



CONSENT CALENDAR

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: July 9, 2019

Subject: Resolution No. 2019-17: 389 First Street Design Review

Prepared by: Steve Golden, Senior Planner

Reviewed by: Zachary Dahl, Planning Services Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2019-17
2. City Council Agenda Report, June 11, 2019 (previous distributed to City Council)
https://los-altos.granicus.com/MetaViewer.php?view_id=7&clip_id=1474&meta_id=59147
3. City Council Agenda Minutes
4. Updated Project Plans (Elevations and Cross Section)

Initiated by:

Applicant and Owner – Steve Johnson, 1st Place Village LLC

Previous Council Consideration:

- January 8, 2019 and February 26, 2019 (story pole exemption request)
- June 11, 2019 (Regular City Council Meeting)

Fiscal Impact:

The project will result in the following estimated financial contributions to the City:

- Park in-Lieu Fees: \$488,000 (\$48,800/multiple-family dwelling unit)
- Traffic Impact Fees: \$41,590 (\$4,159/multiple-family dwelling unit)
- Los Altos Public Art Fund: (one percent of construction costs, up to \$200,000)

Environmental Review:

The project is exempt from environmental review as in-fill development in accordance with Section 15332 of the California Environmental Quality Act of 1970 as amended.

City Manager

CJ

Reviewed By:

City Attorney

CD

Finance Director

SE



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Policy Question(s) for Council Consideration:

- Is the proposal of the one (1) affordable (below market rate) unit in exchange for one incentive, two waivers and a parking requirement alteration consistent with State Law and the City's Affordable Housing Ordinance?
- Does the proposal meet the required findings for design review and subdivision per the Los Altos Municipal Code?

Summary:

- The Project consists of demolishing two existing one-story commercial buildings and construction of a new three-story mixed-use building with one level of underground parking and a mechanical lift system. The project includes 10 residential condominium units, approximately 2,100 square feet of office, a rooftop common area, and 29 parking spaces.
- The Applicant is offering one affordable unit at the Moderate income level in exchange for an incentive to allow for an "on menu" height increase of 7.33 feet, two waivers to allow for a taller elevator tower and the mechanical parking lift, and reduced on-site parking requirements.
- The Complete Streets Commission and the Planning Commission have reviewed the proposal at public meetings and recommend approval of the project.
- The City Council considered the Project on June 11, 2019 and voted to continue it, with direction to staff for a revised resolution that approved the project, but denied the requested waiver for additional height necessary for the elevator tower to access the rooftop common area. The Council also requested that the Applicant designate a unit that was not located on the ground floor as the affordable unit.

Planning Commission / Staff Recommendation:

Adopt Resolution No. 2019-17, which will approve Design Review application 17-D-02 and Subdivision application 17-SD-02 per the listed findings and conditions for a new mixed-use building with 10 residential units and 2,100 square feet of office at 385, 387 and 389 First Street



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Purpose

Consider the draft resolution, prepared based upon City Council direction at the June 9, 2019 public meeting, to approve the Project as proposed except to: (1) deny the requested waiver for the height of the Project elevator and stair tower to exceed the 12-foot limit above the roof deck; and (2) reassign the location of the affordable unit to a location other than the ground floor; and (3) to allow the mechanical parking lift system to encroach within the minimum parking space area that is required to be clear of all structures. This would result in approval, with the aforementioned modifications, of the Planning Commission's recommendation on the development application, which includes design review and a tentative map for a new three-story mixed-use building with 10 residential units and 2,100 square feet of office space at 385-389 First Street.

