of the Hewlett Packard building on 2nd street (across from the subject site) have been vertically pruned from trunk to top, which will be deadly to those trees. Not what HP had agreed to do when this project was approved.
4. There should be a parking study, as there is no data in this report that suggests there is such a need for increased parking
5. When this new building was approved in 2010, one of the conditions for approval was that there was required maintenance of the rain garden and treatment centers. These will be paved over? The so called vacant parcels in the 2021 subject report should call these parcels rain garden & treatment centers complete with cisterns. What is the plan for the current cisterns? Why in the world would you want to remove valuable open space?
6. there are many more items that need to be studied before this project is considered.

what do you want to be your legacy?

Joni Mitchell -"You don't know what you got til its gone. They paved over paradise and put up a parking lot"

Sincerely,

Terri Couture

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.



DATE: September 29, 2021

AGENDA ITEM # 3

AGENDA REPORT

TO: Complete Streets Commission

FROM: Steve Golden, Senior Planner

SUBJECT: Design Review (D20-0008) for proposed carport and parking lot modifications at 374 Second Street (Packard Foundation)

RECOMMENDATION:

Recommend to the City Council approval of the Design Review application (D20-0008).

ATTACHMENTS

- A. Packard Foundation Trip Generation Analysis (Hexagon Transportation Consultants, 2008)
- B. Packard Foundation Letter Dated September 22, 2021 (Current ATMP Practices)
- C. Design Plans

PROJECT DESCRIPTION

This is a request for a design review for modifications to the existing parking lots at 374 Second Street which is associated with the David and Lucile Packard Foundation Building (Packard Foundation) at 343 Second Street. The existing parking lot area consists of five separate lots, three of which are surface parking lots with a total of 58 parking spaces that are accessed from Second Street and the public alley, and two of which are currently vacant with landscaping. The applicant proposes to merge all of the lots together¹ and to use the merged lot as one larger parking area consisting of a two-way drive aisle with access from Second Street only that will accommodate 86 parking stalls. Carport structures are proposed that will cover 32 parking spaces in the interior portion of the lot. Forty-one electric vehicle parking spaces are proposed. New landscaping, tree replacement, lighting, and other surface improvements associated with the parking lot area are proposed.

BACKGROUND

Site Description

The existing surface parking lot area is located on an 35,508 square foot site which consists of five separate lots between Second Street and the public alley in a Commercial Downtown Zoning District. Three of the five lots have paved surface parking and other associated parking lot features including landscaping. Each of the three lots include one, one-way drive aisle (differing in direction) between Second Street and the public alley and has angled oriented parking depending upon the direction of the one-way drive aisle. The two remaining lots are vacant and separate two

¹ A lot line adjustment application has been submitted and is subject to an administrative review which is being reviewed concurrently with this application.

of the paved lot areas. The parking lot areas have been in existence in their general current configuration to serve the building that existed prior to the current Packard Foundation building at 343 Second Street and has continued to serve as parking for the newer building. Some minor improvements to the parking area have been completed overtime, but the accessible parking spaces do not comply with current standards.

Site History

When the Packard Building at 343 Second Street was approved in 2010, it was considered an in-fill project that qualified for a Categorical Exemption from the California Environmental Quality Act (CEQA). The project reduced the net building area by approximately 16,000 square feet and was found to reduce approximately 450 fewer daily vehicle trips over the existing development it replaced² (see Attachment A). The existing development had approximately 112 on-site parking spaces (plus the 58 across the street at the subject site). The proposed redeveloped site provided 67 parking spaces (including the 58 parking spaces in the lots fronting Second Street) whereas 152 parking spaces would have been required to comply with the standard parking ratio for office buildings in the Zoning Code based on the size of the building.² In lieu of providing the required parking, the City agreed to an Alternative Transportation Management Program (ATMP) to offset the demand for the parking. The ATMP which was memorialized in a recorded Development Agreement and Deed Restriction recorded on the property required the Packard Foundation to commit to strategies to reduce single occupancy vehicles (SOVs) including providing shuttling from CalTrain and VTA stations, providing CalTrain and VTA passes, Eco and Go passes, carpooling, emergency ride home guarantees, telecommuting, biking incentives, and other strategies and incentives as developed overtime to reduce SOVs. The Packard Foundation was required to submit monitoring reports to the City for review for a five year period and if determined that the ATMP was achieving its objective, the City could then eliminate the requirement to continue the monitoring thereafter, but the ATMP would need to continue in perpetuity or until the building itself is demolished. The Packard Foundation provided ATMP monitoring reports conducted by Hexagon Transportation Consultants, Inc for at least a five-year period and in 2018, the City sent a letter to the Packard Foundation that discontinued the requirement for providing continued ATMP monitoring; however, as stated above and per the Development Agreement, the ATMP will continue in perpetuity.

Complete Streets Commission Roles and Responsibilities

This design review application was determined to require City Council approval pursuant to Zoning Code Section 14.78.020 Requirement for Design Review. Under Section 14.78.090 of the Zoning Code, an application for City Council design review, shall be subject to a multimodal transportation review and recommendation to the Planning Commission and City Council. Typically, the Complete Street Commission's (CSC) review of the project occurs prior to the Planning Commission (PC); however, in this case, the Planning Commission has already reviewed the project and at their September 2, 2021, the PC recommended City Council approval of the project.

² Per the Planning Commission staff report dated April 15, 2010, which is part of the administrative record.

DISCUSSION/ANALYSIS

The Applicant proposes to merge the five existing lots together and use the merged lot as one larger parking area consisting of a two-way drive aisle with two entrances accessing the reconfigured parking lot from Second Street. The reconfigured parking area replaces the 58 existing parking spaces that currently exist across three of the lots and will incorporate the other two vacant parcels. The new parking lot reconfiguration is designed to have 90-degree parking stalls that is a more conventional design with a total of 86 parking spaces replacing the angled parking stalls that currently exists. Two parking stalls will be accessible, one of which will be van accessible consistent with current Building Code. A carport structure, which includes a photovoltaic system array mounted to the roof is proposed to be constructed to cover the interior 32 parking stalls. The additional energy from the new PV system will off-set power for the 41 electric vehicle parking spaces proposed, whereas five stalls are required to be EV stalls per the California Green Building Code requirements.

Circulation Efficiency

The new parking lot design will improve overall internal circulation efficiency for the parking lot itself since it replaces the one-way drive aisles with two-way drive aisles. It improves circulation efficiency of Second Street by eliminating vehicles entering, exiting, and reentering to and from public right-of-way to access other portions of parking lot areas as the current configuration requires. Redirecting traffic away from the narrow public alley and requiring ingress and egress into the parking lot from Second Street will also improve circulation efficiency for vehicular traffic for the buildings fronting on First Street, but with driveways and parking areas only accessible from the public alley with no other vehicle access alternative.

Public Right-of-Way Improvements

Consistent with other recent developments along the public alley between First and Second Streets, the City is requesting the property owner provide a dedication for right-of-way or a public access easement to increase the width of the alley by two feet. A public access easement is proposed which is included in the civil plans (see Attachment C) and will be conditioned to be recorded concurrently with the lot line adjustment to merge the lots. As mentioned above, the project will be eliminating vehicle access to the public alley and reducing the curb cuts on Second Street. The project will be required to replace the public sidewalk, curb and gutters and the plans propose to replace the street tree removed on Second Street with a new replacement tree.

Pedestrian Improvements

As mentioned above, the reconfigured design will eliminate curb cuts resulting in an improved pedestrian experience and improving safety by eliminating potential vehicle/pedestrian conflicts at the parking lot entrances at Second Street. A midblock crosswalk with yield signs and pavement treatment previously installed by the Packard Foundation exists on Second Street adjacent to the parking lot and no changes are proposed to modify the crosswalk.

Public Transit

The closet public transit is VTA bus route 40 which provides service between Foothill College in Los Altos Hills and the Mountain View Transit Center via North Bayshore. The closest bus stop is a bus shelter located on South San Antonio at the corner of Second Street.

Bicycle Facilities and Parking

The nearest bicycle facility is the Class II lane on South San Antonio Road adjacent to the Packard Foundation building. According to a letter submitted by the Applicant (Attachment B), the Packard Foundation facilities includes exterior racks to accommodate 24 bicycles at 343 Second Street which is considered Class II parking and a rack installed inside the garage at the building at 300 Second St also owned by the Packard Foundation (on the diagonal corner from 343 Second Street) that accommodates 14 bicycles which is considered Class I parking. Shower and locker room facilities are located at both facilities.

Continued Alternative Transportation Management Program (ATMP)

As described above, the existing recorded Development Agreement and Deed Restriction requires the Packard Foundation to implement its Alternative Transportation Management Program (ATMP) consisting of many activities to reduce single occupancy vehicles. The program was monitored for at least five years as required by the Agreement and determined to be effective at reducing vehicle trips. The Agreement states the ATMP shall continue in perpetuity or until the building is demolished. The Packard Foundation has submitted a letter outlining its recent ATMP activities (Attachment A) and acknowledges the continuance of the ATMP. The existing development agreement and deed restriction was reviewed by the City Attorney's office and they recommended that new documents should be recorded (i.e. deed restriction) releasing the Packard Foundation from further monitoring requirements, but will require the ATMP to continue into perpetuity and in agreement with the Packard Foundation. This was included as a condition of approval in the draft approval resolution that was reviewed and approved by the Planning Commission to be completed commensurate with the parking lot improvements.

ENVIRONMENTAL REVIEW

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, as amended, 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.

STAFF RECOMMENDATION

Recommend to the City Council approval of the Design Review application (D20-0008).

ATTACHMENT A

HEXAGON TRANSPORTATION CONSULTANTS, INC.

MEMORANDUM

TO: Mr. Tom Lodge, Rhodes Dahl LLC

FROM: Brian Jackson

DATE: June 24, 2008

SUBJECT: ***Trip Generation Analysis for the Proposed 343 Second Street Office Development in Downtown Los Altos, California***

Hexagon Transportation Consultants, Inc. has completed a trip generation analysis for the proposed 343 Second Street office development project in downtown Los Altos, California. The project site is located in the southeast quadrant of Second Street and Whitney Street. The project as proposed would consist of replacing 61,900 square feet (s.f.) of existing office/commercial uses with an approximately 44,200 s.f. office building. The adjacent gas station would remain. All parking for the project would be provided via surface lots located on Second Street and Whitney Street.

The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates to the size of the development. The standard trip generation rates are published in the Institute of Transportation Engineers (ITE) manual entitled *Trip Generation, seventh edition, 2003*. The ITE trip generation rates for a single tenant office building were applied to the proposed office project. The project receives credit for the trips generated by the existing office/commercial uses that would be replaced. Since the site currently is approximately 50 percent occupied, the ITE rates were used to estimate the site's existing potential trip generation. The project is allowed to receive credit for all of the existing uses, including the vacant space, since the existing uses can be reoccupied at any time if the office project is not constructed.

Based on the ITE trip rates, the proposed office would generate 730 gross daily vehicle trips, with 96 gross trips occurring during the AM peak hour and 105 gross trips occurring during the PM peak hour. When compared to the trip generation of the existing uses on the site at full occupancy, the project would result in 457 fewer daily vehicle trips, with 8 more AM peak hour trips and 25 fewer PM peak hour trips. Table 1 shows the estimated trip generation for the proposed and existing uses.

Since the proposed 343 Second Street office development project would generate fewer trips overall than the existing uses on the site, it is our professional opinion and the opinion of James Walgren of the City of Los Altos that the proposed project does not warrant preparation of a Traffic Impact Analysis (TIA).

Table 1
Trip Generation Estimates

Land Use	ITE Category	Size (SF)	Daily			AM Peak Hour			PM Peak Hour								
			Rate ¹	Trips		Rate ¹	% In	% Out	Total	In	Out	Rate ¹	% In	% Out	Total	In	Out
<u>Proposed Use</u> Single Tenant Office	715	44,200	16.52	730		2.18	89%	11%	96	85	11	2.37	15%	85%	105	16	89
<u>Existing Uses</u> General Office Occupied	710	22,400	11.01	247		1.55	88%	12%	35	31	4	1.49	17%	83%	34	6	28
Shopping Center Occupied	820	9,800	42.94	421		1.03	61%	39%	10	6	4	3.75	48%	52%	37	18	19
General Office Vacant	710	23,700	11.01	261		1.55	88%	12%	37	32	5	1.49	17%	83%	36	6	30
Shopping Center Vacant	820	6,000	42.94	258		1.03	61%	39%	6	4	2	3.75	48%	52%	23	11	12
Existing Use Totals:		61,900		1,187					88	73	15				130	41	89
Net Project Trips:				-457					8	12	-4				-25	-25	0

Notes:

¹ Source: ITE Trip Generation, 7th Edition, 2003. Fitted curve equations used for proposed office use; average rates used for existing office and shopping center uses.



MEMORANDUM

TO: Mr. Tom Lodge, Rhodes Dahl LLC

FROM: Brian Jackson

DATE: September 29, 2008

SUBJECT: *Unsignalized Intersection Analysis for the Proposed Packard Foundation Office Development located at 343 Second Street in Downtown Los Altos, California*

Hexagon Transportation Consultants, Inc. has completed an unsignalized intersection level of service (LOS) analysis and operations analysis for the proposed conversion of the Second Street and Whitney Street intersection from two-way stop-controlled to 4-way stop-controlled. The intersection is located in downtown Los Altos, California. Currently, only Whitney Street is stop-controlled. The planned conversion would occur in conjunction with the 44,200 square-foot Packard Foundation office building development project, located in the southeast quadrant of Second Street and Whitney Street.

Intersection Level of Service Analysis

Levels of service for the Second Street and Whitney Street intersection were calculated using TRAFFIX software, which is based on the 2000 *Highway Capacity Manual (HCM)* methodology. The correlation between average delay and level of service for unsignalized intersections is shown below in Table 1.

Table 1
Unsignalized Intersection Level of Service Definitions Based on Delay

Level of Service	Description of Operations	Average Delay Per Vehicle (Sec.)
A	Little or no traffic delay	10.0 or less
B	Short traffic delays	10.1 to 15.0
C	Average traffic delays	15.1 to 25.0
D	Long traffic delays	25.1 to 35.0
E	Very long traffic delays	35.1 to 50.0
F	Extreme traffic delays	Greater than 50.0

Source: Transportation Research Board, 2000 *Highway Capacity Manual* (Washington, D.C., 2000) p17-2.

The results of the unsignalized intersection level of service analysis show that the Second Street and Whitney Street intersection currently operates and would continue to operate at LOS B or better during the AM and

PM peak hours. While the intersection would operate at LOS B during both the AM and PM peak hours under project conditions with no changes to the intersection, adding stop signs to the Second Street legs would actually improve the level of service at the intersection to LOS A during both peak hours of traffic. Table 2 shows the results of the unsignalized intersection level of service analysis. The detailed level of service calculation sheets are included in Appendix A.

Table 2
Unsignalized Intersection Levels of Service

Intersection	Peak Hour	Project Conditions							
		Existing		Background		2-Way Stop		4-Way Stop	
		Avg. Delay/a/	LOS	Avg. Delay/a/	LOS	Avg. Delay/a/	LOS	Avg. Delay/a/	LOS
Second St & Whitney St	AM	9.7	A	9.7	A	10.1	B	7.6	A
	PM	10.5	B	10.7	B	10.9	B	8.1	A

Notes:

/a/ The average delay shown corresponds to the worst-movement delay at the intersection.

Signal Warrant

In addition to the level of service analysis, the unsignalized intersection also was evaluated using the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) Peak Hour Volume Warrant in order to determine if there would be justification for installing a traffic signal based on peak hour traffic volumes. The volume warrant makes no evaluation of intersection level of service, but simply provides an indication whether vehicular peak hour traffic volumes are, or would be, sufficient to justify installation of a traffic signal. Intersections that meet the peak hour warrant are subject to further analysis (i.e., additional warrants) before determining that a traffic signal is necessary and appropriate. The analysis revealed that the peak hour volume warrant would not be satisfied at the unsignalized intersection based on estimated AM and PM traffic volumes under project conditions. The signal warrant worksheet is included in Appendix B.

Vehicle Queuing Analysis

An operations analysis also was conducted based on vehicle queuing at the unsignalized intersection for all four stop-controlled approaches. Vehicle queues were estimated using a Poisson probability distribution, which estimates the probability of “n” vehicles for a vehicle movement using the following formula:

$$P(x=n) = \frac{\lambda^n e^{-\lambda}}{n!}$$

Where:

P (x=n) = probability of “n” vehicles in queue per lane

n = number of vehicles in the queue per lane

λ = Average number of vehicles in the queue per lane (vehicles per hour per lane/signal cycles per hour)

The basis of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles for a particular approach; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available vehicle storage. The queue estimates and a tabulated summary of the findings for the AM and PM peak hours are provided in Table 3.

**Table 3
 Queuing Analysis for 4-Way Stop-Controlled Second St and Whitney St**

Approach ¹	Northbound	Southbound	Eastbound	Westbound
AM Peak Hour				
Cycle/Delay ² (sec)	7.3	7.6	7.5	7.3
Volume ³ (vphpl)	56	84	54	39
Avg. Queue (veh./ln.)	0.1	0.2	0.1	0.1
Avg. Queue ⁴ (ft./ln)	3	4	3	2
95th % Queue (veh./ln.)	1	1	1	1
95th % Queue (ft./ln)	25	25	25	25
PM Peak Hour				
Cycle/Delay ² (sec)	7.4	8.1	7.6	7.9
Volume ³ (vphpl)	29	144	54	113
Avg. Queue (veh./ln.)	0.1	0.3	0.1	0.2
Avg. Queue ⁴ (ft./ln)	1	8	3	6
95th % Queue (veh./ln.)	1	1	1	1
95th % Queue (ft./ln)	25	25	25	25

¹ Lane configuration for each approach consists of a shared left/thru/right.

² Vehicle queue calculations based on cycle length for signalized intersections and vehicle delay for unsignalized intersections.

³ Traffic volumes shown are peak hour volumes under project conditions.

⁴ Assumes 25 feet per vehicle queued.

The analysis indicated that the estimated maximum vehicle queues for all four approaches during the AM and PM peak hours of traffic would be only 1 vehicle in length. The lack of vehicle queuing is directly related to the low peak hour traffic volumes that currently occur and would continue to occur at this intersection. Therefore, it can be concluded that adding stop signs to the Second Street legs of the intersection would not result in any queuing problems and would have little effect on vehicle flow along Second Street through the intersection. Converting the intersection to a four-way stop-controlled intersection also would create a safer environment for pedestrians crossing the street between the new Packard Foundation office building and the surface parking areas on Second Street located directly across from the office building.

Conclusions

The results of the unsignalized intersection analysis show that the Second Street and Whitney Street intersection would operate at LOS A during both the AM and PM peak hours under project conditions with the 4-way stop conversion. The results also show that the peak hour volume warrant would not be satisfied, and that adding stop signs to the Second Street legs of the intersection would not result in any queuing problems.

The David and Lucile Packard Foundation

September 22, 2021

Steve Golden
Senior Planner
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Dear Steve,

In concert with our parking proposal, you had requested that we provide you with an update on our practices under the Alternative Transportation Management Plan (ATMP) related to our building on 343 Second Street. Since our offices are currently closed, we correspondingly suspended the ATMP practices as there are very few persons in our offices. However, up until the time of our closure, we had met our obligations under the ATMP through the following dimensions:

1. Shuttle service to Caltrain stations

Until our presence at our offices was suspended due to the pandemic, the Packard Foundation employees were offered free shuttle service between the Los Altos offices and the Mountain View or San Antonio Caltrain stations. The Packard Foundation had a contract with CLS Global Transportation, a private bus operator, to provide service during business days. Four shuttle runs were made in the morning and four during the evening commute period, at approximately 30 minute intervals. Access to the service was limited to Packard employees and guests. Ridership had averaged 3 to 10 per day, and ~20 employees used the service on a regular basis.

2. Caltrain GO Pass and VTA Eco Pass Clipper Card

The Packard Foundation purchases GO Passes for all employees and VTA Eco Passes for all employees who request it. These passes are good for unlimited travel on Caltrain (GO Pass) or VTA buses and light rail (Eco Pass Clipper Card).

3. Guaranteed ride home

For those employees who commute to work using public transit, carpool, foot or bicycle, the Packard Foundation has implemented a program to provide transportation by taxi, Zipcar, or rental car in the event of an emergency or change in work schedule.

4. Lyft-to-Work

For those employees whose commute prevents them from taking advantage of our regularly scheduled shuttle service, we had provided \$260/month of Lyft credits that could be utilized between our Los Altos offices and either of the Mountain View or San Antonio Caltrain stations.

5. Secure bicycle parking

The Packard Foundation provides 3 bicycle parking racks capable of securing a minimum of 24 bicycles at building 343, and one long-term bicycle parking rack capable of securing 14 bicycles at building 300. Shower/locker room facilities are available at both Foundation offices. We do not offer any incentive to use bikes, although we did plan events during “Bike to Work” month to encourage riding a bike.

6. Encourage carpooling/ride sharing

The Packard Foundation had provided periodic resources designed to encourage employees to offer or explore ride sharing opportunities with other Foundation employees or temporary workers.

7. East Bay commuter shuttle

The Packard Foundation had engaged Enterprise to lease a shuttle for employees who commute together from the East Bay. This lease allowed a small group of employees to share their commute together. Consistent with the closure of our offices, this service has been suspended.

8. Provide car-sharing vehicles

The Packard Foundation had maintained a contract with Zipcar to locate a car at each of the two Los Altos buildings and to provide a revenue guarantee per month for each car. Due to limited use by Foundation staff and members of the community, this initiative was suspended. However, the Packard Foundation will cover the annual membership fee for Zipcar for all employees who wish to utilize these services for business purposes.

9. Telecommuting

Prior to the pandemic, the Packard Foundation had provided employees the option of telecommuting one day per week, or up to two days with their manager’s approval. This option was significantly utilized.

10. Off-site parking

We arranged for off-site parking, with a shuttle for transportation to and from the Foundation offices, when we schedule meetings that require significantly more guest parking than we can provide onsite. This off-site parking requirement for peak building usage is one reason which motivates our current proposal for additional parking.

11. ATMP monitoring plan

While only extant for the first five years of the building’s operation, under Exhibit E of the agreement, the Foundation was obliged to perform a parking audit to ensure that staff’s cars did not park in public parking or in nearby neighborhoods within 500 feet of the facility. As acknowledged in the City’s July 11, 2018, these parking audits “clearly demonstrate that the parking program approved when The David and Lucille [sic] Packard Foundation building was entitled is working well” and removed that audit obligation consistent with the broader terms of the agreement. Should the Foundation’s ATMP efforts not have been successful, the City would have required that the Foundation provide additional parking spaces at 350 South San Antonio or at other sites.

Furthermore, I would like to suggest that our current parking proposal would also meet with terms of the ATMP for reasons which include the following:

12. The ATMP contemplated additional parking

In the second paragraph of Exhibit D, the ATMP specifically enumerates a variety of “potential future strategies” which may include “provision of added parking spaces”. Therefore, the additional parking currently proposed is literally consistent with the terms of the ATMP to which the City and Foundation agreed.

13. The Primary Goal of the ATMP

In the third paragraph of Exhibit D, the ATMP itself states: “The primary goal of the ATMP is to reduce the Owner’s carbon footprint without impacting available public parking in the surrounding neighborhoods”. Our proposed parking project, and in particular the solar-assisted EV charging it enables, is contemplated to do exactly that: “reduce the Owner’s carbon footprint without impacting available public parking”.

We trust the above is responsive to your query.

Sincerely,

A handwritten signature in cursive script that reads "Craig Neyman".

Craig Neyman
Vice President & CFO

CONFORMED COPY: This document has not been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

This document is recorded for the benefit of the City of Los Altos, and is entitled to be recorded free of charge in accordance with Section 6103 of the California Government Code. WHEN RECORDED MAIL TO:
OFFICE OF THE CITY CLERK
City of Los Altos
One North San Antonio Road
Los Altos, California, 94022



(ABOVE SPACE FOR RECORDER'S USE)

DEVELOPMENT AGREEMENT

BETWEEN

THE CITY OF LOS ALTOS,
a California municipal corporation

AND

THE DAVID AND LUCILE PACKARD FOUNDATION,
a California nonprofit public benefit corporation

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into as of the 14th day of September, 2010 ("**Effective Date**") by and between THE CITY OF LOS ALTOS ("**City**"), a California municipal corporation, and THE DAVID AND LUCILE PACKARD FOUNDATION ("**Foundation**"), a California nonprofit public benefit corporation.

THE PARTIES ENTER THIS AGREEMENT on the basis of the following facts, understandings and intentions:

A. Sections 65864 through 65869.5 of the California Government Code (the "**Development Agreement Statute**") authorize the City to establish procedures to enter binding development agreements with persons having legal or equitable interests in real property located within the City for development of the property.

B. On August 12, 2008, the City Council ("**City Council**") of the City approved Resolution No. 2008-39, establishing the authority and procedure for enactment of development agreements pursuant to the Development Agreement Statute.

C. Owner is the legal owner of the real property ("**Office Building Property**") governed by this Agreement, comprising an approximately 2.19-acre site located near the intersection of Second Street and Whitney Street in the City of Los Altos, California, which is further described in Exhibit A attached hereto and incorporated by this reference. Owner is also the legal owner of four (4) parcels of real property (referred to as Assessor's Parcel Numbers 167-41-034, 167-41-036, 167-41-037, 167-40-033) also governed by this Agreement that currently provide sixty-seven (67) surface parking spaces for the Office Building Property and are further described in Exhibit B attached hereto and incorporated by this reference ("**Dedicated**

Parking Property”). Owner is also the legal owner of additional real property also governed by this Agreement, further described in Exhibit C attached hereto and incorporated by this reference (“**Parking Reservation Property**”). Owner proposes to build and occupy a new headquarters office facility (“**Building**”) on the Office Building Property, consistent with the policies and regulations expressed in the Los Altos General Plan (“**General Plan**”). The approved development plan (“**Development Plan**”) for Owner’s proposed new Building and other improvements on the Property consists of (i) the terms of this Agreement, (ii) the terms of the managed employee vehicular parking program (“**Parking Plan**”) inclusive of the “ATMP” and the so-called “Monitoring Plan”, as each of those terms is defined and set forth in the form of Deed Restriction and Agreement which was concurrently approved with this Agreement at the hearing thereon, is contemplated to be recorded concurrently herewith, and is incorporated herein by this reference (“**Deed Restriction**”), and (iii) the design review application 08-D-06 recommended to the City Council for approval by the Architectural and Site Review Committee on February 3, 2010, and incorporated by this reference.

D. Owner has requested this Agreement in order to adapt and vest the land use policies and regulations established in the General Plan, the Los Altos Municipal Code (“**Municipal Code**”), and the Development Plan, current as of the Effective Date hereof. This Agreement authorizes Owner to build and occupy its proposed new Building (“**Project**”), subject to other City land use decisions consistent with the terms hereof.

E. City and Owner acknowledge that construction of the Building is a large-scale undertaking involving major investments by Owner, demonstrating new architectural and commercial construction technologies intended to provide substantial energy savings, reduced carbon consumption, and reduced employee automobile use. Certainty that the Building can be

developed and used in accordance with the terms hereof will benefit Owner, City and the public in general, by demonstrating the feasibility of the Building's innovative "LEED Platinum" design, construction and reduced energy consumption technologies.

F. City proposes to enter this Agreement for the reasons enumerated in the Development Agreement Statute, and (i) to eliminate uncertainty in the development of large-scale projects within the City, such as the Building; (ii) to meet the goals and objectives of the Los Altos General Plan; and (iii) to construct a modern, highly-efficient office building which demonstrates the latest in energy-saving design and construction methods, and employee vehicle trip reduction methods, at a downtown location well served by regional thoroughfares and convenient to pedestrian retail activity.

G. City's willingness to enter this Agreement is a material inducement to Owner to build and occupy the Building within the City of Los Altos, and Owner proposes to enter this Agreement in order to obtain assurance from City that the Building may be constructed and occupied pursuant to the Development Plan.

H. On April 15, 2010, City's Planning Commission held a duly noticed public hearing on the application for this Agreement, and (i) determined that consideration of this Agreement, application 10-DA-01, complies with the California Environmental Quality Act ("CEQA") based on a recommendation to the City Council to approve an environmental negative declaration; (ii) determined that this Agreement is consistent with the General Plan; and (iii) recommended that the City Council enact this Agreement and design review application 08-D-06.

I. On May 11, 2010, the City Council held a duly noticed public hearing on this Agreement, determined that implementation of this Agreement complies with CEQA and

approved the environmental negative declaration, and further found the project and this Agreement to be consistent with the General Plan, and approved applications 08-D-06 and 10-DA-01.

J. On August 24, 2010, the City Council held a duly noticed public hearing on this Agreement, found this Agreement to be consistent with the General Plan, and introduced Ordinance No. 10-355, approving this Agreement.

K. On September 14, 2010, the City Council adopted Ordinance No. 10-355, enacting this Agreement.

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Statute and Resolution No. 2008-39, and in consideration of the mutual covenants and promises of the parties, the parties agree as follows:

1. Development Of The Property.

1.1 Development Plan. Owner shall have the vested right and obligation to develop the Office Building Property in accordance with the provisions of this Agreement and the Development Plan. The use of the Office Building Property, the density and intensity of use, the Parking Plan, and the height, size, design and construction methods of the proposed Building shall be as provided in the General Plan, the Municipal Code and the Development Plan, as the terms thereof may be modified by this Agreement; provided, however, that construction and occupancy of the Building will be subject to other discretionary and ministerial decisions by City which will govern issuance of building and grading permits, among other things. Nothing contained herein shall restrict City's discretion to approve or conditionally approve amended Building features proposed by Owner. This Agreement shall be effective on the Effective Date. As used in this Agreement for timing purposes, however, the term "**Occupancy Date**" shall

mean and refer to the date that the City grants formal occupancy approvals for the Building upon its completion, *e.g.*, an “occupancy permit.”

1.2 Right to Construct and Occupy Improvements. Subject to the provisions of this Agreement, City hereby grants to Owner the present vested right to construct and occupy the Building and associated improvements in accordance with the policies and regulations set forth in this Agreement and the General Plan and Municipal Code in effect as of the Effective Date. No future modifications of the General Plan, Municipal Code, ordinances, policies or regulations which purport to (i) limit the development density, design, or Parking Plan; or (ii) impose new fees, exactions or moratoria upon development, occupancy or use of the Building, shall apply to the Project. Nothing herein, however, shall preclude City from adopting any future General Plan amendments or other land use regulations or amendments.

1.3 Successor Occupants. The development rights conferred hereby are justified in part by Owner’s unique philanthropic business operation, its unusually low employee counts and vehicular parking demand, its innovative demonstration of the feasibility of commercial-scale “LEED Platinum” construction methods, and its successful Alternative Transportation Management Program (as described in more detail in the Deed Restriction). Owner proposes to occupy the Building exclusively for administrative office uses. Owner shall provide City with ninety (90) days’ advance notice of Owner’s intention to allow any portion the Building to be occupied by a different party or a different use. All Building occupants shall strictly comply with the Deed Restriction (and the Owner’s Parking Plan as it may be in effect at that time), or shall implement and comply with an alternative method of providing adequate vehicular parking facilities for the Building satisfactory to the City. For purposes of satisfying this provision, vehicular parking facilities for the Building must be at least as successful as the ATMP

implemented by predecessor occupants and the Owner's then current ATMP, and vehicular parking facilities must be provided at the levels set forth in the Parking Plan.

2. Effect of Agreement.

2.1 Supersedure by Subsequent State or Federal Laws or Regulations. If state or federal laws or regulations enacted after the Effective Date are inconsistent with the provisions of this Agreement, this Agreement shall be deemed modified or superseded to the extent necessary to comply with the new state or federal laws or regulations.

2.2 Future Exercise of Discretion by City. This Agreement shall not be construed to limit the authority or obligation of City to hold public hearings, or to conduct all analyses required by CEQA, City ordinances or any other applicable federal, state or local law or regulation.

3. Term. The term ("**Term**") of this Agreement shall commence on the Effective Date, thirty (30) days after enactment of this Agreement and, unless extended or terminated by mutual agreement as provided herein, shall govern the development of the Building on the Office Building Property, and shall automatically expire upon the first to occur of the tenth (10th) anniversary of the Effective Date, or demolition of the Building. (The recorded restrictions set forth in the Deed Restriction shall, however, be perpetual unless the Building itself is demolished in its entirety in which case the Deed Restriction shall also terminate in accordance with its terms.)

4. Development Fees, Assessments, Exactions, and Dedications. All Citywide fees, assessments, dedication formulae and taxes payable in connection with the development, buildout, occupancy and use of the Building pursuant to this Agreement shall be those applicable at the time of issuance of building permits for the Building. No new fee, assessment, exaction or

required dedication policy, not in effect on the Effective Date, shall be imposed on the Building, unless it is imposed uniformly on all similar types of development in the City. This Agreement does not preclude imposition of new or increased fees or taxes on the Building subsequent to the Effective Date, provided that the fees or taxes shall be imposed or increased on a Citywide basis.

5. Cooperation in Implementation. City shall cooperate with Owner in a reasonable and expeditious manner, in compliance with the deadlines mandated by applicable statutes or ordinances, to complete all steps necessary for implementation of this Agreement and construction of the Building in accordance herewith, in particular in processing and checking all building permit plans and specifications and other plans relating to construction and occupancy of the Building. It is the parties' express intent to cooperate with one another and to diligently work to construct and occupy the Building in accordance with the terms hereof.

6. Periodic Review.

6.1 Annual Review. City Manager (or his or her designee) and Owner shall review all actions taken pursuant to the terms of this Agreement once annually, within sixty (60) days before the anniversary of the Effective Date, during each year of the Term unless the City Manager (or his or her designee) and Owner agree to conduct the review at another time.

6.2 Owner's Submittal. Within ninety (90) days before each anniversary of the Effective Date, Owner shall submit a letter ("**Compliance Letter**") to the City Manager (or his or her designee) describing Owner's compliance with the terms of this Agreement during the preceding year. The Compliance Letter shall include a statement that the Compliance Letter is submitted to City pursuant to the requirements of Government Code Section 65865.1. The Compliance letter is in addition to (and not in substitution for) any requirement of the Parking Plan itself.

6.3 City's Findings. Within sixty (60) days after receipt of the Compliance Letter, the City Manager (or his or her designee) shall determine whether, for the year under review, Owner has demonstrated good faith substantial compliance with the terms of this Agreement. Owner's failure to timely submit a Compliance Letter shall not affect the terms or continuing binding effect of this Agreement. If the City Manager (or his or her designee) finds and determines that Owner has complied substantially with the terms of this Agreement, or does not determine otherwise within sixty (60) days after delivery of the Compliance Letter, the annual review shall be deemed concluded and this Agreement shall remain in full force and effect. Upon a determination of compliance, the City Manager (or his or her designee) shall issue at Owner's request a recordable certificate confirming Owner's compliance through the year(s) under review. Owner may record the certificate with the Santa Clara County Recorder's Office. If the City Manager (or his or her designee) initially determines the Compliance Letter to be inadequate in any respect, he or she shall provide written notice to that effect to Owner. If after a duly noticed public hearing thereon the City Council finds and determines, on the basis of substantial evidence, that Owner has not complied substantially in good faith with the terms of this Agreement for the year under review, the City Council shall give written notice thereof to Owner specifying the non-compliance. If Owner fails to cure the non-compliance before the next anniversary of the Effective Date, the City Council, in its discretion following a public hearing on the matter, may (a) grant additional time for Owner's compliance, (b) modify this Agreement to the extent necessary to remedy or mitigate the non-compliance, or (c) terminate this Agreement. Except as affected by the terms hereof, the terms of the Development Agreement Statute shall govern the compliance review process to be followed by City. During any such

review, Owner shall bear the burden of proof to demonstrate good faith compliance with the terms of this Agreement.

7. Default and Remedies.

7.1 Default. Failure by either party to perform any material term or provision of this Agreement shall constitute a default hereunder, provided that the party alleging the default shall have given the other party advance written notice thereof and sixty (60) days within which to cure the default. Written notice shall specify in detail the nature of the obligation to be performed by the party receiving notice.

7.2 Remedies. It is acknowledged by the parties that City would not have entered into this Agreement if City were to be liable in damages under, or with respect to, this Agreement or the application thereof. City shall not be liable in damages to Owner, or to any assignee, transferee or any other person, and Owner covenants not to sue for or claim damages. Owner's sole and exclusive remedy in the event of City's default shall be the remedy of specific performance. Upon Owner's material default, City shall be entitled to initiate legal proceedings to specifically enforce this Agreement or to terminate it. City may terminate this Agreement due to default without legal action.

7.3 Default by Owner/Withholding of Building Permit. City may, at its discretion, refuse to issue a building permit for any structure within Owner's property, if Owner has materially failed and refused to complete any requirement applicable to the building permit. In addition, where City has determined that Owner is in default as described above, City may also refuse to issue any permit or entitlement for any structure or property located within the Project, and/or take any enforcement action authorized by the applicable provisions of the General Plan

and the Municipal Code. These remedies shall be in addition to any other remedies provided for by this Agreement.

8. Agreement to Amend or Terminate. City and Owner by mutual agreement may terminate or amend the terms of this Agreement, and the amendment or termination shall be accomplished in the manner provided under California law for the adoption of development agreements.

9. Mortgagee Protection; Certain Rights of Cure.

9.1 Mortgagee Protection. This Agreement shall be superior and senior to all liens placed upon the Property and/or the Parking Reservation Property or portion thereof after the date on which a memorandum of this Agreement is recorded, including the lien of any deed of trust or mortgage ("**Mortgage**"). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against all persons and entities, including all deed of trust beneficiaries or mortgagees ("**Mortgagees**") who acquire title to the Property, the Dedicated Parking Property, and/or the Parking Reservation Property or any portion thereof by foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise.

9.2 Mortgagee Not Obligated. No foreclosing Mortgagee shall have any obligation or duty under this Agreement to construct, complete the construction of, or occupy any improvements described in this Agreement, or to pay for or guarantee construction or completion thereof. City, upon receipt of a written request from a foreclosing Mortgagee, shall permit all Mortgagees to succeed to the rights and obligations of Owner under this Agreement, provided that all defaults by Owner hereunder that are reasonably susceptible of being cured are cured by

the Mortgagee as soon as is reasonably possible. The foreclosing Mortgagee thereafter shall comply with all of the provisions of this Agreement.

10. Assignability.

10.1 Right to Assign. Owner may assign its rights to construct and occupy the Building and associated improvements pursuant to this Agreement without the consent of the City. Owner may assign or convey its rights to occupy all or part of the Building pursuant to this Agreement without consent of the City, provided that each successor occupant shall comply with the terms hereof. A copy of this Agreement shall be recorded by City in the Santa Clara County Recorder's Office, within ten (10) days following after execution hereof by both parties.

10.2 Covenants Run With The Land. During the Term of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding unconditionally upon the parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring the Property, the Dedicated Parking Property, and/or the Parking Reservation Property, any lot, parcel or any portion thereof, and any interest therein, whether by sale, operation of law or other manner, and they shall inure to the benefit of the parties and their respective successors. (The tenure of the Deed Restriction shall be governed by its own terms.)

11. General.

11.1 Construction of Agreement. The language in this Agreement in all cases shall be construed as a whole and in accordance with its fair meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. This Agreement shall be governed by the laws

of the State of California and all actions concerning this Agreement shall be brought in the Superior Court of the County of Santa Clara.

11.2 No Waiver. No delay or omission by the City in exercising any right or power accruing upon the noncompliance or failure by Owner under to comply with the provisions of this Agreement shall be construed as a waiver thereof. A waiver by City of any of the covenants or conditions to be performed by Owner or City shall not be construed as a waiver of any succeeding breach of the same or other covenants and conditions.

11.3 Agreement is Entire Agreement. This Agreement and all Exhibits attached hereto or incorporated herein comprise the sole and entire Agreement between the parties concerning the Property. The parties acknowledge and agree that they have not made any representation with respect to the subject matter of this Agreement or any representations inducing the execution and delivery, except representations set forth herein, and each party acknowledges that it has relied on its own judgment in entering this Agreement. The parties further acknowledge that all statements or representations that heretofore may have been made by either of them to the other are void and of no effect, and that neither of them has relied thereon in its dealings with the other.

11.4 Estoppel Certificate. Any party from time to time may deliver written notice to the other party requesting written certification that, to the knowledge of the certifying party: (i) this Agreement is in full force and effect and constitutes a binding obligation of the parties; (ii) this Agreement has not been amended or modified either orally or in writing, or, if it has been amended or modified, specifying the nature of the amendments or modifications; and, (iii) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, describing therein the nature and monetary amount, if any, of the default. A party

receiving a request shall execute and return the certificate within thirty (30) days after receipt thereof. The City's City Manager (or his or her designee) shall have the right to execute the certificates requested by Owner. At the request of Owner, the certificates provided by City establishing the status of this Agreement with respect to any lot or parcel shall be in recordable form, and Owner shall have the right to record the certificate for the affected portion of the Property at its cost.

11.5 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but the counterparts together shall constitute only one Agreement.

11.6 Severability. Each provision of this Agreement which shall be adjudged to be invalid, void or illegal shall in no way affect, impair or invalidate any other provisions hereof, and the other provisions shall remain in full force and effect.

11.7 Time of Essence. Time is of the essence in the performance of every covenant and obligation to be performed by the parties hereunder.

11.8 Indemnification. Owner hereby releases and agree to protect, defend, hold harmless and indemnify City, its City Council, its officers, employees, agents and assigns from and against all claims, injury, liability, loss, cost and expense or damage, however same may be caused, including all costs and reasonable attorney's fees in providing the defense to any claim arising from the performance of this Agreement by Owner, its agents, subcontractors and/or assigns except to the extent that such claims, injury, liability, loss, cost and expense or damage, are caused by the negligence or willful misconduct of City, or a breach of this Agreement by the City. This provision is intended to be broadly construed and extends to, among other things, any challenge to the validity of this Agreement or anything related to its passage.

12. Notice. Except as otherwise expressly provided herein, all notices and demands pursuant to this Agreement shall be delivered by a commercially reasonable method. Notices shall be addressed as appears below for the respective parties; provided, however, that either party may change its address for purposes of this Section by giving written notice thereof to the other party:

City: City Manager
The City of Los Altos
One North San Antonio Road
Los Altos, California 94022

Owner: General Counsel
The David and Lucile Packard Foundation
300 Second Street
Los Altos, California 94022

The provisions of this Section shall be deemed directive only and shall not detract from the validity of any notice given in a manner which would be legally effective in the absence of this Section.

13. Owner Employees Are Not City Employees.

Owner shall manage their employees subject to the requirements of the law. All persons employed or utilized by Owner in connection with this Agreement are employees or contractors of Owner and shall not be considered employees of City in any respect. Owner is responsible for obtaining statutory workers' compensation coverage, if any is required, for its employees, if any.

14. Project as a Private Undertaking.

It is specifically understood and agreed that the Project is a private development. No partnership, joint venture or other association of any kind between City and Owner is formed by this Agreement.

15. Payment to City. Owner shall pay to the City the sum of \$3,400,000. On the Occupancy Date, Owner shall either make a single payment of \$3,400,000 concurrently with and

as a condition to the issuance of the occupancy approvals for the Building to be constructed on the Office Building Property or, in the alternative, the Owner may elect in writing to make three equal, annual installment payments of \$1,133,333, the initial payment to be made on the Occupancy Date itself, and the remaining payments to be made on the next following two (2) anniversaries thereof. If Owner elects to make deferred payments, the unpaid principal balance shall bear interest at an interest rate equal to the average earnings rate of the City's investment portfolio, including liquid Local Government Investment Fund (LAIF) balances and security positions. The City's good faith determination of such rate shall be conclusive.

16. Attorneys' Fees and Costs.

If City or Owner initiates any action at law or in equity to enforce or interpret the terms and conditions of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs in addition to any other relief to which it may otherwise be entitled. In addition to the foregoing award of attorneys' fees to the prevailing party, the prevailing party in any lawsuit shall be entitled to its attorneys' fees incurred in any post judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement. If any person or entity not a party to this Agreement initiates an action at law or in equity to challenge the validity of any provision of this Agreement or the Project Approvals, the parties shall cooperate in defending such action. Owner shall bear its own costs of defense as a real party in interest in any such action, and shall reimburse City for all reasonable court costs and attorneys' fees expended by City in defense of any such action or other proceeding.

17. Amendments.

No alterations or changes to the terms of this Agreement shall be valid unless made in writing and signed by each of the parties, and completed in compliance with the procedures listed in the Government Code for Development Agreement Amendments.

18. No Third Party Beneficiary.

This Agreement shall not be construed or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

19. Authority to Execute.

The person or persons executing this Agreement on behalf of each of the parties warrant and represent that they have the authority to execute this Agreement on behalf of those parties and represent that they have the authority to bind said parties to the performance of its obligations in this Agreement.

IN WITNESS WHEREOF, City and Owner have caused this Agreement to be executed in one (1) or more copies as of the day and year first above written.

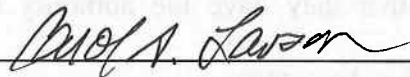
"CITY"

THE CITY OF LOS ALTOS,
a California municipal corporation

By: 

Mayor
"OWNER"

THE DAVID AND LUCILE PACKARD
FOUNDATION,
a California nonprofit public benefit corporation

By: 

Title: President and CEO

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.

On SEPT. 23, 2010, before me, MILLIE BLAKE, Notary Public, personally appeared CAROL S. LARSON who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/~~they~~ executed the same in ~~his~~/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature Millie Blake

My commission expires JULY 20, 2013

Commission No. 1858568



Exhibit A

[Attach Legal Description of Office Building Property]

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF LOTS 1, 3 AND 5, BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

PARCEL TWO:

ALL OF LOTS 7, 9 AND 11, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

PARCEL THREE:

PORTION OF LOTS 2 AND 4, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50.00 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2, IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET, A DISTANCE OF 142.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING THE MOST WESTERLY CORNER OF SAID LOT 2; THENCE SOUTH 32° 03' EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 2 AND 4 A DISTANCE OF 100.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTH 57° 57' EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 FOR A DISTANCE OF 18.74 FEET; THENCE NORTH 32° 03' WEST ALONG A LINE PARALLEL WITH SAID SOUTHWESTERLY LINE OF LOTS 2 AND 4 A DISTANCE OF 100.00 FEET TO THE POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE SOUTH 57° 57' WEST ALONG SAID SOUTHEASTERLY LINE OF WHITNEY STREET A DISTANCE OF 18.74 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL FOUR:

PORTION OF LOTS 2 AND 4, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2 IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET, A DISTANCE OF 150 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF AN ALLEY 16 FEET

IN WIDTH, AS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID ALLEY AND PARALLEL WITH THE SOUTHWESTERLY LINE OF LOTS 2 AND 4 IN SAID BLOCK 9, 100 FEET TO A POINT IN THE SOUTHWESTERLY PROLONGATION ON THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE NORTHEASTERLY ALONG SAID PROLONGED LINE 8 FEET TO THE MOST WESTERLY CORNER OF LOT 6; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF LOTS 2 AND 4 OF BLOCK 9, 100 FEET TO THE SOUTHEAST LINE OF WHITNEY STREET AND THENCE SOUTHWESTERLY ALONG SAID SOUTHEAST LINE OF WHITNEY STREET TO THE POINT OF BEGINNING.

PARCEL FIVE:

PORTION OF LOTS 1, 3, 5, 7, 9 AND 11, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2 IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET A DISTANCE OF 150 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF AN ALLEY 16 FEET IN WIDTH (NOW ABANDONED) AS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID ALLEY AND PARALLEL WITH THE NORTHEASTERLY LINE OF LOTS 1, 3, 5, 7, 9 AND 11 IN BLOCK 9, 300 FEET, MORE OR LESS TO A POINT IN THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 11; THENCE SOUTHWESTERLY ALONG SAID PROLONGED LINE 8 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF LOTS 1, 3, 5, 7, 9 AND 11 IN SAID BLOCK 9, 300 FEET MORE OR LESS, TO THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF WHITNEY STREET 8 FEET TO THE TRUE POINT OF BEGINNING, BEING A PORTION OF THE 16 FOOT WIDE ALLEY (NOW ABANDONED) THROUGH BLOCK 9 AS SHOWN UPON THE MAP ABOVE REFERRED TO.

PARCEL SIX:

PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR THE USE OF GRANTOR, GRANTEE AND THEIR RESPECTIVE EMPLOYEES, AGENTS, TENANTS AND SUCTOBMER FOR PEDESTRIAN AND VEHICULAR PASSAGE TO PROVIDE EGRESS TO WHITNEY STREET AND INGRESS AND EGRESS TO AND FROM SAN ANTONIO ROAD AND THE ALTOS CENTER SHOPPING COMPLEX OWNED BY GRANTOR, AND TO AND FROM SAN ANTONIO ROAD AND THE PROPERTY CONVEYED TO GRANTEE, PARCEL ONE, ABOVE DESCRIBED, AND TO PROVIDE EGRESS TO WHITNEY STREET FROM SAID PROPERTY OF GRANTEE, AND TO MAINTAIN, REPAIR, MOVE, RELOCATE AND TO ESTABLISH CONNECTIONS AND TAKE-OFF LINES AND COUPLINGS WITH ALL EXISTING SEWER LINES, WATER LINES, GAS MAINS, TELEPHONE WIRES, CONDUITS AND EQUIPMENT AND EXISTING UNDERGROUND POWER LINES LYING IN OR UNDER THE WESTERLY FOUR FEET OF PARCEL ONE, AND ANY ADDITIONAL UNDERGROUND MAINS, WIRES, SEWERS, PIPES, AND CONDUITS FOR PUBLIC UTILITY SERVICES WHICH MAY BE INSTALL PURSUANT TO EXISTING EASEMENT RIGHTS, OVER AND ACROSS THE PARCEL OF REAL PROPERTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH 57°58'05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY

LINE OF SAID LOT 6 A DISTANCE OF 4.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 57° 58' 05" WEST ALONG SAID LINE 4.00 FEET TO THE CENTERLINE OF AN ALLEY (NOW ABANDONED) AS SAID ALLEY IS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTH 32° 02' 25" EAST ALONG SAID CENTER LINE 197.22 FEET; THENCE NORTH 57° 57' 35" EAST 20.17 FEET TO A POINT IN THE WESTERLY LINE OF SAN ANTONIO ROAD; THENCE ALONG SAID WESTERLY LINE NORTHERLY ON A CURVE TO THE LEFT, HAVING A TANGENT AT SAID POINT WHICH BEARS NORTH 4° 39' 47" EAST AND HAVING A RADIUS OF 853.56 FEET, THROUGH A CENTRAL ANGLE OF 1° 59' 03" FOR AN ARC LENGTH OF 29.56 FEET; THENCE SOUTH 57° 57' 35" WEST 13.43 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° FOR AN ARC LENGTH OF 31.42 FEET TO A LINE PARALLEL WITH AND 4.00 FEET DISTANT SOUTHWESTERLY AS MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF LOTS 10, 8 AND 6 OF SAID BLOCK 9; THENCE NORTH 32° 02' 25" WEST 153.22 FEET TO THE TRUE POINT OF BEGINNING, AS RESERVED IN DEED FROM ALTOS CENTER INCORPORATED, A CORPORATION, TO SAN FRANCISCO FEDERAL SAVINGS AND LOAN ASSOCIATION, RECORDED MARCH 5, 1971 IN BOOK 9244, PAGE 437, SERIES NO. 3964805, OFFICIAL RECORDS.

PARCEL SEVEN:

PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF GRANTOR AND ITS TENANTS AND CUSTOMERS AND THE CUSTOMERS OF GRANTOR'S TENANTS IN THE ALTOS CENTER SHOPPING COMPLEX DURING THE DAY TIME AND EVENING HOURS THAT TENANTS IN THE ALTOS CENTER SHOPPING COMPLEX ARE OPEN FOR BUSINESS PURPOSE OF PARKING PRIVATE PASSENGER AUTOMOBILES OVER AND UPON THE PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 A DISTANCE OF 4.00 FEET; THENCE SOUTH 32° 02' 25" EAST 2.22 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 32° 02' 25" EAST 66.00 FEET; THENCE NORTH 57° 58' 05" EAST 31.00 FEET; THENCE NORTH 32° 02' 25" WEST 66.00 FEET; THENCE SOUTH 57° 58' 05" WEST 31.00 FEET TO THE TRUE POINT OF BEGINNING, AS RESERVED IN DEED FROM ALTOS CENTER INCORPORATED, A CORPORATION, TO SAN FRANCISCO FEDERAL SAVINGS AND LOAN ASSOCIATION, RECORDED MARCH 5, 1971 IN BOOK 9244 OF OFFICIAL RECORDS, PAGE 437.

PARCEL EIGHT:

AN EASEMENT FOR THE BENEFIT OF GRANTEE, TO MAINTAIN, REPAIR AND PAINT THE EXISTING ALTOS CENTER SIGN, UPON THE PARCEL OF REAL PROPERTY NEXT HEREINAFTER DESCRIBED, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EASEMENT SITE FOR THE PURPOSES HEREINBEFORE SPECIFIED UPON THAT CERTAIN PARCEL OF REAL PROPERTY IN THE CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND TWO (2.00) FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 A DISTANCE OF 8.00 FEET TO THE CENTER LINE OF AN ALLEY (NOW ABANDONED), AS SAID ALLEY IS SHOWN ON THE MAP ABOVE REFERRED TO;

THENCE SOUTH 32° 02' 25" EAST ALONG SAID CENTER LINE 197.53 FEET; THENCE SOUTH 82° 18' 30" EAST 3.50 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTER LINE DESCRIPTION; THENCE SOUTH 82° 18' 30" EAST TO A POINT IN THE WEST LINE OF SAN ANTONIO ROAD AND THE TERMINUS OF SAID CENTER LINE DESCRIPTION, AS GRANTED IN INSTRUMENT EXECUTED BY SAN FRANCISCO SAVINGS AND LOAN ASSOCIATION, A FEDERAL SAVINGS AND LOAN ASSOCIATION, GRANTOR, TO ALTOS CENTER, INCORPORATED, A CORPORATION, GRANTEE, RECORDED JUNE 18, 1971 IN BOOK 9380, PAGE 542. SERIES NO. 4030639, OFFICIAL RECORDS, AND RE-RECORDED JULY 13, 1971 IN BOOK 9415, PAGE 405, SERIES NO. 4047512, OFFICIAL RECORDS.

APN: 167-40-074

LEGAL DESCRIPTION

Real property in the Town of Los Altos, County of Santa Clara, State of California, described as follows:

ALL OF LOT 12, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWESTERLY 8 FEET OF THE ALLEY WHICH WAS ABANDONED BY RESOLUTION NO. 68-65 OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AND RECORDED AUGUST 20, 1968 IN BOOK 8235, PAGE 282, OFFICIAL RECORDS, AND LYING SOUTHEASTERLY OF THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF LOT 12, AS SHOWN ON THE MAP ENTITLED, "MAP NO. 1 OF THE TOWN OF LOS ALTOS," FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE CITY OF LOS ALTOS BY GRANT DEED RECORDED AUGUST 11, 1981, BOOK G267, PAGE 387, INSTRUMENT NO. 7135348, OFFICIAL RECORDS.

APN: 167-40-070

Exhibit B

[Attach Legal Description of Dedicated Parking Property]

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

LOT 10, BLOCK 11, AS SHOWN ON MAP NO. 1 OF THE TOWN OF LOS ALTOS, FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

APN: 167-41-034

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

ALL OF LOT 14, IN BLOCK 11, AS SHOWN ON THAT CERTAIN MAP ENTITLED, " MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

APN: 167-41-036

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

LOT 16, BLOCK 11, AS SHOWN ON MAP NO. 1 OF THE TOWN OF LOS ALTOS, FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

APN: 167-41-037

LEGAL DESCRIPTION

REAL PROPERTY in the City of Los Altos, County of Santa Clara, State of California, described as follows:

Lot 29 in Block 8, so designated and delineated on the Map No. 1 of the Town of Los Altos recorded October 25, 1907 in Book "L" of Maps, page 99, Santa Clara County Records.

APN: 167-40-033

ARB: 167-40-33

Exhibit C

[Attach Legal Description of Parking Reservation Property]

LEGAL DESCRIPTION

Real property in the Town of Los Altos, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF LOTS 6 AND 8, AND A PORTION OF LOT 10, IN BLOCK 9, AND A PORTION OF AN ALLEY (NOW ABANDONED) IN SAID BLOCK 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 25, 1907 IN BOOK L OF MAPS, AT PAGE 99, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 6 OF SAID BLOCK 9; THENCE TRUE SOUTH ALONG THE EASTERLY LINE OF LOTS 6, 8 AND 10 OF SAID BLOCK 9, A DISTANCE OF 165.01 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED IN THE DEED TO THE CITY OF LOS ALTOS, A MUNICIPAL CORPORATION, RECORDED FEBRUARY 26, 1968 IN BOOK 8035 OF OFFICIAL RECORDS, PAGE 128, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, BEING ON A TANGENT CURVE TO THE RIGHT, WITH A RADIUS OF 853.56 FEET, THROUGH A CENTRAL ANGLE OF 6° 52' 20", FOR AN ARC LENGTH OF 102.38 FEET TO THE CENTER LINE OF AN ALLEY (NOW ABANDONED) IN SAID BLOCK 9 ABOVE REFERRED TO; THENCE NORTH 32° 02' 25" WEST ALONG SAID CENTER LINE 223.22 FEET TO A POINT IN THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 IN BLOCK 9; THENCE NORTH 57° 58' 05" EAST ALONG SAID SOUTHWESTERLY EXTENSION AND ALONG THE NORTHWESTERLY LINE OF SAID LOT 6 IN BLOCK 9 A DISTANCE OF 146.92 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND THAT WOULD PASS BY OPERATION OF LAW BY THE CONVEYANCE TO THE CITY OF LOS ALTOS, RECORDED FEBRUARY 26, 1968 IN BOOK 8035 OF OFFICIAL RECORDS, PAGE 128.

PARCEL TWO:

A PERMANENT NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR PEDESTRIAN AND VEHICULAR PASSAGE AND FOR INGRESS AND EGRESS, AND TO MAINTAIN, REPAIR, MOVE, RELOCATE, AND TO ESTABLISH CONNECTIONS AND TAKE-OFF LINES AND COUPLINGS WITH ALL EXISTING SEWER LINES, WATER LINES, GAS MAINS, TELEPHONE WIRES, CONDUITS, AND EQUIPMENT AND EXISTING UNDERGROUND POWER LINES NOW LYING IN OR UNDER THE REAL PROPERTY HEREINAFTER DESCRIBED AND ANY ADDITIONAL UNDERGROUND MAINS, WIRES, SEWERS, PIPES AND CONDUITS FOR PUBLIC UTILITY SERVICES WHICH MAY BE INSTALLED PURSUANT TO EXISTING EASEMENT RIGHTS OVER, ALONG, AND ACROSS THE SERVICENT TENEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1. TOWN OF LOS ALTOS, A MAP OF WHICH WAS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF LOT 6 OF SAID BLOCK 9 FOR A DISTANCE OF 4.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 32° 02' 25" WEST 100.00 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE ALONG THE SOUTHEASTERLY LINE SOUTH 57° 58' 05" WEST 12.00 FEET; THENCE ALONG THE NORTHEASTERLY LINES OF LOTS 1, 3, 5, 7, 9 AND 11 OF SAID BLOCK 9, SOUTH 32° 02' 25" EAST 297.22 FEET; THENCE NORTH 57° 57' 35" EAST 8.00 FEET TO THE CENTER OF AN ALLEY (NOW ABANDONED), AS SAID ALLEY

IS SHOWN UPON THE MAP ABOVE REFERRED TO; THENCE NORTH 32° 02' 25" WEST ALONG SAID CENTER LINE 197.22 FEET TO AN EXTENSION SOUTHWESTERLY OF THE NORTHWESTERLY LINE OF LOT 6 OF SAID BLOCK 9; THENCE NORTH 57° 58' 05" EAST ALONG SAID EXTENSION 4.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 167-40-067

This document is recorded for the benefit of the City of Los Altos, and is entitled to be recorded free of charge in accordance with Section 6103 of the California Government Code. WHEN RECORDED MAIL TO:

OFFICE OF THE CITY CLERK

City of Los Altos
One North San Antonio Road
Los Altos, California, 94022

CONFORMED COPY: This document has not been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

Doc#: 20893609
9/29/2010 2:07 PM

(ABOVE SPACE FOR RECORDER'S USE)

DEED RESTRICTION AND AGREEMENT

THIS DEED RESTRICTION AND AGREEMENT ("**Deed Restriction**") is made as of September 14, 2010, by **The David and Lucile Packard Foundation**, a California nonprofit public benefit corporation ("**Owner**") and the **City of Los Altos** ("**City**") with reference to the following facts and objectives:

RECITALS

WHEREAS, Owner is the record owner of fee simple title to that certain real property located in the City of Los Altos, County of Santa Clara, State of California, commonly known as 343 Second Street, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference ("**Office Building Property**");

WHEREAS, Owner is also the record owner of fee simple title to that certain real property located in the City of Los Altos, County of Santa Clara, State of California, which is used to provide 67 surface automobile parking spaces for the use and benefit of the Office Building Property, is referred to as Assessor's Parcel Numbers 167-41-034, 167-41-036, 167-41-037, 167-40-033, and is more particularly described on Exhibit B attached hereto and incorporated herein by this reference ("**Dedicated Parking Property**")

WHEREAS, Owner is also the record owner of fee simple title to that certain real property located in the City of Los Altos, County of Santa Clara, State of California, located at and commonly known as 350 South San Antonio Road, Los Altos, California, and as more particularly described on Exhibit C attached hereto and incorporated herein by this reference ("**Parking Reservation Property**");

WHEREAS, for convenience, the Office Building Property, the Dedicated Parking Property, and the Parking Reservation Property are sometimes collectively referred to herein as the “**Owner’s Property**”;

WHEREAS, Owner has agreed with the City of Los Altos, a California municipal corporation (“**City**”), by means of a statutory development agreement, dated as of September 14, 2010 (“**Development Agreement**”), enacted, executed by the parties and recorded upon the title to Owner’s Property pursuant to Government Code Sections 65864, et seq., to implement parking mitigation measures associated with a new building on the property by agreeing to at all times (continue to) comply with a previously adopted Alternative Transportation Management Plan (“**ATMP**”) that is referenced in the Development Agreement and is described below. Pursuant to the Development Agreement, the Owner contemplates constructing and occupying a new headquarters office facility (“**Building**”) on the Office Building Property;

WHEREAS, Owner and City have agreed that the terms of the ATMP and the associated Monitoring Program shall bind owner and all successor owners and occupants of Owner’s Property.

WHEREAS, Owner proposes to record this Deed Restriction against the Owner’s Property in furtherance of and in accordance with the requirements and purposes of the Development Agreement.

NOW, THEREFORE, Owner hereby declares and City and Owner agree as follows:

1. Deed Restriction; Compliance with ATMP; Supplemental Parking Requirement. The David and Lucile Packard Foundation Alternative Transportation Management Plan (“**ATMP Program**”) shall (notwithstanding that the term of the Development Agreement may have expired) continue to be operated in perpetuity (and in a manner providing adequate mitigation of potential offsite parking impacts) unless and until (i) the Owner provides up to 85 actual additional parking spaces for the exclusive use of the Building on the Office Building Property (for a total of 152 in conjunction with the existing parking located at the Dedicated Parking Property), in a manner that is approved by the City in the City’s sole good faith judgment, or (ii) until the Building itself is demolished in its entirety. The use and occupancy of the Owner’s Property shall at all times be subject to and in compliance with the terms and obligations of the ATMP, as memorialized in the attached Exhibit D below. Full compliance with the ATMP (and the successful mitigation of the offsite parking impacts contemplated therein) constitutes a condition subsequent to the modification of the City’s otherwise generally applicable parking requirements. For that reason, failure to comply with the ATMP shall require the Owner (and the Office Building Property) to comply in all respects with the City’s generally applicable parking requirements applicable to the Building and the Office Building Property. If the City determines that the ATMP is not successful in the City’s good faith judgment, with reference to the requirements and intent of the ATMP, City

may require Owner to provide up to 85 supplemental parking spaces to service the Office Building Property. The date of issuance of occupancy approvals by the City for the occupancy of the Building is referred to herein as the “**Occupancy Date**”. During the first five (5) years after the Occupancy Date, City may require that such supplemental parking spaces be located upon the Parking Reservation Property, or such other suitable property utilizable for such purposes pursuant to Exhibit D and Exhibit E attached hereto, and the City’s applicable codes and regulations, in which event, Owner shall promptly design and construct such facilities with all due diligence (not to require the payment of overtime or similar extraordinary expenses). If Owner continues to fail to comply with the requirement to provide such supplemental parking, City may take enforcement action consistent with the City Municipal Code and applicable ordinances. At the expiration of the five (5) year period following the Occupancy Date, if the City has determined that the ATMP is satisfactorily accomplishing the goals established herein, a recordable certificate evidencing termination of the Deed Restriction shall be recorded by the City serving so as to release the Parking Reservation Property from the restrictions of this Deed Restriction. The release of the Parking Reservation Property from the affect of these recorded restrictions shall not, however, limit, reduce, modify or excuse the performance of Owner under this Agreement in any way.

2. Modification; Termination. This Deed Restriction may not be modified or terminated without City’s prior written consent. Any instrument purporting to modify or terminate this Deed Restriction shall be recorded in the Official Records of Santa Clara County, California.
3. Monitoring. Owner’s compliance with the ATMP Program (and as a consequence its success in mitigating adverse offsite parking impacts) shall be independently monitored throughout each year in accordance with the monitoring plan attached hereto as Exhibit E and incorporated by this reference (“**Monitoring Program**”). The City’s sole interest in the ATMP Program is that the owners’ and tenant’s employees and visitors do not park in the surrounding community’s streets, neighborhoods, and other nearby parking facilities (“**Neighboring Areas**”). The express intent of the Parking Plan and this Deed Restriction is to prevent the development of the Building and the use of the Office Building Property from causing an impact upon such Neighboring Areas. City shall use its sole good faith judgment in assessing the success of the ATMP Program in meeting these goals.
4. Application to Parking Reservation Property. Owner shall make no use of the Parking Reservation Property that is inconsistent with its use for supplemental parking for a minimum of five (5) years beyond date of occupancy of Owner’s Building on the Office Building Property. The five (5) year period is intended to ensure that this property is available for provision of additional parking should the City determine during that period of time, based upon the monitoring program, and in the City’s sole good faith judgment, that employees and visitors to the Office Building Property are parking in the surrounding public parking facilities, in which event the City may require the provision of additional parking spaces (up to a total of 85 additional spaces for a total of up to 152 spaces in conjunction with the existing 67 spaces currently provided by the Dedicated Parking Property). The ATMP Program shall be monitored for a period of at least five (5)

years. If the ATMP Program has proven to be successful in City's judgment, this reserve-site parking garage requirement would expire (although the requirement to comply with the ATMP and its goals shall continue unabated). The Parking Reservation Property shall be landscaped for the five-year restriction period in a manner approved by the City.

5. California Law. This Deed Restriction shall be construed in accordance with the laws of the state of California.
6. Captions. The captions and headings used in this Deed Restriction are for convenience only and therefore do not constitute a part of this Deed Restriction and do not amplify or limit the meaning of the provisions of this Deed Restriction.
7. Severability. Any provision of this Deed Restriction adjudicated by a court of competent jurisdiction to be invalid or unenforceable for any reason shall be ineffective to the extent that such prohibition or invalidity shall not invalidate or otherwise render invalid or unenforceable any remaining provisions of this Deed Restriction.
8. City's Rights; Attorneys Fees. City shall have the right, but not the obligation, to enforce the provisions described herein. If City or Owner initiates any action at law or in equity to enforce or interpret the terms and conditions of this Deed Restriction and Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs in addition to any other relief to which it may otherwise be entitled. In addition to the foregoing award of attorneys' fees to the prevailing party, the prevailing party in any lawsuit shall be entitled to its attorneys' fees incurred in any post judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement.
9. Runs with the Land; Successors and Assigns. The terms and conditions of this Deed Restriction shall run with and bind the Owner's Property and shall inure to the benefit of and shall be binding upon Owner and Owner's successors and assigns, and all subsequent owners of all or any portion of the Owner's Property, together with their grantees, successors, heirs, executors, administrators, designees and assigns, until such time as the Building may be demolished in its entirety. This Deed Restriction shall be recorded in the Official Records of Santa Clara County, California.

IN WITNESS WHEREOF, this Deed Restriction and Agreement has been executed by Owner and City as of the day and year first above written.

"CITY"

THE CITY OF LOS ALTOS,
a California municipal corporation

By: 

Mayor

"OWNER"

THE DAVID AND LUCILE PACKARD
FOUNDATION,

a California nonprofit public benefit corporation

By: Carol S. Larson

Name: Carol S. Larson

Title: President and CEO

ATTEST:

Susan Kitchers

City Clerk

APPROVED AS TO FORM:

Joseph Morell
City Attorney
Notary Public - Calif
Santa Clara County
My Comm Expires Jul 20, 2013

Michael Blane
Signature

Commission No. 1828281
My Commission Expires Jul 20, 2013

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA }

ss.

On SEPT. 23, 2016, before me, MILLIE BLAKE, Notary Public, personally appeared CAROL S. LARSON who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in ~~his~~/~~her~~/~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~/~~her~~/~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature Millie Blake

My commission expires JULY 20, 2013

Commission No. 1858568



Exhibit A

[Attach Legal Description of Office Building Property]

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF LOTS 1, 3 AND 5, BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

PARCEL TWO:

ALL OF LOTS 7, 9 AND 11, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

PARCEL THREE:

PORTION OF LOTS 2 AND 4, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50.00 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2, IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET, A DISTANCE OF 142.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING THE MOST WESTERLY CORNER OF SAID LOT 2; THENCE SOUTH 32° 03' EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 2 AND 4 A DISTANCE OF 100.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 4; THENCE NORTH 57° 57' EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 FOR A DISTANCE OF 18.74 FEET; THENCE NORTH 32° 03' WEST ALONG A LINE PARALLEL WITH SAID SOUTHWESTERLY LINE OF LOTS 2 AND 4 A DISTANCE OF 100.00 FEET TO THE POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE SOUTH 57° 57' WEST ALONG SAID SOUTHEASTERLY LINE OF WHITNEY STREET A DISTANCE OF 18.74 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL FOUR:

PORTION OF LOTS 2 AND 4, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2 IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET, A DISTANCE OF 150 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF AN ALLEY 16 FEET

IN WIDTH, AS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID ALLEY AND PARALLEL WITH THE SOUTHWESTERLY LINE OF LOTS 2 AND 4 IN SAID BLOCK 9, 100 FEET TO A POINT IN THE SOUTHWESTERLY PROLONGATION ON THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE NORTHEASTERLY ALONG SAID PROLONGED LINE 8 FEET TO THE MOST WESTERLY CORNER OF LOT 6; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF LOTS 2 AND 4 OF BLOCK 9, 100 FEET TO THE SOUTHEAST LINE OF WHITNEY STREET AND THENCE SOUTHWESTERLY ALONG SAID SOUTHEAST LINE OF WHITNEY STREET TO THE POINT OF BEGINNING.

PARCEL FIVE:

PORTION OF LOTS 1, 3, 5, 7, 9 AND 11, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS RECORDED OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99, SANTA CLARA COUNTY RECORDS, WHICH PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF WHITNEY STREET 50 FEET IN WIDTH, SAID POINT BEING THE MOST NORTHERLY CORNER OF LOT 2 IN BLOCK 9, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTH 57° 57' WEST ALONG THE SOUTHEASTERLY LINE OF WHITNEY STREET A DISTANCE OF 150 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF AN ALLEY 16 FEET IN WIDTH (NOW ABANDONED) AS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID ALLEY AND PARALLEL WITH THE NORTHEASTERLY LINE OF LOTS 1, 3, 5, 7, 9 AND 11 IN BLOCK 9, 300 FEET, MORE OR LESS TO A POINT IN THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 11; THENCE SOUTHWESTERLY ALONG SAID PROLONGED LINE 8 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF LOTS 1, 3, 5, 7, 9 AND 11 IN SAID BLOCK 9, 300 FEET MORE OR LESS, TO THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF WHITNEY STREET 8 FEET TO THE TRUE POINT OF BEGINNING, BEING A PORTION OF THE 16 FOOT WIDE ALLEY (NOW ABANDONED) THROUGH BLOCK 9 AS SHOWN UPON THE MAP ABOVE REFERRED TO.

PARCEL SIX:

PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR THE USE OF GRANTOR, GRANTEE AND THEIR RESPECTIVE EMPLOYEES, AGENTS, TENANTS AND SUCTOBMER FOR PEDESTRIAN AND VEHICULAR PASSAGE TO PROVIDE EGRESS TO WHITNEY STREET AND INGRESS AND EGRESS TO AND FROM SAN ANTONIO ROAD AND THE ALTOS CENTER SHOPPING COMPLEX OWNED BY GRANTOR, AND TO AND FROM SAN ANTONIO ROAD AND THE PROPERTY CONVEYED TO GRANTEE, PARCEL ONE, ABOVE DESCRIBED, AND TO PROVIDE EGRESS TO WHITNEY STREET FROM SAID PROPERTY OF GRANTEE, AND TO MAINTAIN, REPAIR, MOVE, RELOCATE AND TO ESTABLISH CONNECTIONS AND TAKE-OFF LINES AND COUPLINGS WITH ALL EXISTING SEWER LINES, WATER LINES, GAS MAINS, TELEPHONE WIRES, CONDUITS AND EQUIPMENT AND EXISTING UNDERGROUND POWER LINES LYING IN OR UNDER THE WESTERLY FOUR FEET OF PARCEL ONE, AND ANY ADDITIONAL UNDERGROUND MAINS, WIRES, SEWERS, PIPES, AND CONDUITS FOR PUBLIC UTILITY SERVICES WHICH MAY BE INSTALL PURSUANT TO EXISTING EASEMENT RIGHTS, OVER AND ACROSS THE PARCEL OF REAL PROPERTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH 57°58'05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY

LINE OF SAID LOT 6 A DISTANCE OF 4.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 57° 58' 05" WEST ALONG SAID LINE 4.00 FEET TO THE CENTERLINE OF AN ALLEY (NOW ABANDONED) AS SAID ALLEY IS SHOWN ON THE MAP ABOVE REFERRED TO; THENCE SOUTH 32° 02' 25" EAST ALONG SAID CENTER LINE 197.22 FEET; THENCE NORTH 57° 57' 35" EAST 20.17 FEET TO A POINT IN THE WESTERLY LINE OF SAN ANTONIO ROAD; THENCE ALONG SAID WESTERLY LINE NORTHERLY ON A CURVE TO THE LEFT, HAVING A TANGENT AT SAID POINT WHICH BEARS NORTH 4° 39' 47" EAST AND HAVING A RADIUS OF 853.56 FEET, THROUGH A CENTRAL ANGLE OF 1° 59' 03" FOR AN ARC LENGTH OF 29.56 FEET; THENCE SOUTH 57° 57' 35" WEST 13.43 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° FOR AN ARC LENGTH OF 31.42 FEET TO A LINE PARALLEL WITH AND 4.00 FEET DISTANT SOUTHWESTERLY AS MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF LOTS 10, 8 AND 6 OF SAID BLOCK 9; THENCE NORTH 32° 02' 25" WEST 153.22 FEET TO THE TRUE POINT OF BEGINNING, AS RESERVED IN DEED FROM ALTOS CENTER INCORPORATED, A CORPORATION, TO SAN FRANCISCO FEDERAL SAVINGS AND LOAN ASSOCIATION, RECORDED MARCH 5, 1971 IN BOOK 9244, PAGE 437, SERIES NO. 3964805, OFFICIAL RECORDS.

PARCEL SEVEN:

PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF GRANTOR AND ITS TENANTS AND CUSTOMERS AND THE CUSTOMERS OF GRANTOR'S TENANTS IN THE ALTOS CENTER SHOPPING COMPLEX DURING THE DAY TIME AND EVENING HOURS THAT TENANTS IN THE ALTOS CENTER SHOPPING COMPLEX ARE OPEN FOR BUSINESS PURPOSE OF PARKING PRIVATE PASSENGER AUTOMOBILES OVER AND UPON THE PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 A DISTANCE OF 4.00 FEET; THENCE SOUTH 32° 02' 25" EAST 2.22 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 32° 02' 25" EAST 66.00 FEET; THENCE NORTH 57° 58' 05" EAST 31.00 FEET; THENCE NORTH 32° 02' 25" WEST 66.00 FEET; THENCE SOUTH 57° 58' 05" WEST 31.00 FEET TO THE TRUE POINT OF BEGINNING, AS RESERVED IN DEED FROM ALTOS CENTER INCORPORATED, A CORPORATION, TO SAN FRANCISCO FEDERAL SAVINGS AND LOAN ASSOCIATION, RECORDED MARCH 5, 1971 IN BOOK 9244 OF OFFICIAL RECORDS, PAGE 437.

PARCEL EIGHT:

AN EASEMENT FOR THE BENEFIT OF GRANTEE, TO MAINTAIN, REPAIR AND PAINT THE EXISTING ALTOS CENTER SIGN, UPON THE PARCEL OF REAL PROPERTY NEXT HEREINAFTER DESCRIBED, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EASEMENT SITE FOR THE PURPOSES HEREINBEFORE SPECIFIED UPON THAT CERTAIN PARCEL OF REAL PROPERTY IN THE CITY OF LOS ALTOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND TWO (2.00) FEET IN WIDTH, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1, TOWN OF LOS ALTOS, A MAP OF WHICH IS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS; THENCE SOUTH SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 A DISTANCE OF 8.00 FEET TO THE CENTER LINE OF AN ALLEY (NOW ABANDONED), AS SAID ALLEY IS SHOWN ON THE MAP ABOVE REFERRED TO;

THENCE SOUTH 32° 02' 25" EAST ALONG SAID CENTER LINE 197.53 FEET; THENCE SOUTH 82° 18' 30" EAST 3.50 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTER LINE DESCRIPTION; THENCE SOUTH 82° 18' 30" EAST TO A POINT IN THE WEST LINE OF SAN ANTONIO ROAD AND THE TERMINUS OF SAID CENTER LINE DESCRIPTION, AS GRANTED IN INSTRUMENT EXECUTED BY SAN FRANCISCO SAVINGS AND LOAN ASSOCIATION, A FEDERAL SAVINGS AND LOAN ASSOCIATION, GRANTOR, TO ALTOS CENTER, INCORPORATED, A CORPORATION, GRANTEE, RECORDED JUNE 18, 1971 IN BOOK 9380, PAGE 542. SERIES NO. 4030639, OFFICIAL RECORDS, AND RE-RECORDED JULY 13, 1971 IN BOOK 9415, PAGE 405, SERIES NO. 4047512, OFFICIAL RECORDS.

APN: 167-40-074

LEGAL DESCRIPTION

Real property in the Town of Los Altos, County of Santa Clara, State of California,
described as follows:

ALL OF LOT 12, IN BLOCK 9, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWESTERLY 8 FEET OF THE ALLEY WHICH WAS ABANDONED BY RESOLUTION NO. 68-65 OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AND RECORDED AUGUST 20, 1968 IN BOOK 8235, PAGE 282, OFFICIAL RECORDS, AND LYING SOUTHEASTERLY OF THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF LOT 12, AS SHOWN ON THE MAP ENTITLED, "MAP NO. 1 OF THE TOWN OF LOS ALTOS," FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE CITY OF LOS ALTOS BY GRANT DEED RECORDED AUGUST 11, 1981, BOOK G267, PAGE 387, INSTRUMENT NO. 7135348, OFFICIAL RECORDS.

APN: 167-40-070

Exhibit B

[Attach Legal Description of Dedicated Parking Property]

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

LOT 10, BLOCK 11, AS SHOWN ON MAP NO. 1 OF THE TOWN OF LOS ALTOS, FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

APN: 167-41-034

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

ALL OF LOT 14, IN BLOCK 11, AS SHOWN ON THAT CERTAIN MAP ENTITLED, " MAP NO. 1 OF THE TOWN OF LOS ALTOS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON OCTOBER 25, 1907, IN BOOK L OF MAPS PAGE(S) 99.

APN: 167-41-036

LEGAL DESCRIPTION

Real property in the City of Los Altos, County of Santa Clara, State of California, described as follows:

LOT 16, BLOCK 11, AS SHOWN ON MAP NO. 1 OF THE TOWN OF LOS ALTOS, FILED OCTOBER 25, 1907 IN BOOK L OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS.

APN: 167-41-037

LEGAL DESCRIPTION

REAL PROPERTY in the City of Los Altos, County of Santa Clara, State of California, described as follows:

Lot 29 in Block 8, so designated and delineated on the Map No. 1 of the Town of Los Altos recorded October 25, 1907 in Book "L" of Maps, page 99, Santa Clara County Records.

APN: 167-40-033

ARB: 167-40-33

Exhibit C

[Attach Legal Description of Parking Reservation Property]

LEGAL DESCRIPTION

Real property in the Town of Los Altos, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF LOTS 6 AND 8, AND A PORTION OF LOT 10, IN BLOCK 9, AND A PORTION OF AN ALLEY (NOW ABANDONED) IN SAID BLOCK 9, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP NO. 1 OF THE TOWN OF LOS ALTOS", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON OCTOBER 25, 1907 IN BOOK L OF MAPS, AT PAGE 99, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 6 OF SAID BLOCK 9; THENCE TRUE SOUTH ALONG THE EASTERLY LINE OF LOTS 6, 8 AND 10 OF SAID BLOCK 9, A DISTANCE OF 165.01 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED IN THE DEED TO THE CITY OF LOS ALTOS, A MUNICIPAL CORPORATION, RECORDED FEBRUARY 26, 1968 IN BOOK 8035 OF OFFICIAL RECORDS, PAGE 128, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, BEING ON A TANGENT CURVE TO THE RIGHT, WITH A RADIUS OF 853.56 FEET, THROUGH A CENTRAL ANGLE OF 6° 52' 20", FOR AN ARC LENGTH OF 102.38 FEET TO THE CENTER LINE OF AN ALLEY (NOW ABANDONED) IN SAID BLOCK 9 ABOVE REFERRED TO; THENCE NORTH 32° 02' 25" WEST ALONG SAID CENTER LINE 223.22 FEET TO A POINT IN THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 6 IN BLOCK 9; THENCE NORTH 57° 58' 05" EAST ALONG SAID SOUTHWESTERLY EXTENSION AND ALONG THE NORTHWESTERLY LINE OF SAID LOT 6 IN BLOCK 9 A DISTANCE OF 146.92 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND THAT WOULD PASS BY OPERATION OF LAW BY THE CONVEYANCE TO THE CITY OF LOS ALTOS, RECORDED FEBRUARY 26, 1968 IN BOOK 8035 OF OFFICIAL RECORDS, PAGE 128.

PARCEL TWO:

A PERMANENT NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR PEDESTRIAN AND VEHICULAR PASSAGE AND FOR INGRESS AND EGRESS, AND TO MAINTAIN, REPAIR, MOVE, RELOCATE, AND TO ESTABLISH CONNECTIONS AND TAKE-OFF LINES AND COUPLINGS WITH ALL EXISTING SEWER LINES, WATER LINES, GAS MAINS, TELEPHONE WIRES, CONDUITS, AND EQUIPMENT AND EXISTING UNDERGROUND POWER LINES NOW LYING IN OR UNDER THE REAL PROPERTY HEREINAFTER DESCRIBED AND ANY ADDITIONAL UNDERGROUND MAINS, WIRES, SEWERS, PIPES AND CONDUITS FOR PUBLIC UTILITY SERVICES WHICH MAY BE INSTALLED PURSUANT TO EXISTING EASEMENT RIGHTS OVER, ALONG, AND ACROSS THE SERVIENT TENEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 6, BLOCK 9, MAP NO. 1. TOWN OF LOS ALTOS, A MAP OF WHICH WAS FILED IN BOOK "L" OF MAPS, PAGE 99, SANTA CLARA COUNTY RECORDS SOUTH 57° 58' 05" WEST ALONG AN EXTENSION OF THE NORTHWESTERLY LINE OF LOT 6 OF SAID BLOCK 9 FOR A DISTANCE OF 4.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 32° 02' 25" WEST 100.00 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF WHITNEY STREET; THENCE ALONG THE SOUTHEASTERLY LINE SOUTH 57° 58' 05" WEST 12.00 FEET; THENCE ALONG THE NORTHEASTERLY LINES OF LOTS 1, 3, 5, 7, 9 AND 11 OF SAID BLOCK 9, SOUTH 32° 02' 25" EAST 297.22 FEET; THENCE NORTH 57° 57' 35" EAST 8.00 FEET TO THE CENTER OF AN ALLEY (NOW ABANDONED), AS SAID ALLEY

IS SHOWN UPON THE MAP ABOVE REFERRED TO; THENCE NORTH 32° 02' 25" WEST ALONG SAID CENTER LINE 197.22 FEET TO AN EXTENSION SOUTHWESTERLY OF THE NORTHWESTERLY LINE OF LOT 6 OF SAID BLOCK 9; THENCE NORTH 57° 58' 05" EAST ALONG SAID EXTENSION 4.00 FEET TO THE TRUE POINT OF BEGINNING.

APN: 167-40-067

Exhibit D

ALTERNATIVE TRANSPORTATION MANAGEMENT PLAN

The David and Lucile Packard Foundation (“**Owner**”) is committed to providing alternatives to commuting to work in single occupancy vehicles (“**SOV**”). In 2007, the Owner developed an Alternative Transportation Demand Management Plan (“**ATMP**”) with the express goal of reducing single car commuting, thereby reducing carbon output. The Owner successfully implemented a number of measures between 2007 and 2010 to facilitate this change in transportation choices and, as a result, Owner staff’s SOV commuting has decreased significantly. By January 2010, 21% of all staff onsite at peak hours had arrived by alternative means.

Strategies employed to encourage alternates to SOV commuting include providing shuttling from Cal Train and VTA stations, providing Cal Train and VTA passes, Eco and Go passes, car pooling, emergency ride home guarantees, telecommuting, biking, walking, providing ride-share sites and an onsite car-share program. Potential future strategies may, as necessary, include intensive communications campaigns, provision of remote lots and shuttling, provision of added parking spaces, rewards for not driving alone, and charging for parking. Other strategies may be developed over time as ATMP’s around the region and the country become more sophisticated and are adopted into the Owner’s ATMP.

The Owner’s ATMP shall be deployed to ensure that no employee of the Owner arrives at the Office Building Property site and cannot find a parking space in a Owner-provided parking facility. The primary goal of the ATMP is to reduce the Owner’s carbon footprint without impacting available public parking in the surrounding neighborhoods. Therefore the ATMP shall always be managed so as to balance parking demand with Owner-provided parking supply. The Dedicated Parking Property already supplies 67 parking spaces.

This ATMP requires that any employee parking demand beyond the 67-provided spaces shall be reduced to no more than 67 through deployment of the ATMP. The Owner shall be solely responsible for managing their ATMP to accomplish the goals and outcomes agreed upon in the Development Agreement.

A monitoring program shall be implemented by the City to ensure that the City and the Owner have timely information on whether the Owner is in compliance. The measure of compliance is that employees are not parking in public spaces in the surrounding neighborhoods. Failure to balance parking demand with parking supply shall then result in the Owner having to provide added parking spaces. See attached Exhibit E.

Visitor and guest parking shall be managed by the Owner according to the same goals as for employees. Visitors and guests, almost all of whose visits are prearranged, will be directed to park in a Owner provided parking facility, or directed to a satellite parking lot and shuttled, if

necessary, to the Office Building Property site. This is consistent with the current Owner operational plan for managing visitors and guests at its "Taaffe House" convening center in Los Altos Hills. Monitoring of guest and visitor parking shall be provided per the City's Monitoring Program. See attached Exhibit E.

The Owner shall continue its ATMP in perpetuity or until the building itself is demolished in its entirety.

The ATMP is a requirement of the Development Agreement between the City of Los Altos and The David and Lucile Packard Foundation and shall be binding up all successor owners, tenants, or other occupants of the Office Building Property.

Exhibit E

ATMP MONITORING PROGRAM

The David and Lucile Packard Foundation (“**Owner**”) is committed to encouraging its employees to utilize alternatives to commuting in single occupancy vehicles. The current ATMP has successfully implemented a number of measures to facilitate a change in transportation choices. [See Exhibit D above for more details concerning The David and Lucile Packard Foundation ATMP.]

The primary goal of the ATMP is to reduce the Owner’s carbon footprint without impacting available public parking in the surrounding neighborhoods. In order to ensure that employees are not parking outside of Owner-provided parking areas, a rigorous monitoring and reporting system, summarized herein, will be implemented.

All employees at the 343 Second Street facility (e.g. the “**Office Building Property**”) will be required to provide the license plate numbers for the vehicles they may drive to work. They will be informed as to where they should park and where they should not. The only acceptable parking for employees shall be Owner-provided parking areas. An independent third party will be retained, at the Owner’s expense, to survey public parking areas located within 500 feet of the 343 Second Street building during normal business hours. If a Owner employee vehicle is identified in any of these areas, and assuming that the employee is not engaged in doing business with a merchant or service provider, the employee will be notified and required to immediately move his/her vehicle to an Owner-provided parking area. In addition, the Owner shall take appropriate actions, as necessary, to ensure compliance with its ATMP by all employees.

The Owner and the City shall collaborate in identifying and selecting an independent third party monitoring entity. That entity shall work with the City and the Owner to propose the most up-to-date methodology to attain the ATMP’s goal of preventing impacts upon parking areas within 500 feet of the 343 Second Street building during normal business hours through monitoring and reporting. The City shall have final approval of the methodology of the Monitoring Program. The Owner shall reimburse the City for reasonable costs of the Monitoring Program in a manner acceptable to the City.

Monitoring shall be conducted quarterly without prior notice to the Owner. Results will be reported to the City and the Owner. The City, at its discretion, may choose to reduce the frequency of monitoring after such time as the ATMP has been shown to consistently meet the goals and objectives of the ATMP.

After the first year, or earlier if warranted, and each year thereafter, the Owner shall meet with the City Manager to review the effectiveness of the ATMP and its effect on public parking within the 500 foot target radius of the Office Building Property. Modifications may be made by the City or the Owner as approved by the City, if warranted, to improve the efficacy of the ATMP. If the City determines, in the exercise of its good faith judgment that the ATMP has

failed to eliminate the adverse parking impacts, the Office Building Property and all of its improvements shall be subject to the City's generally applicable parking requirements.

After five years of monitoring, the City and the Owner shall review the overall effectiveness of the ATMP. If Owner employees have been consistently parking only in Owner-provided parking areas, and they are not negatively affecting the surrounding public parking supply, the City may, in its good faith judgment, eliminate the requirement for monitoring in further years.

The 350 South San Antonio property set aside shall extinguish after five years, provided that ATMP is found to be successful as of that time.

If, after monitoring for one year, the City determines that the overall effectiveness of the ATMP is not meeting its goals, the City shall inform the Owner of such noncompliance, including the number of parking spaces needed in order to become compliant, and direct the Owner to cure its noncompliance within six months through more effective deployment of its ATMP. If, after the six month grace period, the Owner is still found to be noncompliant, the City shall require the Owner to immediately move to provide additional parking spaces within a 500 foot radius sufficient to become compliant, up to a maximum of 85 spaces. Additional parking spaces may be provided at the 350 South San Antonio property (e.g. the "**Parking Reservation Property**") which has been set aside for this purpose or at other sites as the Owner may legally provide for such purpose and which are acceptable to the City. Added parking spaces shall be provided in as timely a manner as possible.

A determination of noncompliance shall include provisions for reasonable occasional situations such as employees on personal or Owner business needing to access a local business within the 500 foot target area for a limited period of time to drop off or pick up items and other similar situations unrelated to the direct use of the Owner's Property itself.

Guests and visitors to the Owner will be encouraged to use alternative transportation means to access the Office Building Property. Should they choose to drive to the site, they shall be required to park in Owner-provided parking areas and avoid using public parking spaces within a 500 foot radius. Since almost all visitors and guests have prearranged their visit to the site, they will be provided with a Owner-provided parking space to use. If sufficient spaces are not, or will not be, available, the Owner will arrange for remote parking and shuttling, as it does currently with visitors and guests to its "Taaffe House" convening center in Los Altos Hills. The Monitoring Program shall include methodologies for monitoring guests and visitors similar to the employee monitoring plan, using license plates or equally effective methods acceptable to the City. The Owner shall cooperate with the City in obtaining information required to ensure effective monitoring results.



Community Development Department

One North San Antonio Road
Los Altos, California 94022-3087

June 28, 2010

Linda Rhodes
RhodesDahl
9 Cordes Street
Charleston, SC 29401

SECTION I

At its May 11, 2010 meeting the City Council approved Design Review and Development Agreement applications 08-D-06 and 10-DA-01 for an office building and off-site parking.

Project Address: 343 Second Street

SECTION II

The applications were:

- Approved.** Prior to submittal for Building permits, applicant shall submit to the Planning Division five (5) sets of complete construction plans incorporating these Conditions of Approval into the title page. Please call the project planner to make an appointment to review and approve the plans prior to submittal to the Building Department.
- Denied.**
- Continued to:**
- Conditions:** See Attachment
- Other agency comments:** Santa Clara County Fire Department
- Enclosures:** Commercial Submittal Requirements for a Building Permit, and Commercial Plan Check Application

Copies to:

Carol S. Larson, President and CEO
The David and Lucile Packard Foundation
300 Second Street
Los Altos, Ca 94022

City of Los Altos
Building Division
Engineering Division

David Kornfield, AICP
Planning Services Manager



CONDITIONS

08-D-06 & 10-DA-01—343 Second Street

GENERAL

1. The project approval is based on the plans received April 8, 2010 and as amended by these conditions.
2. The project shall comply with the Urban Runoff Pollution Prevention Program regulations in place at the time of construction. The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet as page 2 in all plan submittals.
3. The applicant shall resubmit the current Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer before July 1, 2010 to comply with new permit requirements.
4. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans.
5. Improvements shall comply with Americans with Disabilities Act (ADA) requirements.
6. The property owner shall maintain the Rain Garden Detention and Treatment Areas along Second Street including the plantings and the constructed elements as shown on the Grading and Drainage Plan (Page C3.0).
7. Any proposed sewer lateral connections shall be approved by the City Engineer.
8. The terms of the Development Agreement shall be negotiated between the applicant and the City Manager in a form approved by the City Attorney consistent with Resolution No. 2008-39 setting forth the fees and procedures for development agreements.
9. The applicant agrees to hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging the City's action with respect to the applicant's project.

PRIOR TO SUBMITTAL FOR A BUILDING PERMIT

10. The Development Agreement shall be reviewed and approved by the City Council at a public hearing in a form approved by the City Attorney.

11. The landscape plan shall be revised to include the property at 350 S. San Antonio Road as required by the Community Development Director. Such plan shall be compatible with the Streetscape Improvement Plan for San Antonio Road and shall provide for future parking on the site as required by the Community Development Director.

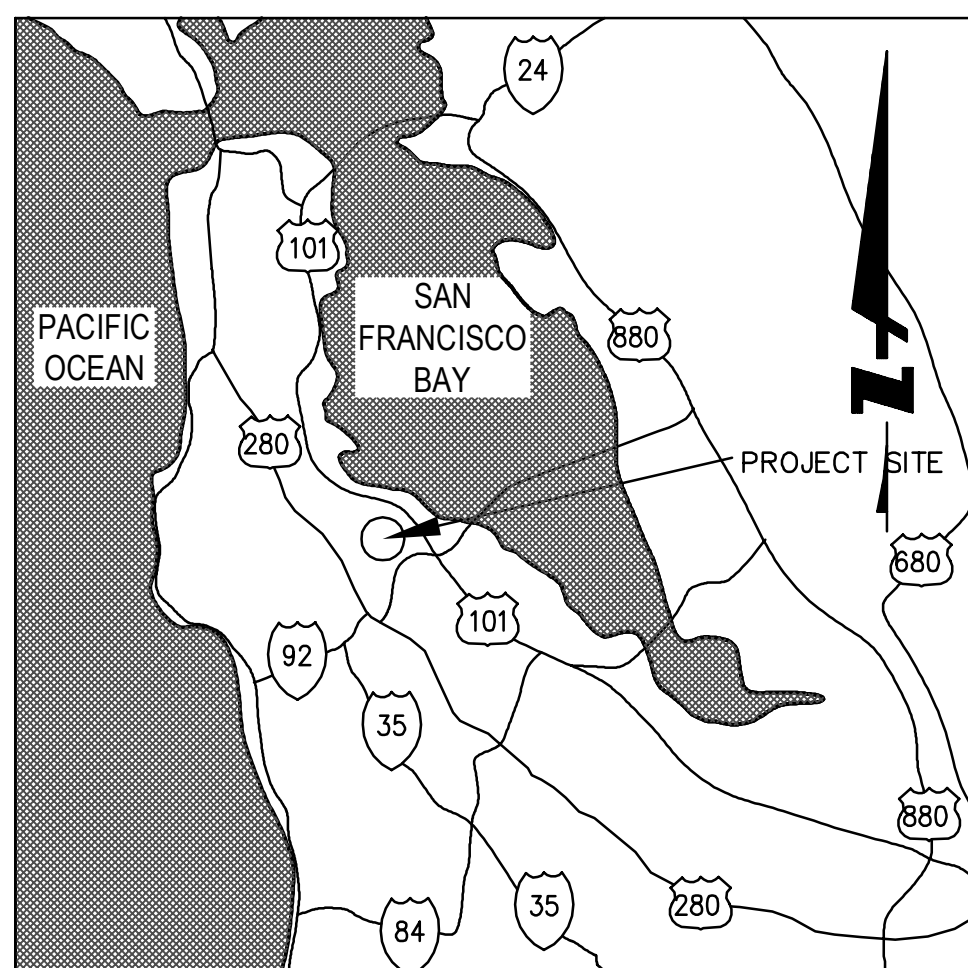
PRIOR TO ISSUANCE OF BUILDING PERMIT

12. The property owner shall record a Development Agreement as approved by the City Council and in a form approved by the City Attorney.
13. The off-site parking lots shall be maintained as required parking for the project unless otherwise approved by the City Council. Such properties shall have a deed restriction recorded in a form approved by the City Attorney.
14. The applicant shall record a lot merger or lot line adjustment to combine the lots where the new building will be located so the new building does not cross property lines. Plats and legal descriptions of the Lot Merger shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the Lot Merger application.
15. For the underground stormwater cisterns, the applicant shall obtain concurrence of the design from Santa Clara County Vector Control.
16. The applicant shall submit on-site grading and drainage plans that include (i.e. drain swales, drain inlets, rough pad elevations, building envelopes, drip line of major trees, elevations at property lines, all trees) for approval by City staff. 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. All newly constructed or remodeled loading docks shall be covered, protected from water run-on, and drain to the sanitary sewer through an approved fail-safe valve and approved treatment.
17. The applicant shall submit plan and profiles of the proposed utilities and existing utilities. The applicant shall verify that the City system is adequately sized to handle the proposed flow.
18. The recommendations from the Storm Water Management Plan (SWMP) shall be shown on the building plans. The SWMP must be reviewed and approved by a third party consultant at the applicant's expense prior to approval by the Engineering Division.
19. All work within the public right-of-way shall be done in accordance with plans to be approved by the City Engineer.
20. The applicant shall submit a cost estimate for review for work in the public right-of-way and shall submit a 100 percent cash deposit (to be held until acceptance of improvements) in an amount as approved by the City Engineer.
21. The applicant shall contact Mission Trail Waste Systems and submit a solid waste disposal plan indicating the type and size of containers proposed and the frequency of pick-up service subject to the approval of the Engineering Department. The applicant shall submit evidence that Mission Trail Waste System has reviewed and approved the size and location of the proposed enclosure for recyclables. The enclosure shall be roofed to prevent rainwater from mixing with the enclosure's contents and then draining out and into the storm drain or 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.

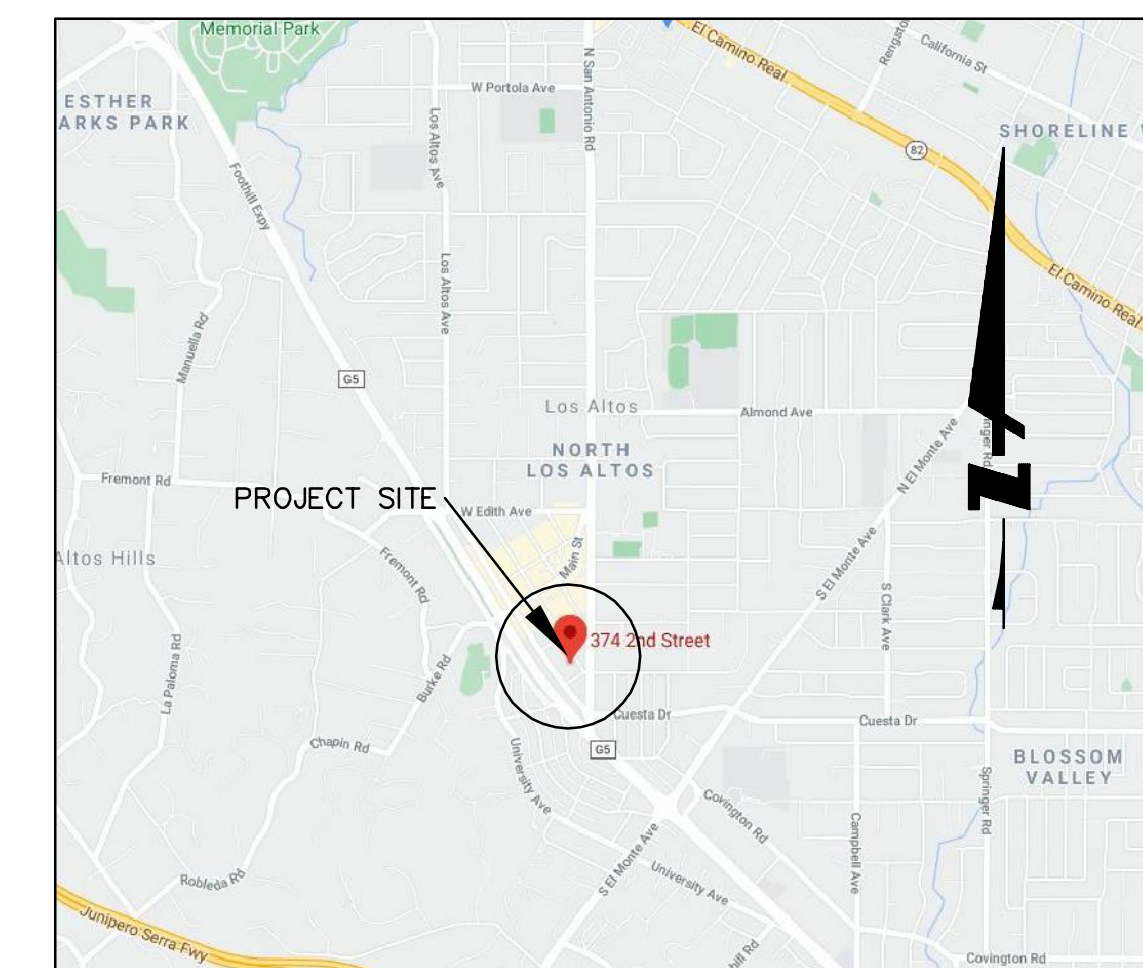
PRIOR TO OCCUPANCY

22. The applicant shall repair the Lyell Street/Whitney Street alleyway as directed by the City Engineer.
23. A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.
24. 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 BAY.”
25. The applicant shall construct an at-grade, mid-block crosswalk opposite the parking lots on Second Street. The mid-block crosswalk design shall use the special paving as shown in the Streetscape Improvement Plan for San Antonio Road and have appropriate sight-distance, markings and signage for pedestrian safety as required by the City Engineer.
26. The applicant shall remove and replace any broken, cracked, or damaged sidewalk (and/or curb and gutter) and remove any abandoned driveway approaches as directed by the City Engineer. The applicant shall also provide improvements (sidewalk, curb and gutter, landscaping, street) along the frontage of the property (on San Antonio Road, Second Street and Whitney Street). These improvements shall be in accordance to City standards and with the plans to be approved by the City Engineer.
27. Flashing yellow lights are desired at the San Antonio Road crosswalk at the intersection of San Antonio Road and Whitney Street/Lyell Street.
28. The applicant shall submit a recorded maintenance agreement for the storm water treatment methods including the rain garden system in accordance with the Storm Water Management Plan.
29. The applicant shall underground the overhead utilities along the northeast frontage of the project along the public and private alley as shown on the project’s Site Utility Plan (Page C4.0).
30. All on-site and off-site landscaping shall be implemented in accordance with the approved plans as required by the Community Development Department.

Date	Revisions	No.
08/23/2021	Scale AS SHOWN	
	Design DJP	
	Drawn DJP	
	Approved D.J.L.	
	Job No. 20191214-10	



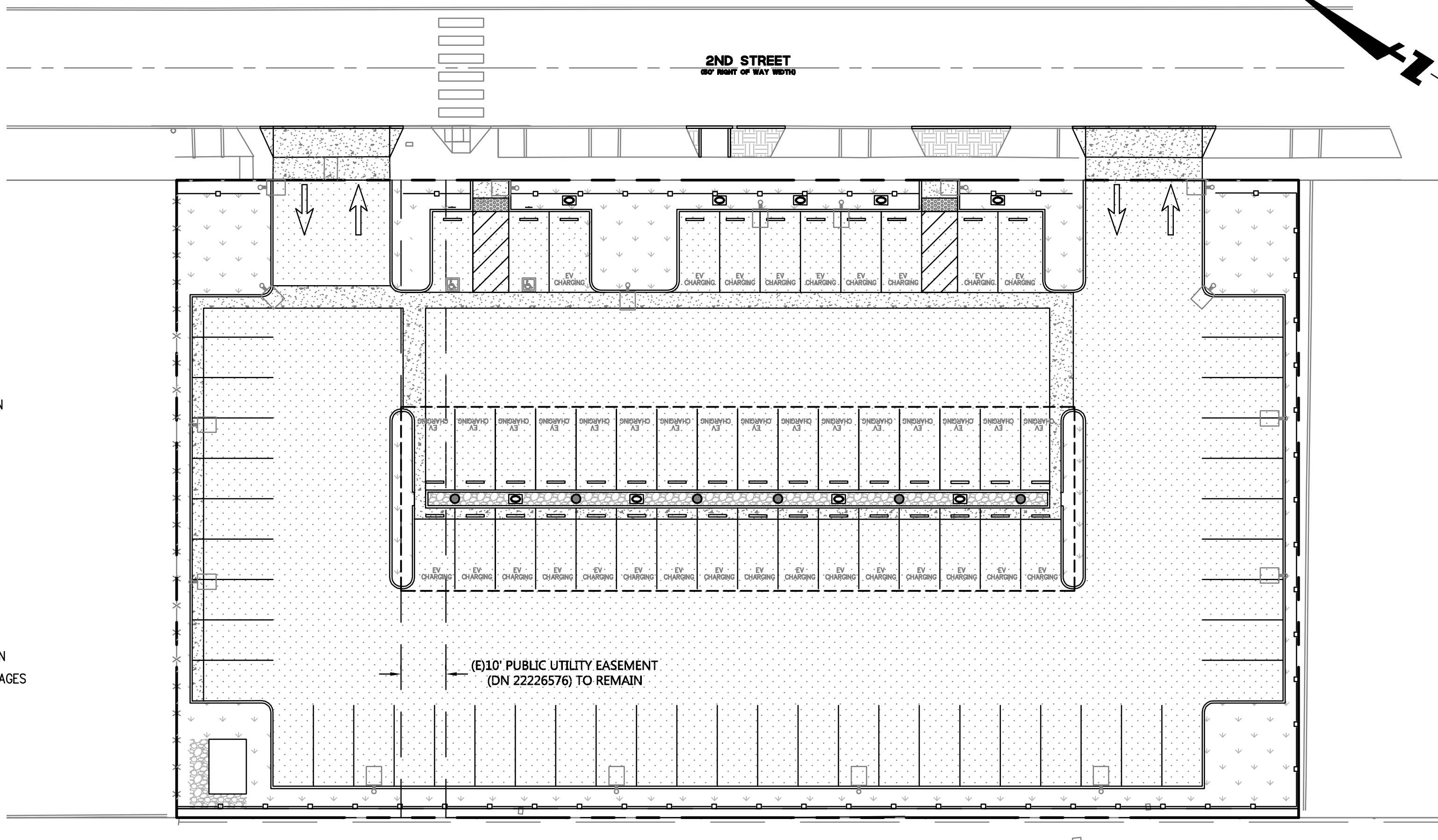
VICINITY MAP
N.T.S.



LOCATION MAP
N.T.S.