Background

On June 9, 2019, the City Council held a public meeting to consider the proposed Project. Following a presentation from the applicant and comments from members of the public, the Council discussed the proposal. The Council voted unanimously to continue the item to the July 9, 2019 meeting and gave direction to staff to revise the resolution findings and conditions as follows:

- The rooftop common area amenity is not required for the project to be constructed at the requested density, and therefore it is within the discretion of the City Council to deny the waiver. As specified in the State Density Bonus Law and the Los Altos Affordable Housing Ordinance, a waiver request associated with affordable housing density bonuses may be denied for specified reasons, including that "it would not have the effect of physically precluding the construction of a [affordable housing development] at the densities or with the incentives permitted." (Los Altos Municipal Code Section 14.28.0409(H)(3); Gov. Code Section 65915(e)(1); the amenity in this particular location and in this building type also is not consistent with the Downtown Design Guidelines and is not appropriate for this area of the Downtown;
- Deny the waiver for the height of the elevator tower because it would not have the effect of physically precluding the construction of the development at the densities permitted by the Zoning Code;
- Reassign the affordable unit to another unit other than the first floor unit currently designated on the plans; and
- Otherwise approve the Project, consistent with the Planning Commission and staff recommendation

The Council noted that with the incorporation of the changes listed above, they would be able to support approval of the Project. During the Council's discussion, the Applicant was asked if he would be able to construct the Project without the rooftop common area amenity and whether they would agree to redesign the Project without the amenity or that the Council deny the Project. The Applicant responded that although the item was being continued, he would ask for the Project to be



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approved with the Council's findings to deny the waiver for the rooftop amenity and associated elevator.

Discussion/Analysis

Project Revisions

Resolution No. 2019-17 (Attachment 1) has been revised in response to the Council's direction. Specifically, the findings for Affordable Housing and Density Bonus (pages 5 and 6) and Conditions Nos. 1 and 3.

The Applicant has informed staff that they are working on revisions to the proposed design plans that would modify the height of the elevator tower height to no more than 12 feet above the roof deck, which would be in compliance with the 12-foot height exception for elevator towers pursuant to Section 14.66.240(F) of the Zoning Code. At the time of writing this report, staff was unable to adequately review the proposed design modifications, but in discussions with the project architect, staff understands that the design modifications include the following changes:

- Increase in the proposed building/roof deck height to 38 feet (increase of eight inches);
- Installation of a shorter elevator cab which requires less headroom;
- Reduction of the wall plate height in the hallway adjacent to the elevator;
- Inclusion of a ramp from the elevator to the rooftop common area for accessibility; and
- Reduction in the height of other internal structural building components.

Updated design plans that reflect these changes are included as Attachment 4. However, staff was unable to review these updated plans before the report publication and instructed the Applicant to present this information to the Council at the meeting.

Public Notification and Correspondence

A public hearing notice was published in the *Town Crier*, and mailed to the 108 property owners and business tenants within 500 feet of the site for the June 11, 2019 meeting. A public notice billboard with color renderings was installed along the project's First Street frontage and story poles to represent the corners of the building and the elevator tower, as approved by the City Council were installed. Since this item was continued to a date certain by the City Council on June 11, 2019, no additional public notification is required.

At the time of report publication, staff had not received any public correspondence regarding this project since the Planning Commission public meeting.



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City Council Action

The necessary findings related to the project's environmental review, design review, subdivision and affordable housing/density bonus applications to approve the project are contained in Exhibit A of the Resolution, and appropriate conditions to ensure the project is properly implemented are contained in Exhibit B. Based on the information contained in this report, the options for City Council action are listed below.

Options

- 1) Approve Resolution No. 2019-17

Advantages: The project will replace an underdeveloped commercial property with a high-quality mixed-use development that helps the City meet its goals for producing new housing units, both affordable and market rate, and is supportive of the goals of the Downtown Vision Plan.

Disadvantages: The existing commercial and office space on the site will be slightly reduced in size.

- 2) Do not approve Resolution No. 2019-17 and direct staff to return with findings for Project denial

Advantages: The existing commercial and office uses will be maintained.

Disadvantages: The City will not make any progress on achieving its goals for the production of new housing units and implementation of the Downtown Vision Plan.

Recommendation

The Planning Commission and staff recommend Option 1.