PACKARD FOUNDATION PARKING LOT 374 SECOND STREET LOS ALTOS, CA

APN: 167-41-034, -035, -036, -037, -038



ABBREVIATIONS:

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
AD	AREA DRAIN
ATD	ATRIUM DRAIN
BFPD	BACK FLOW PREVENTION DEVICE
BSTD	BRICKSLOT TRENCH DRAIN
BW	BOTTOM OF WALL ELEVATION
CB	CATCH BASIN
COA	CONDITIONS OF APPROVAL
CL	CENTER LINE
CS	CRAWL SPACE ELEVATION
CIP	CAST IRON PIPE
CONC	CONCRETE
DD	DECK DRAIN
DDCV	DOUBLE DETECTOR CHECK VALVE
DIP	DUCTILE IRON PIPE
DS	ROOF DOWN SPOUT
DW	DOMESTIC WATER LINE
DWL	DRYWELL CATCH BASIN
DWY	DRIVEWAY
(E)	EXISTING
EG	EXISTING GRADE
ELEC	ELECTRICAL
EM	ELECTRICAL METER
EP	EDGE OF PAVEMENT
FC	FACE OF CURB ELEVATION
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISHED FLOOR ELEVATION
FG	FINISHED GROUND ELEVATION
FL	FLOW LINE ELEVATION
FM	FORCE MAIN LINE
FS	FINISHED SURFACE ELEVATION
FP	FINISHED PAVEMENT ELEVATION
FW	FIRE WATER LINE
GB	GRADE BREAK
GM	GAS METER
GR	GRATE ELEVATION
GV	GATE VALVE
HP	HIGH POINT
INV	INVERT ELEVATION
JT	JOINT TRENCH
JP	JOINT POLE
LD	LANDSCAPE DRAIN
LF	LINEAR FEET
LP	LOW POINT
(N)	NEW
PIV	POST INDICATOR VALVE
PKG	PARKING
RET	RETAINING WALL
RIM	RIM ELEVATION
S	SLOPE
SAP	SEE ARCHITECTURAL PLANS
SBD	STORM SUB DRAIN
SBDCCO	STORM SUB DRAIN CLEANOUT
SD	STORM DRAIN
SDCO	STORM DRAIN CLEANOUT
SGR	SEE GEOTECHNICAL REPORT
SICB	SIDE INLET CATCH BASIN
SIP	SEE LANDSCAPE PLANS
SPP	SEE PLUMBING PLANS
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT
SSP	SEE STRUCTURAL PLANS
TW	TOP OF WALL ELEVATION
TYP	TYPICAL
USD	UNDERSLAB DRAIN
VD	PIPE VERTICAL DROP
W	DOMESTIC WATER LINE
WM	WATER METER

SHEET INDEX

CIVIL	
SHEET NO.	DESCRIPTION
C0.0	TITLE SHEET
C1.1	EXISTING CONDITIONS
C2.0	LOT LINE ADJUSTMENT PLAN
C2.1	SITE PLAN
C2.2	ALTERNATIVE SITE PLAN
C3.1	GRADING AND DRAINAGE PLAN
C3.2	CONSTRUCTION MANAGEMENT PLAN
C3.3	CONSTRUCTION BMP SHEET
C4.1	STORMWATER CONTROL PLAN
C5.1	CARPORT ELEVATIONS
C5.2	SITE RENDERINGS
C5.3	SITE RENDERINGS
C5.4	CARPORT MATERIAL BOARD
LANDSCAPE	
SHEET NO.	DESCRIPTION
L1.00	MATERIALS PLAN
L1.01A	PLANTING PLAN
L1.01B	ADD ALTERNATE - PLANTING PLAN
L1.02	PLANT OPTIONS & CHARACTER IMAGES
ELECTRICAL	
SHEET NO.	DESCRIPTION
E1.0	ELECTRICAL SITE PLAN
LIGHTING	
SHEET NO.	DESCRIPTION
LD-1	LIGHTING DESIGN PLAN
LD-2	LIGHTING DESIGN NOTES

PROJECT INFORMATION:

- PROJECT PARCELS:
167-41-034 7,101.7 SF (0.163 ACRES)
167-41-035 7,101.7 SF (0.163 ACRES)
167-41-036 7,101.7 SF (0.163 ACRES)
167-41-037 7,101.7 SF (0.163 ACRES)
167-41-038 7,101.7 SF (0.163 ACRES)
TOTAL AREA: 35,508 SF (0.815 ACRES)
- ZONING: CD - COMMERCIAL DOWNTOWN
- GENERAL PLAN LAND USE: DOWNTOWN COMMERCIAL
- CARPORT STRUCTURE LOT COVERAGE 6,150 SF (0.14 AC)
MAX LENGTH: 41 FT
MAX WIDTH: 150 FT
MAX HEIGHT: 16 FT

PROJECT DESCRIPTION:

THE PROJECT PROPOSES TO EXPAND AND RECONFIGURE EXISTING PARKING FACILITIES SERVING THE DAVID AND LUCILE PACKARD FOUNDATION LOCATED AT 343 2ND STREET. THREE (3) PARCELS WITH EXISTING ONE WAY PARKING LOTS AND (2) ADJACENT UNDEVELOPED PARCELS WOULD BE MERGED. EXISTING FACILITIES ARE PROPOSED TO BE DEMOLISHED AND/OR SALVAGED AND PARKING IS TO BE RECONFIGURED FOR TWO-WAY CIRCULATION ONTO 2ND STREET. EXISTING ACCESS TO/FROM THE ALLEY WOULD BE REMOVED AND A COMBINATION OF NEW AND EXISTING FENCING WOULD ENCLOSE THE PARKING LOT. AS PART OF IMPROVEMENTS, ACCESSIBLE AND EV CHARGING STALLS WOULD BE CONSOLIDATED AND PEDESTRIAN ACCESS TO 2ND STREET FRONTAGE WOULD BE IMPROVED AND BROUGHT UP TO CURRENT ACCESSIBILITY STANDARDS: A MAXIMUM 16 FT TALL, 6,150 SF CANOPY STRUCTURE IS PROPOSED FOR PHOTOVOLTAIC PANELS. ADDITIONAL SITE AMENITIES WOULD INCLUDE NEW LANDSCAPING, TREES, LIGHTING, AND DRAINAGE IMPROVEMENTS TO COMPLY WITH C.3 STORMWATER REQUIREMENTS.

ENGINEER'S STATEMENT

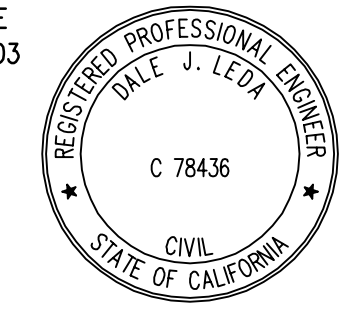
THIS SITE IMPROVEMENT PLAN SUBMITTAL HAS BEEN PREPARED UNDER MY DIRECTION.

BRIAN K. SCOTT
PRINCIPLE
P.E. #61034
BKF ENGINEERS



ENGINEER OF WORK

I HEREBY DECLARE THAT I AM THE CIVIL ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THIS PROJECT AS DEFINED IN SECTION 6703 OF THE STATE OF CALIFORNIA, BUSINESS PROFESSIONAL CODES, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.



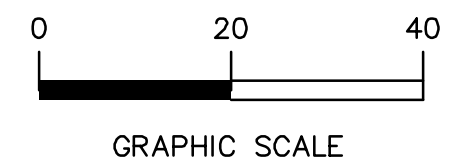
DALE LEDA
PROJECT MANAGER
P.E. #78436
BKF ENGINEERS

PROJECT DESIGN TEAM:

- OWNER:** DAVID AND LUCILE PACKARD FOUNDATION
343 2ND STREET
LOS ALTOS, CA, 94022
CONTACT: RYAN MARTINI
(650) 917-7162
- ARBORIST:** URBAN TREE MANAGEMENT
P.O. BOX 971 LOS GATOS, CA 95031
CONTACT: MICHAEL YOUNG
(650) 321-0202
- CIVIL:** BKF ENGINEERS
255 SHORELINE DR, SUITE 200
REDWOOD CITY, CA 94065
CONTACT: DALE LEDA
(650) 482-6300
- ELECTRICAL:** POWERFLEX
392 1ST STREET
LOS ALTOS, CA 94022
CONTACT: CALE SKAGEN
(253) 720-3720
- LANDSCAPE ARCHITECT:** JONI L JANECKI & ASSOCIATES INC
515 SWIFT STREET
SANTA CRUZ, CA 95060
CONTACT: JONI L JANECKI
(253) 720-3720
- LIGHTING:** BENYA BURNETT CONSULTANCY
501 FILMORE COURT
DAVIS, CA 95616
CONTACT: BENYA BURNETT
(503) 519-9631

PRIOR TO FINAL OCCUPANCY COA:

- 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
- 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 SECOND STREET IF DETERMINED TO BE DAMAGED DURING CONSTRUCTION, AS DIRECTED BY THE CITY ENGINEER OR HIS DESIGNEE.
- MAINTENANCE BOND - A ONE-YEAR, TEN-PERCENT MAINTENANCE BOND SHALL BE SUBMITTED UPON ACCEPTANCE OF IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY.
- 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.
- 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
- 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.



SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT.

DAVID JUNGSMANN, P.L.S. 9267

EXISTING CONDITIONS:

EXISTING TOPOGRAPHIC SURVEY PERFORMED BY BKF ENGINEERS ON OCTOBER 9, 2020 (JOB #20191214). GRADES ENCOUNTERED ON-SITE MAY VARY FROM THOSE SHOWN. CONTRACTOR SHALL REVIEW THE PLANS AND CONDUCT FIELD INVESTIGATIONS AS REQUIRED TO VERIFY EXISTING CONDITIONS AT THE PROJECT SITE.

EXISTING PARKING LOT STALL STRIPING HAS BEEN SHOWN APPROXIMATELY PER THE CITY'S REQUEST FOR REVIEW PURPOSES.

BASIS OF BEARINGS

THE ASSUMED BEARING OF SOUTH 89°59'32" WEST OF THE CENTERLINE OF 2ND STREET, AS SHOWN HEREON, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK STATEMENT

THE ELEVATIONS SHOWN ON THIS SURVEY ARE ASSUMED. BKF POINT NO. 116, A CUT CROSS ON THE NORTHERLY SIDE OF 2ND STREET, AS SHOWN HEREON, WAS TAKEN AS THE SITE BENCHMARK FOR THIS SURVEY.

BKF POINT NO. 116 ELEVATION = 199.61'

UTILITY STATEMENT

UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON SURFACE OBSERVATIONS. NO WARRANTIES ARE EXPRESSED OR IMPLIED CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL, OR PUBLIC OWNED. CONTRACTOR(S) SHALL VERIFY ALL UTILITIES PRIOR TO ANY AND ALL CONSTRUCTION ACTIVITIES.

RECORD REFERENCES

- (R1) MAP NO. 1 OF THE TOWN OF LOS ALTOS, FILED FOR RECORD ON OCTOBER 25, 1907 IN BOOK L OF MAPS AT PAGE 99, OFFICIAL RECORDS OF SANTA CLARA COUNTY.
- (R2) LANDS OF FONTANA PARCEL MAP, FILED FOR RECORD ON FEBRUARY 14, 1980 IN BOOK 458 OF MAPS AT PAGES 51 THROUGH 52, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

SURVEYOR'S NOTE

RECORD DISTANCES IN PARENTHESES ARE PER (R1) UNLESS OTHERWISE NOTED.

PARKING STALL COUNT

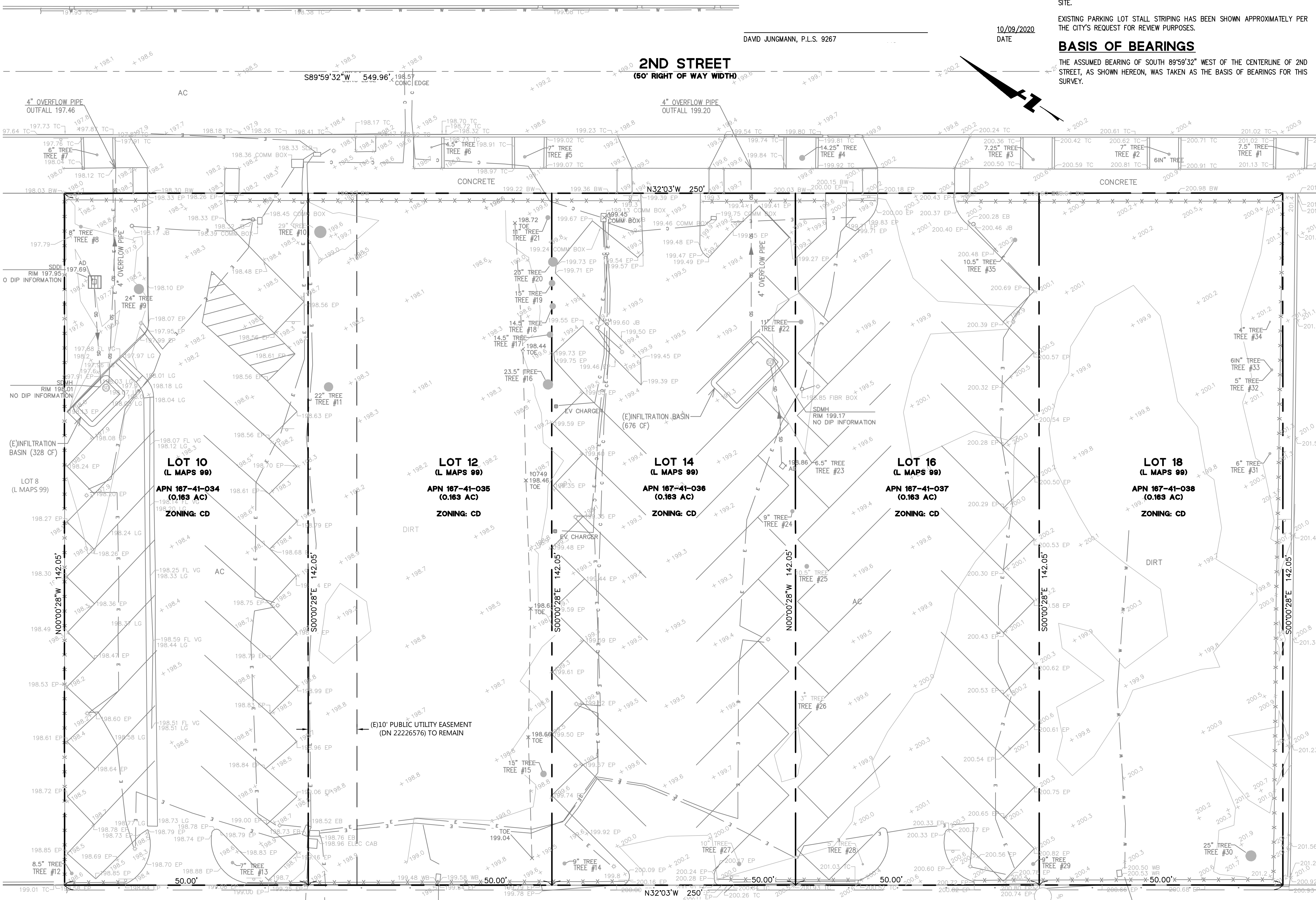
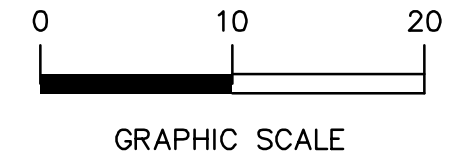
TOTAL PARKING STALLS: 58	
LOT #	STALL COUNT
LOT 10	19
LOT 12	0
LOT 14	19
LOT 16	20
LOT 18	0

TREE SURVEY TABLE

TREE #	ONSITE/OFFSITE	TREE DIAMETER (INCHES)	TREE SPECIES	TREE HEALTH	REMAIN/REMOVE
1	OFFSITE	7.5	CHINESE PISTACHE	GOOD	REMAIN
2	OFFSITE	7	CHINESE PISTACHE	GOOD	REMOVE
3	OFFSITE	7.25	CHINESE PISTACHE	GOOD	REMAIN
4	OFFSITE	14.25	CHINESE PISTACHE	GOOD	REMAIN
5	OFFSITE	7	CHINESE PISTACHE	GOOD	REMAIN
6	OFFSITE	4.5	CHINESE PISTACHE	GOOD	REMAIN
7	OFFSITE	6	CHINESE PISTACHE	GOOD	REMAIN
8	ONSITE	24	TRISTANIA	GOOD	REMAIN
9	ONSITE	24	INCENSE CEDAR	FAIR/POOR	REMAIN
10	ONSITE	29	REDWOOD	FAIR/POOR	REMAIN
11	ONSITE	22	COAST LIVE OAK	GOOD	REMOVE
12	ONSITE	8.5	TRISTANIA	FAIR	REMOVE
13	ONSITE	7	TRISTANIA	FAIR	REMOVE
14	ONSITE	9	TRISTANIA	FAIR	REMOVE
15	ONSITE	15	COAST LIVE OAK	FAIR/GOOD	REMOVE
16	ONSITE	23.5	COAST LIVE OAK	FAIR/POOR	REMOVE
17	ONSITE	14.5	COAST LIVE OAK	FAIR/POOR	REMOVE
18	ONSITE	14.5	COAST LIVE OAK	FAIR	REMOVE
19	ONSITE	15	COAST LIVE OAK	FAIR	REMAIN
20	ONSITE	30	COAST LIVE OAK	FAIR/POOR	REMAIN
21	ONSITE	11	COAST LIVE OAK	FAIR/GOOD	REMAIN
22	ONSITE	11	TRISTANIA	FAIR/GOOD	REMOVE
23	ONSITE	6.5	TRISTANIA	FAIR	REMOVE
24	ONSITE	9	TRISTANIA	GOOD	REMOVE
25	ONSITE	10	TRISTANIA	FAIR/GOOD	REMOVE
26	ONSITE	3	TRISTANIA	FAIR	REMOVE
27	ONSITE	10	TRISTANIA	GOOD/POOR	REMOVE
28	ONSITE	5	TRISTANIA	FAIR/GOOD	REMOVE
29	ONSITE	9	TRISTANIA	FAIR/GOOD	REMOVE
30	ONSITE	25	CAROB	FAIR	REMAIN
31	ONSITE	6	JAPANESE MAPLE	FAIR	REMOVE
32	ONSITE	5	JAPANESE MAPLE	FAIR	REMOVE
33	ONSITE	6	JAPANESE MAPLE	FAIR	REMOVE
34	ONSITE	4	JAPANESE MAPLE	FAIR	REMOVE
35	ONSITE	10.5	TRISTANIA	FAIR	REMOVE

- TREE SPECIES NAMES:
 - CAROB - CERATONIA SILIQUA
 - CHINESE PISTACHE - PISTACIA CHINENSIS
 - COASTAL LIVE OAK - QUERCUS AGRIFOLIA
 - INCENSE CEDAR - CALOCEDRUS DECURRENS
 - JAPANESE MAPLE - ACER PALMATUM
 - REDWOOD - SEQUOIA SEMPERVIRENS
 - TRISTANIA - TRISTANIOPSIS LAURINA
- TREE SURVEY WAS PERFORMED BY URBAN TREE MANAGEMENT, INC. ON 05/17/2021.

SEE SHEET C0.0 FOR ABBREVIATIONS AND LEGENDS



DRAWING NAME: K:\2019\191214-Packard_Parking_Expansion\ENG\pashets.dwg
PLOT DATE: 08-21-21
PLOTTED BY: polt

PROPOSED LOT MERGER PLAN
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET



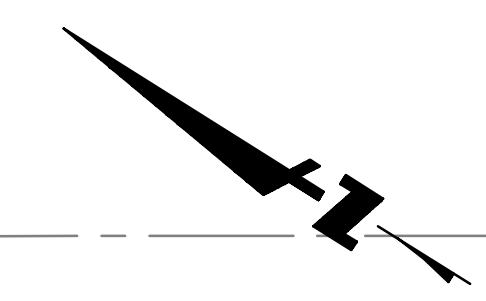
Date	Revisions	No.
08/23/2021		
Scale 1" = 10'		
Design DJP		
Drawn DJP		
Approved D.J.L.		
Job No. 20191214-10		

LOT MERGER / EASEMENT NOTES:

- PROJECT PROPOSES TO MERGE APNS: 167-41-034, 167-41-035, 167-41-036, 167-41-037 AND 167-41-038 INTO A SINGLE PARCEL.
- EXISTING PUBLIC UTILITY EASEMENT (DN 22226576) TO REMAIN.

MERGING LOTS RECORDATION:

- SUBMIT FINAL LOT LINE ADJUSTMENT APPLICATION - PLATS AND LEGAL DESCRIPTIONS OF THE LOT LINE ADJUSTMENT 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.

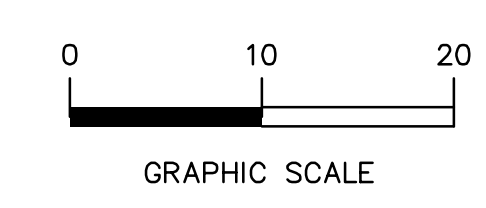


2ND STREET
(60' RIGHT OF WAY WIDTH)

N32°03'W 250'

MERGED LOT
(35,508 SF)
ZONING: CD

ALLEY
(18' RIGHT OF WAY WIDTH)

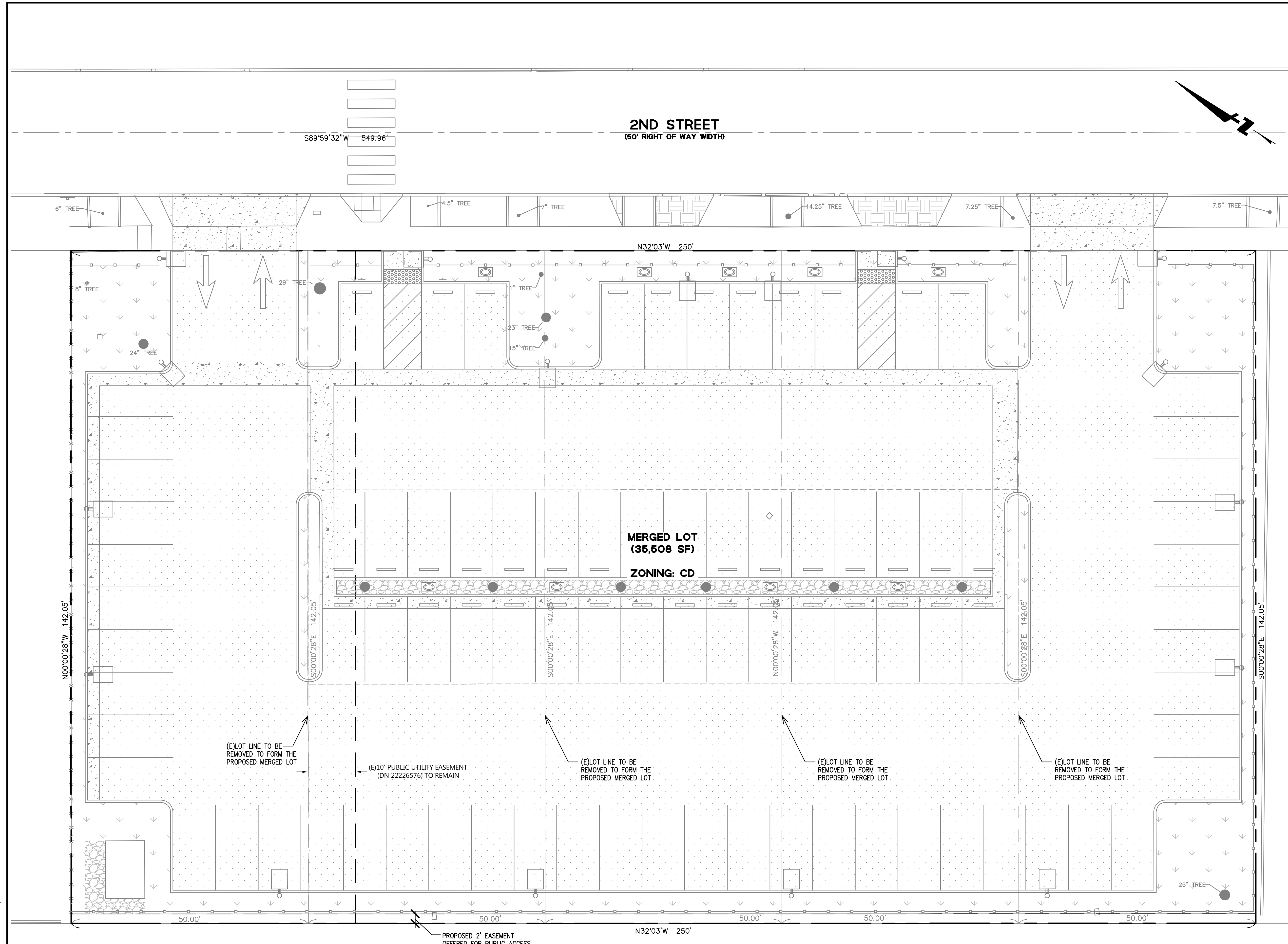


SEE SHEET C0.0
FOR ABBREVIATIONS
AND LEGENDS



C2.0
OF

DRAWING NAME: K:\2019\191214_Packard_Parking_Expansion\ENG\posheets.dwg
PLOT DATE: 08-21-21 PLOTTED BY: polt



PARKING STALL COUNT

TOTAL PARKING STALLS: 86

TYPE OF STALL	REQUIRED	PROVIDED
STANDARD	-	43
ACCESSIBLE ¹	2	2
EV ^{2,3}	5	39
EV ACCESSIBLE ^{2,3}	2	2

¹ FOR 26-50 TOTAL STANDARD PARKING STALLS, 2 STALLS ARE REQUIRED TO BE ACCESSIBLE STALLS WITH 1 OF THE 2 STALLS BEING VAN ACCESSIBLE PER THE 2019 CALIFORNIA BUILDING CODE.
² FOR 76-100 TOTAL PARKING STALLS, 5 STALLS ARE REQUIRED TO BE EV STALLS PER THE 2019 CALGREEN REQUIREMENTS.
³ FOR 26-50 TOTAL EV STALLS PROVIDED, 2 STALLS ARE REQUIRED TO BE ACCESSIBLE STALLS WITH 1 OF THE 2 STALLS BEING VAN ACCESSIBLE. 1 STALL IS ALSO REQUIRED TO BE AN AMBULATORY STALL PER THE 2019 CALIFORNIA BUILDING CODE.

TREE COUNT

	ONSITE	OFFSITE
(E) TREES	28	7
(E) TREES REMOVED	21	1
(N) TREES ¹	13	1
TOTAL	20	7

¹ SEE LANDSCAPE PLANS FOR NEW TREES AND PLANTING PLAN.

HATCH LEGEND:

- AC PARKING LOT PAVING
- CONCRETE WALKWAY, GUTTER AND DRIVEWAY APRON
- CRUSHED GRANITE PER LANDSCAPE PLANS
- LANDSCAPE AREA PER LANDSCAPE PLANS
- OFFSITE RAIN GARDEN TO MATCH EXISTING STREET RAIN GARDENS

ARBORIST NOTES:

- REFER TO TREE SURVEY PERFORMED BY URBAN TREE MANAGEMENT, INC. ON 05/17/2021 FOR TREE SURVEY INFORMATION AND TREE PROTECTION RECOMMENDATIONS.
- ALL WORK ONSITE SHALL BE IN CONFORMANCE WITH THE PROJECT TREE SURVEY REPORT REGARDING PROTECTION OF EXISTING TREES TO REMAIN.

LANDSCAPE REQUIREMENTS:

MINIMUM LANDSCAPE REQUIREMENTS PER LOS ALTOS HILLS MUNICIPAL CODE SECTION 14.44 FOR CD COMMERCIAL DOWNTOWN DISTRICT:

- LANDSCAPE BUFFER:**

	FRONT	REAR	SIDE
MINIMUM REQUIRED	5.0 FT	2.0 FT	2.0 FT
PROPOSED	6.5 FT	4.5 FT	3.0 FT
- INTERIOR LANDSCAPING FOR PARKING AREA < 15,000 SF:**

	MINIMUM REQUIRED	725 SF (5% X 14,500 SF PARKING AREA)
PROPOSED	5,258 SF (36% OF PARKING AREA)	

LOT COVERAGE AND SETBACKS:

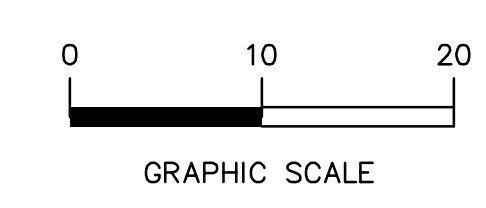
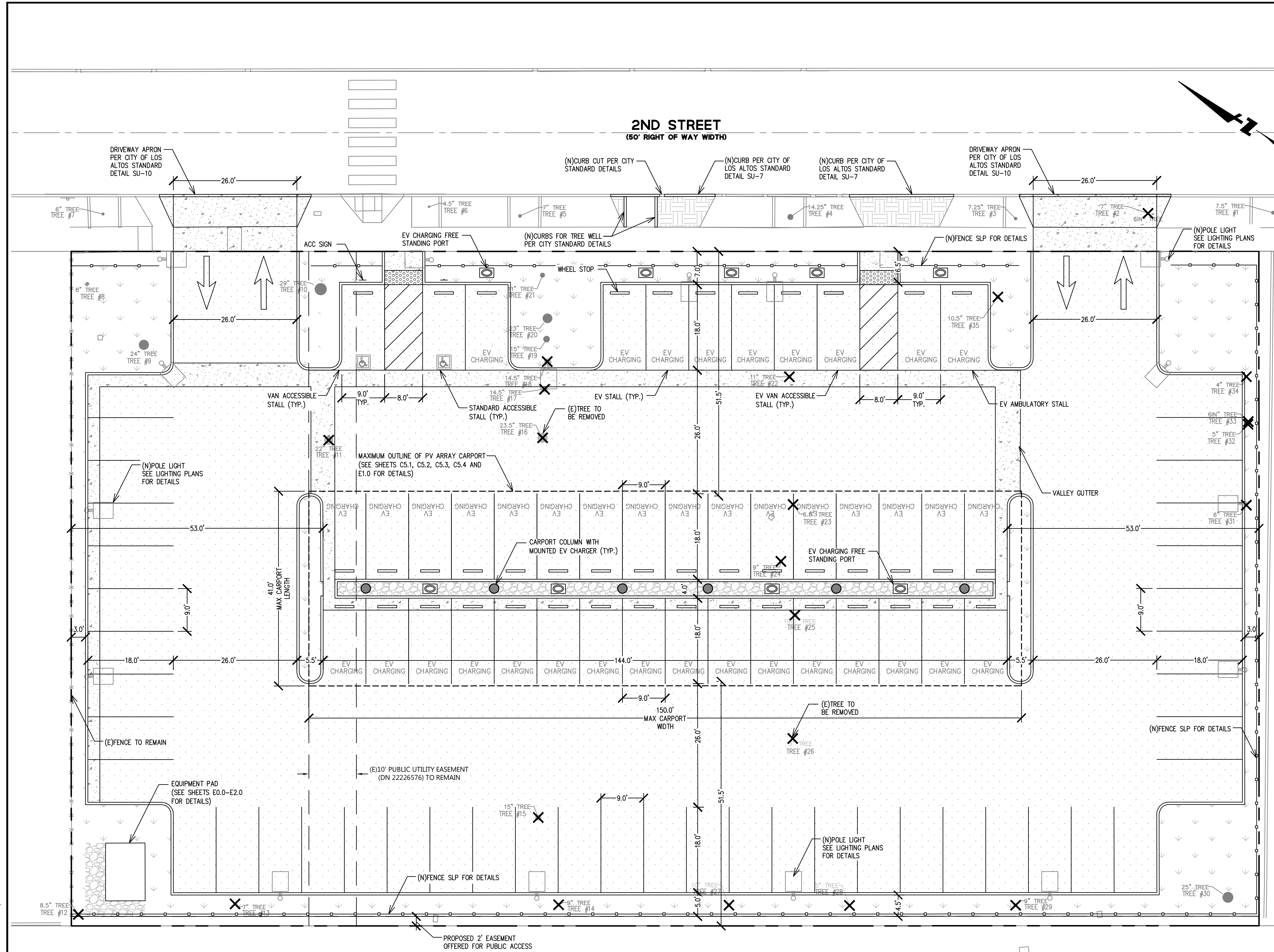
MINIMUM STRUCTURE SETBACK REQUIREMENTS PER LOS ALTOS HILLS MUNICIPAL CODE SECTION 14.44 FOR CD COMMERCIAL DOWNTOWN DISTRICT:

- STRUCTURE SETBACKS:**

	FRONT	REAR	SIDE
MINIMUM REQUIRED	2.0 FT	10.0 FT	2.0 FT
PROPOSED	51.5 FT	51.5 FT	53.0 FT
- LOT COVERAGE:**

	CARPORIT STRUCTURE
MAXIMUM COVERAGE	6,150 SF

*MAXIMUM CANOPY WIDTH = 150 FT, LENGTH = 41 FT, AND HEIGHT = 16 FT. FINAL CANOPY STRUCTURE MAY BE REDUCED DEPENDING ON FINAL DESIGN. PROPOSED REVISIONS SHALL MEET MINIMUM SETBACK REQUIREMENTS AS INDICATED ABOVE.



SEE SHEET C0.0
FOR ABBREVIATIONS
AND LEGENDS



C2.1
OF

Date	Revisions	No.
08/23/2021	Scale 1" = 10'	
	Design DJP	
	Drawn DJP	
	Approved D.J.L.	
	Job No. 20191214-10	

PARKING STALL COUNT

TOTAL PARKING STALLS: 86

TYPE OF STALL	REQUIRED	PROVIDED
STANDARD	-	43
ACCESSIBLE ¹	2	2
EV ^{2,3}	5	39
EV ACCESSIBLE ^{2,3}	2	2

¹ FOR 26-50 TOTAL STANDARD PARKING STALLS, 2 STALLS ARE REQUIRED TO BE ACCESSIBLE STALLS WITH 1 OF THE 2 STALLS BEING VAN ACCESSIBLE PER THE 2019 CALIFORNIA BUILDING CODE.
² FOR 76-100 TOTAL PARKING STALLS, 5 STALLS ARE REQUIRED TO BE EV STALLS PER THE 2019 CALIFORNIA BUILDING CODE.
³ FOR 26-50 TOTAL EV STALLS PROVIDED, 2 STALLS ARE REQUIRED TO BE ACCESSIBLE STALLS WITH 1 OF THE 2 STALLS BEING VAN ACCESSIBLE. 1 STALL IS ALSO REQUIRED TO BE AN AMBULATORY STALL PER THE 2019 CALIFORNIA BUILDING CODE.

TREE COUNT

	ONSITE	OFFSITE
(E) TREES	28	7
(E) TREES REMOVED	21	1
(N) TREES ¹	17	1
TOTAL	24	7

¹ SEE LANDSCAPE PLANS FOR NEW TREES AND PLANTING PLAN.

HATCH LEGEND:

[Hatch Pattern]	AC PARKING LOT PAVING
[Hatch Pattern]	CONCRETE WALKWAY, GUTTER AND DRIVEWAY APRON
[Hatch Pattern]	CRUSHED GRANITE PER LANDSCAPE PLANS
[Hatch Pattern]	LANDSCAPE AREA PER LANDSCAPE PLANS
[Hatch Pattern]	OFFSITE RAIN GARDEN TO MATCH EXISTING STREET RAIN GARDENS

ARBORIST NOTES:

- REFER TO TREE SURVEY PERFORMED BY URBAN TREE MANAGEMENT, INC. ON 05/17/2021 FOR TREE SURVEY INFORMATION AND TREE PROTECTION RECOMMENDATIONS.
- ALL WORK ONSITE SHALL BE IN CONFORMANCE WITH THE PROJECT TREE SURVEY REPORT REGARDING PROTECTION OF EXISTING TREES TO REMAIN.

LANDSCAPE REQUIREMENTS:

MINIMUM LANDSCAPE REQUIREMENTS PER LOS ALTOS HILLS MUNICIPAL CODE SECTION 14.44 FOR CD COMMERCIAL DOWNTOWN DISTRICT:

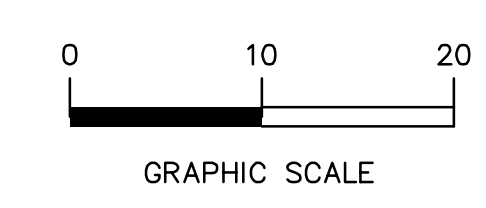
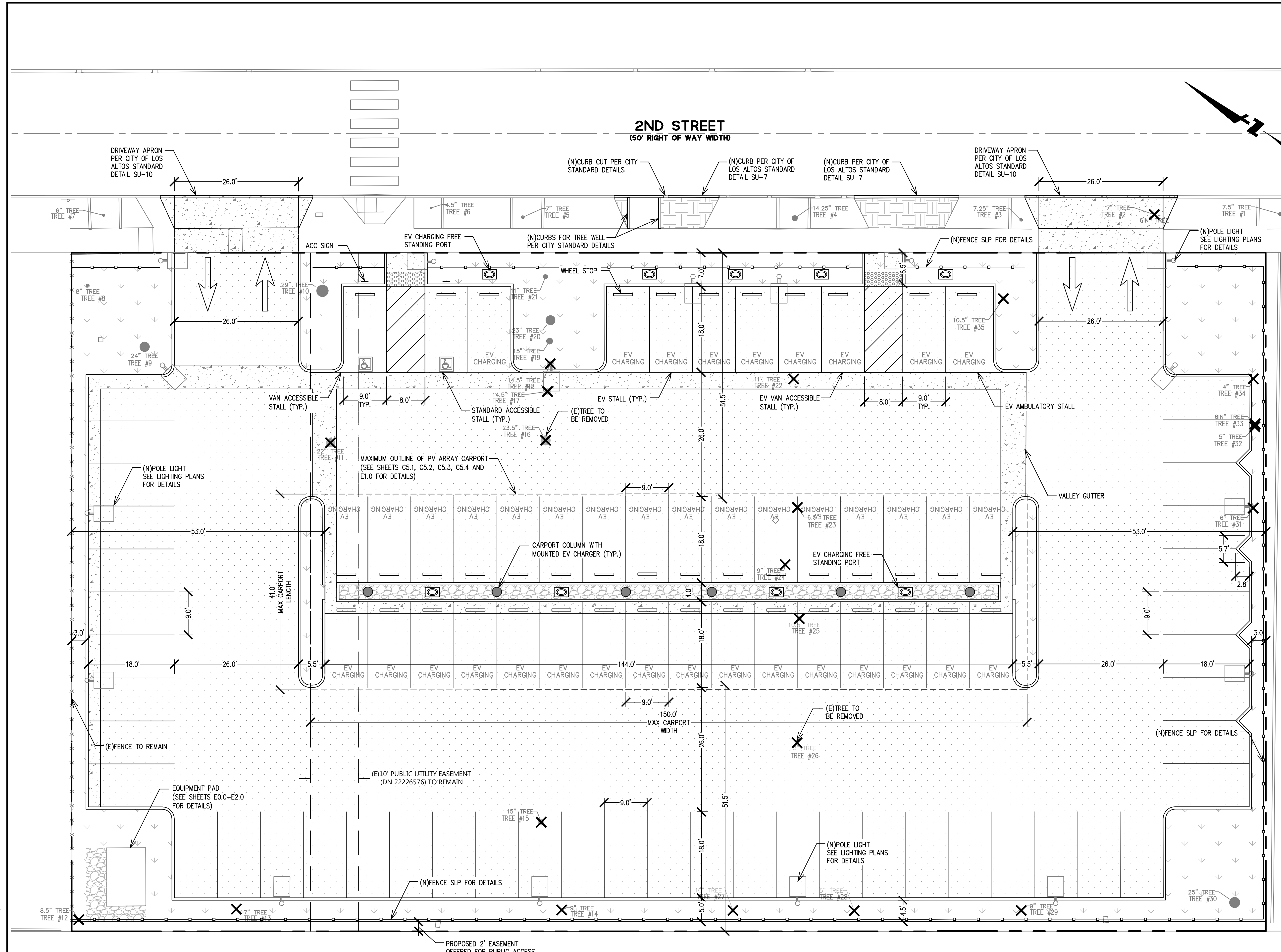
	FRONT	REAR	SIDE
LANDSCAPE BUFFER:			
MINIMUM REQUIRED	5.0 FT	2.0 FT	2.0 FT
PROPOSED	6.5 FT	4.5 FT	3.0 FT
INTERIOR LANDSCAPING FOR PARKING AREA < 15,000 SF:			
MINIMUM REQUIRED	725 SF (5% X 14,500 SF PARKING AREA)		
PROPOSED	5,258 SF (36% OF PARKING AREA)		

LOT COVERAGE AND SETBACKS:

MINIMUM STRUCTURE SETBACK REQUIREMENTS PER LOS ALTOS HILLS MUNICIPAL CODE SECTION 14.44 FOR CD COMMERCIAL DOWNTOWN DISTRICT:

	FRONT	REAR	SIDE
STRUCTURE SETBACKS:			
MINIMUM REQUIRED	2.0 FT	10.0 FT	2.0 FT
PROPOSED	51.5 FT	51.5 FT	53.0 FT
LOT COVERAGE:			
MAXIMUM COVERAGE	CARPORT STRUCTURE 6,150 SF		

*MAXIMUM CANOPY WIDTH = 150 FT, LENGTH = 41 FT, AND HEIGHT = 16 FT. FINAL CANOPY STRUCTURE MAY BE REDUCED DEPENDING ON FINAL DESIGN. PROPOSED REVISIONS SHALL MEET MINIMUM SETBACK REQUIREMENTS AS INDICATED ABOVE.



SEE SHEET C0.0
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DRAWING NAME: K:\2019\191214_Packard_Parking_Expansion\ENG\posheets.dwg
PLOT DATE: 08-21-21 PLOTTED BY: polt

Date	Revisions
08/23/2021	No.
Scale 1" = 10'	Design: DJP
	Drawn: DJP
	Approved: D.J.L.
	Job No. 20191214-10
	Drawing Number:

GRADING NOTES:

- ALL PAVED AREAS ARE TO SLOPE A MINIMUM OF 1% AND MAXIMUM OF 8% ACCESSIBLE STALLS AND LOADING ZONES ARE TO SLOPE AT A MAXIMUM OF 2% IN ALL DIRECTIONS. ACCESSIBLE PATHWAYS ARE TO SLOPE AT A MAXIMUM OF 5% IN THE DIRECTION OF TRAVEL, AND THE SLOPE CROSSWAYS TO THE DIRECTION OF TRAVEL SHALL BE AT A MAXIMUM OF 2%. ANY AREAS ON THE SITE NOT CONFORMING TO THESE BASIC RULES DUE TO EXISTING CONDITIONS OR DISCREPANCIES IN THE DOCUMENTS ARE TO BE REPORTED TO THE PROJECT MANAGER PRIOR TO PROCEEDING WITH PLACEMENT OF ROCK BASE, FORMWORK FOR CURBS AND/OR FLATWORK.

CONTRACTOR SHALL DETERMINE EARTHWORK QUANTITIES BASED ON THE TOPOGRAPHIC SURVEY, THE GEOTECHNICAL INVESTIGATION AND THE PROPOSED SURFACE THICKNESS AND BASE THE BID ACCORDINGLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM IF A SEPARATE DEMOLITION CONTRACT HAS BEEN ISSUED TO TAKE THE SITE FROM THE WAY IT IS AT THE TIME OF THE BID TO THE CONDITIONS DESCRIBED IN THESE DOCUMENTS. ANY DIFFERENCES BETWEEN THE STATE IN WHICH THE SITE IS DELIVERED TO THE CONTRACTOR AND THESE DOCUMENTS SHOULD BE NOTED TO THE ENGINEER/ARCHITECT.

- DO NOT ADJUST GRADES ON THIS PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER/ARCHITECT.

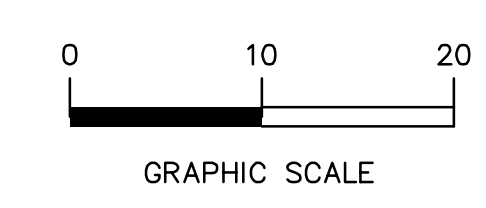
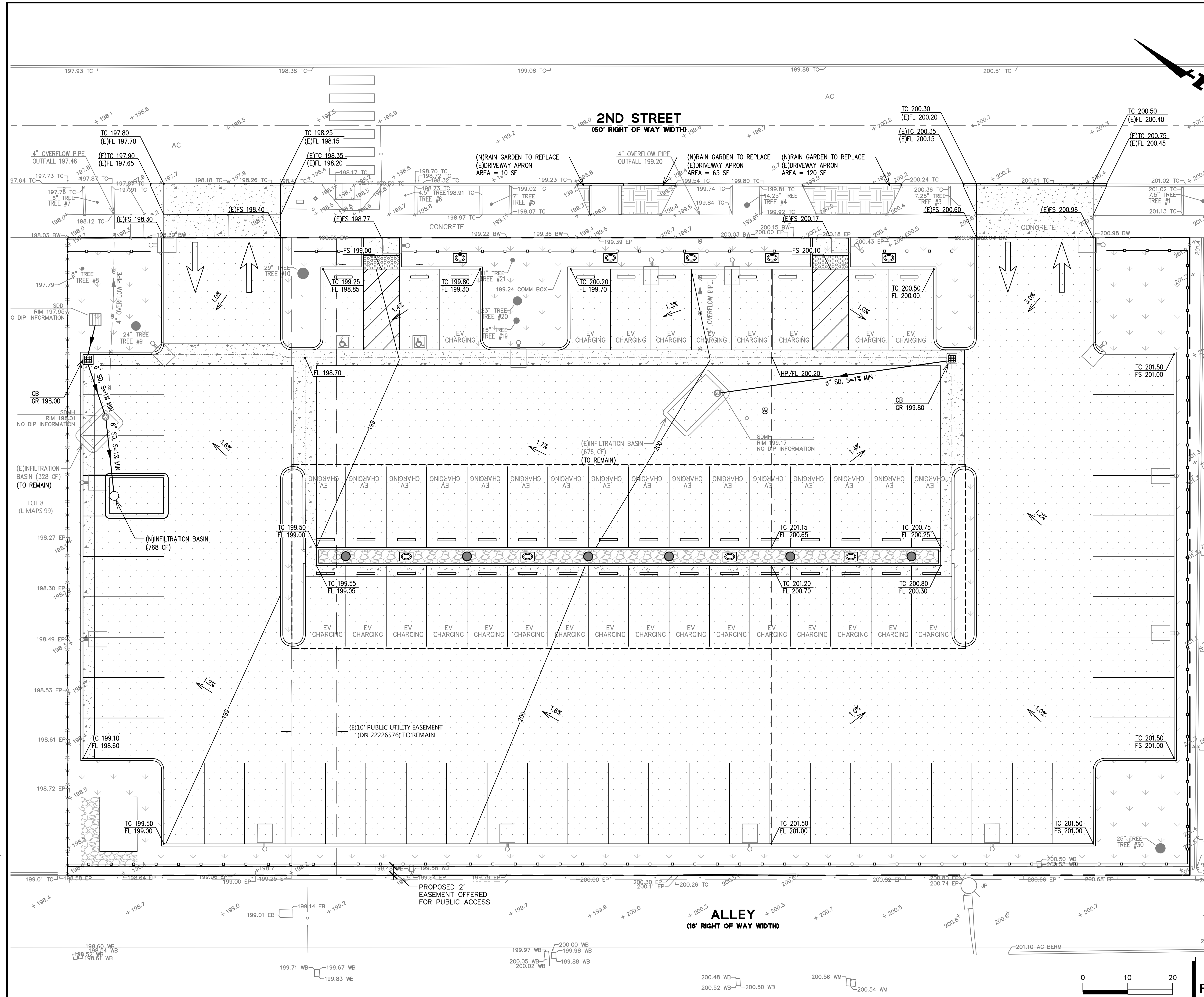
STORM DRAIN NOTES:

- PRIVATE STORM DRAIN LINES SHALL BE INSTALLED WITH THE FOLLOWING MINIMUM REQUIREMENTS:

PIPE DIAMETER	PIPE MATERIAL	PIPE COVER	SLURRY ENCASEMENT REQUIRED?
4" TO 10"	PVC SDR 35	1.00' TO 2.99'	YES - TRAFFIC AREAS ONLY
4" TO 10"	PVC SDR 35	3.00'+	NO
	HDPE	1.00' TO 2.99'	YES - TRAFFIC AREAS ONLY
	HDPE	3.00'+	NO
- 4 INCH TO 10 INCH DIAMETER STORM DRAIN PIPE SHALL BE POLYVINYL CHLORIDE (PVC) SDR 35 WHITE PIPE AND SHALL CONFORM TO THE REQUIREMENTS OF ASTM DESIGNATION D3034-73 WITH GLUED JOINTS. ALL DIRECTION CHANGES SHALL BE MADE WITH WYE CONNECTIONS, 22.5° ELBOWS, 45° ELBOWS, OR LONG SWEEP ELBOWS. 90° ELBOWS AND TEE'S ARE PROHIBITED.
- 12 INCH AND LARGER DIAMETER STORM DRAIN PIPE SHALL BE DUAL-WALLED ANNULAR CORRUGATED HIGH DENSITY POLYETHYLENE (HDPE) PIPE AND SHALL CONFORM TO THE REQUIREMENTS OF ASTM DESIGNATION F2648 WITH GASKETED BELL AND SPIGOT JOINTS.
- WHERE STORM DRAIN PIPES ARE INSTALLED IN TRAFFIC RATED AREAS WITH LESS THAN 3.00 FEET OF COVER, PIPE TRENCH AND COVER SHALL BE ENCASED IN A MINIMUM 12 INCH WIDE 2-SACK SLURRY MIX, EXTENDING THE FIRST 12 INCHES OF COVER ABOVE THE PIPE.
- STORM DRAIN LINES WITH LESS THAN 12" OF COVER IN TRAFFIC AREAS SHALL BE CAPPED WITH STEEL REINFORCED CONCRETE.
- USE DETECTABLE METALIZED WARNING TAPE APPROXIMATELY 6" BELOW THE SURFACE. TAPE SHALL BE A BRIGHT COLOR AND IMPRINTED WITH "CAUTION-STORM DRAIN LINE BELOW", CALIFICO TYPE 2 OR EQUAL.
- PAINT THE TOP OF THE CURBS ADJACENT TO EACH CATCH BASIN INSTALLED UNDER THIS WORK OR ADJACENT TO THIS SITE WITH THE WORDS "NO DUMPING" ACCORDING TO BE BLUE 4" HIGH LETTERS ON A PAINTED WHITE BACKGROUND.
- ALL AREA DRAINS AND CATCH BASIN GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
- FOR GRAVITY FLOW SYSTEMS CONTRACTOR SHALL VERIFY (POTHOLE IF NECESSARY) SIZE, MATERIAL, LOCATION AND DEPTH OF ALL SYSTEMS THAT ARE TO BE CONNECTED TO OR CROSSED PRIOR TO THE TRENCHING OR INSTALLATION OF ANY GRAVITY FLOW SYSTEM.
- COMPLETE SYSTEMS: ALL UTILITY SYSTEMS ARE DELINEATED IN A SCHEMATIC MANNER ON THESE PLANS. CONTRACTOR IS TO PROVIDE ALL FITTINGS, ACCESSORIES, AND WORK NECESSARY TO COMPLETE THE UTILITY SYSTEM SO THAT IT IS FULLY FUNCTIONING FOR THE PURPOSE INTENDED.

ENGINEERING DIVISION NOTES (COA):

- 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.
- PUBLIC UTILITIES - THE APPLICANT SHALL CONTACT ELECTRIC, GAS, COMMUNICATION AND WATER UTILITY COMPANIES REGARDING THE INSTALLATION OF NEW UTILITY SERVICES TO THE SITE.
- 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.
- MUNICIPAL REGIONAL STORMWATER PERMIT C.3.B. REGULATED PROJECTS - THE PROJECT FALLS UNDER REGULATED PROJECTS CATEGORY AS DESCRIBED IN THE CITY OF LOS ALTOS MUNICIPAL REGIONAL STORMWATER (MRP)NPDES PERMIT NO. CA S612008, ORDER NO. R2-2015-0049 DATED NOVEMBER 19, 2015, SECTION C.3.B. AND SHALL COMPLY WITH ALL REQUIREMENTS LISTED IN ABOVE LISTED CATEGORY.
- AMERICANS WITH DISABILITIES ACT - ALL IMPROVEMENTS SHALL COMPLY WITH AMERICANS WITH DISABILITIES ACT (ADA).
- 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 HAULLED TO OR FROM THE CONSTRUCTION SITE. APPLICANT SHALL PAY THE APPLICABLE FEES BEFORE THE TRANSPORTATION PERMIT CAN BE ISSUED BY THE TRAFFIC ENGINEER.
- POLLUTION PREVENTION - THE IMPROVEMENT PLANS SHALL INCLUDE THE BLUEPRINT FOR A CLEAN BAY PLAN SHEET IN ALL PLAN SUBMITTALS.
- 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.



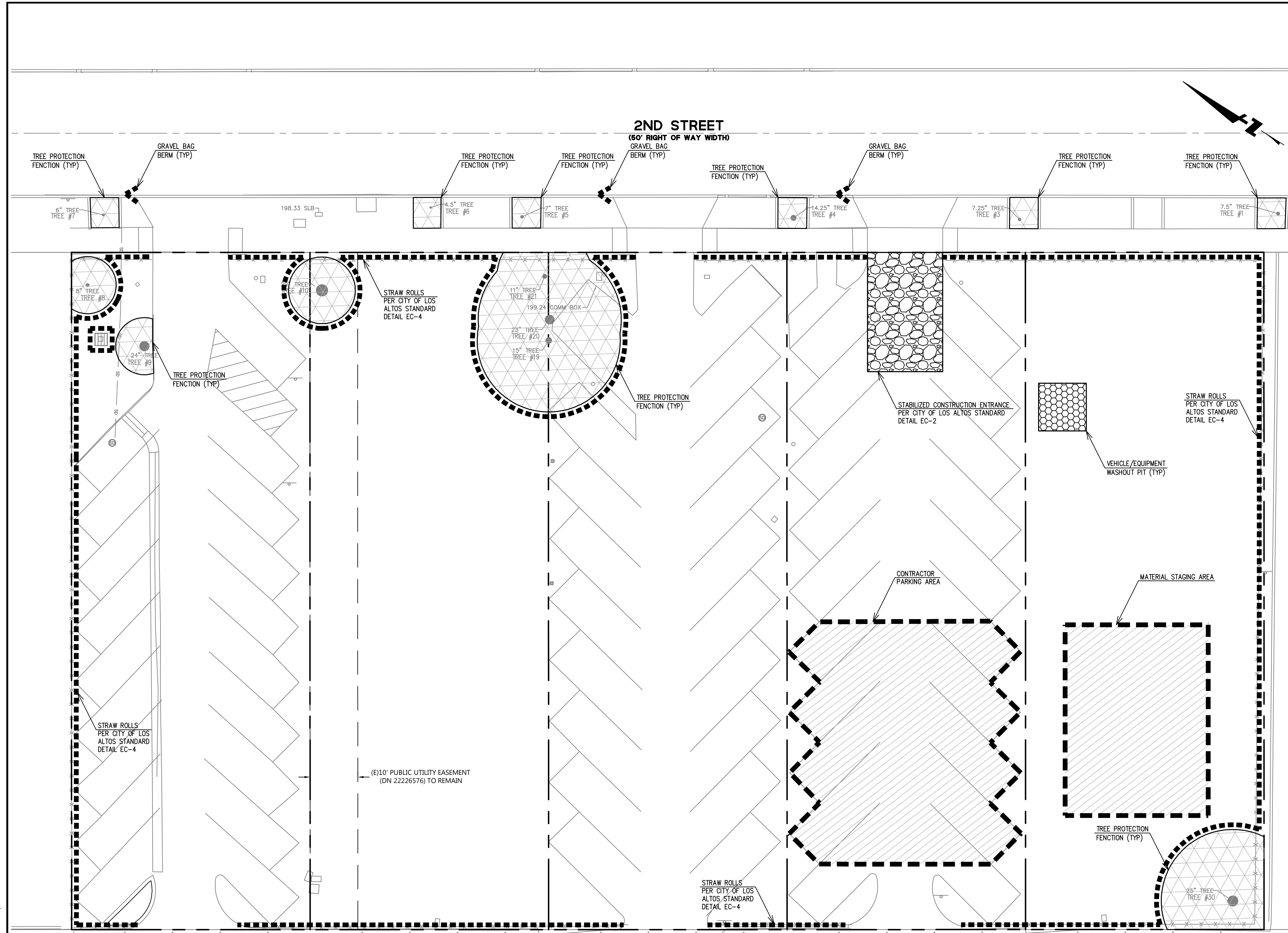
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HAUL ROUTE:

- CONTRACTOR SHALL UTILIZE THE FOLLOWING HAUL ROUTE FOR IMPORTING/EXPORTING SPOILS AND OTHER CONSTRUCTION MATERIALS:
- SOUTHEAST ON 2ND STREET TOWARD LVELL STREET.
 - LEFT ONTO LVELL STREET TOWARD S SAN ANTONIO ROAD.
 - RIGHT ONTO S SAN ANTONIO ROAD TOWARD FOOHILL EXPRESSWAY.
 - LEFT ONTO FOOHILL EXPRESSWAY TOWARD S EL MONTE AVENUE.
 - RIGHT ONTO S EL MONTE AVENUE TOWARD HIGHWAY 280.
 - MERGE ONTO HIGHWAY 280.