RESOLUTION NO. 2019-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, ADOPTING AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE DESIGN REVIEW, AND SUBDIVISION APPLICATIONS FOR A NEW MIXED-USE PROJECT WITH 10 RESIDENTIAL UNITS AND 2,100 SQUARE FEET OF OFFICE SPACE AT 385, 387 AND 389 FIRST STREET

WHEREAS, the City of Los Altos received a development application from Steve Johnson (Applicant), on April 25, 2017 for a new mixed-use building with 10 residential units and 2,100 square feet of office space at 385, 387, and 389 First Street that includes Design Review 17-D-02 and Subdivision 18-SD-02, referred to herein as the “Project”; and

WHEREAS, said Project is located in the CD/R3 District, which allows for office-administrative services and housing as permitted uses, and does not specify a maximum allowable residential density; and

WHEREAS, the Applicant is offering one moderate income affordable housing unit for sale as part of the Project; and

WHEREAS, the Applicant’s proposed unit mix would consist of 10 percent of its total units as affordable units (one unit), with that unit affordable at the moderate income level, thereby entitling the project to qualify for one incentive, and additional concessions and waivers pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

WHEREAS, the Applicant is seeking one incentive under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(F) to allow for a building height of 37.5 feet where the Code allows for a maximum of 30 feet; and

WHEREAS, the Applicant is seeking further waivers under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(H) to allow: a) the elevator and stair tower to be 16.5 feet above the top of the roof deck, where the Code allows such structures to be up to 12 feet above the roof deck; and b) installation of the mechanical parking lift which encroaches into the minimum parking space clearance area required by Code; and

WHEREAS, the Applicant is seeking a parking requirement alteration under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(G) to allow for a reduction in the minimum onsite parking requirement; and

WHEREAS, said Project was deemed complete on October 17, 2018, which vested the applicable Code requirements in place at that time, specifically, the affordable housing requirements contained in Chapter 14.28, and the subsequent amendments to Chapter 14.28, per Ordinance No. 2018-449, that went into effect on October 26, 2018 that increased the City’s affordable housing requirement to 15 percent of the base density are not applicable to the Project; and

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

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

WHEREAS, on November 2, 2017, the Planning Commission held a preliminary project review study session on the Project where it received public testimony and provided the Applicant with architectural and site design feedback; and

WHEREAS, on August 22, 2018, the Complete Streets Commission held a public meeting on the Project and at the conclusion of the meeting voted to recommend approval to the Planning Commission and City Council; and

WHEREAS, on March 11, 2019, the Applicant installed story poles on the site per the modified story pole plan that was approved by the City Council on February 26, 2019; and

WHEREAS, on March 20, 2019, the City gave public notice of the Planning Commission's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners within a 500-foot radius; and

WHEREAS, on April 4, 2019 and on May 2, 2019, the Planning Commission conducted a duly-noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission recommended that the City Council approve the Project; and

WHEREAS, on June 11, 2019 and July 9, 2019, the City Council held duly noticed public meetings in accordance with all applicable requirements and considered public testimony, and all evidence, including without limitation testimony and written evidence provided by the Application and the recommendations presented by staff related to the Project; and

WHEREAS, on numerous occasions, including at length during the July 9, 2019 duly noticed public hearing before the City Council, there was extensive discussion of Applicant's requested waivers from development standards for parking lift system and an elevator tower to service a rooftop garden amenity; and

WHEREAS, in the course of such discussion and deliberation, the City Council expressed concern that the proposed rooftop common area, for which the waiver for elevator tower was requested, was not consistent with the Downtown Design Guidelines, not appropriate for this area of the Downtown, and that Applicant had failed to provide sufficient evidence to justify the granting of the waiver for this proposed amenity; and

WHEREAS, having fully and extensively evaluated the requested waivers from development standards, based upon evidence in the record the Council determined, as confirmed by Applicant's own testimony and evidence, that the requested waiver for an elevator tower to serve the proposed rooftop deck was for a Project amenity and not necessary for the provision of housing at the densities or with the incentives permitted under State Density Bonus Law or the Los Altos Multiple-Family Affordable Housing; and