EROSION AND SEDIMENTATION CONTROL NOTES:

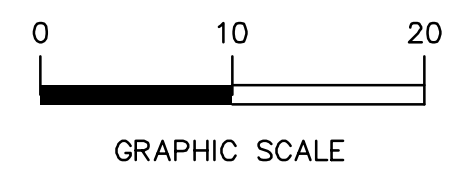
1. CONTRACTOR SHALL ASSUME THE CONCEPTS ON THE EROSION CONTROL PLAN, IF PROVIDED, ARE SCHEMATIC MINIMUM REQUIREMENTS, THE FULL EXTENT OF WHICH ARE TO BE DETERMINED BY THE CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR THE EXACT DESIGN AND EXTENT OF THE EROSION CONTROL SYSTEM SO THAT IT WORKS WITH THE CONTRACTOR'S INTENDED USE AND MANAGEMENT OF THE CONSTRUCTION-SITE.
2. ALL EROSION CONTROL FACILITIES SHALL BE INSPECTED BY THE CONTRACTOR AND REPAIRED, AS REQUIRED, AT THE CONCLUSION OF EACH WORKING DAY. THE CONTRACTOR SHALL INSPECT THE EROSION CONTROL FACILITIES AND MAKE NECESSARY REPAIRS PRIOR TO ANTICIPATED STORMS AND AT REASONABLE INTERVALS DURING STORMS OF EXTENDED DURATION. REPAIRS TO DAMAGED FACILITIES SHALL BE MADE IMMEDIATELY UPON DISCOVERY.
3. AS SOON AS PRACTICAL FOLLOWING EACH STORM, THE CONTRACTOR SHALL REMOVE ANY ACCUMULATION OF SILT OR DEBRIS FROM THE EROSION CONTROL SEDIMENT BASINS AND SHALL CLEAR THE OUTLET PIPES OF ANY BLOCKAGE.
4. STOCKPILED MATERIAL SHALL BE COVERED WITH VISQUEEN OR A TARPULIN UNTIL THE MATERIAL IS REMOVED FROM THE SITE. ANY REMAINING BARE SOIL THAT EXISTS AFTER THE STOCKPILE HAS BEEN REMOVED SHALL BE COVERED UNTIL A NATURAL GROUND COVER IS ESTABLISHED OR IT MAY BE SEEDED OR PLANTED TO PROVIDE GROUND COVER.
5. PRIOR TO THE COMMENCEMENT OF ANY CLEARING, GRADING, OR EXCAVATION, THE CONTRACTOR SHALL VERIFY THAT THE CLIENT HAS SUBMITTED TO THE STATE WATER RESOURCES CONTROL BOARD A NOTICE OF INTENT (NOI) FOR COVERAGE UNDER THE STATE CONSTRUCTION STORM WATER GENERAL PERMIT, IF REQUIRED BY THE STATE. THE CONTRACTOR SHALL MAINTAIN A COPY OF THE NOI ON THE CONSTRUCTION-SITE.
6. NECESSARY MATERIALS SHALL BE AVAILABLE ON-SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT.
7. PROTECT ADJACENT PROPERTIES AND UNDISTURBED AREAS FROM CONSTRUCTION IMPACTS USING VEGETATIVE BUFFER STRIPS, SEDIMENT BARRIERS OR FILTERS, DIKES, MULCHING OR OTHER MEASURES AS APPROPRIATE.
8. CONTRACTOR SHALL MAINTAIN ADJACENT STREETS IN A NEAT, CLEAN, DUST FREE AND SANITARY CONDITION AT ALL TIMES AND TO THE SATISFACTION OF THE CITY/TOWN INSPECTOR. THE ADJACENT STREET SHALL BE KEPT CLEAN OF DEBRIS, WITH DUST AND OTHER NUISANCE BEING CONTROLLED AT ALL TIMES. DEVELOPER SHALL BE RESPONSIBLE FOR ANY CLEAN UP ON ADJACENT STREETS AFFECTED BY THEIR CONSTRUCTION. METHOD OF STREET CLEANING SHALL BE BY DRY SWEEPING OF ALL PAVED AREAS. NO STOCKPIILING OF BUILDING MATERIALS WITHIN THE CITY/TOWN'S RIGHT-OF-WAY IS PERMITTED.
9. ALL EROSION CONTROL MATERIALS SHALL BE FURNISHED AND INSTALLED BY CONTRACTOR UNLESS OTHERWISE NOTED.
10. PROTECT DOWN SLOPE DRAINAGE COURSES, STREAMS AND STORM DRAINS WITH ROCK FILLED SAND BAGS, TEMPORARY DRAINAGE SWALES, SILT FENCES, EARTH BERMS, STORM DRAIN INLET FILTERS AND/OR STRAW BALES USED ONLY IN CONJUNCTION WITH PROPERLY INSTALLED SILT FENCES.

PERMANENT EROSION/SEDIMENT CONTROL NOTES:

1. CONTRACTOR SHALL PROVIDE POST-CONSTRUCTION PERMANENT EROSION/SEDIMENT CONTROL THROUGHOUT THE SITE IN THE FORM OF FINISH LANDSCAPING.
2. PERMANENT EROSION CONTROLS SHOULD CONSIST OF VEGETATION OR OTHER MEANS OF STABILIZING ALL DISTURBED AREAS OF THE SITE. SUITABLE EROSION CONTROLS INCLUDE TURF, SHRUBS, ESTABLISHED HYDROSEEDING, MULCH, BARK, AND OTHER GROUNDCOVERS.
3. ALL DISTURBED GROUND SURFACES SHALL BE STABILIZED UPON COMPLETION OF CONSTRUCTION ACTIVITIES.
4. FINAL LANDSCAPING PLAN TO BE DEVELOPED IN COORDINATION WITH THE PROJECT ARCHITECT AND TO BE CONSISTENT WITH EXISTING LANDSCAPING AND TREES TO REMAIN.
5. LANDSCAPING PROPOSED SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CALIFORNIA MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.
6. DISTURBED AREAS OF THE SITE SHOULD BE STABILIZED DURING THE RAINY SEASON USING STRAW MULCH (EC-6) OR WOOD MULCHING (EC-8).
7. PERMANENT EROSION CONTROL SHALL BE PROVIDED BY LANDSCAPING SUCH AS SHRUBS, SOD OR MULCH. LANDSCAPE DESIGN MAY BE SUBJECT TO CHANGE.

ADDITIONAL CONTRACTOR PARKING:

- ADDITIONAL CONTRACTOR PARKING SHALL BE PROVIDED AT THE FOUNDATION'S EXISTING SURFACE PARKING LOT LOCATED AT 300 2ND STREET.



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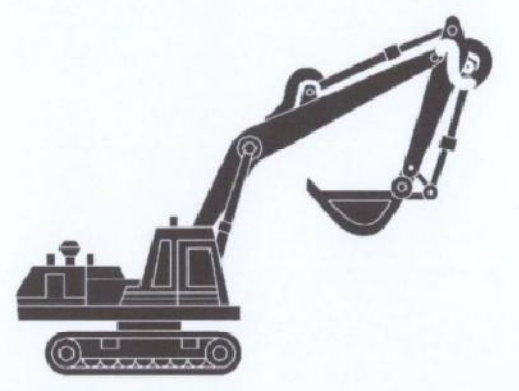
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Heavy Equipment Operation

Best Management Practices for the Construction Industry



- Doing The Job Right**
- Site Planning and Preventive Vehicle Maintenance**
- Maintain all vehicles and heavy equipment. Inspect frequently for and repair leaks.
 - Perform major maintenance, repair jobs, and vehicle and equipment washing off site where cleanup is easier.
 - If you must drain and replace motor oil, radiator coolant, or other fluids on site, use drip pans or drop cloths to catch drips and spills. Collect all spent fluids, store in separate containers, and properly dispose as hazardous waste (recycle whenever possible).
 - Do not use diesel oil to lubricate equipment parts, or clean equipment. Use only water for any onsite cleaning.
 - Cover exposed fifth wheel hitches and other oily or greasy equipment during rain events.

- Best Management Practices for the**
- Vehicle and equipment operators
 - Site supervisors
 - General contractors
 - Home builders
 - Developers

Storm water Pollution from Heavy Equipment on Construction Sites

Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are common sources of storm drain pollution. Prevent spills and leaks by isolating equipment from runoff channels, and by watching for leaks and other maintenance problems. Remove construction equipment from the site as soon as possible.

Roadwork and Paving

Best Management Practices for the Construction Industry



- Best Management Practices for the**
- Road crews
 - Driveway/sidewalk/parking lot construction crews
 - Seal coat contractors
 - Operators of grading equipment, paving machines, dump trucks, concrete mixers
 - Construction inspectors
 - General contractors
 - Home builders
 - Developers

- Doing The Job Right**
- General Business Practices**
- Develop and implement erosion/sediment control plans for roadway embankments.
 - Schedule excavation and grading work during dry weather.
 - Check for and repair leaking equipment.
 - Perform major equipment repairs at designated areas in your maintenance yard, where cleanup is easier. Avoid performing equipment repairs at construction sites.
 - When refueling or when vehicle/equipment maintenance must be done on site, designate a location away from storm drains and creeks.
 - Do not use diesel oil to lubricate equipment parts or clean equipment.
 - Recycle used oil, concrete, broken asphalt, etc. whenever possible, or dispose of properly.
- During Construction**
- Avoid paving and seal coating in wet weather, or when rain is forecast, to prevent fresh materials from contacting stormwater runoff.
 - Cover and seal catch basins and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
 - Protect drainage ways by using earth dikes, sand bags, or other controls to divert or trap and filter runoff.

Storm Drain Pollution from Roadwork

Road paving, surfacing, and pavement removal happen right in the street, where there are numerous opportunities for asphalt, saw-cut slurry, or excavated material to legally enter storm drains. Extra planning is required to store and dispose of materials properly and guard against pollution of storm drains, creeks, and the Bay.

Fresh Concrete and Mortar Application

Best Management Practices for the Construction Industry



- Doing The Job Right**
- General Business Practices**
- Wash out concrete mixers only in designated wash-out areas in your yard, away from storm drains and waterways, where the water will flow into a temporary waste pit in a dirt area. Let water percolate through soil and dispose of settled, hardened concrete as garbage. Whenever possible, recycle washout by pumping back into mixers for reuse.
 - Wash out chutes onto dirt areas at site that do not flow to creeks or drains.
 - Always store both dry and wet materials under cover, protected from rainfall and runoff and away from storm drains or waterways. Protect dry materials from wind.
 - Secure bags of cement after they are open. Be sure to keep wind-blown cement powder away from streets, gutters, storm drains, rainfall, and runoff.
 - Do not use diesel fuel as a lubricant on concrete forms, tools, or trailers.

- Best Management Practices for the**
- Masons and bricklayers
 - Sidewalk construction crews
 - Patio construction workers
 - Construction inspectors
 - General contractors
 - Home builders
 - Developers
 - Concrete delivery/pumping workers

Storm Drain Pollution from Fresh Concrete and Mortar Applications

Fresh concrete and cement-related mortars that wash into lakes, streams, or estuaries are toxic to fish and the aquatic environment. Disposing of these materials in the storm drains or creeks can block storm drains, cause serious problems, and is prohibited by law.

- During Construction**
- Don't mix up more fresh concrete or cement than you will use in a two-hour period.
 - Set up and operate small mixers on tarps or heavy plastic drop cloths.
 - When cleaning up after driveway or sidewalk construction, wash fines onto dirt areas, not down the driveway or into the street or storm drain.
 - Protect applications of fresh concrete and mortar from rainfall and runoff until the material has dried.
 - Wash down exposed aggregate concrete only when the wash water can (1) flow onto a dirt area, (2) drain onto a bermed surface from which it can be pumped and disposed of properly, or (3) be vacuumed from a catchment created by blocking a storm drain inlet. If necessary, divert runoff with temporary berms. Make sure runoff does not reach gutters or storm drains.
 - When breaking up pavement, be sure to pick up all the pieces and dispose of properly. Recycle large chunks of broken concrete at a landfill.
 - Never bury waste material. Dispose of small amounts of excess dry concrete, grout, and mortar in the trash.
 - Never dispose of washout into the storm drains, drainage ditches, or streams.

Preventing Pollution: It's Up to Us

In the Santa Clara Valley, storm drains transport water directly to local creeks and San Francisco Bay without treatment. Storm water pollution is a serious problem for wildlife dependent on our waterways and for the people who live near polluted streams or bay lands. Some common sources of this pollution include spilled oil, fuel, and fluids from vehicles and heavy equipment; construction debris; sediment created by erosion; landscaping runoff containing pesticides or weed killers; and materials such as used motor oil, antifreeze, and paint products that people pour or spill into a street or storm drain.

Thirteen valley municipalities have joined together with Santa Clara County and the Santa Clara Valley Water District to educate local residents and businesses and fight storm water pollution. To comply with this program, contractors most comply with the practices described in this drawing sheet.

- Spill Response Agencies**
- DIAL 91-1
- State Office of Emergency Services Warning Center (24 hours): 800-852-7550
- Santa Clara County Environmental Health Services: (408) 299-6930

- Local Pollution Control Agencies**
- County of Santa Clara Pollution Prevention Program: (408) 441-1195
- County of Santa Clara Integrated Waste Management Program: (408) 441-1198
- County of Santa Clara District Attorney Environmental Crimes Hotline: (408) 299-TIPS
- Santa Clara County Recycling Hotline: 1-800-533-8414
- Santa Clara Valley Water District: (408) 265-2600
- Santa Clara Valley Water District Pollution Hotline: 1-888-510-5151
- Regional Water Quality Control Board San Francisco Bay Region: (510) 622-2300
- Palo Alto Regional Water Quality Control Plant: (650) 329-2598
- Serving East Palo Alto Sanitary District, Los Altos, Los Altos Hills, Mountain View, Palo Alto, Stanford
- City of Los Altos**
- Building Department: (650) 947-2752
- Engineering Department: (650) 947-2780

Landscaping, Gardening, and Pool Maintenance

Best Management Practices for the Construction Industry



- Doing The Right Job**
- General Business Practices**
- Protect stockpiles and landscaping materials from wind and rain by storing them under tarps or secured plastic sheeting.
 - Store pesticides, fertilizers, and other chemicals indoors or in a shed or storage cabinet.
 - Schedule grading and excavation projects during dry weather.
 - Use temporary check dams or ditches to divert runoff away from storm drains.
 - Protect storm drains with sandbags or other sediment controls.
 - Re-vegetation is an excellent form of erosion control for any site.
- Landscaping/Garden Maintenance**
- Use pesticides sparingly, according to instructions on the label. Rinse empty containers, and use rinse water as product. Dispose of rinsed, empty containers in the trash. Dispose of unused pesticides as hazardous waste.
 - Collect lawn and garden clippings, pruning waste, and tree trimmings. Chip if necessary, and compost.
 - In communities with curbside pickup of yard waste, place clippings and pruning waste at the curb in approved bags or containers. Or, take to a landfill that composts yard waste. No curbside pickup of yard waste is available for commercial properties.

- Best Management Practices for the**
- Landscapers
 - Gardeners
 - Swimming pool/spa service and repair workers
 - General contractors
 - Home builders
 - Developers
 - Homeowners

Storm Drain Pollution from Landscaping and Swimming Pool Maintenance

Many landscaping activities expose soils and increase the likelihood that earth and garden chemicals will run off into the storm drains during irrigation or when it rains. Swimming pool water containing chlorine and copper-based algaecides should never be discharged to storm drains. These chemicals are toxic to aquatic life.

Painting and Application of Solvents and Adhesives

Best Management Practices for the Construction Industry



- Doing The Job Right**
- Handling Paint Products**
- Keep all liquid paint products and wastes away from the gutter, street, and storm drains. Liquid residues from paints, thinners, solvents, glues, and cleaning fluids are hazardous wastes and must be disposed of at a hazardous waste collection facility (contact your local stormwater program listed on the back of this brochure).
 - When thoroughly dry, empty paint cans, used brushes, rags, and drop cloths may be disposed of as garbage in a sanitary landfill. Empty, dry paint cans also may be recycled as metal.
 - Wash water from painted buildings constructed before 1978 can contain high amounts of lead, even if paint chips are not present. Before you begin stripping paint or cleaning pre-1978 building exteriors with water under high pressure, test paint for lead by taking paint scrapings to a local laboratory. See Yellow Pages for a state-certified laboratory.
 - If there is loose paint on the building, or if the paint tests positive for lead, block storm drains. Check with the wastewater treatment plant to determine whether you may discharge water to the sanitary sewer, or if you must send it offsite for disposal as hazardous waste.

- Best Management Practices for the**
- Homeowners
 - Painters
 - Painter/hangers
 - Plasterers
 - Graphic artists
 - Dry wall crews
 - Floor covering installers
 - General contractors
 - Home builders
 - Developers

Storm Drain Pollution from Paints, Solvents, and Adhesives

All paints, solvents, and adhesives contain chemicals that are harmful to wildlife in local creeks, San Francisco Bay, and the Pacific Ocean. Toxic chemicals may come from liquid or solid products or from cleaning fluids or rags. Paint material and wastes, adhesives and cleaning fluids should be recycled when possible, or disposed of properly to prevent these materials from flowing into storm drains and watercourses.



Los Altos Municipal Code Requirements

Los Altos Municipal Code Chapter 10.08.390 Non-storm water discharges

A. Unlawful discharges. It shall be unlawful to discharge any domestic waste or industrial waste into storm drains, gutters, creeks, or San Francisco Bay. Unlawful discharges to storm drains shall include, but not be limited to, discharge from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, vehicle cleaning, construction activities, including, but not limited to, painting, paving, concrete placement, saw cutting and grading, swimming pools, spas; and fountains, unless specifically permitted by a discharge permit or unless exempted pursuant to guidelines published by the superintendent.

B. Threatened discharges. It shall be unlawful to cause hazardous materials, domestic waste, or industrial waste to be deposited in such a manner or location as to constitute a threatened discharge into storm drains, gutters, creeks or San Francisco Bay. A "threatened discharge" is a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources. Domestic or industrial wastes that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

- Los Altos Municipal Code Section 10.08.430 Requirements for construction operations.**
- A. A spill response plan for hazardous waste, hazardous materials and uncontained construction materials shall be prepared and available at the construction sites for all projects where the proposed construction site is equal to or greater than one acre of disturbed soil and for any other projects for which the city engineer determines it is necessary to protect surface waters. Preparation of the plan shall be in accordance with guidelines published by the city engineer.
- B. A storm water pollution prevention plan shall be prepared and available at the construction sites for all projects greater than one acre of disturbed soil and for any other projects for which the city engineer determines that a storm water management plan is necessary to protect surface waters. Preparation of the plan shall be in accordance with guidelines published by the city engineer.
- C. Prior approval shall be obtained from the city engineer or designee to discharge water pumped from construction sites to the storm drain. The city engineer or designee may require gravity settling and filtration upon a determination that either or both would improve the water quality of the discharge. Contaminated groundwater or water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain. Such water may be discharged to the sewer, provided that the requirements of Section 10.08.240 are met and the approval of the superintendent is obtained prior to discharge.
- D. No cleanup of construction debris from the streets shall result in the discharge of water to the storm drain system; nor shall any construction debris be deposited or allowed to be deposited in the storm drain system. (Prior code § 5-5-643)

Criminal and judicial penalties can be assessed for non-compliance.

General Construction And Site Supervision

Best Management Practices For Construction



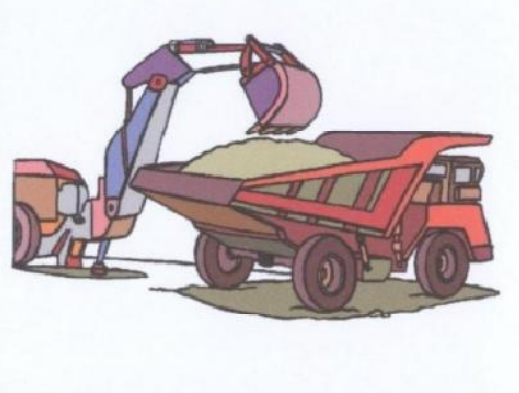
- Doing The Job Right**
- General Principals**
- Keep an orderly site and ensure good housekeeping practices are used.
 - Maintain equipment properly.
 - Cover materials when they are not in use.
 - Keep materials away from streets, storm drains and drainage channels.
 - Ensure dust control water doesn't leave site or discharge to storm drains.
- Advance Planning To Prevent Pollution**
- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or place other erosion controls before rain begins. Use the Erosion and Sediment Control Manual, available from the Regional Water Quality Control Board, as a reference.
 - Control the amount of runoff crossing your site (especially during excavation) by using berms or temporary or permanent drainage ditches to divert water flow around the site. Reduce storm water runoff velocities by constructing temporary check dams or berms where appropriate.
 - Train your employees and subcontractors. Make these best management practices available to everyone who works on the construction site. Inform subcontractors about the storm water requirements and their own responsibilities.
- Good Housekeeping Practices**
- Designate one area of the site for auto parking, vehicle refueling, and routine equipment maintenance. The designated area should be well away from streams or storm drain inlets, bermed if necessary. Make major repairs off site.
 - In addition to local building permits, you will need to obtain coverage under the State's General Construction Activity Storm Water Permit if your construction site disturbs one acre or more. Obtain information from the Regional Water Quality Control Board.

Storm Drain Pollution from Construction Activities

Construction sites are common sources of storm water pollution. Materials and wastes that blow or wash into a storm drain, gutter, or street have a direct impact on local creeks and the Bay. As a contractor, or site supervisor, owner or operator of a site, you may be responsible for any environmental damage caused by your subcontractors or employees.

Earth-Moving And Dewatering Activities

Best Management Practices for the Construction Industry



- Doing The Job Right**
- General Business Practices**
- Schedule excavation and grading work during dry weather.
 - Perform major equipment repairs away from the job site.
 - When refueling or vehicle/equipment maintenance must be done on site, designate a location away from storm drains.
 - Do not use diesel oil to lubricate equipment parts, or clean equipment.
- Practices During Construction**
- Remove existing vegetation only when absolutely necessary. Plant temporary vegetation for erosion control on slopes or where construction is not immediately planned.
 - Protect down slope drainage courses, streams, and storm drains with wattles, or temporary drainage swales. Use check dams or ditches to divert runoff around excavations. Refer to the Regional Water Quality Control Board's Erosion and Sediment Control Field Manual for proper erosion and sediment control measures.

- Best Management Practices for the**
- Bulldozer, back hoe, and grading machine operators
 - Dump truck drivers
 - Site supervisors
 - General contractors
 - Home builders
 - Developers

Storm Drain Pollution from Earth-Moving Activities and Dewatering

Soil excavation and grading operations loosen large amounts of soil that can flow or blow into storm drains when handled improperly. Sediments in runoff can clog storm drains, smother aquatic life, and destroy habitats in creeks and the Bay. Effective erosion control practices reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces.

Contaminated groundwater is a common problem in the Santa Clara Valley. Depending on soil types and site history, groundwater pumped from construction sites may be contaminated with toxics (such as oil or solvents) or laden with sediments. Any of these pollutants can harm wildlife in creeks or the Bay, or interfere with wastewater treatment plant operation. Discharging sediment-laden water from a dewatering site into any water of the state without treatment is prohibited.

Blueprint for a Clean Bay

Remember: The property owner and the contractor share ultimate responsibility for the activities that occur on a construction site. You may be held responsible for any environmental damage caused by your subcontractors or employees.

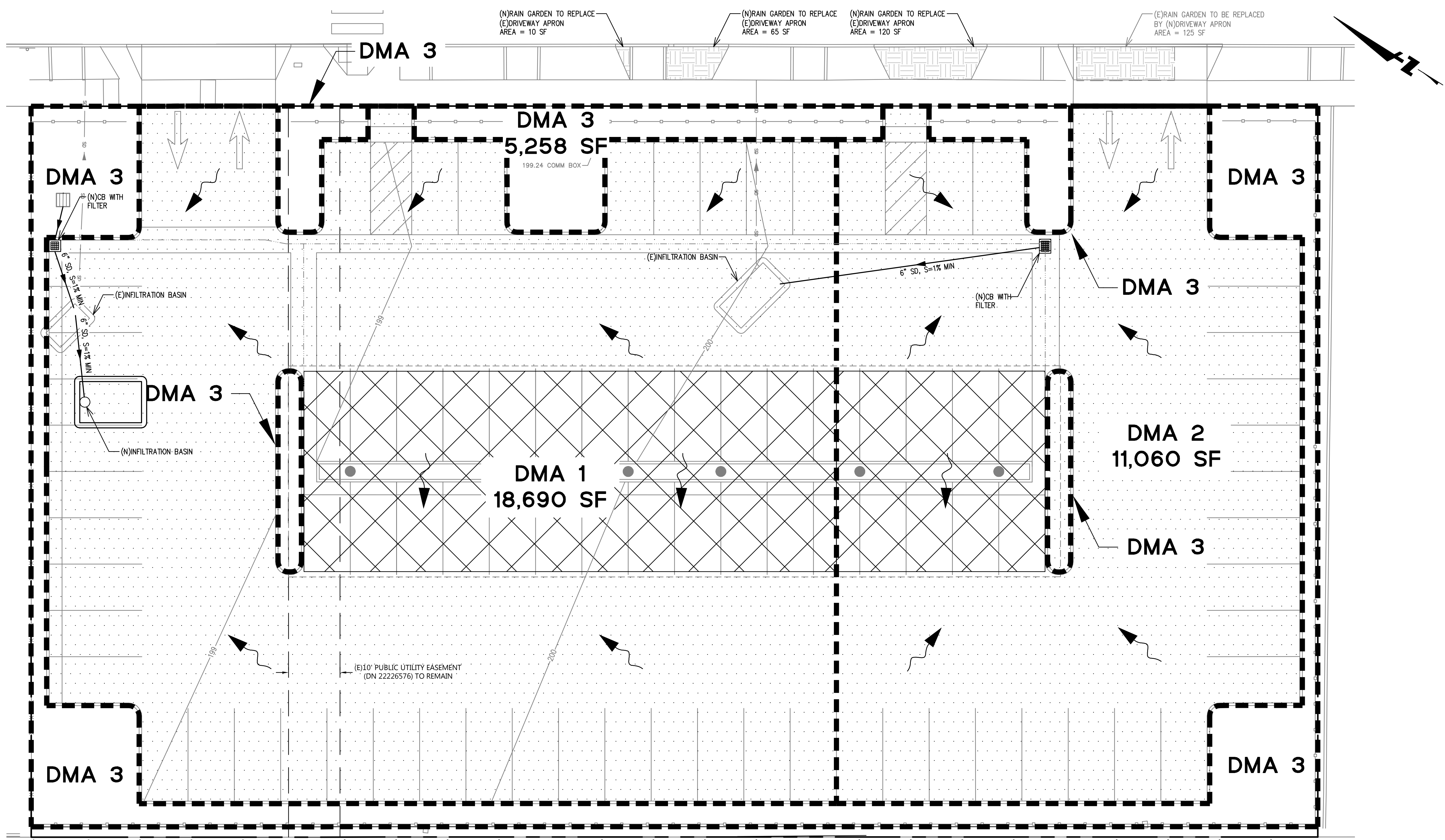
Best Management Practices for the Construction Industry



Santa Clara Urban Runoff Pollution Prevention Program

DESIGNED BY: LARRY LIND	APPROVED BY: 	CITY OF LOS ALTOS R.C.E.	DATE: OCTOBER, 2003
DRAWN BY: VICTOR CHEN	CITY ENGINEER	48056	SCALE: N.T.S.
CHECKED BY: JIM GUSTAFSON	SHEET	OF	SHEETS
DRAWING NO.:			

Date	08/23/2021
Scale	1" = 10'
Design	DJP
Drawn	DJP
Approved	D.J.L.
Job No.	20191214-10
Drawing Number:	C4.1

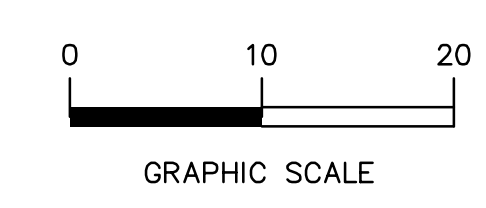


LEGEND

	(P) PERVIOUS LANDSCAPE
	(P) IMPERVIOUS HARDSCAPE
	(P) IMPERVIOUS SOLAR STRUCTURE

	DMA 1	DMA 2	DMA 3 ¹	TOTAL
TOTAL AREA	18,865 SQ FT	11,080 SQ FT	5,063 SQ FT	35,008 SQ FT
(P) PERVIOUS AREA				
PERVIOUS LANDSCAPE	0 SQ FT	0 SQ FT	5,258 SQ FT	5,258 SQ FT
TOTAL:	0 SQ FT	0 SQ FT	5,258 SQ FT	5,258 SQ FT
(P) IMPERVIOUS AREA				
HARDSCAPE:	14,660 SQ FT	9,480 SQ FT	0 SQ FT	24,140 SQ FT
BUILDINGS:	4,030 SQ FT	1,580 SQ FT	0 SQ FT	5,610 SQ FT
TOTAL:	18,690 SQ FT	11,060 SQ FT	0 SQ FT	29,750 SQ FT
REQUIRED LID TREATMENT VOLUME ²	1,002 CU FT	592 CU FT	0 SQ FT	1,594 CU FT
PROVIDED LID TREATMENT VOLUME	1,096 CU FT	676 CU FT	0 SQ FT	1,772 CU FT

¹ DMA 3 IS SELF-TREATING AND BYPASSES ONSITE STORM DRAIN SYSTEM
² REQUIRED LID TREATMENT VOLUME IS SIZED PER THE SCVURPPP C3 HANDBOOK VOLUME-BASED SIZING CRITERIA



SEE SHEET C0.0
FOR ABBREVIATIONS
AND LEGENDS



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PLOT DATE: 08-21-21 PLOTTED BY: polt



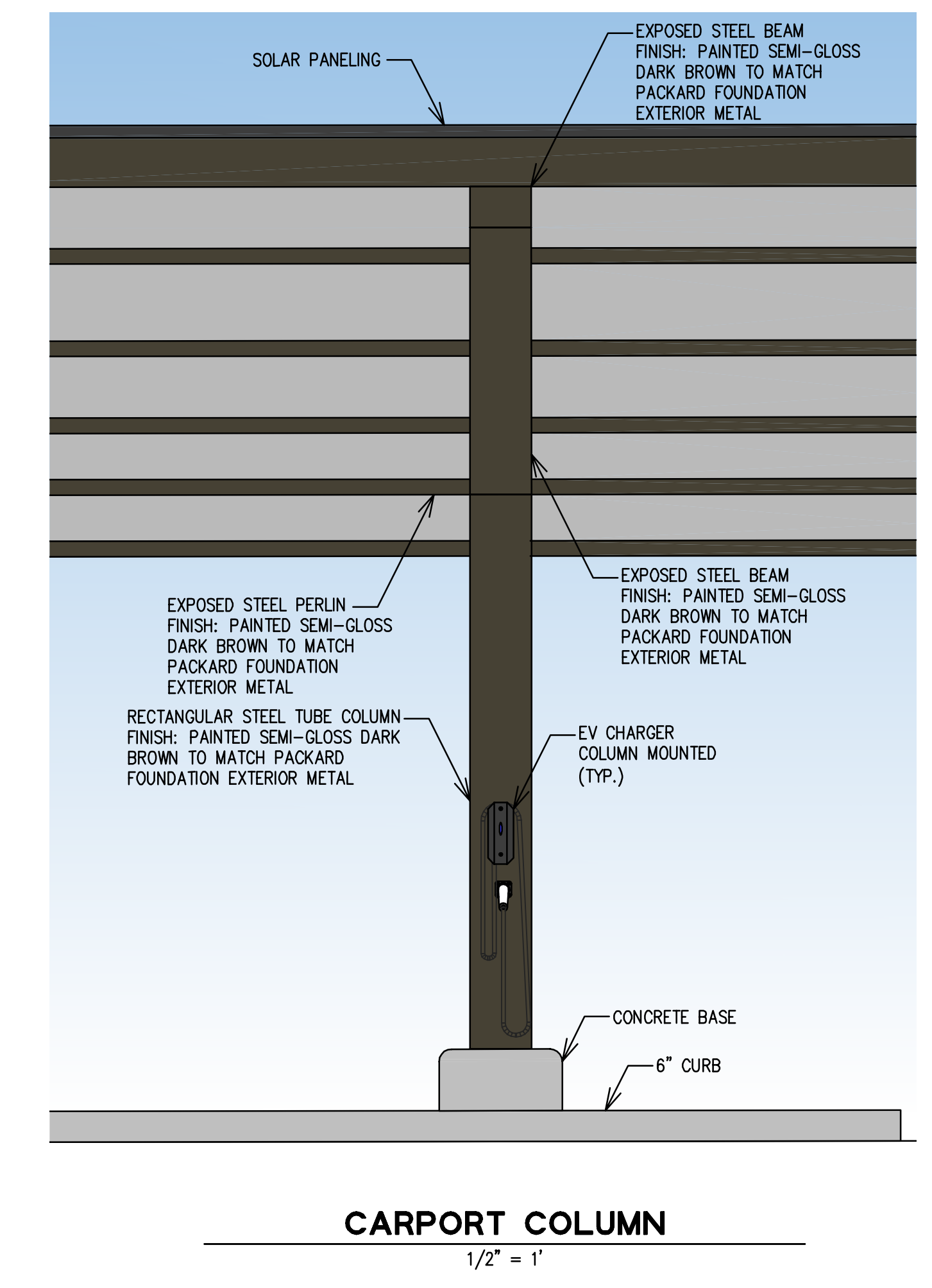
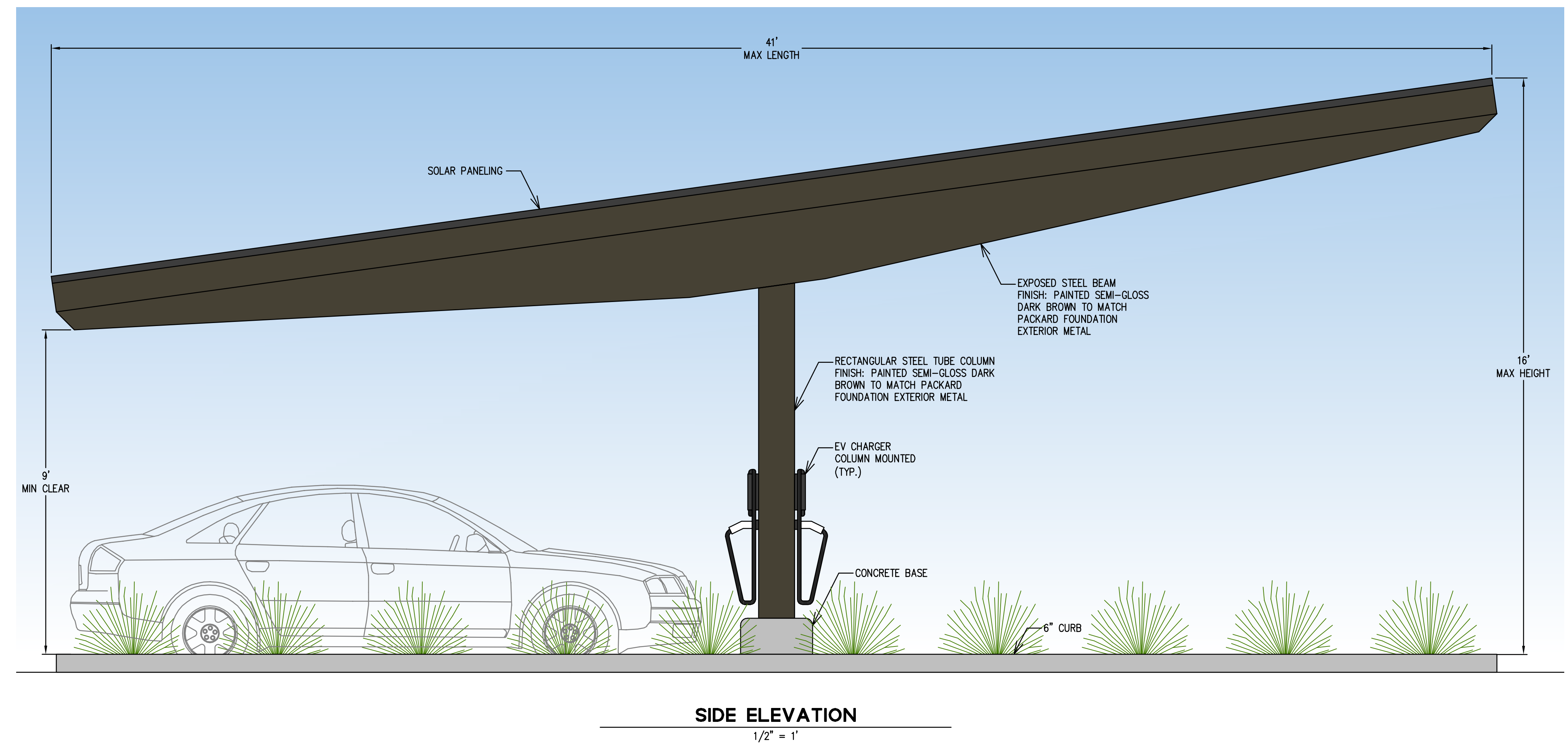
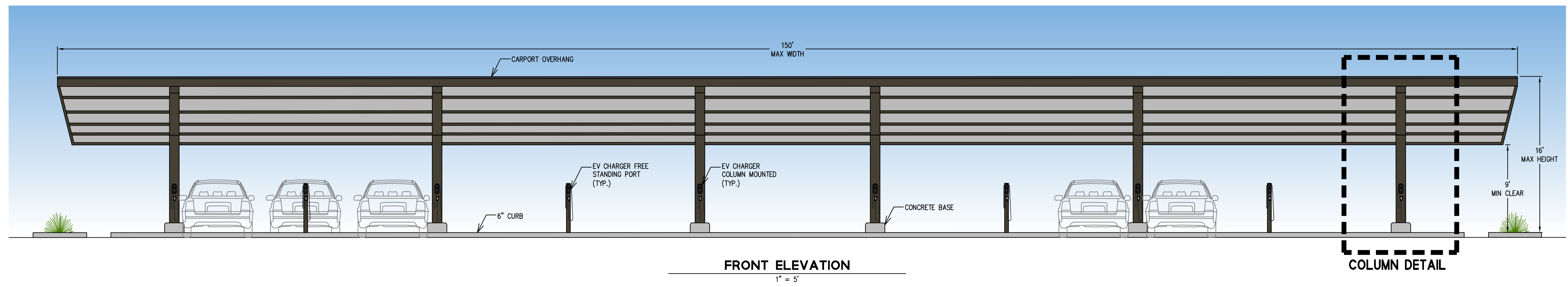
255 SHORELINE DRIVE
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

CALIFORNIA

CARPOT ELEVATIONS
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET
SANTA CLARA COUNTY
LOS ALTOS



Date	Revisions	No.
08/23/2021	Scale AS SHOWN	
	Design DJP	
	Drawn DJP	
	Approved D.J.L.	
	Job No. 20191214-10	



SEE SHEET C0.0
FOR ABBREVIATIONS
AND LEGENDS



C5.1
OF

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PLOT DATE: 08-23-21 PLOTTED BY: polt

SITE RENDERINGS
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET

REVIEW ONLY
NOT FOR
CONSTRUCTION

No.	Revisions	Date

Date: 08/23/2021
Scale: NO SCALE
Design: DJP
Drawn: DJP
Approved: DJL
Job No: 20191214-10

Drawing Number:
C5.2
OF



VIEW FROM SOUTH CORNER



VIEW FROM WEST CORNER



VIEW FROM 2ND STREET (EAST)



VIEW FROM 2ND STREET (NORTH)

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PLOT DATE: 08-23-21 PLOTTED BY: polt

Date	No.	Revisions
08/23/2021		
Scale	NO SCALE	
Design	DJP	
Drawn	DJP	
Approved	D.J.L.	
Job No.	20191214-10	



VIEW OF PARKING STALLS ALONG 2ND STREET FRONTAGE



VIEW BELOW SOLAR CANOPY



VIEW OF VEGETATION SCREENING ALONG SOUTH PROPERTY LINE



VIEW OF BACK ALLEY

DRAWING NAME: K:\2019\191214_Packard_Parking_Expansion\ENG\posheets.dwg
PLOT DATE: 08-23-21 PLOTTED BY: polt



255 SHORELINE DRIVE
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

CALIFORNIA

CARPORT MATERIAL BOARD
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET

SANTA CLARA COUNTY
LOS ALTOS



Date	08/23/2021
Scale	NO SCALE
Design	DUP
Drawn	DUP
Approved	D.J.L.
Job No.	20191214-10
Revisions	
No.	

Drawing Number:
C5.4
OF



EV CHARGER COLUMN MOUNTED



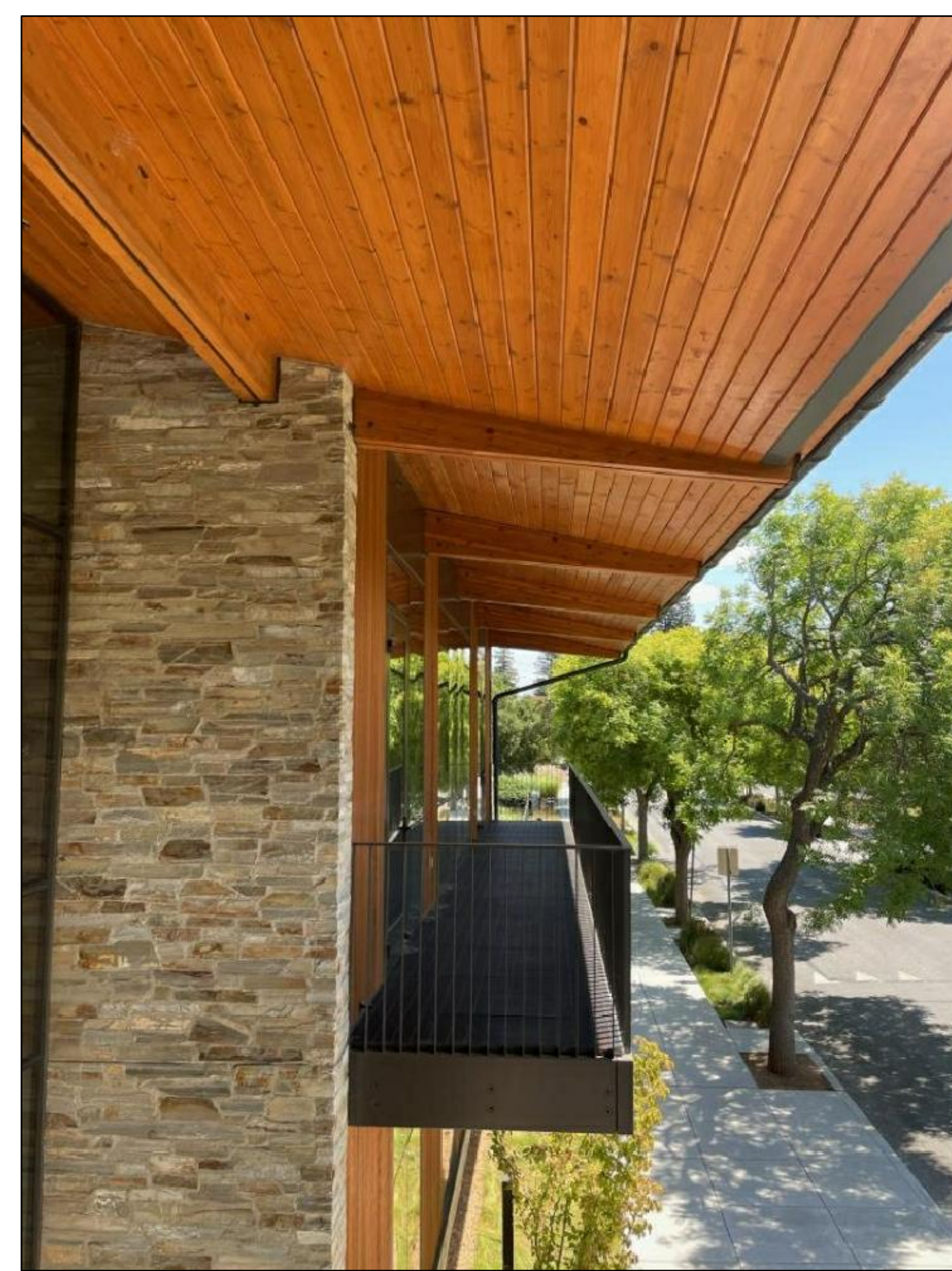
EV CHARGER FREE STANDING PORT



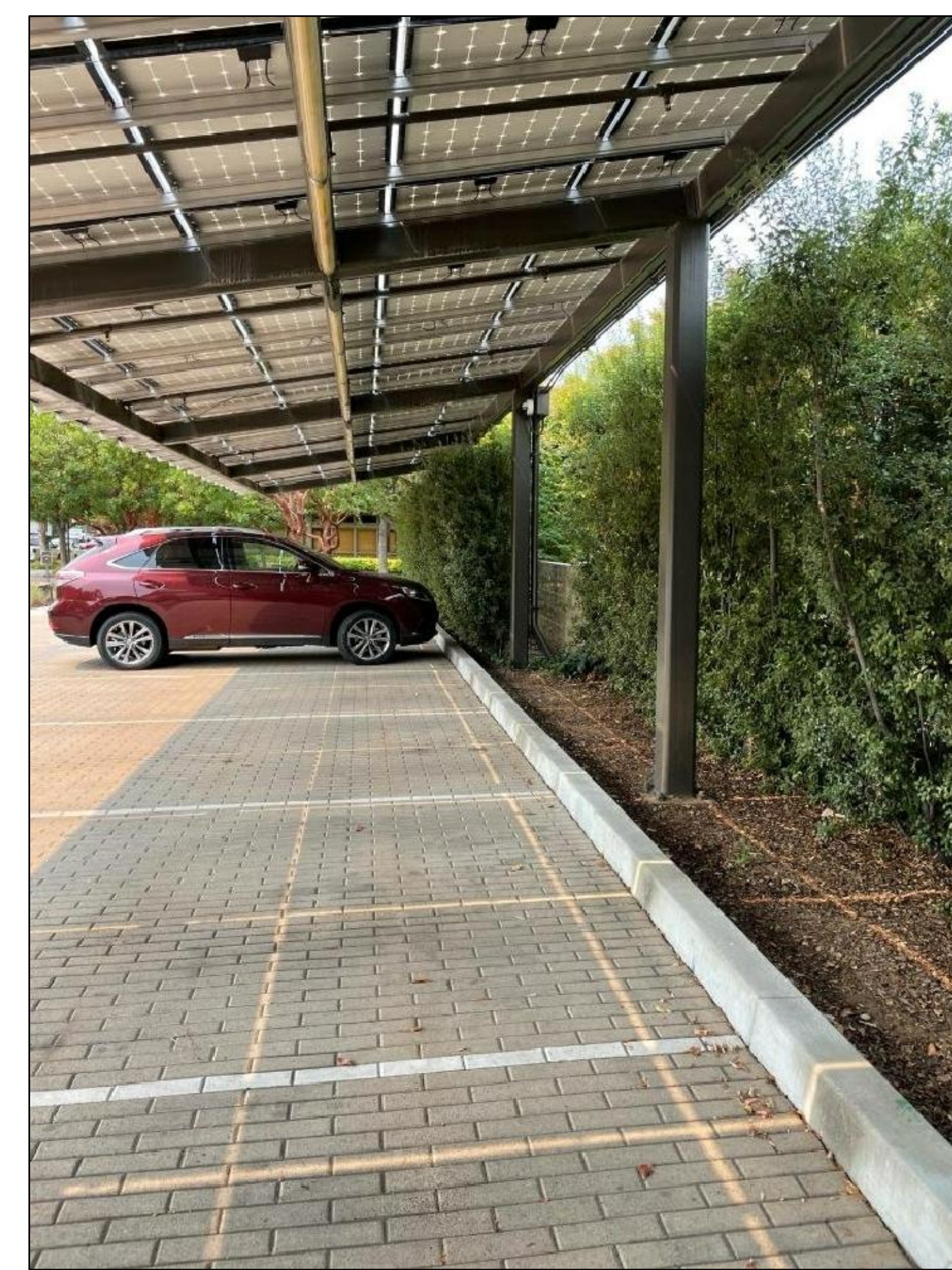
SHALLOW PITCH ROOF WITH FLUSH MOUNTED PV PANELS



EXISTING PACKARD FOUNDATION OFFICE
AT 343 2ND STREET: DARK BROWN EXTERIOR
METAL FINISH



EXISTING PACKARD FOUNDATION OFFICE
AT 343 2ND STREET: TAPERED CANTILEVER BEAM

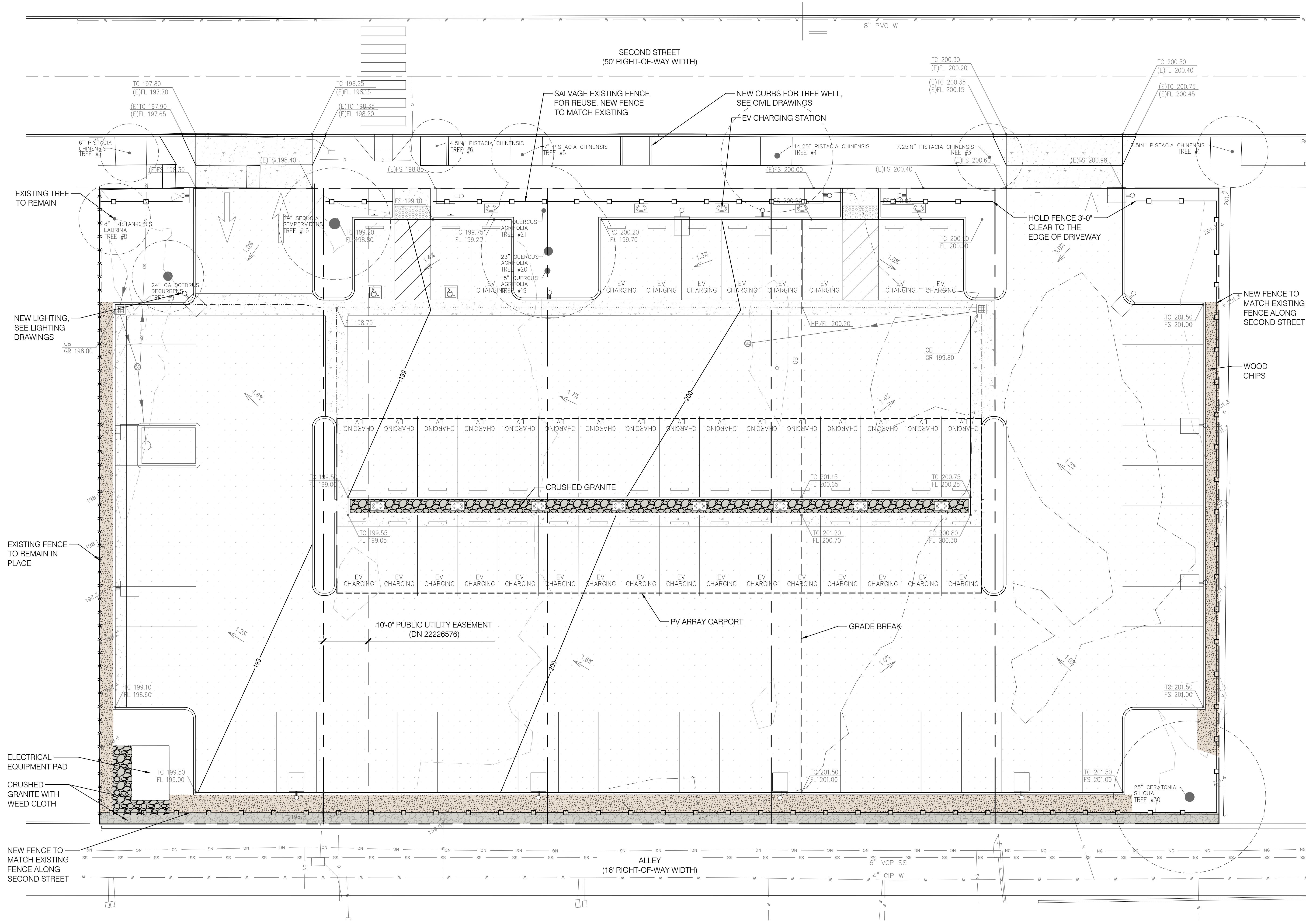


EXISTING PACKARD FOUNDATION PARKING LOT
AT 323 2ND STREET: EXPOSED CANOPY FRAMING



EXISTING PACKARD FOUNDATION PARKING LOT
AT 323 2ND STREET: RECTANGULAR STEEL TUBE
COLUMN

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PLOT DATE: 08-23-21 PLOTTED BY: polt



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CALIFORNIA

MATERIALS PLAN
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET
SANTA CLARA COUNTY

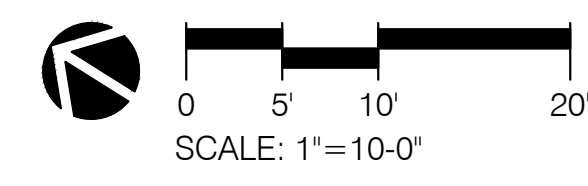
LOS ALTOS

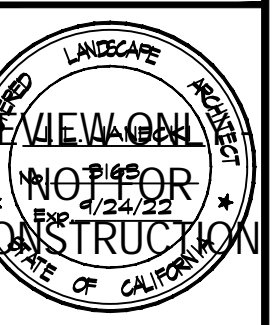


No.	Date	Revisions

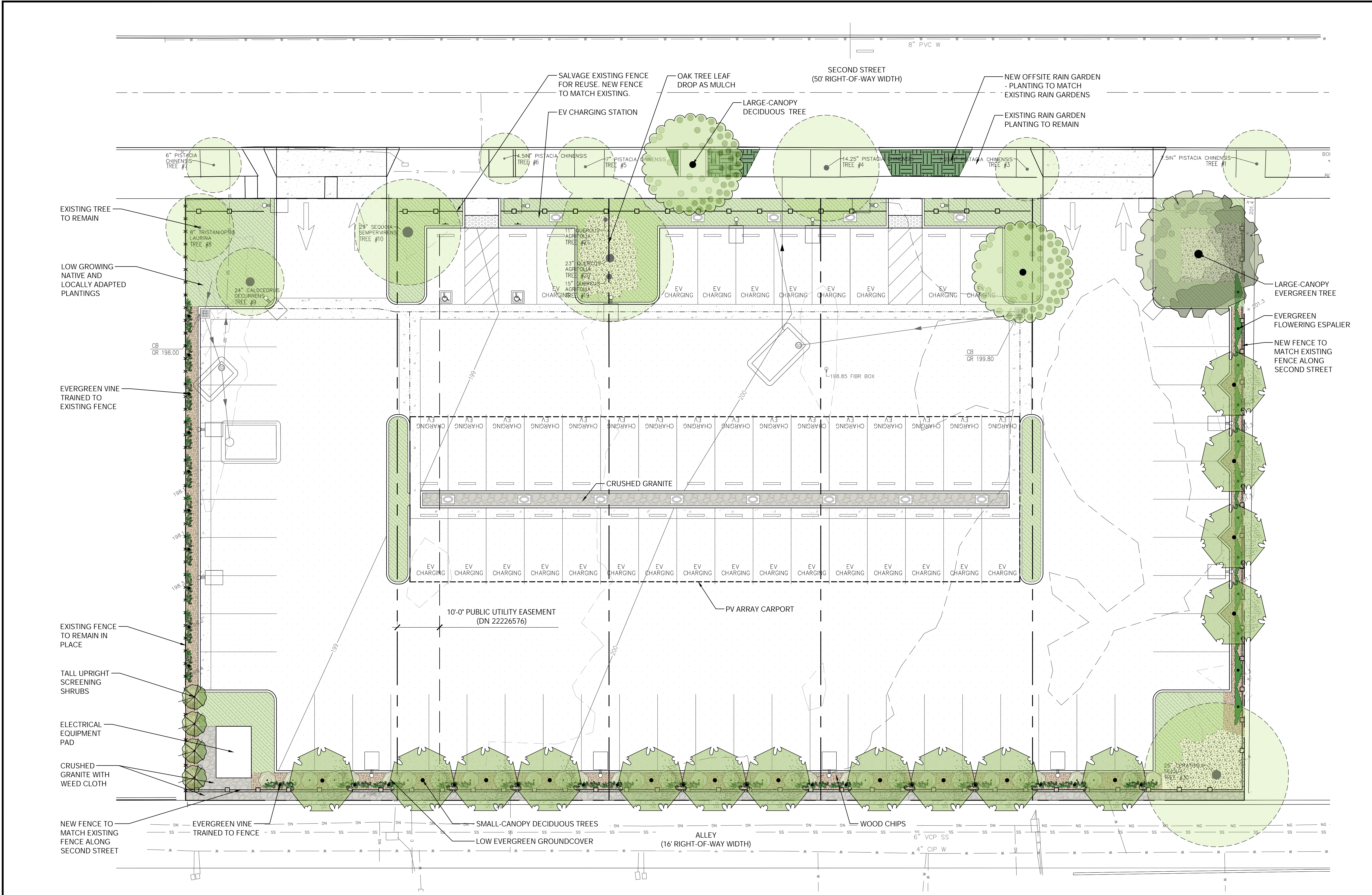
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 Design: OW/JLJ
 Drawn: MN/ND
 Approved: JLJ
 Job No: 20-270

Drawing Number:
L1.00 OF

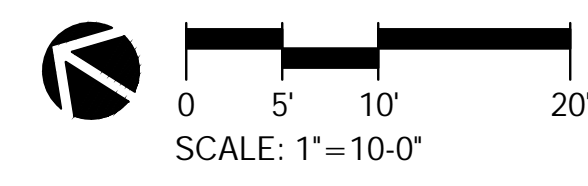




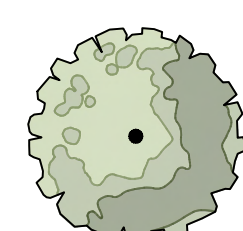
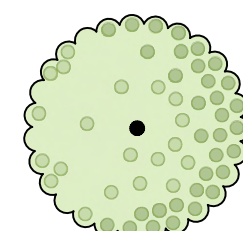
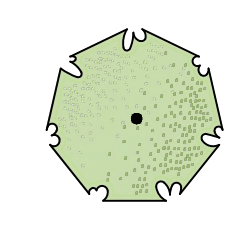
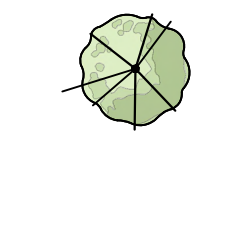
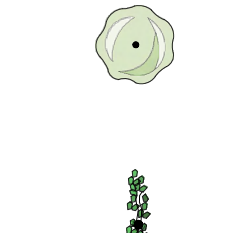
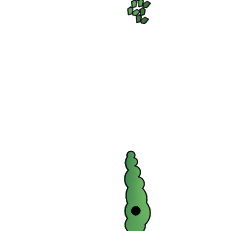
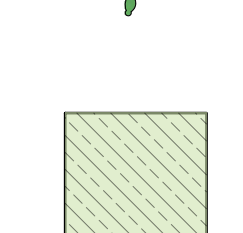
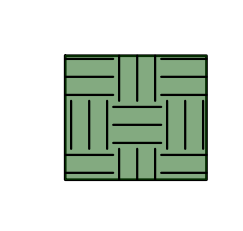

No.	Date	Revisions



NOTE:
1. REFER TO PLANT OPTIONS LIST AND CHARACTER IMAGES ON SHEET L1.02.