WHEREAS, the fact that the development standard that (absent the requested waiver) would disallow the elevator tower and rooftop deck would not have the effect of physically precluding the construction of the development meeting the criteria of the State Density Bonus Law or the Los Multiple-Family Affordable Housing Ordinance at the densities or with the incentives permitted thereunder was confirmed on the record by the Applicant, who testified that the requested waiver was strictly for a project amenity and requested that the City Council approve the Project with findings for denial of the requested waiver, thereby acknowledging that the Project could be built at the proposed densities without such waiver and amenity; and

WHEREAS, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

WHEREAS, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and the conditions attached hereto as “Exhibit A” and “Exhibit B,” and incorporated by this reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of _____ 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LYNETTE LEE ENG, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with Section 15332 of the California Environmental Quality Act Guidelines, based on the whole record before it, including, without limitation, the analysis and conclusions set forth in the staff reports, testimony provided at the proposed Project's public hearings, and the supporting technical studies, which include: 1) a Traffic Analysis by Kimley Horn Consultants (August 2018); and 2) an Environmental Noise Assessment by Illingworth & Rodkin, Inc (November 2017), the City Council finds and determines that the following Categorical Exemption findings can be made:
 - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation (Commercial Downtown/Multiple-Family);
 - b. The Project occurs within City limits on a site of no more than five acres that is substantially surrounded by urban uses and there is no record that the site has value as habitat for endangered, rare or threatened species;
 - c. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the completed technical studies and staff analysis contained in the agenda report support this conclusion; and
 - d. The Project has been reviewed and it is found that the site can be adequately served by all required utilities and public services.
2. DESIGN REVIEW FINDINGS. With regard to Design Review Application 17-D-02, the City Council finds, in accordance with Section 14.76.060 of the Los Altos Municipal Code, as follows:
 - a. The Project meets the goals, policies and objectives of the General Plan with its level of intensity and residential density within the First Street corridor in Downtown Los Altos, and all Zoning Code site standards and design criteria applicable for a project in the CD/R3 District;
 - b. The Project has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design because the project utilizes high quality materials that support its architectural style and is appropriately articulated and scaled to relate to the size and scale of the surrounding buildings on the First Street corridor;
 - c. Building mass is articulated to relate to the human scale, both horizontally and vertically as evidenced in the design of the raised planter boxes, projecting overhangs and balconies, the building elevations have variation and depth and avoid large blank wall surfaces, and the project has incorporated elements that signal habitation, such as identifiable entrances, overhangs, high quality wood trim finishes and natural stone tile and usable balconies;
 - d. The Project's exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements. Materials, finishes,

and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area;

- e. Landscaping, such as the Chinese Pistache, Japanese Maple and planter boxes are generous and inviting, and the landscape and hardscape features such as the decorative pavers, natural stone tile planters and facade, and cedar wood siding are designed to complement the building and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy including in the public right-of-way or within the project frontage;
 - f. Signage, which is limited to the building address number, commercial tenant identification, and other required directional signage, will be designed to complement the building architecture in terms of style, materials, colors and proportions;
 - g. Mechanical equipment is screened from public view by the roof parapet and is designed to be consistent with the building architecture in form, material and detailing; and
 - h. Service, trash and utility areas are screened from public view by their locations within the building and consistent with the building architecture in materials and detailing.
3. SUBDIVISION FINDINGS. With regard to Subdivision 17-SD-02, the City Council finds, in accordance with Section 66474 of the Subdivision Map Act of the State of California, as follows:
- a. The tentative map and the Project's design and improvements are consistent with the General Plan;
 - b. The Project site is physically suitable for this type and density of development in that the project meets all applicable Zoning requirements;
 - c. The design of the condominium subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife; and no evidence of such has been presented;
 - d. The design of the condominium subdivision is not likely to cause any serious public health problems because conditions have been added to address noise, air quality and life safety concerns; and
 - e. The design of the condominium subdivision will not conflict with any public access easements as none have been found or identified on this site.
4. AFFORDABLE HOUSING AND DENSITY BONUS FINDINGS. With regard to the offered below market rate units and requested parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.040, as follows:
- a. The Applicant is offering one moderate income unit for sale, which qualifies the project for incentives, waivers and a parking requirement alteration;