PLANT OPTIONS

-  **LARGE-CANOPY EVERGREEN TREE**
 QUERCUS AGRIFOLIA (COAST LIVE OAK)
-  **LARGE-CANOPY DECIDUOUS TREE**
 PISTACIA CHINENSIS (CHINESE PISTACHE)
-  **SMALL-CANOPY DECIDUOUS TREES**
 CERCIS CANADENSIS 'ACE OF HEARTS' (ACE OF HEARTS REDBUD)
 ACER PALMATUM (JAPANESE MAPLE)
-  **TALL UPRIGHT SCREENING SHRUBS**
 PITTOSPORUM TENUIFOLIUM (TAWHIWHI)
 PRUNUS CAROLINIANA 'COMPACTA' (COMPACT CAROLINA LAUREL CHERRY)
 RHAMNUS CALIFORNICA 'LEATHERLEAF' (CALIFORNIA COFFEEBERRY)
-  **LOW EVERGREEN GROUND COVER**
 ARCTOSTAPHYLOS 'EMERALD CARPET' (EMERALD CARPET MANZANITA)
-  **EVERGREEN VINE TRAINED TO FENCE**
 JASMINUM POLYANTHUM (PINK JASMINE)
 TRACHELOSPERMUM JASMINOIDES (STAR JASMINE)
 VITIS CALIFORNICA 'ROGER'S RED' (CALIFORNIA WILD GRAPE)
-  **EVERGREEN FLOWERING ESPALIER**
 GREWIA OCCIDENTALIS (LAVENDER STARFLOWER)
 TECOMARIA CAPENSIS (CAPE HONEYSUCKLE)
-  **LOW GROWING NATIVE AND LOCALLY ADAPTED PLANTINGS**
 CAREX PANSA (SANDDUNE SEDGE)
 HEUCHERA MAXIMA (ISLAND ALUM ROOT)
 RIBES VIBURNIFOLIUM (EVERGREEN CURRANT)
-  **RAIN GARDEN PLANTING MIX**
 HEUCHERA MAXIMA (ISLAND ALUM ROOT) - 35%
 IRIS DOUGLASIANA (DOUGLAS IRIS) - 15%
 RIBES SANGUINEUM (RED FLOWERING CURRANT) - 50%










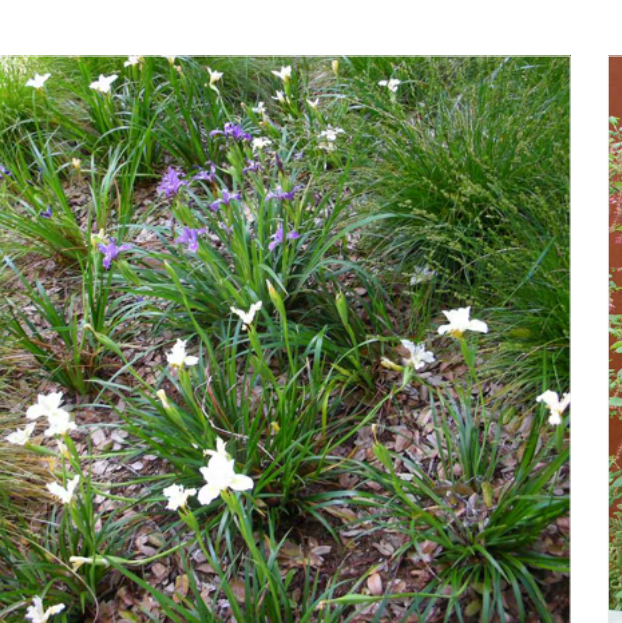
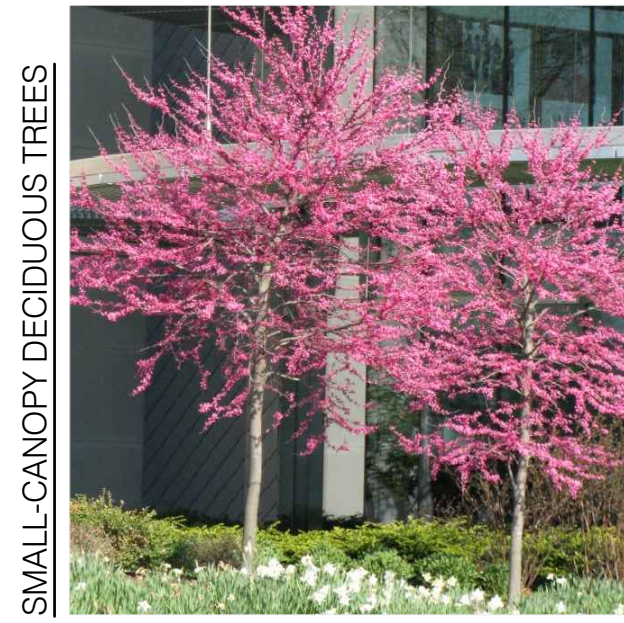



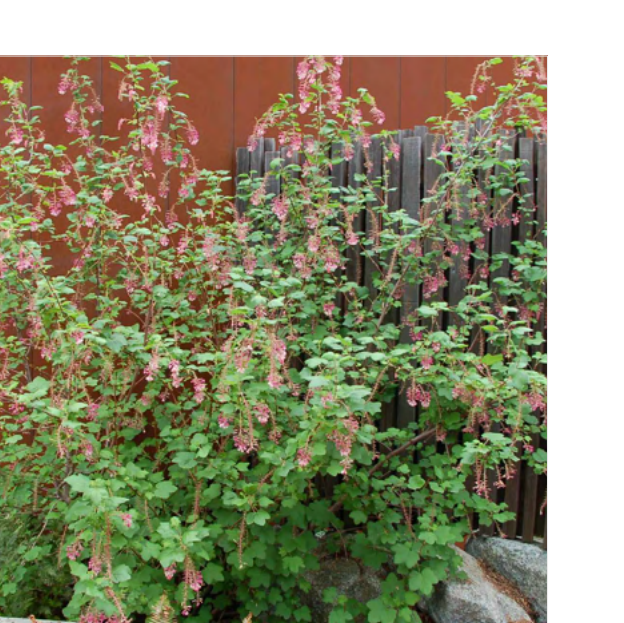







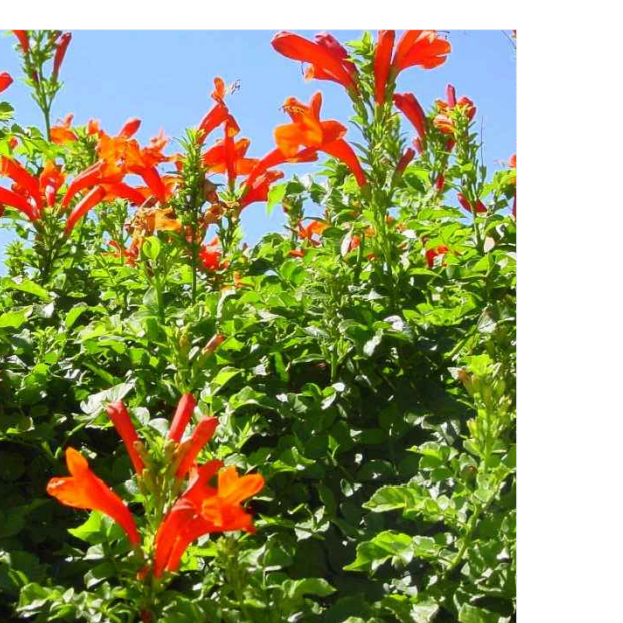






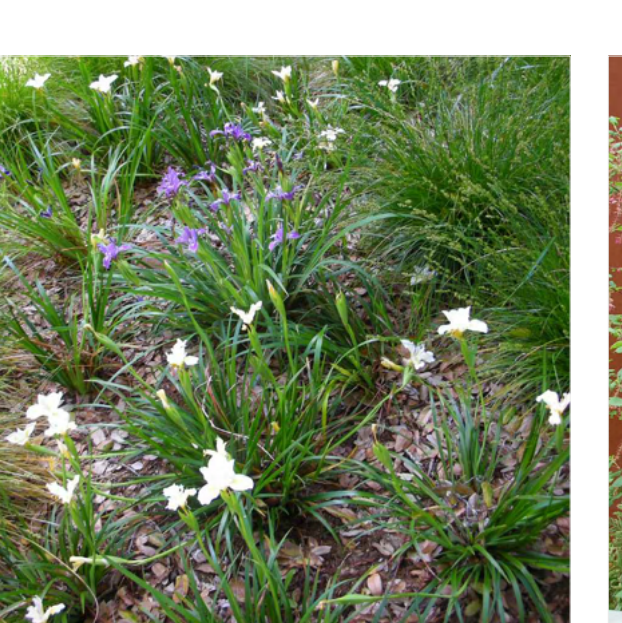
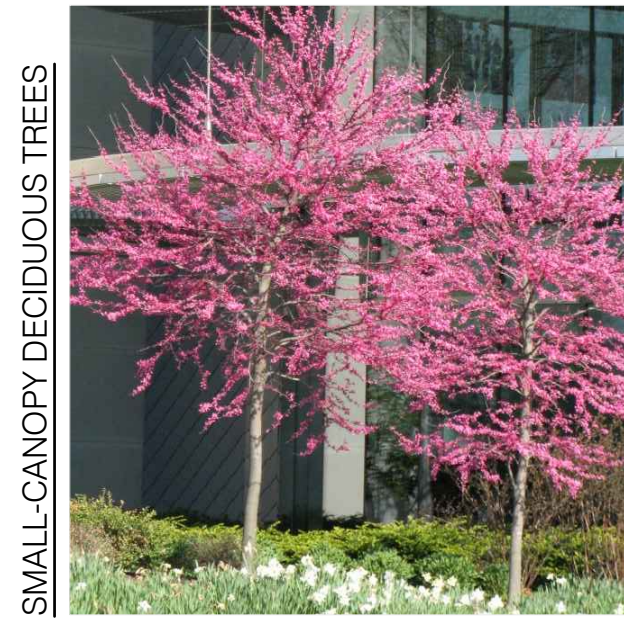



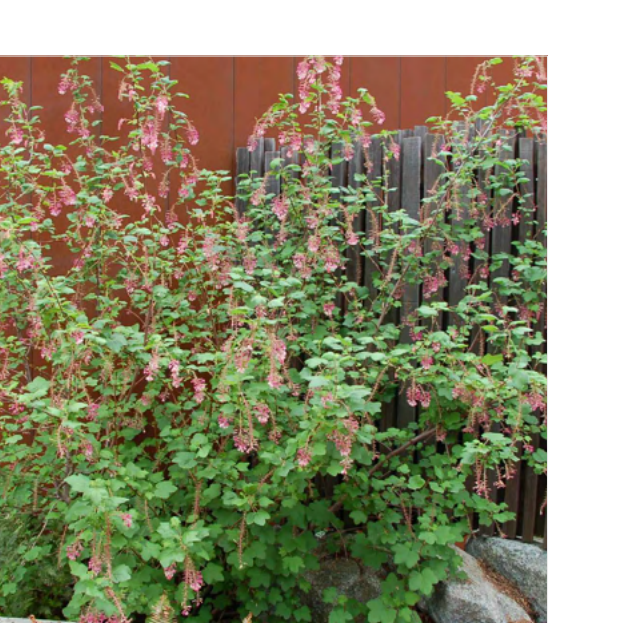







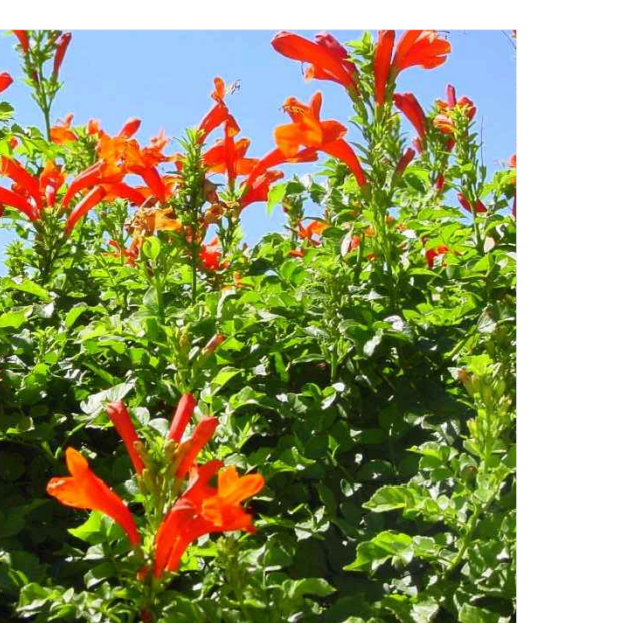






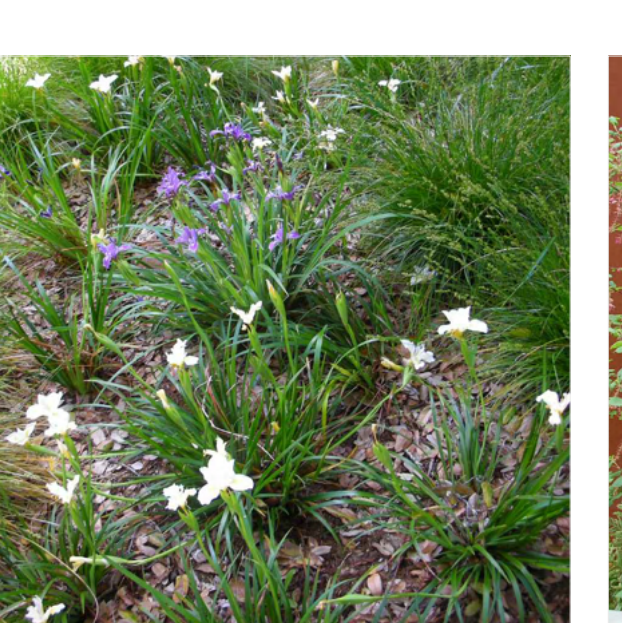
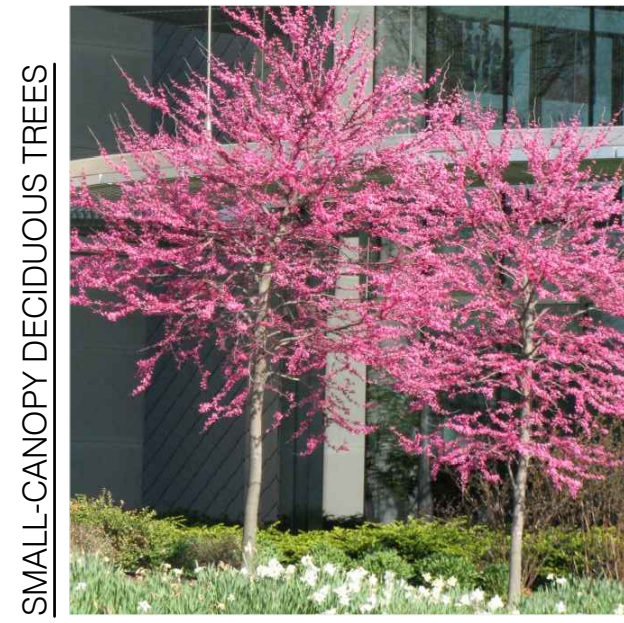



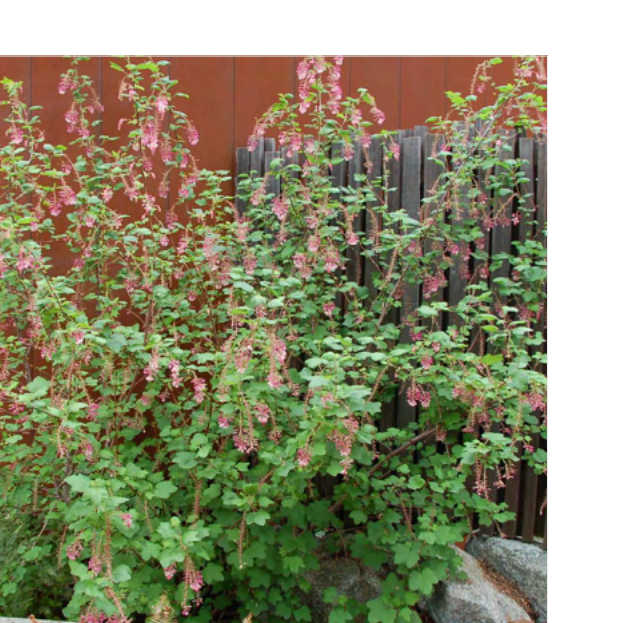







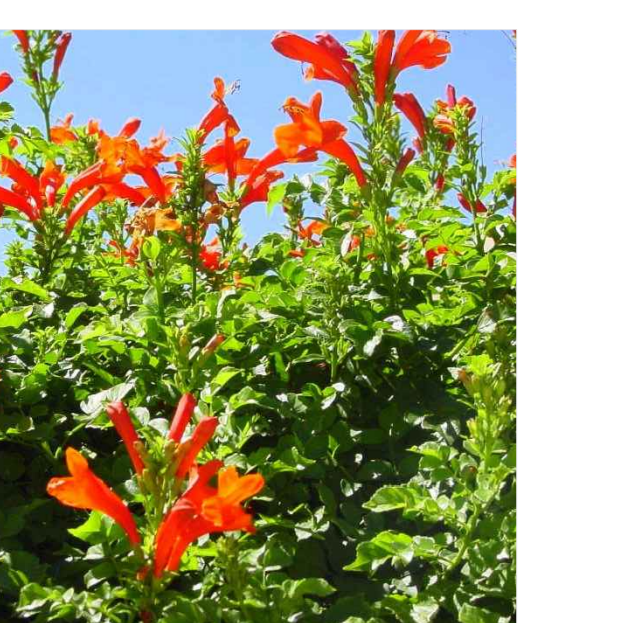











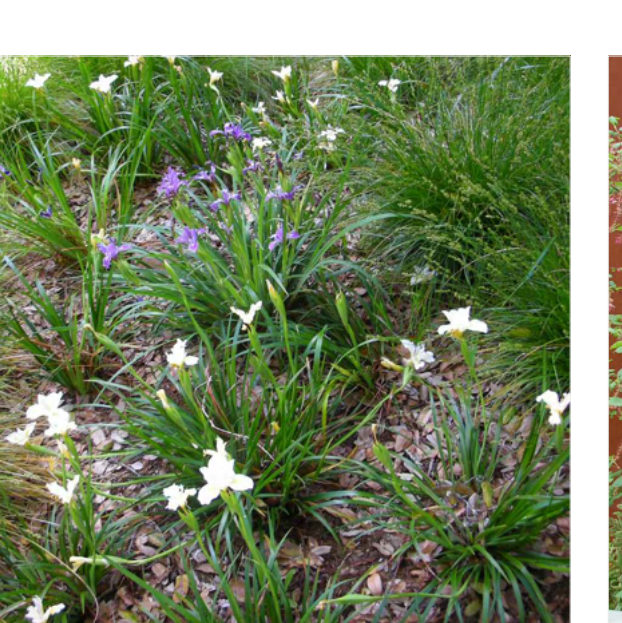
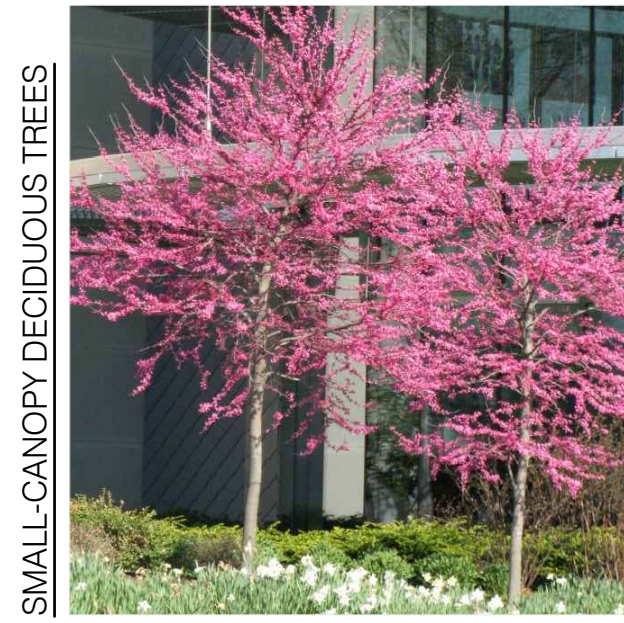



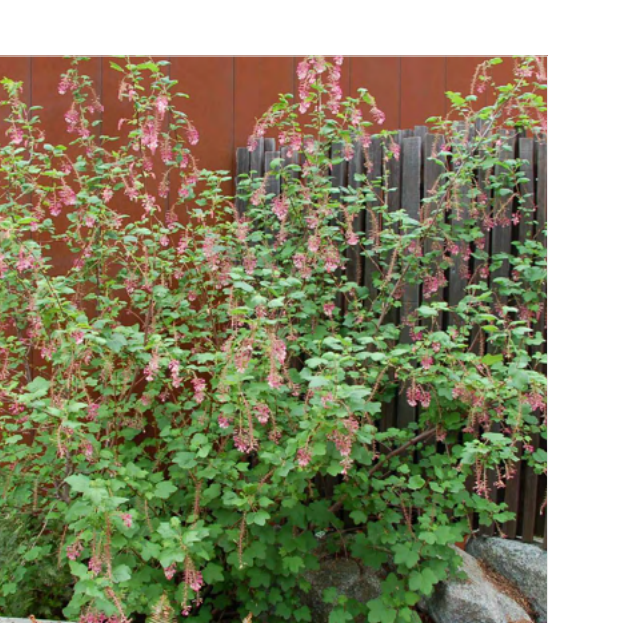


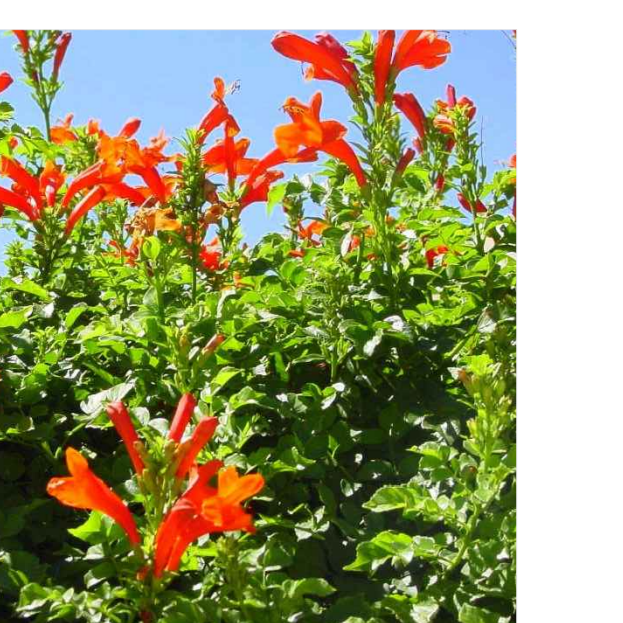






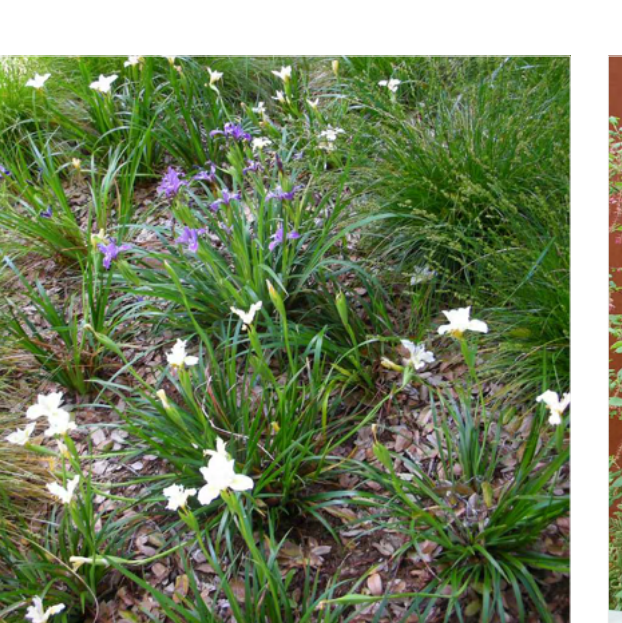
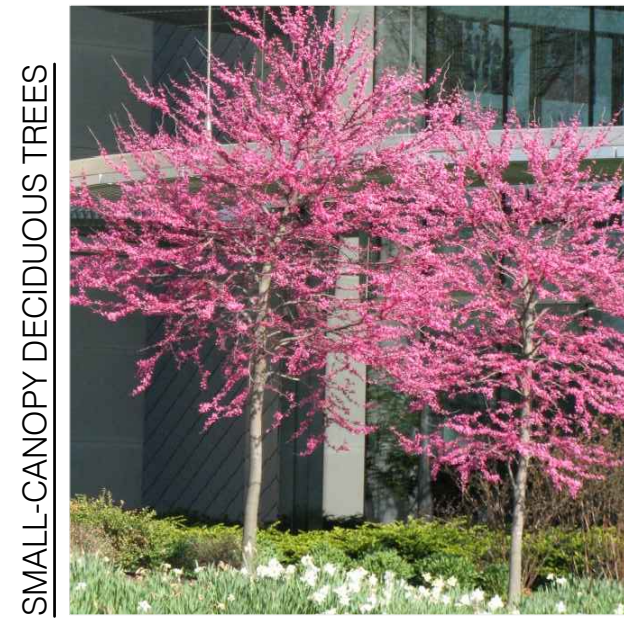



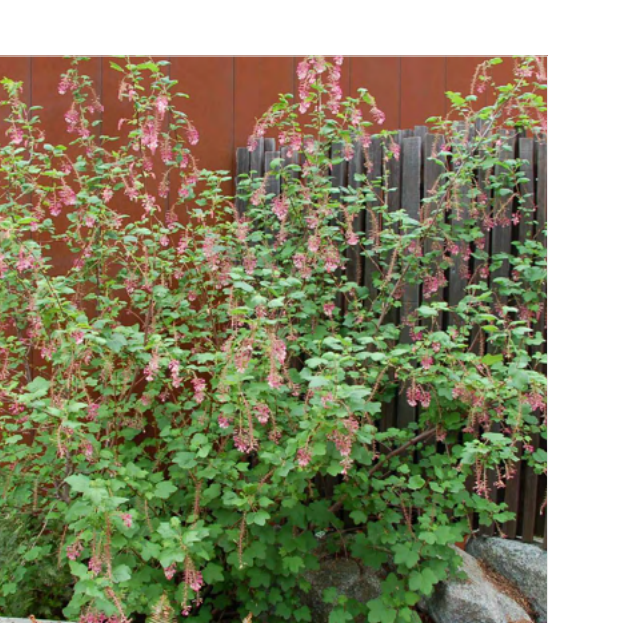
DESIGN NARRATIVE

THE DESIGN INTENTION IS TO ENHANCE THE EDGES OF THE PARKING LOT WITH PLANTS THAT ARE ADAPTED TO THE LOCAL CLIMATE AND COMPATIBLE WITH THE NEIGHBORHOOD CONTEXT AND LANDSCAPE. THE PLANT SUGGESTIONS INCLUDE PLANTS THAT ARE BENEFICIAL TO BEES, BUTTERFLIES AND BIRDS, ARE VISUALLY INTERESTING, AND PROVIDE A FUNCTION SUCH AS VISUAL SCREENING.

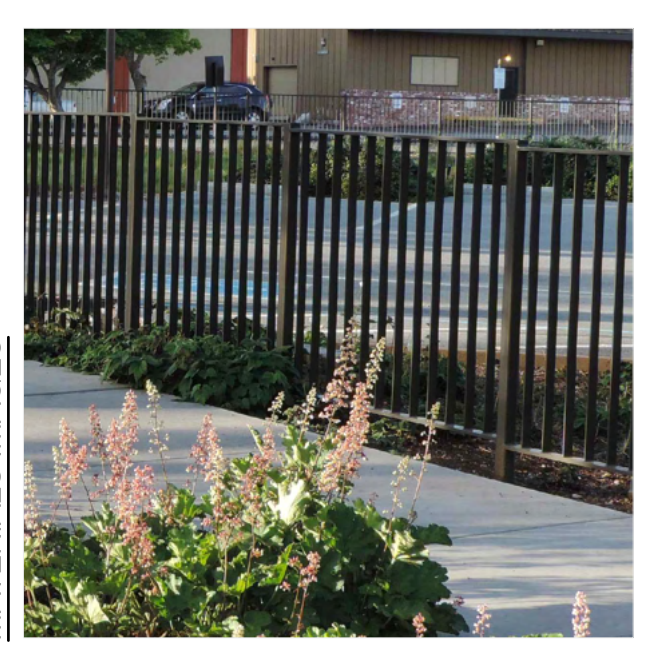
WATER EFFICIENT LANDSCAPING NOTE

THE LANDSCAPE WILL COMPLY WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE PURSUANT TO CHAPTER 12.36 OF THE MUNICIPAL CODE. THE LANDSCAPE PACKAGE WILL SHOW THE SPECIFIC PLANT SPECIES, PLANT LOCATIONS, AND CONTAINER SIZES AS WELL AS AN IRRIGATION PLAN WITH HYDROZONES, MAXIMUM APPLIED WATER ALLOWANCE, AND ESTIMATED TOTAL WATER USE. THE PLANTING AREAS WILL BE IRRIGATED WITH LOW-FLOW MATCHED-PRECIPITATION-RATE EMITTERS AND OPERATED BY A WATER-CONSERVING AUTOMATIC CONTROLLER.

CHARACTER IMAGES

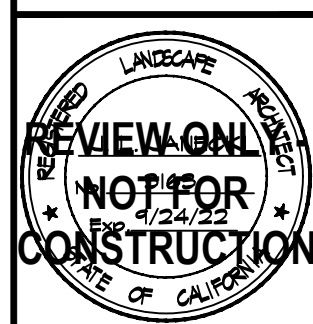
LARGE-CANOPY EVERGREEN TREE					
	QUERCUS AGRIFOLIA (COAST LIVE OAK)				
LARGE-CANOPY DECIDUOUS TREE					
	PISTACIA CHINENSIS (CHINESE PISTACHE)				
SMALL-CANOPY DECIDUOUS TREES					
	CERCIS CANADENSIS 'ACE OF HEARTS' (ACE OF HEARTS REDBUD)				
					
	ACER PALMATUM (JAPANESE MAPLE)				
TALL UPRIGHT SCREENING SHRUBS					
	PITTOSPORUM TENUIFOLIUM (TAWHIWHI)				
					
	PRUNUS CAROLINIANA 'COMPACTA' (COMPACT CAROLINA LAUREL CHERRY)				
					
	RHAMNUS CALIFORNICA 'LEATHERLEAF' (CALIFORNIA COFFEEBERRY)				
LOW EVERGREEN GROUND COVER					
	ARCTOSTAPHYLOS 'EMERALD CARPET' (EMERALD CARPET MANZANITA)				
EVERGREEN VINE TRAINED TO FENCE					
	JASMINUM POLYANTHUM (PINK JASMINE)				
					
	TRACHELOSPERMUM JASMINOIDES (STAR JASMINE)				
					
	VITIS CALIFORNICA 'ROGER'S RED' (CALIFORNIA WILD GRAPE)				
EVERGREEN FLOWERING ESPALIER					
	GREWIA OCCIDENTALIS (LAVENDER STARFLOWER)				
					
	TECOMARIA CAPENSIS (CAPE HONEYSUCKLE)				
LOW GROWING NATIVE/LOCALLY ADAPTED					
	CAREX PANSA (SANDDUNE SEDGE)				
					
	HEUCHERA MAXIMA (ISLAND ALUM ROOT)				
					
	RIBES VIBURNIFOLIUM (EVERGREEN CURRANT)				
RAIN GARDEN PLANTING MIX					
	HEUCHERA MAXIMA (ISLAND ALUM ROOT)				
					
	IRIS DOUGLASIANA (DOUGLAS IRIS)				
					
	RIBES SANGUINEUM (RED FLOWERING CURRANT)				

MATERIALS IMAGES



STREET VIEW - METAL PICKET FENCE

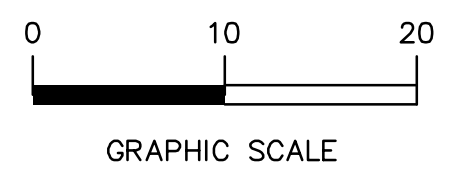
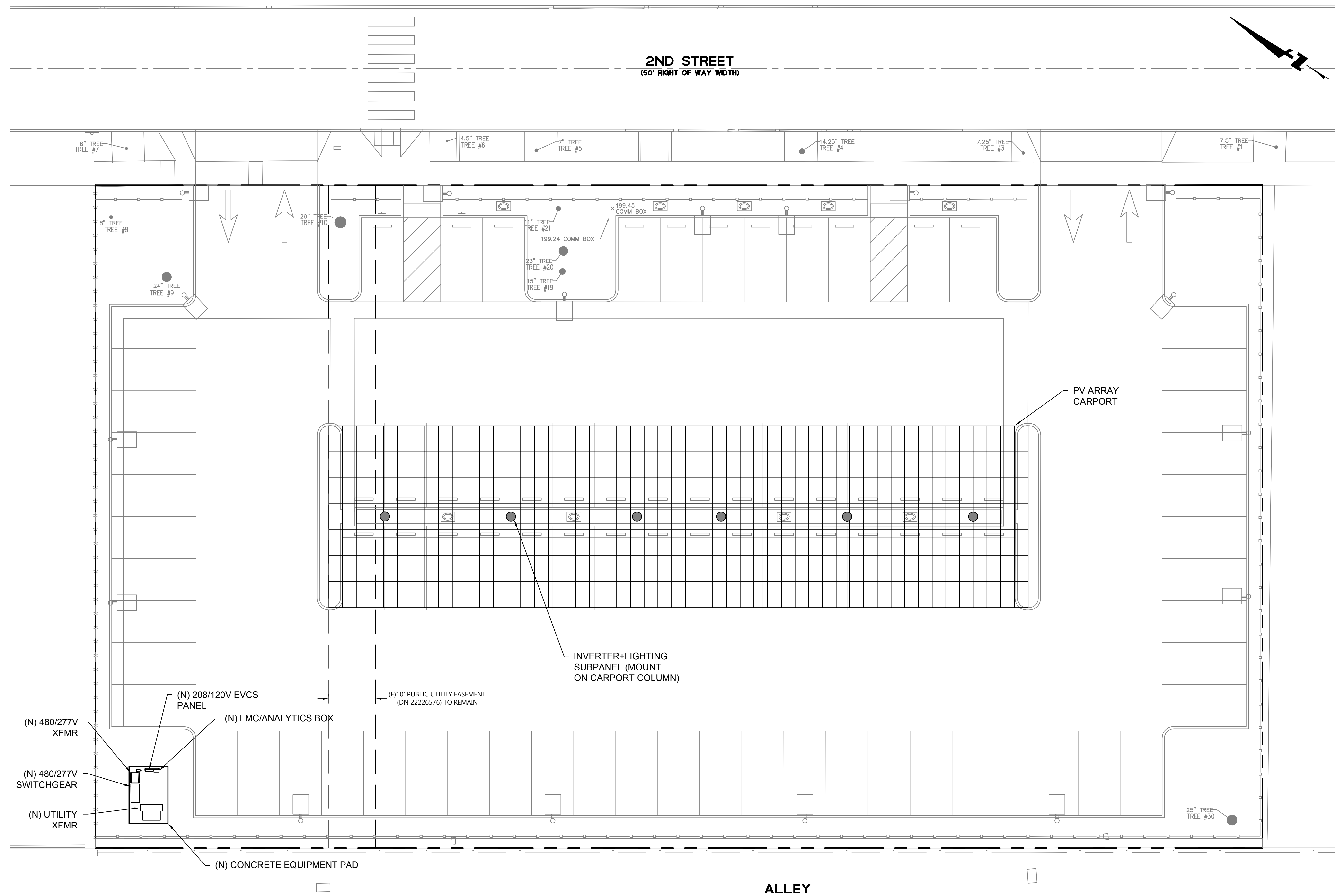
PLANT OPTIONS & CHARACTER IMAGES
 PACKARD FOUNDATION PARKING LOT
 374 SECOND STREET
 SANTA CLARA COUNTY
 LOS ALTOS
 CALIFORNIA



No.	Revisions	Date	By

Drawing Number:
 L1.02
 OF

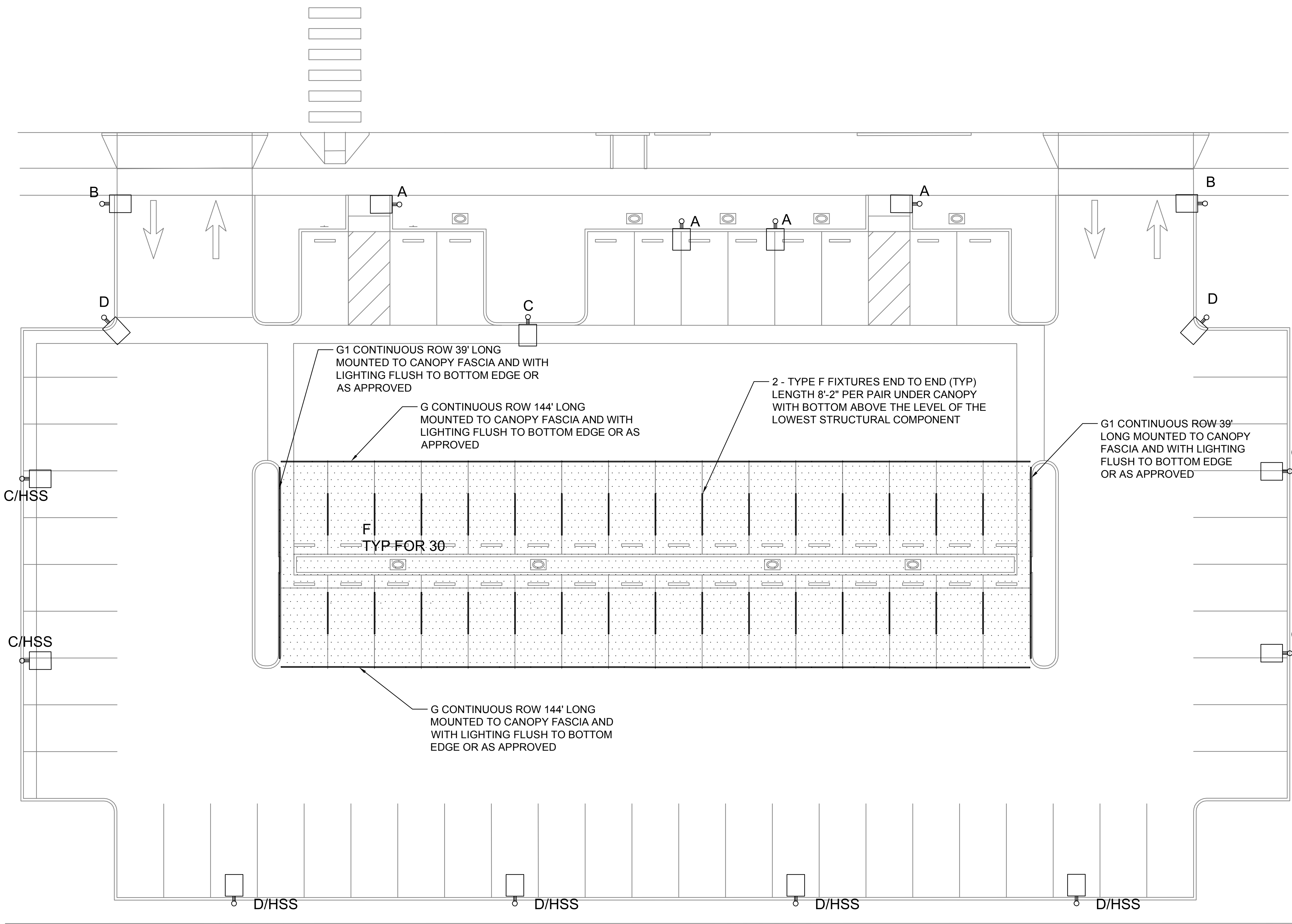
SITE LAYOUT - PV CARPORT



1 SITE PLAN
 Scale: 1"=10'-0"

DRAWING NAME: K:\2019\191214_Packard_Parking_Expansion\ENG\posheets_power flex.dwg
 PLOT DATE: 08-19-21 PLOTTED BY: polt

Date	Revisions	No.	Date
08/23/2021			
Scale 1" = 10'			
Design: DJP			
Drawn: DJP			
Approved: DJL			
Job No: 20191214-10			
Drawing Number: E1.0			
OF			



LIGHTING FIXTURES

TYPE	DESCRIPTION	DESCRIPTION
A	NOM. 8' POLE WITH LIGMAN VK-900001-T3W40 LUMINAIRE	TYPE 3 WIDE DISTR. 2700K NOTE 1
B	NOM. 8' POLE WITH LIGMAN VK-900001-T4W40 LUMINAIRE	TYPE 4 FWD THROW 2700K NOTE 1
C	NOM. 16' POLE WITH LIGMAN VK-90001-T2-W40 LUMINAIRE	TYPE 2 WIDE DISTR. 2700K NOTE 1, 4
D	NOM. 16' POLE WITH LIGMAN VK-90001-T4W40 LUMINAIRE	TYPE 4 FWD THROW 2700K NOTE 1, 4
F	LED LINEAR ADONIS TC-WHITE-HYDRA-HD10-W9-927 4'	STRIP DOWNLIGHT WET LABEL (30 8' ASSEMBLIES) NOTE 3, 5
G	LED LINEAR ADONIS TC-WHITE-HYDRA-HD10-W9-927 6'	STRIP DOWNLIGHT WET LABEL IN 2 ROWS OF 144' NOTE 2, 3, 5
G1	AS TYPE G	IN 2 ROWS OF 39' NOTE 2, 3, 5

- NOTES**
- POLES AND LUMINAIRES TO MATCH STYLE AND COLOR OF EXISTING
 - TYPES G AND G1 LUMINAIRES FIELD MEASURE BEFORE ORDERING.
 - SUBMIT INSTALLATION DETAILS FOR REVIEW AND APPROVAL.
 - HSS INDICATES HOUSE SIDE SHIELD ADDED TO LUMINAIRES
 - REMOTE DRIVER(S) IN OUTDOOR ENCLOSURES AND LOW VOLTAGE WIRING TO LUMINAIRES

LIGHTING CONTROLS

PROVIDE SEPARATE ON-OFF AND 0-10 VOLT DIMMING CONTROL FOR FOUR (4) LIGHTING CIRCUITS, 16A MAXIMUM 120 OR 277 VAC. TO INCLUDE A LUTRON QSN-4T16S IN A WEATHERTIGHT SECURED CABINET. THE FOUR LIGHTING CIRCUITS SHALL BE :

- POLE LIGHTS TYPES A AND B ONLY
- POLE LIGHTS TYPES C AND D ONLY
- FIXTURES TYPES F ONLY
- FIXTURES TYPES G AND G1 ONLY

PROVIDE (6) OUTDOOR PIR SENSORS LOCATED AS FOLLOWS:
 *ONE ON EACH OF 3 TYPE A LUMINAIRES
 *THREE LOCATED UNDER THE CANOPY

SENSORS TO BE WIRED TO THE QSN INCLUDING POWER AND SIGNAL WIRING PER LUTRON.

PROVIDE SIGNAL WIRING TO HEADQUARTERS BUILDING QUANTUM CONTROL SYSTEM. PROGRAM THE QSN AND ITS FUNCTIONS AS REQUIRED BY TITLE 24 PART 6 SECTIONS 130 AND 140 AND AS DIRECTED BY THE FACILITIES MANAGER FOR THE FOUNDATION.

GENERAL

STRUCTURAL AND CIVIL ENGINEERING TO DETERMINE POLE BASES AND FOUNDATIONS AND ATTACHMENT OF LIGHTING TO OVERHEAD STRUCTURE.

WIRING DESIGN, TITLE 24 LIGHTING ENERGY CALCULATIONS AND TITLE 24 CALGREEN COMPLIANCE DOCUMENTS BY ELECTRICAL ENGINEER.

SUBMIT FINAL PLANS AND ALL PROJECT DATA AND SHOP DRAWINGS FOR REVIEW AND APPROVAL.

LIGHTING DESIGN NARRATIVE

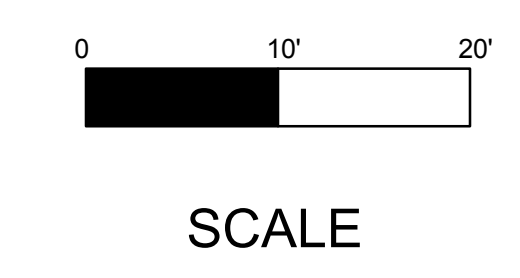
THE DESIGN PROPOSES FOUR TYPES OF LIGHT.

- PEDESTRIAN SCALE (8' TALL) POLE LIGHTS TO ILLUMINATE DRIVEWAY ENTRANCES AND CROSSWALK/PEDESTRIAN ENTRANCES.
- PARKING LOT SCALE (16' TALL) POLE LIGHTS FOR GENERAL ILLUMINATION OF THE OPEN AREAS OF THE PARKING LOT AND DRIVE AISLES.
- LINEAR LIGHTING ALONG THE OUTSIDE EDGE OF THE PHOTOVOLTAIC CANOPY TO ILLUMINATE THE DRIVE AISLE ALL AROUND THE CANOPY
- LINEAR LIGHTING UNDER THE CANOPY.

ALL LIGHTING IS FULLY SHIELDED AND DOWNWARD ONLY. THE COLOR TEMPERATURE OF ALL LIGHTING IS WARM (2700K). LIGHTING IS DIMMED AND WILL PROGRAMMED TO LOW LEVEL AFTER NORMAL BUSINESS HOURS, AND TURNED OFF AFTER CURFEW (NOMINALLY 10 PM). THE LIGHTING COMPLIES WITH TITLE 24 PART 6 (ENERGY EFFICIENCY AND LIGHTING CONTROLS) AND TITLE 24 PART 11 (OFF SITE IMPACTS AND LIGHT TRESPASS MITIGATION).

PERIMETER POLE LIGHTS ARE ADDITIONALLY EQUIPPED WITH HOUSE SIDE (BACK) SHIELDS TO PREVENT LIGHT TRESPASS ONTO ADJACENT PROPERTIES.

IN GENERAL, THE PROPOSED LIGHTING WILL NOT AFFECT ADJOINING PROPERTIES. SOME LIGHT WILL PURPOSELY ILLUMINATE THE ROADWAY CURB AREA AT CROSSWALKS AND DRIVEWAY ENTRANCES TO IMPROVE SAFETY, BUT WILL HAVE NO EFFECT ON ADJOINING PROPERTIES.



CALIFORNIA
 SANTA CLARA COUNTY
PACKARD FOUNDATION PARKING LOT
374 SECOND STREET
 LOS ALTOS

Date	Scale	Design	Drawn	Approved	Issued and Revisions
08/23/2021	AS NOTED	BENYA	BENYA	XX	FOR OWNER REVIEW AND ENGINEERING

Drawing Number: **LD-1**

From: [Bill Hough](#)
To: [Public Comment](#); [City Council](#)
Cc: [Andrea Chelemengos](#)
Subject: PUBLIC COMMENT Item #3, October 26, 2021
Date: Monday, October 25, 2021 1:48:19 PM

I oppose this project, since it will needlessly remove mature trees and destroy land that should be converted into a small public park into just another unattractive parking lot.

The currently vacant space on the west side of 2nd Street could be improved at minimal expense into two attractive parks, something seriously lacking in downtown. Is it really necessary for the Packard Foundation to add an additional 28 parking spaces? In this time of COVID, it has become obvious that most white collar work can be performed from home, which should reduce the demand for parking downtown. Lets encourage more working from home going forward.

Vote "no" on this proposal.

Bill Hough
Los Altos

October 25, 2021

City Council Meeting October 26th - Item 3 Public Comments

Dear City Council and staff:

PARC and council have both failed dog owners once again. Tuesday, is another chance to undo the damage and do what is fair and needed for better use of our open park shared spaces.

What owners want and deserve is to have off-leash hours at most if not all neighborhood parks in order to make friends and have healthy pets. Is asking for a few hours a day to share open space too much?

I sent a much shorter version of this letter to the Town Crier about "The Failure of PARC" but not sure if it will get published because the power structure that runs Los Altos also controls this newspaper.

I hope you carefully review what I have to say and take action to fix the mess now on your watch. Here are the sad facts:

1. After more than 13 years, parks and recreation commissioners [PARC] mainly discovered that dogs bark and a few will dig holes and voted 4-2 to start over. Can you imagine that?
2. A group of South Los Altos dog owners were very active in support of PARC and willing to accept anything – so we wound up with the Hillview Little League site because it was better than nothing but did nothing for us. Equally important, past actions over the years by staff and other councils led PARC to making this poor choice.
3. While PARC dithered for yet another year the South Los Altos dog owners lost interest either because the site is too far away, dogs passed, or owners moved. Meanwhile, Cupertino finished their pilot program and made this location an off-leash hour dog park! I expect Cupertino will add more in the future like Mountain View already has.
4. PARC ignored a new group of over 300 North Los Altos dog owners that wanted to work with the Little League and nearby Hillview venues to solve the identified problems [after choosing the worst place for a pilot program and too far away from most residents to use].
5. PARC ignored repeated public requests to add perimeter fences at most of our parks for the safety of kids and dogs. Commissioners also ignored pleas for fencing around playgrounds to keep dogs away from kids or passing waste like other towns do.
6. PARC ignored their most effective commissioner when he asked for pilot program enforcement, 100% oversight, and immediate response if issues occurred.
7. PARC learned that PARC neighbors will strongly oppose off-leash hours at "their park" no matter where the location may be. This is not unique to Los Altos. For example, Los Gatos has but one park with tennis courts. When they easily added colored lines to create 4 pickle ball courts at

one tennis court residents flocked to this park to play pickle ball. The neighbors complained about more parked cars so they did not add more pickle ball courts despite the need to do so.

8. Pilot programs are useful to find out what works and what does not. But, we now have all the facts and there is no need for another pilot program or more data because we should now know how to implement off-leash hours in most of our parks. We are not going to learn anything more by collecting more data or starting another pilot program.
9. The majority on this council “essentially fired a highly effective PARC commissioner this year whom was about to become the 2021 chair person. Their votes were based slander told by one of them that afterward the accuser admitted was a lie. But, now their hand-picked replacement cast the deciding vote to end the pilot program and start over. How fair is that!

So here is the ongoing situation you can decide to change or not:

- Dog owners will continue to illegally let pet’s off-leash mainly for exercise in the morning but are more afraid to do it when they socialize with “dog friends” during the 4-6 pm window. In the afternoon some drive to other towns like me to socialize instead. “Ain’t that a shame”?
- Residents will continue to call police when dogs are off-leash [even when no other people are present] but no amount of enforcement will ever stop off-leash activity. Not to mention whether or not fines from \$80-\$500 make sense. For the worst example, one past Grant Park homeowner called the police about 90 times in one year. And, last year someone called the police with a false police report that my dog was off-leash when she was not because I spoke in favor of off-leash hours at a PARC meeting. So, when residents can harass neighbors with needless complaints instead of being good neighbors the result is not good for our community.
- The division between dog owners and non-dog owners will continue. My calculation shows 55% favor keeping dogs on leash. This fact is no different than any other nearby community.
- The major impediment is that non-dog owners do not want to share one minute of time or any space with dogs off-leash or cannot seem to understand that they can choose to use or not use the park during these few daily hours if concerned or afraid of dogs. That is why Mountain View chose to just do it instead of dithering for over 13 years like Los Altos.

Many dog owners I know are fed up and want council to immediately implement off-leash hours at most parks so we can walk to them like other progressive towns have done. While non-dog owners will continue to intimidate council to do nothing – dog owners deserve better.

Frank Martin



DISCUSSION ITEM

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021

Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Prepared by: Emiko Ancheta, Sustainability Coordinator
Aida Fairman, Engineering Services Manager

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Ordinance No. 2021-482 – Amending the Los Altos Municipal Code, by Amending Chapter 6.12 Solid Waste Collection, Removal, Disposal, Processing and Recycling
2. Ordinance No. 2021-483– Amending the Los Altos Municipal Code, by Adding Chapter 6.13 Edible Food Recovery Ordinance

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

There is minimal to no current fiscal impact to the City to adopt the amended ordinance Chapter 6.12 Solid Waste Collection, Removal, Disposal, Processing and Recycling and add new Chapter 6.13 Edible Food Recovery Ordinance. The adoption of these ordinances will not increase Solid Waste collection rates as the current franchise agreement includes collection of organics at no additional charge.

Professional services have been and will be provided by the City’s solid waste consultant R3 Consulting Group to help carry out the rollout of SB 1383 in Los Altos. This work will be funded by the Solid Waste Enterprise Fund, as follows:

- SB 1383 Planning and Implementation: \$13,650
- SB 1383 Waiver Evaluation Site Visits: \$36,427
- Staff Training and SB 1383 Preparedness: \$5,000

R3’s contract for these services was approved by City Council on August 24, 2021.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Environmental Review:

Approval of the Ordinances is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations section 15308 as an action/project that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate.

Policy Question(s) for Council Consideration:

- Does the Council want to amend the Los Altos Ordinance No. 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling that will divert organics material from the landfill and comply with SB 1383 regulations required by the State?
- Does the Council want to amend the Los Altos Ordinance No. 2015-417 by Adding Chapter 6.13 – Edible Food Recovery Ordinance that will increase edible food recovery and will comply with SB 1383 regulations required by the State?

Summary:

- September 2016, Governor Jerry Brown signed into law SB 1383 organic waste diversion regulations.
- November 2020 the California Department of Resources Recycling and Recovery (CalRecycle) finalized SB 1383 regulations.
- SB 1383 requires the City to adopt an enforceable ordinance(s) that requires businesses and residents to recycle their organic waste and to comply with other requirements of the regulation.
- The City of Los Altos Municipal Code update must include requirements to comply with the State’s goal of reducing organic waste disposal by 75% by 2025.
- The City of Los Altos Municipal Code update must include an ordinance to recover edible food to comply with the State’s goal of reducing edible food disposal by 20% by 2025.

Staff Recommendation:

Amend Ordinance 2015-417, Amending Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 - Edible Food Recovery Ordinance



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Purpose

Amend Ordinance 2015-417, Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Background

On April 1, 2016, State Assembly Bill (AB) 1826 went into effect. It requires some businesses, including multifamily properties with five or more units, to recycle all or a portion of their organic waste (organic waste is: food waste, food soiled paper, landscape debris, and clean wood waste). AB 1826 also requires the City to implement an organic waste recycling program which includes identifying businesses, and providing outreach and education to them about the organic recycling and compliance requirements and monitoring by the City and/or the City’s franchised solid waste collection/hauler to ensure compliance. The California Department of Resources Recycling and Recovery (CalRecycle) assesses the City annually and formally reviews the City for compliance.

In September of 2016, Governor Brown signed into law Senate Bill (SB) 1383, the Short-Lived Climate Pollutant Reduction Act. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years and establishes methane emissions reduction targets statewide to reduce emissions of short-lived climate pollutants (SLCP)¹. SB 1383 establishes statewide targets to reduce emissions of SLCP of 75% by 2025; and requires that not less than 20% of edible food that is currently disposed of be recovered for human consumption by 2025. Although the bill was passed in 2016, CalRecycle did not finalize the regulations until November 2020. Local jurisdictions must comply with the regulations and adopt an ordinance(s) by January 1, 2022, with enforcement beginning January 1, 2024.

CalRecycle oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and to promote recycling within the State, including organic waste recycling under SB 1383 requirements. CalRecycle considers the adoption of an ordinance(s) one of the most important aspects of early compliance and urges jurisdictions to meet the State’s deadline under SB 1383 to avoid the high penalties associated with non-compliance (i.e., fines of up to \$10,000 per day). Efforts have been made by many local governments and associations encouraging CalRecycle to delay implementation of SB 1383 due to impacts of COVID-19 on jurisdictions; however, the state has not changed the deadlines contained within the regulations.

¹ Short-lived climate pollutants are climate pollutants—such as methane, black carbon, hydrofluorocarbons—that have a much higher global warming potential (GWP) than carbon dioxide.



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Environmental Motivation

California has been experiencing negative effects of Climate Change. This can be seen in higher temperatures, extreme and prolonged drought, and sea-level rise that threatens to erode coastlines. Scientists agree that the emissions of greenhouse gasses (GHG) caused by anthropogenic activities are causing climate change. The landfilling of food and yard waste creates methane emissions and landfills are responsible for 21% of the state’s methane emissions. Methane is a super pollutant that is 72 times stronger than Carbon Dioxide (CO₂) over a 20-year horizon; and contributes to negative air quality and can cause respiratory issues. SB 1383 was developed in response to mitigate this climate crisis.

Los Altos Ordinance

In 2015, Los Altos adopted Ordinance No. 2015-417 Solid Waste Collection, Removal, Disposal, Processing and Recycling, as a proactive step to establish mandatory recycling and organic recycling for residential, commercial, and multi-family accounts. Under the amended 2020 franchise agreement with the City’s Waste Hauler, Mission Trail Waste Systems (MTWS), customer accounts are provided with the organics service at no additional cost. The current ordinance in place allows for modifications to incorporate the requirements of SB 1383.

As part of the Franchise Agreement, MTWS began the universal roll-out process of recycling and organic services in September 2021. All account holders were notified through mailed notification and provided with information on SB 1383 requirements. The letters of notification included specific details about their service and how to comply with the requirements under SB 1383. The letters also included the waiver forms for those that qualified. Account holders were given notice that service for organic materials collection would begin and given the information to opt-out if they meet specific conditions for waiver eligibility. MTWS has been conducting audits to determine if accounts are eligible for waivers. MTWS works directly with the account holders to determine if bin size is adequate and will make adjustments, as needed. City staff and the solid waste consultant will conduct site visits beginning in October 2021 through April 2022, to verify eligibility of waiver submittals.



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

Discussion/Analysis

Jurisdictions are responsible for SB 1383 compliance and enforcement and the City has been preparing for the regulatory responsibilities. The City must comply with the following implementation requirements of SB 1383, including but not limited to:

- Adoption of an Ordinance to provide organic waste collection to all residents and businesses.
- Single family homes must have organics collection and recycling service and sort properly.
- Businesses and multifamily buildings must have organics and recycling service and sort properly.
- Adoption of an Ordinance to establish an edible food recovery program that recovers edible food from the waste stream.
- Commercial edible food generators must donate edible food, have a contract with food recovery organizations, and keep monthly records.
- Food recovery organizations must keep records and report the amount of food collected.
- Conduct outreach and education to businesses, residents, generators, haulers, facilities, edible food recovery organizations, and city/county departments.
- Conduct capacity planning evaluating the City's readiness to implement SB 1383 regulations.
- Procure recycled organic waste products like compost, mulch, and renewable natural gas.
- Inspect covered entities and enforce compliance with SB 1383 by adopting an enforcement requirement before January 1, 2022.
- Waste haulers may assist with SB 1383 implementation in several ways, such as conducting or complying with route reviews (i.e., contamination monitoring) and provide compliance data.
- Maintain accurate and timely records of SB 1383 compliance.

Edible Food Recovery

As listed in the SB 1383 regulations, jurisdictions are required to adopt ordinances and implement programs that will require certain businesses to recover and donate edible food. The County created a uniform model ordinance for all jurisdictions within Santa Clara County. The City will adopt the uniform model ordinance with minor edits. Attachment 2 is the City of Los Altos' Ordinance which adds the Edible Food Recovery Ordinance.



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

In 2020, Joint Venture Silicon Valley and the Food Recovery Steering Committee formed Subcommittees to advise on the implementation of SB 1383’s edible food recovery requirements. The subcommittees include staff from the impacted jurisdictions in Santa Clara County and from the stakeholders. Joint Venture’s tasks include:

- Coordinate county-wide education and outreach and reporting for 2022, as well as other specific tasks for the County-Wide Program as assigned by Technical Advisory Committee (TAC).
- Design a monitoring and inspection strategy and manage online monitoring and inspection during the first two years of the program.
- Provide technical assistance and required information for City implementation records.
- Provide long term recommendations for a County-Wide Program: funding and staffing estimates, management handbook, and recommendations for funding opportunities.

Need for Standardization

The subcommittees as well as the Food Recovery Steering Committee and the TAC of the Recycling and Waste Reduction Commission (RWRC) unanimously agreed on a County-Wide Program because:

- Staffing and compliance costs are streamlined (one program is significantly more efficient than 15 different jurisdictional programs).
- Businesses and Food Recovery Organizations need the same requirements and processes to make participation feasible across city boundaries.
- CalRecycle’s regulations require jurisdictions to address capacity gaps in food recovery infrastructure, which is integrated throughout the region. A County-wide Program allows for management of the increases to this infrastructure through the integrated food recovery community, which is not organized by jurisdictions.

The Enforcement and Ordinance Subcommittee, with support from TAC, recommends adopting the model Edible Food Recovery ordinance across all 15 jurisdictions. A uniform ordinance will provide critical benefits including:

- Simplify compliance for businesses. Uniform requirements will make it easier for businesses with facilities in multiple cities to comply.



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

-
- Promote food recovery. Food Recovery Organizations requested standardized requirements to allocate their resources effectively, as they do not normally operate or report on a city-by-city basis.
 - Facilitate capacity planning. Uniform record keeping and reporting will support county-wide capacity planning, as required under CalRecycle’s regulations.

A variety of appropriate staff representing jurisdictions have already provided input on the attached model ordinance, in addition to legal counsel of several jurisdictions.

Outreach, Engagement, and Education

The City has been preparing the community for the upcoming requirements. In preparation for the implementation of SB 1383, Staff conducted the following outreach, education, and engagement to the community:

- Government Affairs SB 1383 Presentation
- Environmental Commission Meetings
- Economic Development Presentation with LAVA and the Chamber of Commerce
- City Manager Weekly Update Notifications
- Mission Trail Quarterly Newsletters
- City of Los Altos [Website](#)
- Mail notifications to account holders
- Mission Trail Waste Systems Quarterly Newsletters

Compliance

CalRecycle will be evaluating a Jurisdiction’s compliance. This includes:

- Verifying that all organic waste generators have service
- Jurisdictions are providing education
- Issuing Notices of Violation within the correct time

Under the SB 1383 regulations, if CalRecycle determines a jurisdiction is violating one or more of the requirements, a jurisdiction will be noticed and will have 90 days to correct. Most violations should be able to be corrected in this timeframe. For cases where the jurisdiction may need a little additional time, the timeframe can be expanded to 180 days. For violations that are due to barriers outside the jurisdiction’s control, and which may take more time to correct, the regulations allow for the jurisdiction to be placed on a Corrective Action Plan (CAP), allowing



Subject: California Senate Bill 1383: Amending the Los Altos Municipal Code 2015-417 by Amending Chapter 6.12 – Solid Waste Collection, Removal, Disposal, Processing and Recycling and Adding Chapter 6.13 – Edible Food Recovery Ordinance

up to 24 months to comply. In these cases, it must be apparent that the jurisdiction has taken substantial effort to comply but cannot due to extenuating circumstances (such as a lack of capacity, disaster). An initial corrective action plan issued due to inadequate capacity of organic waste recovery facilities may be extended for a period of up to 12 months if the jurisdiction meets the requirements and timelines of its CAP and has demonstrated substantial effort to CalRecycle.

The City will proceed with every effort to maintain compliance with all requirements of SB 1383 within a timely manner.

Recommendation

Adoption of the ordinances will result in the diversion of organic waste from the landfills, reducing the methane emissions associated with the waste; and increase edible food recovery allowing food to be distributed appropriately. The City will be in compliance with state regulations and the mandates of SB 1383 and avert the risk of fines of up to \$10,000 per day.

Staff recommends that the City Council, at the October 26, 2021 meeting, introduce and waive the first reading to amend Chapter 6.12 - Solid Waste Collection, Removal, Disposal, Processing and Recycling and add Chapter 6.13 Edible Food Recovery Ordinance and direct staff to place the Ordinances on the consent calendar for adoption at the November 2021 meeting.

ORDINANCE NO. 2021-482

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6,
HEALTH AND SAFETY, ARTICLE 12, ENTITLED “SOLID WASTE
COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND
RECYCLING”**

WHEREAS, the City Council of the City of Los Altos (“City”) finds that the State of California through its California Waste Management Act of 1989 (AB 939) and Alternative Compliance Act of 2008 (SB 1016) requires each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, the City Council finds that every city and county in California, including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal; and

WHEREAS, the City Council finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32) requires commercial generators statewide participate in recycling programs; and

WHEREAS, the City Council finds that the State of California through the 2011 passage of AB 341 adopted a goal that 75% of solid waste generated statewide be diverted from landfill by the year 2020. Furthermore, AB 341 requires that each commercial solid waste generator, including multi-family dwellings of five or more units, provide for recycling programs, and each city or county implement recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units; and

WHEREAS, the City Council finds that the State of California through the 2014 passage of AB 1826 adopted requirements for each commercial solid waste generator, including multi-family dwellings of five or more units, to provide for organics recycling programs, and for each city or county to implement organics recycling programs for commercial solid waste generators, including multi-family dwellings of five or more units by April 1, 2016; and

WHEREAS, the City Council finds that the State of California through the 2014 passage of AB 1594 disallows cities and counties from receiving landfill diversion credit from green waste being used as alternative daily cover effective January 1, 2020; and

WHEREAS, SB 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to divert organics from landfills as they are a source of methane. These SB 1383 regulations place requirements on jurisdictions including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support the achievement of statewide organic waste disposal reduction targets; and

WHEREAS, the City continues to make progress in maintaining the disposal reduction requirements of AB 939, but additional efforts made by SB 1383, particularly in the recycling of recyclable materials and organic materials generated by businesses and multi-family dwellings, will assist the City in maintaining and exceeding the goal of diverting waste from landfill disposal. The City desires to implement a program to require the diversion of materials from landfill and transformation facilities, to ensure that resources are used to their highest potential, and to reduce upstream waste and reduce the City's ecological footprint; and

WHEREAS, the City Council finds that organic waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may impact air and water quality. Reductions or capture of methane are critical as methane gas from the decomposition of waste is a source of renewable energy, but if not collected and controlled is at least twenty-one (21) times as potent as carbon dioxide in contributing to climate change; and

WHEREAS, the City Council finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering recyclable materials and organic materials from the waste stream; and

WHEREAS, the services required by this Ordinance are currently provided by Mission Trail Waste Systems and are available to all Los Altos residential and commercial solid waste generators; and

WHEREAS, the SB 1383 Regulations require the City to adopt and enforce an ordinance to implement provisions of the SB 1383 Regulations; and

WHEREAS, this Ordinance is intended to promulgate rules and regulations to implement the requirements of the Collection Services Agreement, the State requirements of AB 939, SB 1016, AB 32, AB 341, AB 1826, AB 1594, SB 1383 and other State mandates; and

WHEREAS, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

Los Altos Municipal Code, Title 6, Health and Safety, Chapter 6.12, entitled "Solid Waste Collection, Removal, Disposal, Processing and Recycling" is hereby amended to read as follows:

CHAPTER 6.12 - SOLID WASTE COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND RECYCLING

6.12.010 - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "Act" means the California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), Public Resources Code § 40000 and following as it may be amended, including but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CalRecycle.
- B. "Alternative daily cover (ADC)" means cover material other than earthen material placed on the surface of the active face of a municipal solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.
- C. "City Manager" means the city manager of the City, or his/her designee, including City employees or entities hired by the City to implement the requirements of this chapter.
- D. "City Council" means the city council of the City.
- E. "Commercial business" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and multi-family dwelling units located within the boundaries of the City.
- F. "Commercial generator" means a commercial business which generates garbage, organics or recyclable materials as a result of its business, commercial or property activity. Commercial generator also means any multi-family residential property of five or more units. Commercial generator may also include tenants, property managers for facilities with leased space, employees and contractors of commercial generator. Commercial generator also includes the City, its facilities, its non-residential properties and special events, its sponsors or co-sponsors, as well as mobile food vendors and the responsible party for any special event.
- G. "Construction and demolition debris" means commonly used or discarded materials removed from construction, remodeling, repair, demolition, or renovation operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastics, roofing material, cardboard, carpeting, cinder blocks, concrete, copper, electrical wire, fiberglass, formica, granite, iron, lead, linoleum, marble, plaster, plant debris, pressboard, porcelain, steel, stucco, tile, vinyl, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavement, houses, commercial buildings and other structures. Construction and demolition debris does not include exempt waste.

- H. "Container" means any heavy plastic or galvanized metal box, can, cart, barrel, bin or similar type container used for the accumulation of garbage, recyclable materials, organic materials, or construction and demolition debris.
- I. "Debris box" means any ten (10) to forty (40) cubic yard container, or any compactor provided by a solid waste generator, placed in the public right-of-way, on city property, private property, or elsewhere in the service area, which is procured by a solid waste generator for their use in the collection of their solid waste. Debris boxes are serviced by means of lifting the entire container, including all contents, onto a designated collection vehicle.
- J. "Delinquent" means a failure of the recipient of solid waste collection service, or of the property owner, to pay when due all charges owed to the franchised hauler for solid waste collection service rendered or to be rendered.
- K. "E-waste" means discarded electronics equipment such as cell phones, personal digital assistants (PDA), computers, monitors, televisions, and other items containing cathode ray tubes (CRTs), LCD, LED or plasma screens and monitors.
- L. "Exempt waste" means hazardous waste, sludge, automobiles (including motorcycles and motor scooters), automobile parts, boats, boat parts, boat trailers, internal combustion engines, and those wastes under the control of the Nuclear Regulatory Commission.
- M. "Food waste" means food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food waste includes but is not limited to: meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food waste does not include exempt waste.
- N. "Franchised hauler" means a hauler holding a franchise, contract, license or permit issued by the City which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the City.
- O. "Garbage" means all non-recyclable packaging and other waste attributed to normal activities of a service unit. Garbage must be generated by and at the service unit wherein the garbage is collected. Garbage does not include recyclable materials, organic materials, construction and demolition debris, large items, e-waste, universal waste, hazardous waste, household hazardous waste or exempt waste.
- P. "Generator" means any commercial generator or residential generator of solid waste.
- Q. "Hazardous waste" means any material which is defined as a hazardous waste under California or United States law or any regulations promulgated pursuant to such law, as such as local, state or federal law or regulations may be amended from time to time.
- R. "Household hazardous waste" means dry cell household batteries; used motor oil; used oil filters when contained in a sealed plastic bag; cooking oil; compact fluorescent light bulbs contained in a sealed plastic bag; cleaning products, pesticides, herbicides, insecticides, painting supplies, automotive products, solvents, and adhesives, auto batteries; and universal waste.

- S. "Large items" means furniture, carpets, mattresses, white and brown goods (household appliances), e-waste, clothing, tires without rims, and green waste attributed to the normal activities of a service unit.
- T. "Occupied premises" are occupied when a person or persons take or hold possession of the premises for permanent or temporary use. For the purposes of determining whether a premises is occupied during periods when solid waste collection service is made available to such premises, occupancy shall be presumed unless evidence is presented that gas, electric, telephone and water utility services were not being provided to the premises during such periods.
- U. "Organic materials" and "organics" mean food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, stable matter, and acceptable food packaging items such as pizza boxes, paper towels, waxed cardboard, food-contaminated paper products, plant debris, such as palm, yucca and cactus, ivy, grass clippings, leaves, pruning, weeds, branches, brush, and holiday trees.
- V. "Organic material generator" means a person or entity that is responsible for the initial creation of organic materials, or as otherwise defined in 14 CCR Section 18982(a)(48).
- W. "Prohibited container contaminants" means: (i) discarded materials placed in the designated recycling container that are not identified as acceptable source separated recyclable materials for the City's designated recycling container (ii) discarded materials placed in the designated organics materials container that are not identified as acceptable source separated organics materials for the City's designated organics materials container; and (iii) discarded materials placed in the garbage container that are acceptable source separated recyclable materials and/or source separated organic materials to be placed in City's designated organics materials container and/or designated recycling container.
- X. "Recyclable materials" or "recyclables" mean those materials separated from garbage by the generator which are capable of being recycled and which would otherwise be processed or disposed of as garbage.
- Y. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become garbage and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code § 40201.
- Z. "Residential generator" means an owner, tenant or resident of any residential property which generates garbage, organics or recyclable materials as a result of occupancy or property activity, including all generators not otherwise meeting the definition of commercial generator.
- AA. "Responsible party" means the individual or entity responsible for the generator's management of solid waste at the generator's commercial business, business, residential property, or special event.

- BB. "Self-haul" means when a generator collects solid waste at their premises or place of business for the purpose of hauling those materials in their own vehicles to a permitted solid waste facility in compliance with the requirements of this chapter.
- CC. "Service unit" means any City facility or City property, any single-family or multi-family dwelling unit, or any retail, professional, office, wholesale or industrial facility located within the incorporated boundaries of the City that utilizes a solid waste cart, bin, compactor, or debris box for the accumulation and set-out of solid waste.
- DD. "Sharps" means needles, scalpels, blades, broken medical glass, broken capillary tubes, and ends of dental wires.
- EE. "Solid waste" means garbage, recyclable materials, organic materials, construction and demolition debris, large items, e-waste, universal waste or exempt waste.
- FF. "Source separate" means the process of removing recyclable materials from garbage at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclable materials, organic materials, or garbage for the purposes of recycling.
- GG. "Special event" means a community, public, commercial, recreational or social event as further defined in chapter 9.25 of the Los Altos Municipal Code.
- HH. "Sludge" means the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar disposal appurtenances or any other such waste having similar characteristics or effects.
- II. "Tenant" means any person or persons, other than the owner, occupying or in possession of a premises.
- JJ. "Universal waste" means e-waste, fluorescent lamps, cathode ray tubes, non-empty aerosol cans, instruments and switches that contain mercury, and dry cell batteries containing cadmium copper or mercury.

6.12.020 - General Provisions.

A. Subscription Required.

The property owner or tenant of each occupied premises shall subscribe to and pay for at least the minimum level of solid waste collection service made available to that premises by the franchised hauler, as specified in the franchise agreement between the City and the franchised hauler. The charges for solid waste collection service rendered or made available shall be paid for all periods of time during which the premises are occupied, regardless of whether or not the owner or tenant has any solid waste to be collected on any particular collection date during such occupancy. Nothing in this section is intended to prevent an arrangement, or the continuance of an arrangement, under which payments for solid waste collection service are made by a tenant or tenants, or any agent or other person, on behalf of

the owner. However, any such arrangement will not affect the property owner's obligation to pay for solid waste collection service as provided herein.

B. Commencement of Solid Waste Collection Service.

The property owner or tenant shall commence solid waste collection service within seven (7) days after occupancy of a premises, or portion thereof. In the event service is not initiated within such period of time, the City Manager may give written notice to the owner or tenant that solid waste collection service is required. If service is not initiated by the property owner or tenant within seven (7) days after the date of mailing the notice, the City Manager shall authorize the franchised hauler to begin and continue providing the minimum level of solid waste collection service to such premises and the service shall be deemed to have been made available as of the date of such authorization.

C. Charge for Solid Waste Collection Service.

Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the Collection Service Agreement between the City and its franchised hauler.

D. Failure to Pay for Solid Waste Collection Service.

The franchised hauler shall be entitled to payment from the property owner, tenant or any other subscribing person on behalf of the property owner for any services rendered or to be rendered. Upon failure to make such payment, the means of collecting delinquent charges shall be in accordance with the procedures set forth in this Chapter. Solid waste collection service shall not be discontinued by reason of any failure to pay the charges for such service.

E. Notification of Delinquency.

If a bill for solid waste collection service remains delinquent for sixty (60) days, the franchised hauler shall send or deliver notice of any delinquency to the property owner, tenant or any other subscribing person on behalf of the property owner indicating the amount owed for solid waste collection service. The City is not obligated to use its police power to collect delinquent, overdue or unpaid bills for solid waste collection service.

F. Containers Must Be Covered and Kept Clean.

All solid waste set out by generators on the street or other designated location for collection by the franchised hauler shall be placed in covered containers. No container shall be loaded beyond its capacity. It shall be the responsible parties' responsibility to keep the containers used for the storage and collection solid waste material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No solid waste shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection.

G. City Manager May Restrict Self-Haul.

Nothing in this section is intended to prevent generators that subscribe and pay for solid waste services with the franchised hauler from self-hauling extra solid waste to permitted solid waste facilities, as may be necessary from time-to-time. However, the City Manager may restrict or prohibit self-hauling by individual generators if the City Manager

determines, after providing notice and an opportunity for a hearing, that the generator's self-hauling activities violate the provisions of this section or any other applicable law or regulation.

H. Exclusive Provider of Debris Boxes.

No person, other than the franchised hauler shall provide or service (haul) debris boxes for the collection of construction and demolition debris, garbage, recycling, organic materials and large items, and it is a violation of this code to obtain a debris box from any person other than the franchised hauler or to engage the services of any person other than the franchised hauler to provide debris box service. This includes any and all debris boxes placed in the public right-of-way, on City property, private property, or elsewhere in the service area, for collection of construction and demolition debris, garbage, recycling, organic materials and large items and subsequent delivery to a permitted solid waste facility. Collection utilizing debris boxes may be on a temporary or permanent basis, in accordance with the terms of the franchise agreement between the City and the franchised hauler.

I. Organics Prohibited from Use as Alternative Daily Cover.

Pursuant to the provisions of Assembly Bill 1594 (AB 1594) the franchised hauler, and any commercial or residential generators who self-haul organics, may not direct their organic materials for use as alternative daily cover (ADC). If the City Manager determines that the franchised hauler or any other generator has directed any organic materials for use as ADC, the City Manager will notify the franchised hauler or generator of the requirements of this provision. Repeated instances of directing organic materials for use as ADC may result in enforcement action as per Section 6.12.120.

J. Organic Materials Subscription.

All organic materials generators shall subscribe to City's organic waste collection services for all organic waste generated, and shall participate in the City's organic waste collection service by placing materials in designated containers and not placing any prohibited container contaminants in those containers. Generators may additionally manage their organic materials by preventing or reducing their organic materials, managing organic materials on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

6.12.030 - Storage.

A. Sufficient Container Capacity and Storage of Containers.

All persons occupying or maintaining any premises within the City where garbage, organic materials and recyclable materials are created, produced or accumulated shall maintain sufficient standard containers for receiving and holding all garbage, organic materials and/or recyclable materials which are produced, created or accumulated on such premises. No containers or roll-off bins shall be allowed to be stored in the public streets, alleys or rights-of-way. In commercial areas of the City that have limited space for the placement of containers, upon written request of the property owner or occupant, the City may allow the

bins or carts as provided by the franchised hauler to be placed in public parking lots expressly for the purpose of normal weekly collection by the franchised hauler.

B. Design Review.

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage of garbage, organic materials and recyclable materials and which will allow for efficient and safe waste removal or collection. The design shall be submitted for approval to the City Manager and shall meet all applicable regulations.

C. Ownership of Recyclable Materials.

All recyclable materials placed in containers designated for recyclable materials provided by any franchised hauler shall be considered owned by and be the responsibility of the franchised hauler. Without permission of the franchised hauler, no person shall remove recyclable materials placed in such containers. All recyclable materials placed in recyclable materials containers provided or owned by the generator, shall be considered owned by and be the responsibility of that generator until the material is placed at a franchised hauler's designated point of collection and in containers described in Section 6.12.030.A. It shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of recyclable materials without being a franchised hauler or meeting the self-haul requirements of Section 6.12.100C.

6.12.040 - Nuisance and Littering.

A. Nuisance Prohibited.

No person shall accumulate solid waste in any amount that creates a nuisance. If accumulation of solid waste creates a nuisance, the City Manager may require a more frequent collection schedule and/or removal of the accumulated solid waste. Furthermore:

1. Putrescible solid waste including garbage and organic materials shall not be allowed to remain on the premises for more than seven days.
2. The occupant of any property may not dispose of solid waste on their property (with the exception of organic materials that are composted on-site via backyard composting).
3. No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at a permitted solid waste facility.
4. It is unlawful for any person to burn, or cause to be burned, any solid waste within the City.
5. It is unlawful for any person to dispose of any burning ash or embers in solid waste containers.

B. Littering of Streets Prohibited.

It shall be unlawful for any person to cause the accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street of the City by the tracking of motor or horse drawn vehicles or in any other way.

C. Hauling and Transport.

No generator, self-hauler or franchised hauler shall transport solid waste over any public street, alley, right-of-way or parking plaza unless solid waste is contained and covered in such a manner as to prevent the dropping or spilling of any solid waste, litter, or liquid upon the public street, alley, right-of-way or parking plaza.

6.12.050 - Mandatory Commercial & Multi-Family Recycling and Organic Recycling.

A. Commercial Generators Responsible for Compliance.

Each commercial generator, as defined in Section 6.12.010.E., shall be responsible for ensuring and demonstrating its compliance with the requirements of this chapter, including all multi-family dwellings of five units or more.

B. Commercial Recycling and Organics Collection Required.

Each commercial generator shall subscribe to a level of service with the franchised hauler that is sufficient to handle the volume of recyclable materials and organic materials generated or accumulated on the premises. Additionally, each commercial generator shall ensure the proper separation of solid waste, as established by the franchised hauler, by placing each type of material in designated receptacles or containers, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on-site conduct proper separation of solid waste. Commercial organic materials generators shall comply with the following requirements and all applicable regulatory requirements under the Act or be subject to enforcement action, as determined by the City Manager and/or designee. Generators that are commercial generators, including multi-family residential dwellings, shall:

1. Subscribe to the City's three-container collection services and comply with requirements of those services as described below, except commercial generators that meet the self-hauler requirements in Section 6.12.050.C of this ordinance. The City and or Franchise Hauler shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and commercial generators shall adjust their service level for their collection services as requested by the City.
2. Except commercial generators that meet the self-hauler requirements in Section 6.12.050.C of this ordinance, participate in the City's organic materials collection service(s) by placing designated materials in designated containers as described below.
 - a. Generator shall place source separated green container organic materials, including food waste, in the designated organic materials container; source separated recyclable materials in the designated recycling container; and garbage in the designated garbage. Generators shall not place materials designated for the garbage container into the organic materials container or recycling container.

3. Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with requirements described below) for employees, contractors, tenants, and customers, consistent with the City's collection service or, if self-hauling, per the Commercial generators' instructions to support its compliance with its self-haul program, in accordance with Section 6.12.050.C.
4. Excluding multi-family residential dwellings, provide containers for the collection of source separated green container organic materials and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial generator does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - a. A body that is gray or black for garbage, blue for recycling, and green for organics. A commercial generator is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - b. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
5. Multi-family residential dwellings are not required to comply with container placement requirements or labeling requirements in this section pursuant to 14 CCR Section 18984.9(b).
6. To the extent practical through education, training, inspection, and/or other measures, excluding Multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's collection service or, if self-hauling, per the commercial generators' instructions to support its compliance with its self-haul program, in accordance with Section 6.12.050.C.
7. Excluding multi-family residential dwellings, periodically inspect organic materials, recycling, and garbage containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about organic materials recovery requirements and about proper sorting of source separated organic materials and source separated recyclable materials.
9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic materials and source separated recyclable materials separate from garbage (when applicable) and the location of containers and the rules governing their use at each property.
10. Provide or arrange access for the City or its representative to their properties during all inspections conducted in accordance with Section 6.12.80 of this ordinance to confirm compliance with the requirements of this ordinance.
11. Accommodate and cooperate with the collector's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, to evaluate generator's compliance.
12. If a commercial generator wants to self-haul, the commercial generator shall meet the self-hauler requirements in Section 6.12.050.C of this ordinance.
13. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic materials on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).
14. Commercial generators that are commercial edible food generators, as defined in Chapter 6.13, shall comply with food recovery requirements, pursuant to Chapter 6.13 of the City's municipal code.

C. Commercial Business Self-Haul.

Nothing in this chapter shall preclude any commercial business from self-hauling recyclable materials or organic materials generated by that commercial business to a recycling or organics processing facility, provided that the responsible parties source separate all recyclable materials and organic materials (materials that the City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.

Source separated organic materials must be hauled to a solid waste facility, operation, activity, or property that processes or recovers source separated organic materials. Alternatively, self-haulers may haul organic materials to a high diversion organic materials processing facility.

Self-Haulers that are commercial businesses (including multi-family residential dwellings) shall keep a record of the amount of organic materials delivered to each solid waste facility, operation, activity, or property that processes or recovers organic materials; this record shall be subject to inspection by the City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. Complete and retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this chapter or any other applicable law or regulation. A copy of such form shall be completed and remitted annually to the City Manager.

If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic materials.

D. Exemptions to Mandatory Commercial Recycling and Organics.

Pursuant to 14 CCR Section 18984.11, the City may grant waivers to generators for physical space limitations and/or de minimis volumes, commercial business seeking an exemption shall submit their request for waiver in a form specified by the City Manager, if one exists. After reviewing the waiver request, and after an on-site review, if applicable, the City Manager may either approve or deny the waiver request.

1. De Minimis Waivers: The City may waive a commercial business' obligation (including multi-family residential dwellings) to comply with some or all of the organic materials requirements of this ordinance if the commercial business provides documentation that the business generates below a certain amount of organic materials material as described in below. Commercial businesses requesting a de minimis waiver shall:
 - a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below.
 - b. Provide documentation that either:
 - i. The commercial business' total solid waste collection service is two cubic yards or more per week and disposed organic materials comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - ii. The commercial business' total solid waste collection service is less than two cubic yards per week and disposed organic materials comprises less than 10 gallons per week per applicable container of the business' total waste.
 - iii. For the purpose of subsections (i) and (ii) above, total solid waste collection shall be the sum of weekly garbage collection container volume, recyclable material collection container volume and organic materials collection container volume, measured in cubic yards.

- c. Notify the City if circumstances change such that commercial business' organic materials exceeds threshold required for waiver, in which case waiver will be rescinded.
 - d. Provide written verification of eligibility for de minimis waiver every 5 years if the City has approved de minimis waiver.
 2. Physical Space Waivers: The City may waive a commercial generator's or property owner's obligations (including multi-family residential dwellings) to comply with some or all of the recyclable materials and/or organic materials collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic materials collection requirements. A commercial generator or property owner may request a physical space waiver through the following process:
 - a. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
 - b. Provide documentation that the premises lacks adequate space for the designated recycling containers and designated organic materials containers including documentation from its hauler, licensed architect, or licensed engineer.
 - c. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.
 3. The state, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
 4. Municipal corporations and governmental agencies other than city using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.

E. Implementation.

Each commercial generator shall use containers to collect and store recyclable materials and organic materials, and shall designate areas to collect and/or store these materials. Each commercial generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials and organic materials are collected and/or stored that specify the materials to be recycled and how to recycle such material. The City shall notify and instruct commercial generators in writing of applicable recycling and organics requirements. Upon request by commercial generators, the City will also provide outreach and training to commercial generator employees and tenants regarding what materials are required to be recycled and how to recycle such material. Additionally:

1. The City Manager shall annually work with the franchised hauler to identify commercial generators subject to the requirements in this chapter.

2. The City Manager shall review franchised hauler data to confirm whether all commercial generators are compliant with the requirements of this chapter by reviewing subscription levels of garbage, organics and recycling collection services. Those commercial generators who do not subscribe to the required collection services with the franchised hauler will be notified of the requirement to subscribe or self-haul organics and recyclables. Those commercial generators who do not subscribe to the required services with the franchised hauler but who can produce evidence of legitimate self-haul of organics and recyclables will be deemed compliant with this chapter, whereas those who cannot will be deemed non-compliant.
3. The City Manager shall work with the franchised hauler to conduct site visits with select commercial generators each year, covering all commercial generators every five years, in order to document whether commercial generators participate in the required recycling and organics collection programs (not just subscribe) and are therefore in compliance with the requirements of this chapter.
4. The City Manager shall annually work with any non-compliant commercial generators in order to bring them into compliance with the requirements of this chapter by providing outreach, education, and technical assistance to facilitate compliance.
5. Commercial generators shall be responsible for ensuring and demonstrating compliance with the requirements of this chapter within thirty (30) days of notification of non-compliance. Failure to demonstrate compliance with the requirements of this chapter shall be cause for enforcement.

6.12.060 - Special Events.

A. Special Event Recycling and Organics Collection Required.

For a special event, in addition to any other conditions the City requires as part of the special event permit, the responsible party shall either arrange for commingled or source separated collection and processing of garbage, recycling and organics with the franchised hauler or shall arrange for and provide recycling and organics containers throughout the event location to make source separation of recyclable materials, organic materials and garbage convenient for the employees, volunteers, contractors, customers of the food vendors and attendees of the event. This includes arranging for collection and appropriate processing of all garbage, organics and recycling collected during the special event. Requirements for special events not utilizing commingled or source separated collection services provided by the franchised hauler include:

1. The minimum number of recycling and organic containers shall equal or exceed the number of garbage containers. Containers for garbage, organics and recyclables shall be collocated throughout the event location in order to provide equally convenient access to users.

2. All of the containers must have appropriate signage and be color coded to identify the type of materials to be deposited and meet any additional design criteria established by the City by regulation.
3. Food vendors must have at least one separate container each for recyclable materials, organic materials and garbage for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclable materials, organic materials and garbage for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.
4. The types of recyclable materials suitable for deposit into each container shall include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling container shall be clearly identified as a recycling container and shall display a list of types of recyclable materials which may be deposited into the recycling container.
5. Mobile food vendors subject to Chapter 8.34.140 of the Municipal Code shall comply with this Chapter 6.12.110.

6.12.070 - Enforcement.**A. City Manager Authorization.**

The City Manager is authorized to administer and enforce the provisions of this chapter. The City Manager, or anyone designated by the City Manager to be an enforcement officer, may exercise such enforcement powers. If the City Manager determines that a solid waste generator is in violation of this chapter or of any rule or regulation adopted pursuant to this chapter, the City Manager may begin enforcement proceedings. Public nuisance proceedings and/or code enforcement proceedings under the City's code shall apply, in addition to the administrative penalties approved by resolution of the City Council, as modified from time to time. Enforcement proceedings may include issuing notices of violation, requiring changes in subscription service levels or assessing administrative fines.

B. Administrative Citations and Orders.

If the City Manager determines that a solid waste generator is in violation of this chapter, the City Manager may issue administrative citations or orders pursuant to the Los Altos Municipal Code Chapter 1.30, for violations of this chapter or of any rule or regulation adopted pursuant to this chapter, except as otherwise provided in this chapter. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection and review of administrative citations or orders issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, provided, however, that the City Manager may adopt regulations providing for lesser penalty amounts. The City Manager has the authority to impose administrative penalties for the notices of violations.

C. Additional Remedies.

The City Attorney may seek injunctive relief or civil penalties in the superior court in addition to the above remedies and penalties. All administrative civil penalties collected from actions pursuant to this section shall be paid to the City and shall be deposited into a solid waste administrative account that is available to fund activities to implement the applicable provisions of this section. Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this chapter shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this chapter shall constitute a civil debt and liability owing to the City from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law. Nothing in this chapter shall be deemed to impose any liability upon the City or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This chapter does not do any of the following:

1. Otherwise affect the authority of the City Manager to take any other action authorized by any other provision of law.

2. Restrict the power of a City Attorney, district attorney or the attorney general to bring in the name of the people of the state, any criminal proceeding otherwise authorized by law.
3. Prevent the City Manager from cooperating with, or participating in, a proceeding specified in Section 6.12.120.
4. Affect in any way existing contractual arrangements, including franchises, permits or licenses, previously granted or entered into between the franchised hauler and the City.

6.12.80 - Inspections and Investigations by the City.

- A. The City's representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this ordinance by organic materials generators, commercial generators (including multi-family residential dwellings), property owners, commercial edible food generators (as defined in Chapter 6.13), haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial generator containers for compliance with this ordinance, jurisdiction may conduct container inspections for prohibited container contaminants using remote monitoring, and all generators shall accommodate and cooperate with the remote monitoring.
- B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities (as further described in Chapter 6.13), records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.
- C. Any records obtained by the City during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

6.12.090 - Forms, Regulations and Guidelines.

The City Manager may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this chapter. The City may provide information on its website regarding what materials are accepted as recyclable materials, organic materials, and garbage under this chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

ORDINANCE NO. 2021-483

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE, TITLE 6
HEALTH AND SAFETY, ARTICLE 13, TO ADD CHAPTER 6.13
ENTITLED “EDIBLE FOOD RECOVERY”**

WHEREAS, Pursuant to Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, the California Department of Resources Recycling and Recovery (CalRecycle) developed regulations to reduce organics in landfills as a source of methane. The regulations place new requirements on cities, counties, residential households, businesses, waste haulers, and food recovery organizations to support achievement of statewide organic waste disposal reduction targets; and

WHEREAS, CalRecycle’s regulations direct cities and counties to develop edible food recovery programs and require certain businesses to arrange for the donation of edible food that would otherwise go to waste. In addition to targeting methane emissions, these programs will help address food insecurity in California; and

WHEREAS, Pursuant to 14 CCR Section 18981.2, jurisdictions may delegate certain responsibilities for implementing, monitoring, and enforcing their edible food recovery programs to public or private entities; and

WHEREAS, the Council finds that adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) as an action taken by a regulatory agency to protect the environment (CEQA Guidelines Section 15308).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

Los Altos Municipal Code, Title 6, Health and Safety, is hereby amended to add new Chapter 6.13 to read as follows:

CHAPTER 6.13 – EDIBLE FOOD RECOVERY

6.13.010 - Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

- A. “City” means the City of Los Altos.
- B. “Department” means any department of the City, the County of Santa Clara, or any other public agency designated by the City to enforce or administer this Chapter, as authorized in 14 CCR Section 18981.2.
- C. “Designee” means any private entity that the City contracts with or otherwise arranges to carry out any responsibilities of this Chapter, as authorized in 14 CCR Section 18981.2.
- D. “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter, “Edible Food” is not solid waste if it is recovered and not discarded. Nothing in this Chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.
- E. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- F. “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- G. “Food Recovery” means actions to collect and distribute food for human consumption which otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- H. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities. “Food Recovery Organization” includes, but is not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a commercial edible food generator for the purposes of this Chapter pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Chapter.

- I. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a commercial edible food generator to a Food Recovery Organization or other

entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator.

- J. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- K. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- L. “Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.
- M. “Hotel” has the same meaning as in Section 17210 of the Business and Professions code.
- N. “Inspection” means a Department or Designee’s electronic or onsite review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- O. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.
- P. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, non-profit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.
- Q. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- R. “Non-Local Entity” means an entity that is an organic waste generator but is not subject to the control of a jurisdiction’s regulations related to solid waste. These entities may include, but are not limited to, special districts, federal facilities, prisons, facilities operated by the state parks system, public universities, including community colleges, county fairgrounds, and state agencies.

- S. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- T. “Share Table” has the same meaning as in Section 114079 of the Health and Safety Code.
- U. “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- V. “Tier One Commercial Edible Food Generator” means the following:
 - (1) Supermarkets, as defined above.
 - (2) Grocery Stores, as defined above, with a total facility size equal to or greater than 10,000 square feet.
 - (3) Food Service Providers, as defined above.
 - (4) Food Distributors, as defined above.
 - (5) Wholesale Food Vendors, as defined below.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Chapter.

For the purposes of this Chapter, Food Recovery Organizations and Food Recovery Services are not commercial edible food generators.

- W. “Tier Two Commercial Edible Food Generator” means the following:
 - (1) Restaurants, as defined above, with 250 or more seats or a total facility size equal to or greater than 5,000 square feet.
 - (2) Hotels, as defined above, with an on-site Food Facility and 200 or more rooms.
 - (3) Health facilities, as defined above, with an on-site Food Facility and 100 or more beds.
 - (4) Large Venues, as defined above.
 - (5) Large Events, as defined above.
 - (6) State agencies with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - (7) Local Education Agency facilities, as defined above, with on-site Food Facilities, as defined above.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Chapter. Non-local entities that operate a facility that meets this definition are Tier Two Commercial Edible Food Generators.

For the purposes of this Chapter, food recovery organizations and food recovery services are not commercial edible food generators.

- X. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

6.13.020 – Requirements for Commercial Edible Food Generators

- A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- C. Tier One and Tier Two Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow the Department or Designee to access the premises, conduct Inspections, and review electronic and hard copy records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

- (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- D. Tier One Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
 - (1) On or before August 1, 2022, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022.
 - (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- E. Tier Two Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
 - (1) On or before May 1, 2025, and on or before May 1st each year thereafter, Tier Two Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.
- F. Food Recovery Reports submitted by Tier One and Tier Two Commercial Edible Food Generators shall include the following information:
 - (1) The name and address of the Commercial Edible Food Generator;
 - (2) The name of the person responsible for the Commercial Edible Food Generator's edible food recovery program;
 - (3) A list of all contracted Food Recovery Services or Food Recovery Organizations that collect Edible Food from the Commercial Edible Food Generator;
 - (4) The total number of pounds of Edible Food, per year, donated through a contracted Food Recovery Organization or Food Recovery Service.
- G. Nothing in this Chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance issued by the California Department of Education pursuant to Senate Bill 557 (2017).

6.13.030 – Requirements for Food Recovery Organizations and Services.

- A. Food Recovery Services collecting, receiving, or coordinating the collection of Edible Food directly from Tier One or Tier Two Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the Service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

- B. Food Recovery Organizations collecting, receiving, or coordinating the collection of Edible Food directly from Tier One or Tier Two Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the Organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Tier One or Tier Two Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:
 - (1) On or before August 1, 2022, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022;
 - (2) On or before May 1, 2023, and on or before May 1st each year thereafter, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period covering the entire previous calendar year.

- D. Food Recovery reports submitted by Food Recovery Services or Organizations shall include the following information:
 - (1) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
 - (2) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators within Santa Clara County with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).
- E. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County of Santa Clara, the City, or their Designees, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, Designee, or Department, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Tier One and Tier Two Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City, the Department, or Designee shall respond to such request for information within 60 days, unless a shorter timeframe is specified.

6.13.040 – Edible Food Recovery Inspections and Investigations by Department or Designee.

- A. The Department and/or Designee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators to confirm compliance with this Chapter by Tier One and Tier Two Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the Department or Designee to enter the interior of a private residential property for Inspection.
- B. Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the Department’s or Designee’s employees during such Inspections and investigations. Such Inspections and investigations may include in-person or electronic review of Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for access to an entity’s premises or access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.

- C. Any records obtained by the Department or Designee during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- D. Representatives of the Department and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.
- E. Department shall receive written complaints, including anonymous complaints, regarding entities that may be in violation of this Chapter. Complaints shall include the name and contact information of the complainant, if the complainant is not anonymous; the identity of the alleged violator, if known; a description of the alleged violation including location(s) and all other relevant facts known to the complainant; any relevant photographic or documentary evidence to support the allegations in the complaint; and the identity of any witnesses, if known.

6.13.050 - Enforcement.

- A. *Administrative Fine.* Violation of any provision of this Chapter shall constitute grounds for issuance of a Notice of Violation and assessment of an administrative fine by the Department. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Department shall commence an action to impose penalties, via an administrative citation and fine.
- B. *Notice of Violation.* Before assessing an administrative fine, the Department shall issue a Notice of Violation requiring compliance within sixty days of issuance of the Notice. The Notice shall include: (1) the name(s) of each person or entity to whom it is directed, (2) a factual description of the violations, including the regulatory section(s) being violated, (3) a compliance date by which the respondent is to take specified action(s), and (4) the penalty for not complying before the specified deadline.
- C. *Extensions to Compliance Deadlines.* The Department may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
 - (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(2) Delays in obtaining discretionary permits or other government agency approvals;

(3) Deficiencies in Edible Food Recovery capacity and the existence of a corrective action plan imposed by CalRecycle pursuant to 14 CCR Section 18996.2 due to those

deficiencies; or,

(4) Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines.

D. *Administrative Citations.* If the respondent fails to correct the violation by the compliance date, the Department shall issue an administrative citation and fine. The citation shall include a description of the administrative citation appeal process, including the designated hearing officer, the time within which the administrative citation may be contested, and instructions for requesting a hearing.

E. *Amount of Fine.* The amount of the administrative fine for each violation of this Chapter shall be as follows:

(1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

(2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

F. *Factors Considered in Determining Penalty Amount.* The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty range:

(1) The nature, circumstances, and severity of the violation(s).

(2) The violator's ability to pay.

(3) The willfulness of the violator's misconduct.

(4) Whether the violator took measures to avoid or mitigate violations of this Chapter.

(5) Evidence of any economic benefit resulting from the violation(s).

(6) The deterrent effect of the penalty on the violator.

(7) Whether the violation(s) were due to conditions outside the control of the violator.

G. *Appeals.* Persons receiving an administrative citation for an uncorrected violation may request a hearing to appeal the citation. The City will designate a hearing officer who shall conduct the hearing and issue a final written order. The hearing officer may be a City official or another public agency designated by the City. The

hearing officer shall be identified in the administrative citation. A hearing will be held only if it is requested within fifteen days from the date of the notice of the administrative citation.

- H. *Other Remedies.* Other remedies allowed by law may be used to enforce this Chapter, including civil action or criminal prosecution as misdemeanor or infraction. The Department and/or City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The Department and/or City may choose to delay court action until such time as court action is a reasonable use of staff and resources.
- I. *Education Period for Non-Compliance.* Beginning January 1, 2022, and through December 31, 2023, the Department and/or Designee will conduct Inspections and compliance reviews. If the Department and/or Designee determines that a Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Chapter and a notice that compliance is required. It shall also provide notice that violations may be subject to administrative civil penalties starting on January 1, 2024.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

Mandatory Recycling and Composting (SB 1383)

October 26, 2021



R3 CONSULTING GROUP, INC.
RESOURCES • RESPECT • RESPONSIBILITY

Why?

Climate Change Negatively Impacts California

Landfilled Organic Waste Emits

Methane Gas

A Super Pollutant

More Powerful than CO₂

Methane Gas Contributes to
Climate Change in California



CALIFORNIA
is already experiencing
the impacts of
CLIMATE CHANGE

IN 2015 THE DROUGHT COST THE AGRICULTURE INDUSTRY IN THE CENTRAL VALLEY AN ESTIMATED \$2.7 BILLION & 20,000 JOBS

City Municipal Code Update

➤ **Required Update**

- SB 1383 requires cities to have an enforceable mechanism
- Los Altos adopted mandatory recycling and organics recycling in 2015
- Changes to municipal code to comply with SB 1383

➤ **Changes to municipal code include:**

- Mandatory recycling and organics service
 - Waivers for lack of space, no organics
 - Self haul regulation
- Noticing for contamination
- Edible food recovery requirements

Outreach, Engagement, and Education

➤ Outreach includes:

- Government Affairs SB 1383 Presentation
- Environmental Commission Meetings
- Economic Development Presentation with LAVA and the Chamber of Commerce
- City Manager Weekly Update Notifications
- Mission Trail Waste Systems Quarterly Newsletters
- City of Los Altos Website
- Mail notifications to account holders

Existing Program Continued



Have organics service



Back-Haul or Self-Haul organics

and/or



Apply for a waiver

Edible Food Recovery – New Program

- **Qualifying businesses**
 - Recover maximum amount of edible food
 - Need a contract/written agreement with a food recovery organization
 - Maintain records
- **Staff recommends adopting model municipal code**
- **Program to be administered by Joint Ventures Silicon Valley**

City Municipal Code Update

October 26, 2021 First Reading

November 2021 Second Reading



Universal Roll-Out of Organics Service

Currently underway through 2022



Waiver Evaluation for Exemptions

Currently underway through 2022



Regulations Take Effect January 1, 2022

Implementation report to State on April 1, 2022

First annual report October 1, 2022

Annual reports each August 1



Enforcement begins January 1, 2024

Tier 2 Edible Food Generators required to donate





DISCUSSION ITEM

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021

Subject: Off-Leash Pilot Program Review and Recommendations

Prepared by: Donna Legge, Recreation and Community Services Director

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Ordinance No. 2021-475: authorizing an off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the ordinance is categorically exempt from environmental review.
2. Resolution No. 2021-50: extending the off-leash pilot program at the Hillview Baseball Field and making findings pursuant to CEQA that the Resolution is categorically exempt from environmental review.
3. Dog Park Subcommittee Report for Parks and Recreation Commission Meeting on October 13, 2021.

Initiated by:
City Council

Previous Council Consideration:

February 12, 2019; November 10, 2020; February 9, 2021; and February 23, 2021, September 21, 2021.

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does Council want to discontinue the off-leash program at the Hillview Baseball Field and direct staff and the Parks and Recreation Commission (PARC) to explore additional fenced-in options for dogs in Los Altos.

Summary:

- In accordance with LAMC 5.08.010, dogs are prohibited to be off-leash in Los Altos parks
- Residents do not have a place to take dogs off-leash, legally, within the Los Altos community

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Off-Leash Pilot Program Review and Recommendations

- Council approved a 6-month pilot off-leash hours program at the Hillview Baseball Field, with the adoption of Ordinance No. 2021-475, suspending the enforcement of LAMC 5.08.010, allowing dogs to be off leash during designated days and times
- The 6-month period (181 days) began on April 1, 2021, and is scheduled to end on September 27, 2021
- Council directed staff and the Parks and Recreation Commission to return to Council no later than 60 days after the end of the 181 days or no later than November 27, 2021
- Council approved Resolution No. 2021-50, extending the off-leash program from September 29, 2021, to November 14, 2021.
- The Parks and Recreation Commission evaluated the off-leash pilot program and recommended that the Hillview Baseball Field program be discontinued and further recommended that the PARC explore additional options for dogs in Los Altos, starting with concepts presented in Attachment 1 of the Dog Park Subcommittee's report from the October 13, 2021, PARC meeting.

Staff Recommendation:

Discontinue the off-leash program at the Hillview Baseball Field and direct staff and the PARC to explore additional fenced-in options for dogs in Los Altos.



Subject: Off-Leash Pilot Program Review and Recommendations

Purpose

To further explore additional fenced-in options to extend the ability to allow dog owners to have their dogs off-leash in one or more locations in Los Altos.

Background

At its regular meeting of November 10, 2020, Council received a presentation and recommendations from the Parks and Recreation Commission including the establishment of an off-leash hours pilot program at the Hillview Baseball Field for a period of nine (9) operational months, subject to COVID-19 guidelines. Council directed staff to return to Council with a 6-month, off-leash pilot period, including recommendations for program hours and an evaluation of the program.

On February 9, 2021, Council introduced the Hillview Baseball Field Off-Leash Pilot Program Ordinance and waived its reading with minor changes. In addition, Council provided input on the rules and directed staff to measure the success of the program with the following methods:

1. Feedback from residents and users regarding the program (survey)
2. Include impact of reduced unlawful activity – analyze data before and after pilot program
3. Evaluation of incidents reported to Animal Control and the Police Department
4. Evaluation of actual cost vs expected costs
5. Legal issues
6. Field conditions
7. Attendance

At its regular meeting of February 23, 2021, Council held a Second Reading of Ordinance No. 2021 -475. As amended, Council adopted the Ordinance to allow dog owners to have their dogs off-leash during the following days and times (Attachment 1).

April 1 to September 28 (6 months or 181 days per Ordinance)

<u>Days</u>	<u>Morning</u>	<u>Afternoon/Evening</u>
Monday thru Friday	7 to 9 am	7 pm to 9pm

All City Park turf areas will be closed for annual maintenance from November 15, 2021, to January 31, 2022, including the Hillview Baseball Field.



Subject: Off-Leash Pilot Program Review and Recommendations

At its regular meeting on September 14, 2021, Council requested placement of an agenda item on the next agenda (September 21, 2021) to consider the extension of the Off-Leash Pilot Program at the Hillview Baseball Field.

At its regular meeting on September 21, 2021, staff presented a Resolution for Council’s consideration. Following discussion, Council directed staff to amend the Resolution, where applicable to insert specific extension dates and remove the language referencing “and until such time that the City Council receives a recommendation from the PARC and Council takes action.”

Resolution No. 2021-50 was adopted, extending the Off-Leash Pilot Program at the Hillview Baseball Field from September 29 to November 14, 2021, and making findings pursuant to CEQA that the Resolution is categorically exempt from Environmental Review (Attachment 2). In addition, Council indicated a desire to receive the recommendation from the PARC as soon as possible.

Discussion/Analysis

The Dog Park Subcommittee is made up of Vice Chair Teresa Morris and Commissioner John Corrigan. The Subcommittee has worked closely with Recreation and Maintenance staff to gather the following data to assess the overall success of the program.

Los Altos Police Department

Total CAD Events - means the total number of calls for service and/or officer-initiated contacts related to animals (leash law, bites, noise, etc.) during the time periods requested.

Reports - means that a police report was taken for an event.

Bites (D-H) - means a dog bit a human, **Bites (D-D)** means a dog bit another dog, **GOA** means “gone on arrival” (violators were gone upon PD arrival).

Patrol checks are not included in the total number of CAD Events in the chart below. There are a total of 15 patrol checks to assess leash law compliance at the Hillview Baseball Field between during the pilot period.

April 1 to September 28, 2021

Hillview Baseball Field	Total CAD Events	Leash	Bites D-H	Bites D-D	Noise	GOA	Citations	Warnings	Reports	Other
	11	8	1	0	1	3	5	0	0	1



Subject: Off-Leash Pilot Program Review and Recommendations

Notes:

- (1) police report was taken in 2020: Case #20-0124, person bitten 3x by a dog on the field. ACO responded and animal was quarantined
- (1) dog on human bite was noted in 2021: City employee was "nipped" by a dog - no injury and no report desired
- (1) event was listed as "other" in 2021: dog approaching another dog aggressively. The reporting party wished to document the incident to support the need for a fence to be installed
- (1) event was listed as a noise issue: dogs were reportedly barking for several minutes

Animal Control (Palo Alto Police Department)

Animal Control Officers (ACO) responded 42 times for patrol checks. Similar to LAPD, not all patrol checks are documented at other parks, however each patrol check at the Hillview Baseball Field have been documented.

(1) written warning was issued. During the pilot, ACO's issued 23 verbal warnings to groups of dog owners and individuals alike and focused on education while limiting close contact with the public due to COVID. Most warnings were issued just after off leash hours ended, and in the mid-afternoon.

(1) bite incident reported. Victim was a city parks worker; bite did not break skin. LAPD was first on scene.

Off-Leash Park Activity Analysis

The following information reflects the park activity reported by the Los Altos Police Department and Animal Control.

Police Department

April to September	2019	2020	2021
Hillview Baseball Field	1	1	11
Other Los Altos Parks	0	1	15

Animal Control

April to September	2019	2020	2021
Hillview Baseball Field	0	1	42
Other Los Altos Parks	1	7	5



Subject: Off-Leash Pilot Program Review and Recommendations

City Website Off-Leash Survey

The online survey was posted with a website link as well as a QR code on signs at the Hillview Baseball Field. There were 106 responses. Staff determined that the informal survey did not contribute significantly to the analysis of the off-leash pilot program.

Park Maintenance Staff

The maintenance crew observed and experienced the following maintenance concerns at the Hillview Baseball Field during the Off-leash Pilot Program:

- Dog waste that is left after dogs leave. Sometime discovered when mowing
- Dogs barking excessively
- Dogs running unleashed outside the off-leash area and outside of the designated times
- People taking excessive amounts of dog bags
- Damage to irrigation heads from dogs chewing
- Unsupervised dogs digging holes

Here are the maintenance concerns with the program going forward.

1. With the dogs being allowed to dig by their owners, there is extensive damage to the baseball field. It is presumed, that the field is currently not usable for baseball. Due to COVID-19, baseball was not utilizing the field in 2020 and 2021. There are concerns around being able to keep the field playable should dogs be allowed off-leash during the next 2022 baseball season. It most likely will be more expensive than anticipated due to the unanticipated extent of the damage, resulting in a significant rehabilitation.
2. A crew member had an incident, where a dog bit his pant leg. There was no injury or damage to his clothing, but we have had to modify the maintenance schedule to avoid putting staff in the off-leash area when it is open. There are limitations to avoiding the maintenance flow, but additional concerns would arise if the program hours were expanded, or additional sites are added.
3. The expense for dog waste cleanup bags has almost tripled from what was anticipated. While a reasonable number of bags were estimated, staff did not anticipate dog owners taking excessive amounts at one time. The staff has witnessed it and received many calls related to the bag dispensers being empty.



Subject: Off-Leash Pilot Program Review and Recommendations

At its regular meeting on October 13, 2021, the PARC received a presentation from the Dog Park Subcommittee including a summary, findings, and recommendations. The PARC recommended that Council discontinue the off-leash program and further recommended that the PARC explore additional options for dogs in Los Altos, starting with concepts presented in Attachment 1 of the Dog Park Subcommittee's report from the October 13, 2021, PARC meeting (Attachment 3).

Recommendation

The staff recommends the City Council discontinue the off-leash program at the Hillview Baseball Field and direct staff and the Parks and Recreation Commission (PARC) to explore additional fenced-in options for dogs in Los Altos.

ORDINANCE NO. 2021-475

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING AN OFF-LEASH PILOT PROGRAM AT THE HILLVIEW
BASEBALL FIELD AND MAKING FINDINGS PURSUANT TO CEQA THAT
THE ORDINANCE IS CATEGORICALLY EXEMPT FROM
ENVIRONMENTAL REVIEW**

WHEREAS, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, in accordance with Los Altos Municipal Code Section 5.08.010, dogs are prohibited off-leash in Los Altos parks; and

WHEREAS, residents have expressed an interest in having a public place within the Los Altos community where dogs may be allowed off-leash; and

WHEREAS, the City's Parks and Recreation Commission has recommended an off-leash pilot program during specific days and hours; and

WHEREAS, City staff recommend a limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 to facilitate a pilot program as recommended by the Parks and Recreation Commission; and

WHEREAS, the City Council desires to suspend Los Altos Municipal Code Section 5.08.010 as recommended by staff to facilitate a pilot off-leash program only at the Hillview Baseball Field; and

WHEREAS, the proposed pilot program is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

WHEREAS, the purpose of the temporary pilot program is to gauge the likely success and potential impacts of a more permanent community wide off-leash policy.

NOW THEREFORE, the City Council of the City of Los Altos does ordain as follows:

SECTION 1. AUTHORIZATION OF PILOT PROGRAM: Notwithstanding any provision of the Los Altos Municipal Code including, without limitation, provisions of Los Altos Municipal Code Section 5.08.010, a pilot off-leash program is hereby established at the Hillview Baseball Field. Beginning on the effective date of this ordinance, as set forth in Section 8 hereof, dogs shall be allowed off-leash at the Hillview Baseball Field subject to the rules and regulations set forth in Section 2 of this ordinance.

SECTION 2. OFF-LEASH RULES AND REGULATIONS: The limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 authorized in Section 1, above, shall be subject to compliance with the following rules and regulations:

- A. Dogs shall be allowed without physical restraint only in the outfield turf area of the Hillview Baseball Field generally depicted in **Exhibit A** hereto.
- B. Off-leash use shall be limited to the hours of 7 a.m. to 9 a.m. Sunday through Saturday, 7 p.m. to 9 p.m. Monday through Friday, and 5 p.m. to 9 p.m. on Saturdays and Sundays.
- C. No pet or domesticated animal shall be allowed to participate in the off-leash pilot program established by this ordinance except for dogs that are: (1) subject to the reasonable control of their owners or handlers, (2) properly licensed pursuant to applicable law, and (3) not “vicious” as defined by Los Altos Municipal Code Section 5.04.005.
- D. Owners and handlers shall clean up after their own dogs and shall keep their dogs under reasonable control as necessary to ensure the safety of people and pets and to prevent destruction of property.
- E. Owners and handlers shall comply with every regulation for use of the park established by the City Manager as set forth in Section 3.
- F. In the use of the park as authorized by this ordinance, owners and handlers shall obey every lawful instruction of any peace officer or of the City Manager or designee.

Any violation of the foregoing rules shall constitute an unlawful violation of Los Altos Municipal Code Section 5.08.010.

SECTION 3. CITY MANAGER AUTHORITY: The City Manager may establish additional rules and regulations for off-leash use of the Hillview Baseball Field. Such rules shall become effective immediately upon being posted at the park and made available for review by members of the public at the official website of the City’s Recreation and Community Services Department and Municipal Maintenance Services Department. If the City Manager finds that the off-leash pilot program is creating a significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community, the City Manager may suspend the off-leash pilot program by posting notice of such suspension at the baseball field and online at the official website of the City’s Recreation and Community Services Department and Municipal Maintenance Services Department. Unless sooner rescinded by the City Manager or overruled or extended by the City Council, such suspension shall remain in effect until the later of 21 days following the suspension or the day after the next regular meeting of the City Council.

SECTION 4. SUNSET: Unless extended by resolution of the City Council, this ordinance shall expire automatically and shall be of no further force and effect beginning on the 181st day after the effective date hereof. Nothing herein is intended to prohibit the City Council from repealing this ordinance sooner. Staff and the Parks and Recreation commission shall

return to the City Council no later than 60 days after the end of the 181 days of the pilot program.

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. CEQA. The City Council finds the adoption of this ordinance to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15305 (Minor Alterations to Land Use Restrictions), and 15306 (Information Collection), in that the pilot program established hereby is not anticipated to have any significant adverse impact upon the existing environment, will be temporary in nature, will involve the use of an existing recreational facility, will not significantly alter existing facilities or existing land use restrictions, and is intended primarily to study the impacts of off-leash programs to inform future policy choices. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the program or project authorized by this ordinance. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

SECTION 7. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on February 9, 2021 and was thereafter, at a regular meeting held on February 23, 2021 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CMC, CITY CLERK

RESOLUTION NO. 2021-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
EXTENDING THE OFF-LEASH PILOT PROGRAM AT THE HILLVIEW
BASEBALL FIELD, AND MAKING FINDINGS PURSUANT TO CEQA THAT
THE RESOLUTION IS CATEGORICALLY EXEMPT FROM
ENVIRONMENTAL REVIEW**

WHEREAS, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, in accordance with Los Altos Municipal Code Section 5.08.010, dogs are prohibited off-leash in Los Altos parks; and

WHEREAS, residents have expressed an interest in having a public place within the Los Altos community where dogs may be allowed off-leash; and

WHEREAS, the City's Parks and Recreation Commission (PARC) recommended an pilot off-leash program during specific days and hours; and

WHEREAS, City staff recommended a limited, temporary suspension of Los Altos Municipal Code Section 5.08.010 to facilitate a pilot off-leash program as recommended by PARC; and

WHEREAS, on February 23, 2021, the City Council adopted Ordinance No. 2021-475 that suspended Los Altos Municipal Code Section 5.08.010 to facilitate a pilot off-leash program only at the Hillview Baseball Field; and

WHEREAS, the pilot off-leash program, if extended, is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

WHEREAS, the Hillview Baseball Field will be closed November 15 through January 2022 for annual maintenance; and

WHEREAS, pursuant to Ordinance No. 2021-475, the pilot off-leash program is scheduled to terminate on September 28, 2021; and

WHEREAS, the City Council desires to extend the pilot off-leash program between September 28, 2021, and November 14, 2021.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Los Altos as follows:

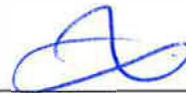
SECTION 1. Pursuant to Ordinance No. 2021-475, Section 4, the pilot off-leash program at Hillview Baseball Field shall be extended from September 28, 2021 until November 14, 2021

SECTION 2. CEQA. The City Council finds the adoption of this Resolution to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15305 (Minor Alterations to Land Use Restrictions), and 15306 (Information Collection), in that the pilot off-leash program established hereby is not anticipated to have any significant adverse impact upon the existing environment, will be temporary in nature, will involve the use of an existing recreational facility, will not significantly alter existing facilities or existing land use restrictions, and is intended primarily to study the impacts of off-leash programs to inform future policy choices. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the program or project authorized by this Resolution. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this Resolution, pursuant to CEQA Guidelines Section 15062.

SECTION 4. EFFECTIVE DATE. This Resolution No. 2021-50 shall be effective upon adoption.

The foregoing Resolution was adopted on September 21, 2021, by the following vote:

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



Neysa Fligor, MAYOR

Attest:



Andrea Chelemengos, MMC, CITY CLERK

City of Los Altos
Parks and Recreation Commission

Dog Park Subcommittee Report and Recommendations

Date of Meeting: Thursday, October 13, 2021
To: Park and Recreation Commission
From: Commissioners John Corrigan and Teresa Morris
Subject: Review of Hillview Baseball Field Pilot Program and Recommendations

BACKGROUND:

The potential of off-leash dogs in Los Altos parks has been a discussion for well over ten years. It was the goal of the Parks and Recreation Dog Park Subcommittee, past and present, to attempt to provide a possible solution for Los Altos dog owners to have a public space for their dogs to run freely and legally. After numerous Park and Recreation Commission meetings, resident workshops (residents voted and provided input regarding both off-leash and fenced in locations and features), the decision to provide an off-leash Pilot Program at the Hillview Baseball Field was approved by City Council on February 23, 2021.

On April 1, 2021, the off-leash Pilot Program began at Hillview Baseball Field. The Pilot Program ran for 6 months, ending on September 28, 2021. This report will include information pertaining to the Pilot Program only and will not include the extended program that was approved by City Council on September 21, 2021.

Definition of dog parks:

The following definitions were established by the PARC during the public workshop processed, facilitated in February 2020.

Fenced-in Dog Park - A fenced-in dog park is defined as an enclosed and dedicated area, which is often divided into two separate areas, one for larger/more active dogs and the other for smaller, shyer dogs. Dogs run off-leash in these dog parks. A fenced in dog park is typically open from sunrise the sunset.

Off-Leash Hours - An off-leash hours program is defined as an unenclosed area where dogs can run but the owner(s) must manage their dogs so that they do not go beyond the designated off-leash areas, unless they are leashed.

Goals:

The goal of this report is to provide an assessment of the Hillview Off-Leash Pilot Program (Pilot Program) and to provide recommendations for PARC's consideration. The assessment is based on criteria provided by City Council, observations during Pilot Program, and resident feedback.

DISCUSSION:

Los Altos has a vigorous and involved dog owner presence. The Subcommittee has been honored to meet with and hold discussions with many people regarding the Pilot Program.

Los Altos parks are small and few. They are identified as Neighborhood Parks because they are small and intended to serve the neighborhoods, they are in. The neighborhood parks abut many homes including the Hillview Baseball Field.

Although the Pilot Program was successful in bringing the community together and allowing access for dogs to run off leash, it negatively impacted neighbors and did not meet the City Council off-leash criteria or the spirit of the 2012 Park Plan criteria for dog parks.

Despite the challenges of the Pilot Program, much was learned. The Subcommittee recommends that the city staff, PARC and Council use the lessons to continue an ongoing discussion and exploration of options within Los Altos where dogs can be allowed safely off-leash with a minimum impact to residents and staff.

City Council Criteria to evaluate Off-leash Pilot Program:

- Feedback from residents regarding the program (online survey and other)
- Impact of reduced unlawful activity (before and after pilot)
- Review of incidents reported to Animal Control and Los Altos PD
- Analysis of actual cost versus expected cost
- Legal issues
- Field conditions
- Attendance and usage

The Subcommittee has measured the success of the Pilot Program based on the criteria and is summarized below.

2012 Park Plan

In planning for a dog park, certain criteria should be met before designing such a park. At a minimum, a site should include:

- Sufficient room for off-leash activities for dogs of all sizes (at least one-half acre)
- Sufficient parking for park uses
- Sufficient buffer between the park and surrounding residential areas to mitigate impact from the park on homes

None of the parks in Los Altos, as presently constituted, meet all of these criteria. As such, a site outside of the current park system that includes all of the above criteria should be identified before funds are allocated for a dog park.

SUBCOMMITTEE RECOMMENDATION:

Based on the findings of the 6-month pilot program, the Dog Park Subcommittee recommends that the PARC discontinue the off-leash program at the Hillview Baseball Field and that the Subcommittee continue to work with staff to explore more options for dogs to be off-leash in Los Altos.

Feedback Sources:

1. City online survey
2. Door-to-door neighborhood visits by Subcommittee
3. Emails received from the public
4. Los Altos Police Department
5. Palo Alto Animal Control
6. City Park Maintenance Review

Findings based on Feedback:

1. The feedback system (online survey) did not capture information on non-dog owners. Many dog owners were unaware of the survey unless shared by the Subcommittee during site visits. Most people want more hours at the park. Participants suggested a fence to allow for those without dogs, or those walking by, to enjoy the park.
2. The results are almost evenly split, as it was prior to implementation of the Pilot Program. Part of the community supports off-leash and part does not support off-leash. This outcome has remained constant across all attempts to find a solution to having dogs off-leash, or not, in Los Altos parks.
3. The Subcommittee recommends that the City consider conducting a comprehensive scientific survey to capture both off-leash participants and non-participants before moving ahead with any off-leash program recommendation.

Measurement of Success by City Council Directed Criteria**Impact of Reduced Unlawful Activity:**

Non-compliance with Designated Hours Neither staff, nor the Subcommittee, saw a reduction of unlawful activity in any Los Altos parks during the Pilot Program. In fact, there was a significant increase in unlawful activity at the Hillview Baseball Field. Often dog owners accessed the area before and after the designated hours. Off-leash usage was observed 69% of the time during visits outside of authorized hours by the Subcommittee.

Enforcement The stated overall intent during the pilot was to create an atmosphere of working together and education. During the pilot, Animal Control had discussions with dog owners explaining what the rules were and what the expectations were for off-leash activity.

Unfortunately, that approach did not address the dog owners that chose to ignore the rules of the Pilot Program. Dog owners admitted they would wait until Animal Control was off duty before they allowed their dog's off-leash outside of the sanctioned hours. Stronger enforcement, with fines imposed, should be considered for any potential future program.

Review of Incidents reported to Los Altos Police Department and Animal Control:

There was a noticeable increase in service calls to Los Altos Police and verbal warnings issued by Animal Control in 2021 at Hillview Baseball Field as compared to 2020 at Hillview Baseball Field. The increase was 5x that of the prior year.

The Subcommittee observed dogs escaping the Hillview perimeter during 16% of the 43 visits when at least one dog was present, increasing to 22% of 27 visits since mid-July (after part of the perimeter fencing was removed). The frequency of escape was likely higher than this since Subcommittee visits were generally brief. Finally, dog attacks were an issue during the Pilot Program.

- One person was bitten in the pant leg and filed a complaint.
- A cyclist respondent to the City's website survey reported being charged 3 times by a terrier.
- A Subcommittee member, along with a maintenance worker, was pinned for minutes by an off-leash dog. No owner responded during the incident.
- A resident reported at the 9/21/21 City Council meeting that he was intimidated by a dog three times.
- Additionally, 3 dog-on-dog attacks were reported, though it's unconfirmed if any occurred during approved hours.

Costs/Fiscal Impact:

The Off-Leash Pilot Program was estimated to cost \$6,275. That amount included community outreach, initial installation of off-leash rules and hour signs, designation of off-leash area with A-frames, dog bag dispensers, and dog bag refills for a 6-month period. The amount was to be absorbed by the Park Maintenance operations budget.

Actual costs must be provided by Maintenance and Staff, but it is known that costs have exceeded the original cost estimate due to waste bag usage and mid-program sign changes.

Legal Review:

There were attacks and issues that arose during the Pilot Program. Many did not come to light until close to the end of the Pilot Program. Legal matters are outside of the purview of the Subcommittee or PARC. The City Attorney and Risk Manager will provide input on an as needed basis.

Field:

Despite efforts, wear and tear on the field is a concern. Dog owners did an excellent job of keeping dogs off the infield. However, other areas of the field are showing a great deal of wear, including holes, worn spots, uneven turf and brown patches. Park entries and exits are worn.

There were reports that the field was too wet and too dry after responding to drought guidelines. According to Maintenance, the two issues could exist simultaneously, as less water often equals more compacted soil. More compacted ground could lead to more water sitting on the surface and not penetrating the soil. This situation lacks a definitive answer regarding the wet and dry conditions. Unless California sees a consistent break in the drought in the future, compromised greening of the grass and compacted soil will become the new normal. It is likely that grass will become obsolete as water becomes scarcer. This is something to consider if the off-leash discussion continues.

Neighbors, staff, and Subcommittee members all agree that the field is in poor shape when compared to past years. The most often cited concern regarding the wear and tear included, fear of Little League's not having a safe and sanitary place to play their games, and a loss of open green space for all to enjoy. Dog owners voiced their concerns about the field's not being maintained. Staff confirmed that they have been maintaining the field at the same level as if the off-leash program was not present.

The Subcommittee's assessment of other parks in Los Altos in early July showed that Hillview's deep ruts (average of 7.5 on 6/16 and 6/23) were 7.5x the average of 1 deep rut/park across Heritage Oaks, Grant Park, Hillview soccer field, North Lincoln, and South Lincoln parks, several which are substantially larger areas than Hillview. Only Rosita baseball field/Covington had more deep ruts (10), and Rosita is a much larger field than Hillview Baseball Field.

Dog waste was infrequently noticed by Subcommittee members during walkthroughs. Maintenance staff reported that one resident voluntarily cleans up every morning, as does staff.

Finally, the Pilot Program is not an accurate assessment of what the field would be like if Little League were using it for their practice and games because Covid-19 halted Little League use.

Attendance and Usage:

Attendance increased significantly as the Pilot Program progressed. Observations were made that dog owners were enthusiastic, welcoming, and very social. A supportive and self-policing system developed over time. There were a few owners that clearly kept a sharp eye on all dog activity and informed those not noticing their dog's activities.

Despite the efforts to control the dogs, the program produced noise and negative impacts to nearby homes. Some expressed a loss of privacy and ability to enjoy their homes and yards.

The Program attracted an average of 13 people per day by end of Pilot Program. There could be up to 23 dogs, plus their 1 to 2 dog owners on the field at one time. Specifically, the average

evening attendance: July: 5, August: 8, September: 13. Average morning attendance (8-9 AM): August: 6, September: 13.

The consistent totals represent a small portion of the overall dog owner population. That population is estimated at 35-40% of Los Altos households. The attendance outcome is consistent with comments made prior to the Pilot Program. It was said that, although people have dogs, they do not want to take them to off-leash parks. The result of the door-to-door survey showed that most neighbors who did not take their dogs' off-leash still support people who want off-leash parks. They simply do not use them with their dogs.

It is surmised that each park in Los Altos has approximately 5-15 people who visit their nearby park and allow their dogs off-leash. If one generously expands that number to 25 for each park, there are approximately a total of 200-250 people using Los Altos Parks for off-leash activity. This total use matters when considering noise, wear and tear, cost, and impacts to neighbors and maintenance.

Closing Discussion:

The Subcommittee recognizes the outcome of happy dog energy and happy dog owners during the Pilot Program. In addition, there has been a great deal of emotion connected to discussions surrounding the potential outcome of off-leash dog hours in Los Altos Parks. The Program has included a fair number of challenges. The recommendation is to stop the off-leash activity until further effort is made to remedy the problems and reflect the concerns. However, the recommendation to continue the discussion and pursue a solution reflects the desire of dog owners and others to secure an off-leash space in Los Altos. Lessons from the successes and challenges of the Pilot Program are what makes for a successful Pilot Program. Utilizing the discoveries as tools when moving ahead with any decision is crucial. The Subcommittee is prepared to continue their work and has captured additional ideas and evaluation as tools to be used in the next steps in the process (Attachment 1).

Finally, the Subcommittee recommendations are a result of being mindful of all resident input. The input considered includes emails, surveys, petitions, workshop results, and public comments shared at PARC meetings, as well as numerous City Council meetings. The Subcommittee deemed it necessary to consider all these avenues of input to be responsive to residents. Many residents, over many years, have been generous in their time and thoughtful responses to this very energizing and, at times, divisive discussion. Many of the same residents have shared their concern that their voices are not being heard and that they feel they must constantly be vigilant about sharing their concerns. It is for this reason that the Los Altos Dog Park Subcommittee sought to consider all resident input when making the recommendation regarding next steps for off-leash in Los Altos Parks. The subcommittee respectfully submits their above recommendations for your review and discussion.

Attachment:

- 1 - Tools for Next Steps
- 2 - Dog Park Subcommittee Power Point

Tools for Next Steps

The following notes and ideas will be used if the Dog Park Subcommittee continues efforts regarding off-Leash activity in Los Altos.

Further Evaluation:

1. Fence Dog owners as well as neighbors unanimously agree that a fence along the perimeter to separate the dogs from the walkways nearby, is required.

The opposition to fenced-in dog parks was consistently shared via surveys (both City sponsored, and resident driven) and PARC workshops. There remains great enthusiasm amongst some for a fenced-in option.

Note: the option of a perimeter fence or separation fence, does not ensure that the shared use concept will work. Should an off-leash program move forward with a perimeter fence, it is recommended to implement another pilot program for 3 months' time.

2. Hygiene Many are concerned that heavy use by dogs will create a hygiene issue for children and others, including dogs, using the shared space. When the field is mowed, feces are occasionally being mowed as well. Those feces are then spread, not only on the field, but also up toward the maintenance employee doing the mowing.
3. Hours It has been observed that dog owners stay until dark, and beyond. The dog owners have shared that, even with headlamps, they cannot see their dogs' feces, and it is often left. Park staff check prior to mowing, but can be difficult to find all the droppings on the field. It is recommended that the rules be changed in such a way there is no use after dark.
4. General Park Use There appears to be a decrease in the number of general non-dog owner park users. It is presumed that because the dog owners are extending the hours on their own accord, it likely is having a negative impact on overall use.
5. Aggressive Dogs Due to the presence of aggressive dogs, people are no longer using the park walkways. They are choosing instead to walk around the entire park to reach their destination. Some, with limited mobility, have curbed all use of the walkway for fear of dogs charging or approaching them.

General Improvements for any potential shared off-leash location:

- Perimeter fencing that separates and protects pedestrians, bicyclist, and dogs on leash from off-leash dog activity.
- Fencing that includes excellent sound barrier features to protect all nearby residents from all noise generated from the off-leash dog activity. This includes barking dogs and loud talking and yelling of dog owners.

- Dogs must not be allowed off-leash and must go on leash if other park users are present.
- Ramped up enforcement.
- Posted feedback mechanism that allows for non-online options, as well as grabs the attention of non-dog owners.
- Permitting system to register dogs and have dog handler sign a use agreement that details what their responsibilities are when using the dog park.
- Shut down off-leash if complaints reach a threshold. For example: If total complaints for LAPD and/or Animal Control are twice the amount of 2021. Additionally, if one dog on human bite occurs, where skin is broken, in a calendar year.
- Limit time each dog handler can spend in the park. Suggested limit is 30 minutes. There could be a sign in board or a clock like they use at tennis courts.
- No more than N dogs ($N \leq 3$ dogs) off-leash at a time and no more than N dog owners ($N \leq 5$ dog owners) at a time
- Proposed hours
 - 8-10 AM
 - 4:30-8 PM
- Exclude dogs that are “potentially dangerous” (§ 5.04.005)
- Entrance and exits
- For dogs exercise, not large social gatherings
- Nearness of vehicles
- Spread around the city/not destination
- Maximum setbacks
- Used solely for dogs

Note: The proposed reduction of dog totals is due to observations showing that more dogs equal more noise and off-leash challenges. It is also an attempt at keeping numbers down, even if people decide to increase the numbers illegally. In other words, by keeping the legal numbers low, it will potentially limit the potential for greater abuse.

Alternative scenarios and guidelines

No perimeter fencing

1. Allow off-leash activities in all City parks, if all off-leash rules are met with the following criteria:
 - Activity is confined to 8a.m.-5p.m. during winter months and 8a.m.-8p.m. in the summer months (or not past the ability to see and clean up feces, whichever comes first).
 - No dogs are allowed off-leash when other park users are present. This includes, but is not limited to, dogs on leash, people engaged in any activity in the park; be it sitting, sports activity, playground use, strolling, running, walking their dog on leash. This rule would apply whether said activity is present upon arrival or occurs during the off-leash activity. If a park is being used by anyone, prior to, or during the off-leash activity, the dog(s) must immediately be leashed.

2. Rotating Off-Leash Program: choose 3 to 4 parks, distributed across the city that will provide walking access to a nearby park for legally off-leash activity. Rotating the activity will distribute the burden of wear and tear and noise experienced by neighbors. Knowing a situation is short term (suggestion is a one-week rotation period) may be more reasonable for residents. The conditions for off-leash use are the same as described in *no perimeter fencing scenario one*, except that only a subset of parks is authorized for rotating off-leash use.

Alternatives with fencing

1. Explore and implement a large fenced-in dog park that is non-residential and will accommodate off-leash activities.
2. Parking lot area near the soccer field and the Friends of the Library portable. This space would work well, especially if a small section of the perimeter of the unused soccer field was included. The large heritage oak must be protected from all dog activity. The surface would need to be changed to artificial turf including a fence. This location does not appear to impact neighbors. The Subcommittee recommends a sound wall as a precaution. A con to this location is loss of parking.
3. Utilize the less-developed areas, such as the space between the History Museum and the shaded dugout section along the 3rd base side of the Hillview Baseball Field. A con is its proximity to the side of the History Museum and the loss of sidewalk. Pro is the ability to encourage parking on the Civic Center campus, not in neighborhoods and the ability to install gates for entrance and exits.
4. Undeveloped area on the east side of the new Community Center. Con is flow of dogs from parking lot to the location, and the potential for flow from all sides of the Community Center, which may be disruptive to classes, events and playground use at the Community Center. Location may damage the soil and adversely affect flow of water to plants. Close to neighbors that should be consulted first. Space would need to be tested through a Pilot Program. The Pro is that it is an open space that may otherwise be underutilized. The trees would need to be fenced off for their protection. This option would require less fencing and less surface changes.
5. Move the Tot playground in front of LAYC to a new location and create a fenced area that includes that area, as well as the grass and sidewalk area along the side of LAYC. Cons are minimal but may include noise impact to LAYC activities/office space. It would change the flow of pedestrian traffic on sidewalks. Pro is very visible dog area that might draw visitors to our town and lack of residential neighbors. Heritage oak tree and picnic table should be preserved.
6. The area that currently houses the brown library portables between the History Museum and the police station. Drawbacks to this option are proximity to the History Museum, size of space, and need to protect heritage oak trees. One Pro is the soil is a good surface for dogs to run, and, if desired, a good surface to install artificial turf.
7. Use the roadway alongside LAYC and the Police Department. Con is that it changes the flow of traffic and necessitates tearing out road. Also, same potential noise impact on LAYC and additional (minimal) potential impact on the library.

8. Create a long and narrow space along the bottom of the soccer field. Drawbacks to this location are that it's slightly near homes on Hillview Avenue and results in the loss of green space.
9. Carve out a smaller portion of Hillview Baseball field (closer to the Community Center). Cons: no guarantee to protect neighbors from noise and loss of baseball field (might be able to change location of infield). This option would *require* an effective sound wall along at least two sides of the field to alleviate impact on neighbors.
10. Parking lots: Create a large park downtown on one of the parking lot spaces. Best option is the area between Walgreens, Second Street, Third Street and Main Street (aka Plaza South). Pro is that it is a centrally located space, and it has plenty of room. It will create a lovely park opportunity in the middle of our downtown area. The space will serve the needs of the many new residents moving into our downtown area. A con is loss of some parking spaces.
11. Convert a portion of the maintenance yard at the front of McKenzie Park (the portion that was previously suggested to Friends of the Library).

Using Permitting to Create and Preserve Community:

The off-leash Pilot Program has been touted and praised as creating community. It is apparent in this day of Covid-19 and technology that any opportunity to create community is positive. The subcommittee recognizes that, due to the recommendations to limit the size of the number of dogs and dog owners allowed to congregate, the sense of community may be impacted. However, the main goal of an off-leash park is to allow dogs to get good exercise, not allow folks to congregate while allowing their dogs to roam free. During the off-leash pilot program, there have been reports of, and observations of, an ever-growing party-like atmosphere that includes consumption of alcohol, lack of attention to dogs, and lack of attention to noise levels during the Hillview Off-Leash Pilot Program. For that reason, the Subcommittee recommends that should off-leash programs become part of the future of Los Altos, the total amount of dogs and dog handler limits (see details in General Improvements above) be instituted. In addition, there needs to be a time limit to how long each individual dog handler is allowed to spend in the park at any given time of the day (see details in General Improvements above).

To mitigate the loss of the ability to congregate in large groups where dog owners mingle in a party-like atmosphere, it is recommended that there be the creation of a permit system to allow larger group gatherings of dog owners and their dogs. The permitting system could allow larger congregations monthly at a park, or parks, deemed appropriate for such use. It is recommended that there be a limit of 10-15 dogs maximum, as well as a restriction to total number of dog owners. Preference would be that the option to congregate with larger quantity of dogs be limited to permits issued to residents only, to include a cleaning deposit and conditions to ensure safety and minimize wear and tear of turf areas.

All details of such a permit would require staff and legal to discuss and plan. It would be ideal to include the Dog Park Subcommittee in at least the beginning conversations of any such permitting plan. Further, it is recommended that a time limit of 2 hours maximum be part of the permitting allowances. In addition, all applicable rules of the off-leash dog park would apply (if off-leash is approved) and regular rental of facilities will need to be adhered to.

Updated Rules:

Dog owners are required to follow the City's rules for off-leash use during designated hours, including:

- Failure to comply with the posted rules and regulations shall constitute a violation of M.C. 5.08.010 of the Los Altos Municipal Code. Violations can be reported to the Los Altos Police Department at (650) 947-2770.
- All dogs shall be licensed and vaccinated before entering the field area.
- Immediate clean up after your dog(s) is mandatory. Dispose of dog waste in the containers provided. (M.C. 5.08.010.B.1)
- Dog owners must be always in voice control of their dogs. Keep your dog(s) on leash leading into the off-leash area and out-side the field area and always keep a leash in hand to help control your dog.
- Dogs considered to be aggressive may be asked to leave. (M.C. 5.08.060)
- Puppies less than four months old are not permitted due to immature immune systems.
- Female dogs in heat are not allowed.
- All dogs must be spayed or neutered.
- A maximum of two dogs per handler is allowed at any time on the field.
- Children under 14 must be accompanied and supervised by an adult.
- Dog owners must prevent dogs from digging.
- Food and all alcohol is prohibited inside the field area.
- Training classes are not allowed.
- Access to off-leash area during weekday hours is subject to others being in the park, with or without dogs.
- The City of Los Altos assumes no liability for the users of these areas. Use these facilities at your own risk.
- You are subject to citation for off-leash activity outside of the days and times specified.

Note: The Subcommittee recommends the following be added to the rules. Remove the Vicious Animal definition, per the old rules (see included definitions below) and replace with Dangerous Animal. Allowing a dangerous animal to remain in the off-leash area would lead, and did lead (see above), to attacks. There was at least one repeat dangerous dog incident during the Pilot Program.

The following definitions are from Los Altos Municipal Code Section 5.04.005

“Potentially Dangerous Animal.” Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all the following behavior, shall be presumed to be potentially dangerous:

1. Any animal which, when unprovoked, on two separate occasions within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog;

2. Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in this section.
3. Any animal which, when unprovoked, on two separate occasions within the prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury, attacking a domestic animal off the property of the owner or keeper the animal.

“Vicious Animal.” Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior, shall be presumed to be vicious:

1. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.
2. Any animal previously determined to be, and currently listed as potentially dangerous, which, after its owner or keeper has been notified of this determination, continues the behavior described in this section, or is maintained in violation of Title 5.

Parks and Recreation Commission October 13, 2021

Hillview Off-Leash Hours Pilot Program



Dog Park Subcommittee
Evaluation





Agenda

- Pilot Description
- Evaluation of Pilot Criteria
- Pilot Pros and Cons
- Pilot Learnings
- Takeaways
- Alternatives
- Recommendation



Off-Leash Pilot Location/Hours

Hillview Baseball Field

April 1, 2021 through September 28, 2021

Off-leash Hours:

M-F: 7-9 AM, 7-9 PM; Sat-Sun: 7-9 AM, 5-9 PM

Follow the Rules

Basics:

Clean up after your dog

Keep barking/noise down

Keep dog under voice control

Mind the hours





Pilot Evaluation Criteria

Staff to measure success based on*:

- Feedback from residents and users
- Include impact of reduced unlawful activity
- Evaluation of incidents reported
- Evaluation of actual vs expected costs
- Legal issues
- Field conditions
- Attendance

***City Council (2/9/21)**

Evaluation Criteria: Feedback

Sources:

- Online Survey
- Door to Door Survey
- Emails
- Face to Face conversations

Online Survey Says...

- Non-random sample
- 86 residents and 8 non-residents responded
 - 85% of 40 residents were dog owners
 - 30 of 34 dog owners want to add off-leash hours to home park
 - 0 of 6 non-dog owners want to add off-leash hours to home park
 - Weighting results to match City dog owners: 67% don't want off-leash
- Conclusion
 - Failed to accurately represent both dog and non-dog owners in a significant manner
 - Prior surveys (2020, 2018) had similar issue (35-40% of Los Altos households are dog owners)



Top Responses to City Survey

- What is working well?
 - Nice to have a dedicated location to have their dogs off-leash (32)
- What is not working?
 - Hours are inconvenient or too short (47)
- How to improve the off-leash park?
 - Extended hours (42)
 - Install fences or gates (outfield and inner field) (32)

Door-to-Door Survey

Small sample: 21 homes visited/12 respondents

67% of respondents were dog owners

83% of respondents were aware of pilot

Door-to-Door Survey Questions

- Continue Off Leash?
- Affected?
- Used or Not?
- Where Else to Go?
- Benefits
- Issues



Reduced Unlawful Activity?

- No reduction in off-leash activity elsewhere
- 26 Subcommittee visits off hours
 - Off-leash use during 69% of visits
 - Heaviest unauthorized use: 9-10 AM and 4:30-7 PM

Incidents?

- Attacks
 - Dog on Human: 1 bite, 3 attacks, 1 close call, 4 confrontations
 - Dog on Dog: 3
- Police Reports: 5X service call increase
- Animal Control: 5X+ verbal warning increase
- Barking: 44%
- Dogs outside of field: 16% (22% recently)

Actual vs. Expected Costs

- Unexpected costs
 - Large increase in waste bags used
 - Additional cost for sign changes
- Unknown costs
 - During pilot (staff time, police, etc.)

Legal Issues?

- Two lawsuit threats and potential costs
- Dog on human bites/attacks
- Risk must be determined by City Attorney and Risk Manager

Field Conditions?

- Wear and tear
- Entrance pathways worn onto the field
- Ruts
- Dog waste

Mitigating factors:

- Marauding racoons
- Water reduced
- Lack of Little League impact

Hillview Field Schedule

Hillview Baseball Field - Spring/Winter (February to July)													
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday						
5am													
5:30am													
7am													
7:30am													
8am													
8:30am													
9am													
9:30am								Little League Games 9a-5p			Dog Obedience 18+ 9a-10a		
10am													
10:30am													
11am	Dog Obedience 18+ 10a-11a												
11:30am													
12pm													
12:30pm													
1pm													
1:30pm													
2pm													
2:30pm	Little League Practice 4p-7p	Little League Practice 4p-7p	Little League Practice 4p-7p	Little League Practice 4p-7p	Little League Practice 4p-7p	Little League Practice 4p-7p							
3pm													
3:30pm													
4pm													
4:30pm													
5pm													
5:30pm													
6pm													
6:30pm													
7pm													
7:30pm													
8pm													
8:30pm													
9pm													

* Park Closed for Annual Maintenance from Mid-November to January

Field Conditions Progression

April 17

ATTACHMENT 3



May 6



ATTACHMENT 3

May 6





ATTACHMENT 3

May 19



May 19



Aug 14

ATTACHMENT 3

Marauding
Raccoon
Activity



ATTACHMENT 3

September 12



Outfield Wear
and Tear

September 12



Access
Point

September 12

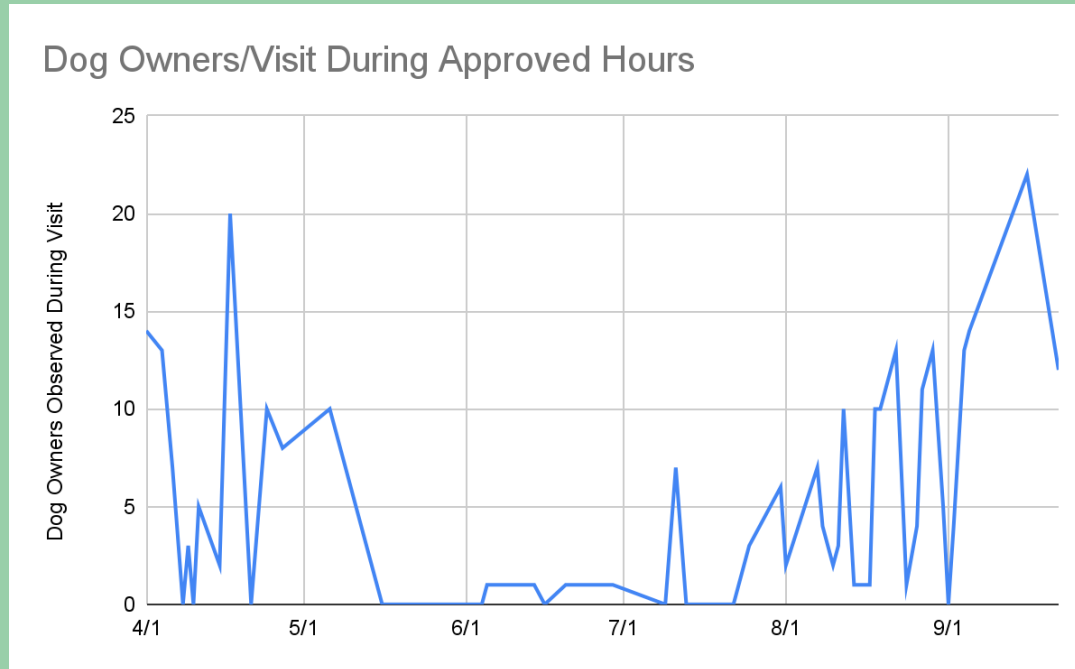


Access
Point

Attendance?

- People stayed close to home
- Later in pilot, less familiar dog owners
- Later in pilot, more small dogs
- Later in pilot, increase from ~ 5-10 to 10-20 dogs/owners
- Mostly a Los Altos crowd and 2/3 close to park
- Later in pilot, small increase in dogs driven to park

Attendance Increasing Over Last Two Months of Pilot



- **Average morning attendance (8-9 AM):** August: 6, September: 13
- **Average evening attendance:** July: 5, August: 8, September: 13



Pilot Criteria Summary

Pilot Criterion	Outcome
Resident Feedback	Yellow
Reduced Unlawful Activity	Red
Incidents	Red
Cost	TBD
Legal Issues	Yellow
Field Condition	Red
Attendance	Green

Pilot Summary: Pros

- Community building
- Consistent use
- Benefit to residents
- Minimal influx of non-Los Altos visitors
- Community self-policing





Pilot Summary: Cons

- Barking/noise
- Use outside of sanctioned times
- Field wear and tear
- Attacks on dogs and people
- Some pedestrians stopped visiting
- Neighbor issues
- Lawsuit threats
- No obvious decrease in off-leash elsewhere

What We Learned

- The pilot created its own behavior
- Dogs attacks will happen
- Leaders emerged
- Builds community
- Online survey didn't reach non-dog owners
- Hours mismatch
- Need plan to measure off-leash activity in other parks
- Modest use relative to dog owner population
- More users = more issues



Takeaways

- Characteristics of ideal off-leash locations
 - As much fencing as possible
 - Maximum set back from residences/pedestrians/cyclists
 - Location should be used minimally for other purposes
- Hours need modification
- Enforcement must be robust and not education focused
- Accurate costs needed



Potential Improvements for Future Off-Leash Programs

- Dogs must go on leash if others present
- Ramp up enforcement
- Posted feedback mechanism
- Off-leash shutdown parameters
- Permits for larger groups
- Time limits per dog owner
- Dog handler registration and signed use agreement
- Modify hours
- Dogs excluded if “potentially dangerous” (§ 5.04.005)
- Perimeter fencing
- Sound barrier features

Recommendations

The subcommittee requests that the following recommendations to be sent to City Council for approval:

- Discontinue off-leash program at the Hillview Baseball Field
- Subcommittee actively works with staff to further explore options for off-leash activity in Los Altos

Alternatives?



From: [Lee Ann Vojvoda](#)
To: [Public Comment](#)
Subject: Hillview Dog Park
Date: Wednesday, October 20, 2021 10:09:25 AM

First let me start off with the fact that I am not a dog owner. However, I walk by the Hillview Off Leash Dog Park frequently. It makes me very happy to see all of the dogs playing freely and their owners interacting with their pets and with the other people in the park. It makes my heart smile to witness people interacting face to face. In these days, isn't friendly interaction something that we want to encourage? I do hope that the Hillview Off Leash Dog Park is able to remain and even expand.

Thank you,

Lee Vojvoda
315 Angela Court,
Los Altos

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM 5 - MEETING DATE 10/26/2021
Date: Sunday, October 24, 2021 8:09:24 PM

My name is Vladimir Rubashevsky. I reside at 1301 McKenzie Ave, Los Altos, CA 94024.

I visited the Hillview Baseball Field to see the impact of the program.

I was there on a Wednesday 10/6 around 3 pm. So there were no off-leash dogs.

So my comments are limited to only the things I observed there.

1. I saw severely damaged grass in the Field.
2. There also were 2 sets of dog excrement in the field.
3. There were no park users.

In general do not think it is a good idea to do "unleashed dog hours" in any park with grassy areas because it will be destroyed as we can see at a Hillview Baseball Field and will severely damage the Park Use experience for the Human visitors who actually are paying for the Parks with their tax dollars and have all rights to enjoy them. And this damaged experience would exacerbate the non-dog owners' losses due to inability for the to use the Park during off-leash hours.

However just in case if for some reason the dog owners would be able to persuade the City Council that the dog owners somehow have more rights than the other taxpayers and as such should be able to take a common property (a Park) into exclusive use of

the smaller group and decide to establish a park with the off-leash hours in Los Altos, I want to say that the Baseball Field would be probably the best choice compared to other

parks because:

1. The area is predominantly a business area - so the park has little activity during the evening hours in comparison with other parks.
2. There are a couple residences on one side of the park and the rest is a business area.

The park is really large and in order to reduce to some extent the negative effect of barking noise to the residences the off-leash area can be restricted to a smaller strip on the opposite side of the Field.

3. Existing fencing and entrance from the business side makes the Field safer for residents.

4. There is another park in about 100' distance - so the Human users have a "replacement park"

to go during the off-leash hours - so loss of the Hillview Baseball Field to the dogs is not going

to be as painful as it would be if another park is converted.

5. There is plenty of parking nearby and the parking is on several sides of the Field - so the traffic congestion is not going to be as bad as in other parks.

Since the trial of this dog-park in the Field went sour, and because this is probably the

best candidate for this purpose

I strongly believe that the Counsel should put the dog-park issue to the rest and stop wasting the community's resources for further experiments.

Regards.

Vladimir Rubashevsky





DISCUSSION ITEM

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021

Subject: Fiscal Year 2021/22 City Fee Schedule

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2021-54
2. Fee adjustment comparison
3. Fee revenue summary

Initiated by:

Staff

Previous Council Consideration:

September 10, 2019 (presentation on Cost Allocation Plan and User Fee Study); May 22, 2018 (adoption of current Fee Schedule)

Fiscal Impact:

Adoption of the recommended Fee Schedule will likely result in an increase in fee revenue collected by the City. The amount of increased revenue will depend upon the amount of activity by customers of the City.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to adopt the recommended Fee Schedule to better reflect the actual cost of providing certain services?

Summary:

- The current Fee Schedule was adopted in May 2018.
- A Cost Allocation Plan and User Fee Study was presented to City Council in September 2019 but was not acted upon at that time.
- Staff recommends adopting an updated Fee Schedule based upon the information provided in the 2019 Cost Allocation Plan and User Fee Study with a percentage increase based on CPI.
- The Fee Schedule should be updated annually as part of the budget process.

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JE



Subject: Fiscal Year 2021/22 City Fee Schedule

Staff Recommendation:

Adopt Resolution No. 2021-54, setting the FY 2021/22 Fee Schedule for the City of Los Altos



Subject: Fiscal Year 2021/22 City Fee Schedule

Purpose

To adopt and updated Fee Schedule for Fiscal Year 2021/22.

Background

Historically, the City annually adopts its Fee Schedule setting fees that are collected for City services and activities. The Fee Schedule was last adopted May 22, 2018 and has not been updated since. In 2019, the City contracted with Willdan Financial Services to conduct a comprehensive user fee study and full cost allocation plan to assist the City in determining appropriate fee levels for the various services provided by the City.

On September 10, 2019, the City Council received a report on the cost allocation plan and user fee study. That report recommended adjusting numerous fees based on actual costs at the time to perform those services. Council provided some feedback on the report and requested additional information regarding the fee schedule.

Discussion/Analysis

As the City's current Fee Schedule is now three years old, it is recommended that the City adopt a new Fee Schedule that better reflects the actual cost of providing various services and returns to updating the Fee Schedule each year.

Attachment 1 includes the recommended FY 2021/22 Fee Schedule. The fees recommended for adoption are based on those recommended in 2019 adjusting for two years of CPI increases. For certain fees, staff is not recommending using the 2019 information at this time as staff is uncertain how the recommended fee was arrived at. After further analysis, staff concluded that these fees should remain as they are until a new fee study can be conducted.

Attachment 2 provides a more detailed comparison of current fees and what is being recommended with a column showing the difference between the recommended fee and current fee.

As part of the September 2019 discussion, Council requested information on how the City's fees compare to surrounding agencies. Attachment 2 provides a column with the average fee for several neighboring cities (Cupertino, Los Gatos, Mountain View, Palo Alto, Saratoga, Sunnyvale). Several of the City's fees do not have a direct comparison for the other cities and so an average is not included for these fees. While there are some fees that are higher in the City of Los Altos, the City is either in-line or below the majority of the fees.

The other piece of information the Council requested at the September 2019 meeting was clarification on which fees account for the various revenue categories. The vast majority of fee revenue received by the City comes from a handful of fees. Attachment 3 highlights nine fee areas



Subject: Fiscal Year 2021/22 City Fee Schedule

in which the City received over \$50,000 in revenue in Fiscal Year 2019/20. These nine areas account for \$3.2 million out of a total of \$3.49 million in total revenue. Each fee category on Attachment 3 has been highlighted with a color. The corresponding fees that go into these categories has been highlighted with the same color on Attachment 2.

Recreation Fees

The Recreation & Community Services Department currently offers a wide range of programs and classes to the Los Altos Community and the surrounding area. Programs and classes may include but are not limited to special interest, sports, fitness, enrichment, music, and continuing education. These activities serve all ages: preschool, youth, teens, adults and seniors. Generally, recreation programs are priced according to market rate in order to stay current and competitive. However, in areas such as teens and seniors, a lower fee has been associated due to the need for a higher level of subsidy as directed by the City Council. Program costs and fees are variable based on the type of class, type of expertise from the instructor, type of facility required and demand. To reflect this variability, program fees are provided as a range. Outlined below is an overview of the fee structure, listed as a range, according to an age category. As these fees are variable in nature and are adjusted based on the various factors, these fees are not included in the overall Fee Schedule.

RESIDENT PROGRAM FEES SUMMARY

Resident Rates			
Age Category	Current Fee Range Average (Per Hour)	Proposed Fee Range (Per Hour)	Market Rate Range Average (Per Hour)
Preschool	\$11 - \$13.50	\$13 - \$20	\$14 - \$42.57
Youth	\$13.72 - \$25.36	\$14 - \$40	
Teens	N/A	\$0 - 15	
Adults	\$5.22 - \$21.51	\$7 - \$35	\$7.43 - \$40.71
Seniors	\$2.01 - \$8.03	\$3 - \$20	\$3.14 - \$25.86
Camps	\$41.3 - \$58.17 (Per Day)	\$40 - \$60 (Per Day)	\$52.72 - \$159.2

Additional notes and considerations

Non-resident Fees

Non-residents play an important part in enabling a wide range and diversity of programs for Los Altos residents. Many programs would not be feasible without this larger group of non-resident participation. Current fee policy requires that non-residents pay an additional 20% above resident rates. For programs with lower fees, the additional 20% is appropriate. However, for classes and camps with more expensive fees, the additional 20% can become an obstacle, which may prevent non-resident registration and therefore affect the ability for classes to reach minimum enrollment. For this reason, staff is recommending a maximum cap of \$75 for camps and high fee classes, so that higher priced camps and classes have an increased opportunity to gain minimum enrollment.



Subject: Fiscal Year 2021/22 City Fee Schedule

Senior Program Fees

Historically, the City's Senior Program employed a membership structure, which offered the opportunity for members to receive perks such as priority registration and discounted rates on activities and classes. However, staff has observed that this model created an exclusive environment. For this reason, staff is recommending not utilizing the membership model in order to create a more inclusive environment for all seniors. Seniors will continue to have access to all programs and services offered through Recreation.

Contractor Fee Model

To successfully offer a wide range of programs and classes, and to remain fiscally responsible, the Recreation & Community Services Department utilizes a variety of delivery methods. Some programs are provided directly, such as Camp Jellybean or Camp Redwood Grove, where the staffing and supply costs are accounted for in the Department's approved fiscal operating budget. Other programs are provided via contract, where an individual or organization partners with the City to offer programs or classes. The standard percentage split for a contracted instructor is currently 60/40 where 40% of earned revenue is allocated to the City. The standard percentage split is comparable to current market conditions, therefore staff is recommending the standard contract percentage split to remain the same.

Facility Fees

With the opening of the new Los Altos Community Center, the City has a number of new spaces which can be rented by individuals or groups. As such, hourly fees for these spaces need to be set so that the City can begin allowing rentals. These recommended fees have been included in the proposed Fee Schedule.

Impact Fees

The Park In-Lieu and Traffic Impact Fees are included in the recommended Fee Schedule. However, as these fees, along with the Housing Impact Fees, require separate nexus studies to establish the appropriate fee, they are not recommended to be changed at this time. Staff is working on analyzing these fees and will bring separate agenda items to the Council for consideration.

Recommendation

The staff recommends the Council adopts the recommended Fee Schedule.

RESOLUTION NO. 2021-54

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
SETTING CERTAIN FEES AND CHARGES TO BE COLLECTED IN FY 2021/22**

WHEREAS, the Los Altos Municipal Code specifies that certain fees and charges shall be set by Resolution of the City Council; and

WHEREAS, these fees and charges should be in amounts sufficient to recover the costs incurred by the City with respect to the functions to be performed by the City.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the various fees and charges set forth in the attached FY 2021/22 Fee Schedule for the City and these fees shall become effective no sooner than 60 days following final passage and adoption of this Resolution and shall remain in effect until a new Resolution amending the same is adopted by the City Council.

BE IT FURTHER RESOLVED that all other fees previously established by other City Council Resolution or Ordinance remain in effect.

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 26th day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

**City of Los Altos
Fee Schedule
FY 2021/22**

Community Development Building	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
<p>Building Permit Valuation based on price per square foot of construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.</p> <p>Total Valuation \$1.00 - \$3,000.00</p> <p>\$3,001.00 - \$25,000.00</p> <p>\$25,001.00 - \$50,000.00</p> <p>\$50,001.00 - \$100,000.00</p> <p>\$100,001.00 - \$500,000.00</p> <p>\$500,001.00 - \$1,000,000.00</p> <p>\$1,000,001.00 and up</p>	<p>Building Permit Valuation based on Price per square foot of Construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.</p> <p>\$82.00</p> <p>\$82.00 for the first \$3,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.</p> <p>\$450.00 for the first \$25,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.</p> <p>\$750.00 for the first \$50,000.00 plus \$8.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.</p> <p>\$1,170.00 for the first \$100,000.00 plus \$7.25 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.</p> <p>\$3,845.00 for the first \$500,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.</p> <p>\$6,680.00 for the first \$1,000,000.00 plus \$4.25 for each</p>	<p>Building Permit Valuation based on Price per square foot of Construction. Minimum valuation for new residential and commercial construction is \$165.00 per square-foot.</p> <p>\$109.50</p> <p>\$109.50 for the first \$3,000.00 plus \$22.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.</p> <p>\$600.00 for the first \$25,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.</p> <p>\$1,000.00 for the first \$50,000.00 plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.</p> <p>\$1,560.00 for the first \$100,000.00 plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.</p> <p>\$5,135.00 for the first \$500,000.00 plus 86.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.</p> <p>\$11,699.00 for the first \$1,000,000.00 plus \$7.75 for each</p>

	additional \$1,000.00 or fraction thereof.	additional \$1,000.00 or fraction thereof.
Electrical, Fire Department Inspection, Mechanical or Plumbing Permit Total Valuation \$1.00 - \$3,000.00	\$82.00	\$109.50
\$3,001.00 - \$25,000.00	\$82.00 for the first \$3,000.00 plus \$23.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$109.50 for the first \$3,000.00 plus \$30.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 - \$50,000.00	\$580.00 for the first \$25,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$775.00 for the first \$25,000.00 plus \$22.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 - \$100,000.00	\$995.00 for the first \$50,000.00 plus \$11.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$1,329.00 for the first \$50,000.00 plus \$15.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	1.58% of the valuation	1.60% of the valuation
Solar/Photovoltaic Permit (Residential/Commercial)	\$450.00* *(Per California Government Code Section 66015 which allows for fees of \$450.00 plus \$15.00 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7.00 per kilowatt for each kilowatt between 51kW and 250kW plus \$5.00 for every kilowatt above 250kW, for commercial rooftop solar energy systems)	\$450.00* *(Per California Government Code Section 66015 which allows for fees of \$450.00 plus \$15.00 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7.00 per kilowatt for each kilowatt between 51kW and 250kW plus \$5.00 for every kilowatt above 250kW, for commercial rooftop solar energy systems)
Building Plan Check	65% of Building Permit Fee	65% of Building Permit Fee
Fire Department Plan Check	20% of Total Building Permit Fee (if applicable)	20% of Total Building Permit Fee (if applicable)
Energy Plan Check (Title 24)	25% of Total Building Permit Fee	25% of Total Building Permit Fee
Blueprint for a Clean Bay	\$10.00	\$10.25
Building Code Compliance Review	\$525.00	\$526.00
Building Moving Permit	Time/Material	\$665.00
California Green Building Fund	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation
Construction Tax* Residential	\$0.41 per Square Foot	\$0.41 per Square Foot

Commercial * Established per LAMC Chapter 3.24	\$0.68 per Square Foot	\$0.68 per Square Foot
Demolition Permit		
Single Family	\$300.00	\$470.25
Commercial/Multiple-Family	\$600.00	\$773.00
Duplicate Permit Request	\$55.00	\$86.50
Property Research		
Residential	\$27.00 per Property	\$27.00 per Property
Commercial	\$55.00 (minimum) per Property	\$55.00 (minimum) per Property
Re-Inspection Request	\$85.00	\$133.75
Street Address Change	\$600.00	\$522.50
Strong Motion and Seismic Hazard Mapping		
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP (1-3 Story Residential)	Residential – Minimum Fee is \$0.50 for Any Valuation up to \$3,850.00 Valuation Amount x 0.00013 = Fee Amount	Valuation Amount x 0.00013 (Minimum Fee \$0.50)
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP (Over 3 story residential & all commercial)	Commercial – Minimum Fee is \$0.50 for Any Valuation up to \$1,786.00 Valuation Amount x 0.00028 = Fee Amount	Valuation Amount x 0.00028 (Minimum Fee \$0.50)
Technology Surcharge – Permit System Maintenance, Document Archiving Maintenance, Document Backfile Conversion	8% of Building/Electrical/Mechanical/Plumbing Permits	8% of Building/Electrical/Mechanical/Plumbing Permits
Temporary Certificate of Occupancy	\$380.00	\$503.25
Inspections outside of normal business hours (minimum charge – 2 hours)	Overtime Wage	\$385.75
Stop Work Penalties	2-4x all plan review and permit fees	2-4x all plan review and permit fees
In House Review	\$75.00 per hour	\$117.50 per hour
Consultant Review	Consultant Cost	Consultant Cost
Expired Permit Fees	Based on original permit fees	Based on original permit fees
Project Plan Duplication Requests	Printing service charge	\$369.75
Certificate of Occupancy	New	\$147.25
Alternative Means and Methods Request	New	\$365.75

Community Development Planning	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
Annexation	\$210.00 Deposit per Parcel, with a \$1,000.00 Minimum and Fully Allocated Hourly Staff Rates	\$522.50
Appeal		
Within Notification Boundary	\$595.00	\$627.00
Outside Notification Boundary	\$1,785.00	\$1,201.75
Application Extension		
Single-Family	\$295.00	\$334.25
Commercial/Multiple-Family	\$595.00	\$627.00
Application Modification		
Single-Family	\$595.00	\$627.00
Commercial/Multiple-Family	\$1,785.00	\$1,881.00
Certificate of Compliance	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material
Conditional Use Permit		
Business Use Only	\$1,785.00	\$2,612.50
Planning Commission		
Business Use Only	\$2,975.00	\$4,180.00
Planning Commission/City Council		
New Construction (>500 sq. ft.)	\$5,350.00	\$5,225.00
PC & CC		
Wireless Facility (Renewal/Mod)	\$890.00	\$1,139.00
Staff Level		
Modification	\$890.00	\$1,483.75
Design Review		
Single-Family		
Administrative (≤100 sq. ft.)	N/A	\$79.00
Administrative (≤500 sq. ft.)	\$295.00	\$295.00
Administrative (>500 Sq. Ft.)	\$890.00	\$1,045.00
Design Review Commission	\$1,785.00	\$2,090.00
Commercial/Multiple-Family		
Administrative (≤500 Sq. Ft.)	\$890.00	\$1,384.50
PC & CC (>500 Sq. Ft.)	\$5,350.00	\$9,922.25
PC Only	\$5,350.00	\$5,350.00
Accessory Dwelling Unit Review		
Over-the counter (<500 sq. ft.)	\$595.00	\$156.75
Administrative (>500 sq. ft.)	\$595.00	\$522.50
Architectural Peer Review	New	\$3,657.50
Development Agreement Fee	Time/Material (\$5,000.00 deposit)	\$5,225.00
Environmental Initial Study	\$1,785.00 + Time/Material	\$5,225.00
Environmental Impact Report	\$5,350.00 + Time/Material	\$10,450.00
Electric Vehicle Charging	\$.33 Per kWh	\$.33 Per kWh
General Plan/Map Amendment	\$5,350.00 + Time/Material	\$5,747.50
Lot-Line Adjustment	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material
Maps and Documents		
Zoning Map	\$5.00	\$5.00

Zoning Ordinance	\$15.00	\$15.00
General Plan	\$15.00	\$15.00
Specific Plans	\$5.00	\$5.00
Park In-Lieu Fee*		
Single-Family Residential Unit	\$56,500.00	\$56,500.00
Multiple-Family Residential Unit	\$35,500.00	\$35,500.00
* Established per LAMC Chapter 13.24		
Planned Unit Development	\$5,350.00 + Time/Material	\$7,837.50
Planning Commission Study Session	\$595.00	\$1,567.50
Preliminary Project Review	\$295.00	\$1,149.50
Planning Records Research Fees		
Single-Family Residential	\$27.00	\$27.00
Commercial and all other zones	\$55.00	\$55.00
Public Notification – Single-Family	\$26.00	\$52.25
Public Notification – All Other	\$1.00 per mailed post card	\$1.00 per mailed post card
Public Sidewalk Display Permit		
Dining tables/chairs	\$55.00	\$209.00
A-frames/non-dining objects	\$55.00	\$26.00
Reversion to Acreage	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material
Sign Review		
Modification of Existing Sign	\$145.00	\$104.50
Sign Per a Sign Program	\$145.00	\$104.50
New Sign (no Sign Program)	\$295.00	\$209.00
Sign Program	\$595.00	\$836.00
Single-Story Overlay Rezoning		
Neighborhood Approval and Election	\$2,435.00	\$2,821.50
Zoning Map Amendment	\$2,435.00	\$3,344.00
Tentative Subdivision Map Review	\$5,350.00	\$5,225.00
Tentative Subdivision Map Extension/Modification		
Administrative	\$1,785.00	\$1,785.00
PC/CC	\$1,785.00	\$2,873.75
Traffic Impact Fee*		
Single-Family Residential Unit	\$6,774.20 per new unit	\$6,774.20 per new unit
Multiple-Family Residential Unit	\$4,159.00 per new unit	\$4,159.00 per new unit
Senior Residential Unit	\$1,744.20 per new unit	\$1,744.20 per new unit
Commercial	\$12,408.73 per 1,000 sq. ft.	\$12,408.73 per 1,000 sq. ft.
Office	\$9,993.93 per 1,000 sq. ft.	\$9,993.93 per 1,000 sq. ft.
* Established per LAMC Chapter 3.48		
Tree Removal	\$55.00	\$78.25
Vacating Easement/Right-of-way	Time/Material	\$5,225.00
Variance Review		
Single-Family - Accessory Struct.	\$595.00	\$1,567.50
Single-Family - Main Structure	\$1,785.00	\$2,090.00
Commercial/Multiple-Family	\$1,785.00	\$2,926.00
PC Only		
Commercial/Multiple-Family	\$5,350.00	\$4,180.00
PC & CC		
Zoning Ordinance/Map Amendment	\$5,350.00 + Time/Material	\$5,747.50

Zoning Use Compliance	\$110.00	\$73.00
Zoning Verification Letter	\$295.00	\$522.50

Police	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
Alarm Permit Renewal Late Renewal/Unpermitted Alarm response	\$38.00 Per Permit \$38.00 Per Permit \$76.00	\$38.00 Per Permit \$38.00 Per Permit \$79.00
False Alarm Response First Two Responses in a Permit Year Third and Subsequent Responses	No Charge \$227.00 Per Response	No Charge \$227.00 Per Response
Alcohol Permit	\$72.00 Per Application	\$104.50 Per Application
DUI Accident Response Police Response Fire Response Fatal accident	\$1,225.00 \$1,435.00 Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident	\$1,201.75 \$1,463.00 Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident
Jail Booking Fees	Actual County Cost	Actual County Cost
Massage Establishment Permit New Annual Renewal	\$283.00 \$67.00	\$283.00 \$78.25
Massage Therapist Permit New Annual Renewal	\$242.00 \$67.00	\$242.00 \$67.00
Massage Appeal Hearing	\$2,030.00 per appeal Includes One Hour of City Attorney Time	\$2,030.00 per appeal Includes One Hour of City Attorney Time
Miscellaneous Police Permit	\$283.00 Per Application	\$156.75 Per Application
Parking Permit Quarterly Annual	\$12.00 \$37.00	\$40.00 \$100.00
Second Response Call-Back Standard Response Juvenile Alcohol Party Response	\$602.00 Per Response After an Initial Warning \$602.00	\$193.25 Per Response After an Initial Warning \$836.00
Secondhand Dealer/Pawn Shop Permit New Annual Renewal	\$252.00 \$88.00	\$271.50 \$156.75
Solicitor Permit	\$103.00 Per Application	\$156.75 Per Application
Special Event Permit Application New On-going	\$2,100.00 \$900.00	\$1,567.50 \$1,045.00
Special Event Police Service	Salaries/Benefits/Overhead at Overtime Rate	Actual Cost
Vehicle Impound Release	\$237.00 per vehicle	\$313.50 per vehicle
Vehicle Repossession	\$15.00 per vehicle	\$15.50 per vehicle
Verification/Clearance Letter	\$34.00 per letter	\$41.75 per letter

Subpoena	\$275.00	\$275.00
Subpoena Duces Tecum	\$15.00	\$15.00
Police Report Copies	\$0.20 per page and no charge for victims of crimes	\$0.20 per page and no charge for victims of crimes

Engineering	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
County Sewer Plan Check	\$560.00 Per Plan	\$627.00 Per Plan
Encroachment Permit Parking Stall	\$72.00 Per Permit Plus \$31.00 Per Stall Per Day	\$103.50
Special	\$390.00 Per Permit Plus Actual outside Costs	\$444.00
Miscellaneous	\$196.00 Per Permit	\$261.24 Per Permit
Final Subdivision Map Check	\$1,155.00 Per Map Plus Actual outside Costs	\$1,222.50 Per Map Plus Actual outside Costs
Flood Hazard Letter	\$52.00 Per Letter	\$73.00 Per Letter
Heavy Haul Permit	\$605.00 Per Permit	\$637.25 Per Permit
Public Works Inspection	6% of the Estimated Cost of Construction	6% of the Estimated Cost of Construction
Lot-Line Adjustment	\$520.00 Plus Actual outside Costs	\$574.75 Plus Actual outside Costs
Sewer Dye Test	\$98.00 Per Test	\$151.50 Per Test
Stormwater Management Plan Check	\$365.00 Per Application	\$418.00 Per Application
Temporary Lane Closure Permit	\$505.00 Per Permit Plus \$62.00 Per Day After First Day	\$548.50 Per Permit
Utility Street Cut Permit	2% of Construction Cost (\$200.00 Minimum)	2% of Construction Cost (\$200.00 Minimum)
Additional Inspection Visit (for existing permit)	New	\$167.00
Sewer Permit (City)	\$95.00	\$125.25
Sewer Permit (County)	\$190.00	\$235.00
Sewer Tap-in	\$50.00	\$52.25
Transportation Permit	\$25.00	\$26.00

Recreation	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
Banner Hanging San Antonio/ECR Downtown Fremont/Grant Lincoln Park 9-foot 18-foot	\$366.00 Per Two Weeks \$366.00 Per Week \$308.00 Per Two Weeks \$153.00 Per Week \$308.00 Per Week	\$406.00 Per Two Weeks \$406.00 Per Week \$336.00 Per Two Weeks \$168.00 Per Week \$336.00 Per Week
Community Room (Grand Oak) (per hour) Resident Non-Resident Non-Profit Commercial	New	\$250.00 \$300.00 \$125.00 \$375.00
Los Altos Community Center Meeting Room (Sequoia) (per hour) Resident Non-Resident Non-Profit Commercial	New	\$100.00 \$125.00 \$50.00 \$150.00
Los Altos Community Center Multi-Purpose Rooms (Apricot, Manzanita, Birch, Sycamore, Maple, Courtyard only) (per hour) Resident Non-Resident Non-Profit Commercial	New	\$80.00 \$100.00 \$40.00 \$120.00
Los Altos Community Center Kitchen (per hour) Resident Non-Resident Non-Profit Commercial	New	\$50.00 \$75.00 \$25.00 \$100.00
Los Altos Community Center Lobby (per hour) Resident Non-Resident Non-Profit Commercial	New	\$100.00 \$125.00 \$50.00 \$150.00
Los Altos Community Center Courtyard (per hour) Resident Non-Resident Non-Profit Commercial	New	\$50.00 \$60.00 \$25.00 \$100.00

Los Altos Community Center Package (Sequoia/Manzanita/Lobby) (per hour)	New	
Resident		\$210.00
Non-Resident		\$255.00
Non-Profit		\$105.00
Commercial		\$240.00
Los Altos Community Center Package (Sequoia/Manzanita/Apricot) (per hour)	New	
Resident		\$200.00
Non-Resident		\$240.00
Non-Profit		\$100.00
Commercial		\$400.00
Los Altos Community Center Package (Sequoia/Manzanita/Buckeye/Madrone) (per hour)	New	
Resident		\$160.00
Non-Resident		\$195.00
Non-Profit		\$80.00
Commercial		\$320.00
Multi-Purpose Rooms (per hour)		
Resident	\$110.00	\$120.00
Non-Resident	\$138.00	\$150.00
Non-Profit Resident	\$54.00	\$60.00
Commercial	\$220.00	\$240.00
Classrooms (per hour)		
Resident	\$45.00	\$50.00
Non-Resident	\$56.00	\$60.00
Non-Profit Resident	\$39.00	\$40.00
Commercial	\$90.00	\$100.00
San Antonio Club (per hour)		
Resident	\$175.00	\$120.00
Non-Resident	\$219.00	\$150.00
Non-Profit Resident	\$75.00	\$60.00
Commercial	\$350.00	\$240.00
Tennis & Bocce Ball Courts (per hour)		
Resident	\$8.00	\$9.00
Non-Resident	N/A	N/A
Non-Profit Resident	\$6.00	\$7.00
Commercial	N/A	N/A
Athletic Fields (per hour)		
Resident	\$45.00	\$50.00
Non-Resident	\$56.00	\$60.00
Non-Profit Resident	\$25.00	\$25.00
Commercial	N/A	N/A
Gymnasiums Half (per hour)		
Resident	\$67.00	\$85.00
Non-Resident	\$84.00	\$110.00
Non-Profit Resident	\$37.00	\$45.00
Commercial	\$134.00	\$160.00
Gymnasiums Full (per hour)		

Resident	\$134.00	\$140.00
Non-Resident	\$168.00	\$180.00
Non-Profit Resident	\$74.00	\$80.00
Commercial	\$268.00	\$280.00
Community Plaza Half Day		
Resident	\$135.00	\$145.00
Non-Resident	\$169.00	\$180.00
Non-Profit Resident	\$44.00	\$55.00
Commercial	N/A	N/A
Community Plaza Full Day		
Resident	\$199.00	\$220.00
Non-Resident	\$249.00	\$275.00
Non-Profit Resident	\$79.00	\$90.00
Commercial	N/A	N/A
Patriot Corner Picnic Area Half Day		
Resident	\$135.00	\$150.00
Non-Resident	\$169.00	\$190.00
Non-Profit Resident	N/A	N/A
Commercial	\$270.00	\$300.00
Patriot Corner Picnic Area Full Day		
Resident	\$199.00	\$220.00
Non-Resident	\$249.00	\$275.00
Non-Profit Resident	N/A	N/A
Commercial	\$398.00	\$440.00
Grant Picnic Area Half Day		
Resident	\$80.00	\$90.00
Non-Resident	\$99.00	\$110.00
Non-Profit Resident	N/A	N/A
Commercial	\$160.00	\$180.00
Grant Picnic Area Full Day		
Resident	\$110.00	\$120.00
Non-Resident	\$130.00	\$145.00
Non-Profit Resident	N/A	N/A
Commercial	\$220.00	\$240.00
Classroom Deposit	\$250.00	\$250.00
Multi-Purpose Room Deposit	\$500.00	\$500.00
LACC Full Facility Deposit	N/A	\$1,000.00
Key Replacement	\$100.00	\$100.00

Miscellaneous	Adopted Fee for Service 18/19	Proposed Fee for Service 21/22
Business License Listing	\$15.00 Per Request	\$41.65 Per Request
Business License Duplicate	\$15.00 Per Request	\$10.25 Per Request
City Initiative Filing	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition
Damage to City Property	Time/Material	Time/Material
Document Certification	\$25.00 Per Certification	\$25.00 Per Certification
Document Reproduction	\$0.25 Per Page	\$0.25 Per Page
Fair Political Practices Commission Related	\$0.10 Per Page	\$0.10 Per Page
DVD Copy	\$2.00 Per Disk	\$2.00 Per Disk
Non-Sufficient Funds Check Processing	\$40.00 Per NSF Check	\$40.00 Per NSF Check
Notary Fee	New	\$10.00
Tobacco Retailer License		
Initial	New	\$250.00
Annual	New	\$150.00

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Building Division				
Building Permit				
Valuation based on price per square foot of construction. Minimum valuation for new residential and commercial construction is \$165.00 per sq ft.				
Total Valuation				
\$1.00 - \$3,000.00	\$82.00	\$109.50	\$27.50	\$89.78
\$3,001.00 - \$25,000.00	\$82.00 for the first \$3,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$109.50 for the first \$3,000.00 plus \$22.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$27.50 for the first \$3,000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.	\$557.27
\$25,001.00 - \$50,000.00	\$450.00 for the first \$25,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$600.00 for the first \$25,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$150.00 for the first \$25,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.	\$931.00
\$50,001.00 - \$100,000.00	\$750.00 for the first \$50,000.00 plus \$8.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$1,000.00 for the first \$50,000.00 plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$250.00 for the first \$50,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.	\$1,511.13
\$100,001.00 - \$500,000.00	\$1,170.00 for the first \$100,000.00 plus \$7.25 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.	\$1,560.00 for the first \$100,000.00 plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.	\$390.00 for the first \$100,000.00 plus \$2.25 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.	\$5,366.31
\$500,001.00 - \$1,000,000.00	\$3,845.00 for the first \$500,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.	\$5,135.00 for the first \$500,000.00 plus \$8.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.	\$1290.00 for the first \$500,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.	\$9,682.70
\$1,000,001.00 and up	\$6,680.00 for the first \$1,000,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof.	\$11,699.00 for the first \$1,000,000.00 plus \$7.75 for each additional \$1,000.00 or fraction thereof.	\$5019.00 for the first \$1,000,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof.	\$32,789.46
Electrical, Fire Department Inspection, Mechanical or Plumbing Permit				
Total Valuation				
\$1.00 - \$3,000.00	\$82.00	\$109.50	\$27.50	
\$3,001.00 - \$25,000.00	\$82.00 for the first \$3,000.00 plus \$23.00 for each additional \$1,000.00 or fraction thereof, to and	\$109.50 plus \$30.50 for each additional \$1,000 or fraction thereof	\$27.50 for the first \$3,000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof	
\$25,001.00 - \$50,000.00	\$580.00 for the first \$25,000.00 plus \$16.50 for each additional \$1,000.00 or fraction thereof, to	\$775.00 plus \$22.00 for each additional \$1,000 or fraction thereof	\$195.00 for the first \$3,000.00 plus \$5.50 for each additional \$1,000.00 or fraction thereof, to and	
\$50,001.00 - \$100,000.00	\$995.00 for the first \$50,000.00 plus \$11.50 for each additional \$1,000.00 or fraction thereof, to	\$1,329.00 plus \$15.25 for each additional \$1,000 or fraction thereof	\$334.00 for the first \$3,000.00 plus \$3.75 for each additional \$1,000.00 or fraction thereof, to and	
\$100,001.00 and up	1.58% of the valuation	1.60% of valuation	0.02% of valuation	

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Solar/Photovoltaic Permit	California Government Code Section 66015 allows for fees of \$450 plus \$15 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems; and \$1,000 plus \$7 per kilowatt for each kilowatt between 51kW and 250kW plus \$5 for every kilowatt above 250kW, for commercial rooftop solar energy systems.			
Residential	\$450.00	\$450.00 (maximum amount noted above)	No change	\$281.00
Commercial	\$1,000.00	\$1000.00 (maximum amount noted above)	No change	
Building Plan Check	65% of Building Permit Fee	65% of Building Permit Fee	No change	
Fire Department Plan Check	20% of Total Building Permit Fee (if applicable)	20% of Total Building Permit Fee (if applicable)	No change	
Energy Plan Check (Title 24)	25% of Total Building Permit Fee	25% of Total Building Permit Fee	No change	
Blueprint for a Clean Bay	\$10.00	\$10.25	\$0.25	
Building Code Compliance Review	\$525.00	\$526.00	\$1.00	
Building Moving Permit	Time/Material	\$665.00	Change from Time/Material to set amount	
California Green Building Fund	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation	Assessed at the rate of \$4.00 per \$100,000 in valuation, with appropriate fractions thereof, but not less than \$1.00 per every \$25,000 in valuation	No change	
Construction Tax*	* Established per LAMC Chapter 3.24	* Established per LAMC Chapter 3.24	No change	
Residential	\$0.41 per Square Foot	\$0.41 per Square Foot	No change	
Commercial	\$0.68 per Square Foot	\$0.68 per Square Foot	No change	
Demolition Permit				
Single Family	\$300.00	\$470.25	\$170.25	\$316.00
Commercial/Multiple- Family	\$600.00	\$773.00	\$173.00	\$394.30
Duplicate Permit Request	\$55.00	\$86.50	\$31.50	
Property Research				
Residential	\$27.00 per Property	\$27.00 per Property	\$27.00 per Property	
Commercial	\$55.00 (minimum) per Property	\$55.00 (minimum) per Property	\$55.00 (minimum) per Property	
Re-Inspection Request	\$85.00	\$133.75	\$48.75	\$308.00
Street Address Change	\$600.00	\$522.50	(\$77.50)	\$190.00

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Strong Motion and Seismic Hazard Mapping				
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP	Minimum Fee is \$0.50 for Any Valuation up to \$3,850.00	Valuation Amount x 0.00013 (Minimum Fee \$0.50)	Change in calculation	
(1-3 Story Residential)	(Valuation Amount x 0.00013 = Fee Amount)			
Strong Motion Instrumentation & Seismic Hazard Mapping Fees – SMIP	Minimum Fee is \$0.50 for Any Valuation up to \$1,786.00	Valuation Amount x 0.00028 (Minimum Fee \$0.50)	Change in calculation	
(Over 3-story residential & all commercial)	(Valuation Amount x 0.00028 = Fee Amount)			
Technology Surcharge – Permit System Maintenance, Document Archiving Maintenance, Document Backfile Conversion	8% of Building/Electrical/Mechanical/ Plumbing Permits	8% of Building/Electrical/Mechanical/ Plumbing Permits	No change	
Temporary Certificate of Occupancy	\$380.00	\$503.25	\$123.25	\$602.00
Inspections outside of normal business hours (minimum charge -2hrs)	Overtime Wage	\$385.75	Change in calculation	
Stop Work Penalties	2-4x all plan review and permit fees	2-4x all plan review and permit fees	No change	
In House Review	\$75.00 per hour	\$117.50	\$42.50	
Consultant Review	Consultant Cost	Consultant Cost	No change	
Expired Permit Fees	Based on original permit fees	Based on original permit fees	No change	
Project Plan Duplication Requests	Printing service charge	\$369.75	Change from calculation to flat fee	
Certificate of Occupancy	New	\$147.25	New Fee	
Alternative Means and Methods Request	New	\$365.75	New Fee	

Planning Division

Annexation	\$210.00 Deposit per Parcel, with a \$1,000.00 Minimum and Fully Allocated Hourly Staff Rates	\$522.50		
Appeal				
Within Notification Boundary	\$595.00	\$627.00	\$32.00	\$279.00
Outside Notification Boundary	\$1,785.00	\$1,201.75	(\$583.25)	\$279.00
Application Extension				
Single-Family	\$295.00	\$334.25	\$39.25	\$1,360.50
Commercial/Multiple-Family	\$595.00	\$627.00	\$32.00	\$980.67

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Application Modification				
Single-Family	\$595.00	\$627.00	\$32.00	
Commercial/Multiple-Family	\$1,785.00	\$1,881.00	\$96.00	\$3,465.00
Certificate of Compliance	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material	No change	
Conditional Use Permit				
Business Use Only				
Planning Commission	\$1,785.00 + Time/Material	\$2,612.50	Change from calculation to flat fee	\$3,250.92
Business Use Only				
Planning Commission/City Council	\$2,975.00	\$4,180.00	\$1,205.00	
New Construction (>500 sq. ft.)				
PC & CC	\$5,350.00	\$5,225.00	(\$125.00)	\$19,390.50
Modification	\$890.00	\$1,483.75	\$593.75	\$3,465.00
Wireless Facility (Renewal/Mod) Staff Level	\$890.00	\$1,139.00	\$249.00	
Design Review				
Single-Family				
Administrative (<100 sq. ft.)	N/A	\$79.00	New fee	
Administrative (<500 sq. ft.)	\$295.00	\$295.00	No change	\$1,938.00
Administrative (>500 Sq. Ft.)	\$890.00	\$1,045.00	\$155.00	
Design Review Commission	\$1,785.00	\$2,090.00	\$305.00	\$3,008.00
Commercial/Multiple-Family				
Administrative (<500 Sq. Ft.)	\$890.00	\$1,384.50	\$494.50	\$433.00
PC & CC (>500 Sq. Ft.)	\$5,350.00	\$9,922.25	\$4,572.25	
PC Only	\$5,350.00	\$5,350.00	No change	\$4,161.00
Architectural Peer Review	New	\$3,657.50	New fee	
Accessory Dwelling Unit Review				
Over-the-counter (<500 Sq. Ft.)	\$595.00	\$156.75	(\$438.25)	\$1,340.00
Administrative (>500 Sq. Ft.)	\$595.00	\$522.50	(\$72.50)	
Development Agreement Fee	Time/Material (\$5,000.00 deposit)	\$5,225.00	Change from time/material to flat fee	\$6,931.00
Environmental Initial Study	\$1,785.00 + Time/Material	\$5,225.00	Change from time/material to flat fee	\$1,870.00
Environmental Impact Report	\$5,350.00 + Time/Material	\$10,450.00	Change from time/material to flat fee	
Electric Vehicle Charging	\$0.33 Per kWh	\$0.33 Per kWh	No change	\$1.50
General Plan/Map Amendment	\$5,350.00 + Time/Material	\$5,747.50	Change from time/material to flat fee	\$6,242.00
Lot-Line Adjustment	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material	No change	
Maps and Documents				
Zoning Map	\$5.00	\$5.00	No change	\$51.00
Zoning Ordinance	\$15.00	\$15.00	No change	\$23.00
General Plan	\$15.00	\$15.00	No change	\$23.00
Specific Plans	\$5.00	\$5.00	No change	\$31.00

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Park In-Lieu Fee*	* Established per LAMC Chapter 13.24			
Single-Family Residential Unit	\$56,500.00	\$56,500.00	No change	
Multiple-Family Residential Unit	\$35,500.00	\$35,500.00	No change	
Planned Unit Development	\$5,350.00 + Time/Material	\$7,837.50	Change from time/material to flat fee	
Planning Commission Study Session	\$595.00	\$1,567.50	\$972.50	
Preliminary Project Review	\$295.00	\$1,149.50	\$854.50	\$1,071.00
Public Notification – Single-Family	\$26.00	\$52.25	\$26.25	
Public Notification – All Other	\$1.00 per mailed post card	\$1.00	No change	
Public Sidewalk Display Permit (Dining tables/chairs)	\$55.00	\$209.00	\$154.00	
Public Sidewalk Display Permit (A-frames/Non-dining objects)	\$55.00	\$26.00	(\$29.00)	
Reversion to Acreage	\$1,785.00 + Time/Material	\$1,785.00 + Time/Material	No change	
Sign Review				
Modification of Existing Sign	\$145.00	\$104.50	(\$40.50)	\$211.00
Sign Per a Sign Program	\$145.00	\$104.50	(\$40.50)	\$262.67
New Sign (no Sign Program)	\$295.00	\$209.00	(\$86.00)	\$262.67
Sign Program	\$595.00	\$836.00	\$241.00	\$2,170.50
Single-Story Overlay Rezoning				
Neighborhood Approval and Election	\$2,435.00	\$2,821.50	\$386.50	
Zoning Map Amendment	\$2,435.00	\$3,344.00	\$909.00	
Tentative Subdivision Map Review	\$5,350.00	\$5,225.00	(\$125.00)	
Tentative Subdivision Map Extension/Modification				
Administrative	\$1,785.00	\$1,785.00	No change	
PC/CC	\$1,785.00	\$2,873.75	\$1,088.75	
Traffic Impact Fee*	* Established per LAMC Chapter 3.48			
Single-Family Residential Unit	\$6,774.20 per new unit	\$6,774.20 per new unit	No change	
Multiple-Family Residential Unit	\$4,159.00 per new unit	\$4,159.00 per new unit	No change	
Senior Residential Unit	\$1,744.20 per new unit	\$1,744.20 per new unit	No change	
Commercial	\$12,408.73 per 1,000 sq. ft.	\$12,408.73 per 1,000 sq. ft.	No change	
Office	\$9,993.93 per 1,000 sq. ft.	\$9,993.93 per 1,000 sq. ft.	No change	
Tree Removal	\$55.00	\$78.25	\$23.25	\$248.33

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Vacating Easement/Right-of-way	Time/Material	\$5,225.00	Change from time/material to flat fee	
Variance Review				
Single-Family - Accessory Struct.	\$595.00	\$1,567.50	\$972.50	
Single-Family - Main Structure	\$1,785.00	\$2,090.00	\$305.00	\$522.00
Commercial/Multiple-Family PC Only	\$1,785.00	\$2,926.00	\$1,141.00	
Commercial/Multiple-Family PC & CC	\$5,350.00	\$4,180.00	(\$1,170.00)	
Zoning Ordinance/Map Amendment	\$5,350.00 + Time/Material	\$5,747.50	Change from time/material to flat fee	\$548.00
Zoning Use Compliance	\$110.00	\$73.00	(\$37.00)	
Zoning Verification Letter	\$295.00	\$522.50	\$227.50	\$329.50

Police Department

Alarm Permit	\$38.00 Per Permit	\$38.00 Per Permit	No change	\$75.00
Renewal	\$38.00 Per Permit	\$38.00 Per Permit	No change	\$41.00
Late Renewal/Unpermitted Alarm response	\$76.00	\$79.00	\$3.00	
False Alarm Response				
First Two Responses in a Permit Year	No Charge	No Charge	No change	
Third and Subsequent Responses	\$227.00 Per Response	\$227.00 Per Response	No change	
Alcohol Permit	\$72.00	\$104.50	\$32.50	
DUI Accident Response				
Police Response	\$1,225.00	\$1,201.75	(\$23.25)	
Fire Response	\$1,435.00	\$1,463.00	\$28.00	
Fatal accident	Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident	Fully Allocated Hourly Rate for All Emergency Personnel Responding, Not to Exceed \$12,000.00 Per Incident	No change	
Jail Booking Fees	Actual County Cost	Actual County Cost	No change	
Massage Establishment Permit				
New	\$283.00	\$283.00	No change	\$1,370.00
Annual Renewal	\$67.00	\$78.25	\$11.25	\$1,296.00
Massage Appeal Hearing	\$2,030.00 per appeal, including one hour of City Attorney time	\$522.50	\$2,030.00 per appeal, including one hour of City Attorney time	
Miscellaneous Police Permit	\$283.00 Per Application	\$156.75	(\$126.25)	
Parking Permit				
Quarterly	\$12.00	\$40.00	\$28.00	

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Annual	\$37.00	\$100.00	\$63.00	
Second Response Call-Back				
Standard Response	\$602.00 Per Response After an Initial Warning	\$193.25	(\$408.75)	
Juvenile Alcohol Party Response	\$602.00	\$836.00	\$234.00	
Secondhand Dealer/Pawn Shop Permit				
New	\$252.00	\$271.50	\$19.50	\$482.00
Annual Renewal	\$88.00	\$156.75	\$68.75	\$294.00
Solicitor Permit	\$103.00 Per Application	\$156.75	\$53.75	\$265.54
Special Event Permit Application				
New	\$2,100.00	\$1,567.50	(\$532.50)	
On-going	\$900.00	\$1,045.00	\$145.00	
Special Event Police Service	Salaries/Benefits/Overhead at Overtime Rate	Actual Cost	No change	
Vehicle Impound Release	\$237.00 per vehicle	\$313.50	\$76.50	\$177.00
Vehicle Repossession	\$15.00 per vehicle	\$15.50	\$0.50	\$15.00
Verification/Clearance Letter	\$34.00 per letter	\$41.75	\$7.75	\$32.50
Subpoena	\$275.00	\$275.00	No change	\$275.00
Subpoena Duces Tecum	\$15.00	\$15.00	No change	
Police Report Copies	.20 per page and no charge for victims of crimes	.20 per page and no charge for victims of crimes	No change	\$13.00

Engineering Department

County Sewer Plan Check	\$560.00 Per Plan	\$627.00	\$67.00	
Encroachment Permit				
Parking Stall	\$72.00 Per Permit Plus \$31.00 Per Stall Per Day	\$130.50	Change from calculation to flat fee	
Special	\$390.00 Per Permit Plus Actual outside Costs	\$444.00	Change from calculation to flat fee	\$572.50
Miscellaneous	\$196.00 Per Permit	\$261.25	\$65.25	\$1,385.00
Final Subdivision Map Check	\$1,155.00 Per Map Plus Actual outside Costs	\$1,222.50	\$67.50	\$6,077.00
Flood Hazard Letter	\$52.00 Per Letter	\$73.00	\$21.00	\$185.00
Heavy Haul Permit	\$605.00 Per Permit	\$637.25	\$32.25	
Public Works Inspection	6% of the Estimated Cost of Construction	6% of estimated cost of construction	No change	
Lot-Line Adjustment	\$520.00 Plus Actual outside Costs	\$574.75	\$54.75	
Sewer Dye Test	\$98.00 Per Test	\$151.50	\$53.50	
Stormwater Management Plan Check	\$365.00 Per Application	\$418.00	\$53.00	
Temporary Lane Closure Permit	\$505.00 Per Permit Plus \$62.00 Per Day After First Day	\$548.50	Change from calculation to flat fee	\$459.00
Utility Street Cut Permit	2% of Construction Cost (\$200.00 Minimum)	2% of Construction Cost (\$200.00 Minimum)	No change	
Additional Inspection Visit (for existing permit)	New	\$167.00	New fee	
Sewer Permit (City)	\$95.00	\$125.25	\$30.25	

Fee	Current Fees from 2018	Recommended Fee (2019 fee + CPI)	Difference (Recommended-Current)	Average of Other Cities
Sewer Permit (County)	\$190.00	\$235.00	\$45.00	
Sewer Tap-in	\$50.00	\$52.25	\$2.25	
Transportation Permit	\$25.00	\$26.00	\$1.00	

Miscellaneous

Business License Listing	\$15.00 Per Request	\$41.65	\$26.65	
Business License Duplicate	\$15.00 Per Request	\$10.25	(\$4.75)	
City Initiative Filing	\$200.00 Per Initiative, Refunded if Within One Year of Filing the Notice of Intent, the Elections Official Certifies the Sufficiency of the Petition	\$200.00	No change	
Damage to City Property	Time/Material	Time/Material	No change	
Document Certification	\$25.00 Per Certification	\$25.00 Per Certification	No change	\$11.00
Document Reproduction	\$0.25 Per Page	\$0.25	No change	
Fair Political Practices Commission Related	\$0.10 Per Page	\$0.10	No change	
DVD Copy	\$2.00 Per Disk	\$2.00	No change	\$32.99
Non-Sufficient Funds Check Processing	\$40.00 Per NSF Check	\$60.00	No change	\$29.84
Notary Fee	New	\$10.00	New Fee	\$15.00
Tobacco Retailer License Initial	New	\$250.00	New Fee	
Tobacco Retailer License Annual	New	\$150.00	New Fee	

Fee Revenue

ATTACHMENT 3

	2018 Actual	2019 Actual	2020 Actual
Engineering Fees	334,436	323,893	315,573
Zoning Verification Letter	560	590	1,475
Temp Cert of Occupancy-Commrc	3,662	760	0
Building Permits	1,109,325	1,103,382	1,088,972
Electrical Permits	298,709	342,466	368,695
Plumbing Permits	191,723	206,039	191,735
Mechanical Permits	189,233	206,455	186,300
Code Compliance	0	19,112	45,715
Research Fees	4,557	1,439	0
Plan Checking	535,659	693,776	636,897
Address Change	8,638	1,778	0
Fire Marshall Bldg Inspection	37,998	21,637	0
Fire Marshall Plan Check	88,002	(9,132)	115,506
Energy Plan Check	148,113	351,228	216,469
OTC Administrative	110,820	67,860	11,805
Single Family Design Review	57,203	89,279	79,792
ADU Review	2,300	20,765	22,910
Preliminary Project Design	855	590	885
App Ext/Mod	5,010	3,270	4,760
Comm/Multi Design	12,685	48,865	15,155
Zoning Use Compliance	14,064	11,666	12,760
Var Single Family	10,779	8,925	6,545
Var Comm Multi	0	0	7,135
Single Story Overlay Rezoning	5,190	0	0
Sign Review	3,820	2,915	2,940
Appeal W/I Notif Boundary	2,269	3,039	2,380
Environmental Assessment	40,019	167,521	9,000
Tentative Map	0	10,700	10,700
Cert-Compliance	0	1,785	1,785
Lot Line Adjustment	3,300	8,925	7,735
Map Ext Mod	17,300	16,050	0
Conditional Use Permit	24,800	30,915	6,240
Subdivision Tree Planting	1,500	1,000	0
Tree Removal Permit	12,044	12,519	10,560
Sidewalk Display Permit	570	55	55
Misc Planning Fees	1,738	2,228	2,364
Annexation	3,002	0	0
Cond Use Prmt Renewal/Mod	0	890	890
Tree Ord Violation	2,650	2,312	0
Tobacco License	0	0	0
Downtown Parking Permits	0	0	0
MSC Services	441	0	0
Alarm Permits	15,609	13,941	11,109
Alarm Fees	42,499	48,038	47,010
Clearance Letters	600	564	361
Alcohol Permit Letter	3,329	4,824	1,654
Citation Sign Offs	75	15	75
Special Events Svcs	23,218	24,347	25,606
Abandoned Vehicle Abatement	8,725	15,220	11,600
Misc Police Fees	(826)	1,657	(143)
Arrest/Tow Fees	0	1,896	137

Fee Revenue

ATTACHMENT 3

	2018 Actual	2019 Actual	2020 Actual
Massage Establishment Permit	615	283	2,264
Massage Permit	705	1,876	283
Animal Control Revenue	0	88,110	0
Witness Fees	0	1,432	0
Mobile Operators Permit	275	841	156
Special Events Application Fee	2,188	4,350	1,800
Total	3,379,983	3,982,886	3,485,645
Highlighted Revenues	2,952,401	3,307,386	3,199,940



DISCUSSION ITEM

Agenda Item # 7

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021
Subject: Lehigh Subcommittee Report
Prepared by: Council Members Lee Eng and Meadows

Background

- Lehigh (Lehigh Permanente Quarry, Lehigh Hanson) is a limestone and aggregate mining operation in the unincorporated foothills of Santa Clara County, Cupertino.
- The Lehigh cement plant is an authorized use operating under a use permit issued May 8, 1939.
- Lehigh quarry is a “vested mine” operation, as determined by the Board of Supervisors on February 8, 2011. A “vested mine” is a mine that was established legally within the regulations in place at the time and is allowed to continue until the use ceases.
- A Reclamation Plan, detailing how the quarried lands will be restored, was originally approved in 1984 and amended in 2012.

Current Status

- Lehigh affects a broad residential area (Cupertino, Mountain View, Los Altos, Los Altos Hills) with significant environmental impacts including:
 - Air quality, dust and odors
 - Water quality
 - Natural environment and habitat loss
 - Noise
 - Traffic
- Santa Clara County is partnering with the Midpeninsula Regional Open Space District (Midpen) to share enforcement rights for the scenic easement on the ridgeline.
 - The County approved the Memorandum of Agreement (MOA) with Midpen in August
 - Midpen and the County will share enforcement of the preservation easement (granted in 1972) that protects land adjacent to Rancho San Antonio County Park (owned by the County and managed by Midpen), and Rancho San Antonio Open Space Preserve (owned and managed by Midpen).
 - The MOA grants Midpen the right to monitor and inspect the protected ridgeline and surrounding habitat that is part of the Lehigh Cement Plant & Quarry property and enforce identified violations of the ridgeline easement through the process contained in the MOA.
- Earlier this year, Lehigh filed a lawsuit requesting that the court declare that modifications proposed in the Reclamation Plan Amendment (RPA) do not amount to a

substantial change or impermissible intensification of Lehigh's vested rights; and to order the County and its Director of Planning and Development to process the RPA without administratively reviewing whether the proposed modifications fall within the scope of Lehigh's vested rights.

- On September 14, 2021, the court ruled in favor of the County by sustaining the County's demurer. The court granted the demurrer with prejudice, meaning that the court denied Lehigh the opportunity to further amend the complaint and prolong the lawsuit.
- The appeal period is ongoing, but no appeal has been filed yet.
- The County is working on the EIR for the creek restoration project which was required of Lehigh by their settlement with the Sierra Club in 2012/13.
- County staff did their annual SMARA (State Mining and Reclamation Act) inspection in September
- Later in October, Lehigh should submit their updated financial assurance documents to the county for review (bonds to ensure there are funds to clean close the facility)
- Steven's Creek Quarry applied to the Santa Clara County Planning Commission for a determination as to whether the importation and processing of unprocessed material from Lehigh Quarry to Stevens Creek Quarry was an allowed use (see Questions for Council below)
 - In August, the Commission unanimously denied the Zoning Interpretation application (i.e. determined that the application was NOT for an allowed use) and that the denial is exempt under CEQA.

Environmental Commission Lehigh Subcommittee

- At their September 13, 2021 meeting, the Environmental Commission appointed Shiao-ping Lu and David Klein to the Commission's Lehigh subcommittee.

Questions for the Council

- What direction should Council give the Environmental Commission subcommittee (e.g. to monitor news regarding Lehigh)?
- Does the Council want to give direction to the Council subcommittee to expand scope to include Steven's Creek Quarry, a) when issues overlap with Lehigh, or b) as part of a broadened scope?
 - The Stevens Creek Quarry is a bluestone aggregate mining operation located in the unincorporated Santa Clara County, Cupertino, in the Monte Bello Ridge canyon.

The potential impact of Lehigh is significant, and it is important to continue monitoring activity and developments.



DISCUSSION ITEM

Agenda Item # 8

AGENDA REPORT SUMMARY

Meeting Date: October 26, 2021
Subject: Quarterly Review of Tentative Council Calendar
Prepared by: Andrea Chelemengos, City Clerk
Reviewed by: Jon Maginot, Deputy City Manager
Approved by: Gabriel Engeland, City Manager

Attachment(s):
1. Tentative Council Calendar dated October 18, 2021

Initiated by:
City Council Norms and Procedures

Previous Council Consideration:
April 27, 2021

Fiscal Impact:
None

Environmental Review:
Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to make any changes to the Tentative Council Calendar?

Summary:
Section 10.8 of the Los Altos City Council Norms and Procedures requires the Tentative Council Calendar. to be brought to the City Council each quarter, as a Discussion Item for Council's review, discussion, and possible action. At this time, Councilmembers may request new items be added with the required support from other Councilmembers depending on whether a staff report is required. The Councilmember requesting the item shall state the topic and which Council priority the request aligns to. Council and staff shall agree as to where the new item shall be placed on the Tentative Council Calendar.

Since the Tentative Council Calendar is listed as an Informational Item on every agenda and each agenda has a section which Council Members, per the criteria describe above, can add agenda items, the Tentative Council Calendar is ever changing.

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JE



Subject: Title

Staff Recommendation:

Review, discuss and provide direction to staff relative to the Council Tentative Calendar.



City of Los Altos Tentative Council Agenda Calendar
October 22, 2021

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
November 2, 2021	JOINT WITH COMMISSIONS 1. Design Review Commission 2. Financial Commission 3. Historical Commission 4. Library Commission 5. Planning Commission 6. Public Arts Commission		
November 9, 2021	CLOSED SESSION peca		
	STUDY SESSION Complete Streets Master Plan (2hrs) 5-7 SET		ES ML
	REGULAR MEETING		
	Presentation – Los Altos Theater		
	Fremont Avenue Pavement Rehabilitation Project - Amendment to BKF Engineers' On-Call Agreement		GW
	Civic Center Property Protection Ordinance <u>Emergency Declaration Resolution:</u> Adopt Resolution No. 2021-XX extending the declaration of a local emergency due to the COVID-19 pandemic (J. Maginot)		

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
	Parklet Program Ext.		
	ARPA Potential Uses		JM
	Financial Commission recommendation related to PERS Reserve Fund		
	Park In Lieu Fees Impact Fee	PUBLIC HEARING	JS
November 30, 2021	STUDY SESSION - CAAP (4 pm)???		
	STUDY SESSION #2 - Halsey House (2 hours)		ES AF
	REGULAR COUNCIL MEETING – in place of 11/23 mtg the week of Thanksgiving		
	Recognition of Boards and Commissioners		
	El Camino Bike Lanes*		ES ML
	Theater Presentation Follow-Up		
	Amendment to the City’s Purchasing Policy		
	Construction Contract Award: Fremont Avenue Pedestrian Bridge Rehabilitation Project, TS-01055		
DECEMBER 7, 2021	COUNCIL REORGANIZATION		
December 14, 2021	STUDY SESSION <i>joint with PC 330 Distel (1.5 hours)* firm</i>		
	Budget CIP review		
	Extension of the Emergency Declaration		
	CAFR and Year End		
	Council Retreat Planning for 2022		
	2022 City Council Meeting Calendar		CM
	OPEB Funding		

All 2022 Meeting Dates are tentative pending Council adoption of 2022 City Council Meeting schedule

January 11, 2022	REGULAR COUNCIL MEETING		
January 25, 2022	REGULAR COUNCIL MEETING		

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
February 8, 2022	REGULAR COUNCIL MEETING		
February 22, 2022	REGULAR COUNCIL MEETING		
March 1, 2022	SPECIAL MEETING -- COMMISSION INTERVIEWS		
March 8, 2021	REGULAR COUNCIL MEETING		
March 22, 2022	REGULAR COUNCIL MEETING		
April 12, 2022	REGULAR COUNCIL MEETING		
April 26, 2022	REGULAR COUNCIL MEETING		
May 3, 2022	Joint Meeting w/Commissions		
May 10, 2022	REGULAR COUNCIL MEETING		
	3rd Quarter Report		
May 24, 2022	REGULAR COUNCIL MEETING		
June 14, 2022	REGULAR COUNCIL MEETING Adopt Resolution No. 2022-XX approving the Report of Sewer Service Charges and directing the Filing of Charges for Collection by the Tax Collector	2 Printed Public Hearing - - not less than 10 days - published once a week for two consecutive weeks	
June 28, 2022	REGULAR COUNCIL MEETING		
July 12, 2022	REGULAR COUNCIL MEETING		
August 23, 2022	REGULAR COUNCIL MEETING		
August 30, 2022	Commission Interviews		
September 13, 2022	REGULAR COUNCIL MEETING		
September 27, 2022* (Jewish Holiday)	REGULAR COUNCIL MEETING Year End tentative report – September (if needed)		
October 11, 2022	REGULAR COUNCIL MEETING		
October 25, 2022	REGULAR COUNCIL MEETING		
November 1, 2021	Joint w/Commisisions		
	REGULAR COUNCIL MEETING		

Date	Agenda Item (Date identified by Council)	Agenda Section (Consent, Discussion Item - note in red if Public Hearing)	Dept.
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November 8, 2022 * Election Day	1st Quarter report FY 2021/2022		
November 22, 2022	REGULAR COUNCIL MEETING		
December 13, 2022	REGULAR COUNCIL MEETING - Reorg CAFR and Year End – 1st meeting December		
December 20, 2022 ??	Special meeting instead of 12/27		
December 27, 2021 ??	REGULAR COUNCIL MEETING		

Future Agenda Topics To Be Scheduled....

Other Dog Park Options- Mtn View Collaborative – Ltr to Mayor of MV		
Discuss ARPA Funds allocation		
STUDY SESSION for Community Center Operational Implementation Plan		
Study Session - Community Center post construction review (Tent.)		
STUDY SESSION - Maintenance of Tree Canopy		
Presentation of Proclamation to Michael Handel Proclamation, Retired Los Altos Firefighter	Special Presentation	
Discussion regarding anti-bias training - Diversity and Empathy Training	x	Council Int.
City of Los Altos – Title 14, Zoning Amendment – Public Land/Hillview Property Protection Ordinance <i>Project Manager: Community Development Director Biggs</i>		CD
policy on use of City land by non-profits.		
Los Altos EOC Design Review		
Proposed City policy that modifies the environmental analysis standard for circulation impacts from a Level of Service (LOS) analysis to a Vehicle Miles Traveled (VMT) analysis.	Public Hearing	GP
COVID Safe Meeting Protocols TBD		
Council Strategic Priorities Implementation Plan (Tent.)		
info on Cuesta speed tables		
Council Financial Subcommittee Recommendations: Discuss recommendations of the Council Financial Subcommittee regarding reporting of City financial information (Vice Mayor Enander)		
Museum's plans for a new main exhibition in our permanent 2nd floor gallery		
BMR waitlist process proposal by Alta Housing		
5150 El Camino Road - Modification	Public Hearing?	
League of California Cities – Role and Representation	Presentation/Discussion	Council Initiated
See Me Flags		ES

Pavement Management Program Update – 2019 Pavement Condition Index - The staff recommends Scenario 5 – Increase Current PCI to 75 by 2026	Discussion Item	JS ES
440 First Street Design Review		CD
4350 El Camino Real Design Review		CD
Healthy Cities Initiative		Rec
Housing Impact vs. Housing in-Lieu Discussion		CD
BAT/Neighborhood Watch program expansion		PD/CMO
Complete Streets Master Plan		ES
Community Engagement program		CMO
Comprehensive multi-modal traffic study (analysis of recent projects projected parking, trip generation, & traffic impacts to actuals; ECR impacts should include adjacent streets)		ES
Off-street EV charging stations in front of homes – include in Reach Codes; refer to Environmental Commission?		Planning
Schedule Joint Los Altos/Los Altos Hills Council meeting (6-9 months: August – October)		
San Francisco PUC permit		ES