- b. Per Table DB 6 in Section 14.28.040(C)(1)(d), a project that includes ten percent or more of its total units as moderate income restricted affordable units shall be granted one (1) incentive. Since the project is including ten percent of its total units as affordable at the moderate income level, the City shall grant one (1) incentive unless specified findings for denial are made’;
- c. For its incentive, the Applicant is requesting the City allow a building with a roof deck height of 37.5 feet, where the Code has a 30-foot height limitation. The height incentive, which is seeking an increase of less than 11 feet above the height limit, is considered an “on-menu” incentive per Section 14.28.040(F) Incentive Standards and, therefore, the City has determined that the incentive would not have a specific adverse impact upon public health and safety or the physical environment or upon a listed historical resource. Evidence has not been presented which supports other findings for denial of the requested incentive;
- d. Per Section 14.28.040(G)(2)(a), the City shall allow a minimum parking requirement, inclusive of handicapped and guest parking, of two (2) onsite parking spaces for each two- to three-bedroom unit if requested by the Applicant. The project includes 10 two- and three-bedroom units and 2,100 square feet of office space and is providing 29 onsite parking spaces, where a minimum of 27 onsite parking spaces is required by Code when applying the parking requirement alteration;
- e. Per Section 14.28.040(H)(1), a project can request a waiver or reduction of development standards that have the effect of physically precluding the construction of a development in addition to the development incentive permitted by the Code. The Applicant requested waivers to allow: a) the elevator and stair tower to be 16.5 feet above the roof, where the Code allows such structures to be 12 feet above the roof; and b) installation of a mechanical parking lift system as an alternative means for parking, where the Code requires parking spaces to provide horizontal and vertical clearance within the minimum parking space area;

With regards to the waiver for the height of elevator tower, the Council considered the request and determined that the waiver request was for the sole purpose of providing access to the proposed rooftop common area amenity. However, the Council determined the rooftop common area amenity is not required for the project to be constructed at the requested density, is not consistent with the Downtown Design Guidelines and is not appropriate for this area of the Downtown; therefore, granting of a waiver for additional height for the elevator tower is denied because it would not have the effect of physically precluding the construction of the development at the densities permitted by the Zoning Code. Therefore, based upon the entire record before the City Council, the Council denies the waiver in accordance with Los Altos Municipal Section 14.28.040(H)(3) and Government Code Section 65915(e), finding that the requested waiver would not have the effect of physically precluding the construction of a development meeting the criteria of the Los Altos Municipal Code and State Density Bonus Law (Gov Code Section 65915); at the densities or with the incentives provided therein; and

- f. With regard to the waiver for the installation of the mechanical parking lift system, the Council determined the waiver is supported by the fact that the implementation of the Zoning Code standards physically precludes the construction of the development and the facilities are required in order to provide the necessary amenities and accessibility for the building. Evidence has not been presented that the waiver will have a specific, adverse impact upon

health, safety, or the physical environment, or an adverse impact on any listed historic resource or will be contrary to state or federal law.

EXHIBIT B
CONDITIONS

GENERAL

1. Approved Plans

The project approval is based upon the plans dated November 9, 2018 and the support materials and technical reports, except as modified by these conditions and as specified below.

- a. The improvements along First Street including but not limited to planters and benches at the front of the building shall provide for a minimum one-foot setback to the back of the public sidewalk for the entire frontage to accommodate the pedestrian access easement.
- b. The Applicant shall provide window and fenestration details on the final building plans for review and approval. The windows and doors shall be high quality aluminum clad that is similar to what is conveyed on the approved plans. The windows shall have a minimum inset of three inches. Opaque, reflective, or dark tinted glass should not be used on the ground floor elevation. Sixty (60) percent of the ground floor elevation shall be installed and maintained as transparent window surfaces.
- c. The stone tile applied to the exterior on the first story should be resolved at the corners.
- d. The final shoring and excavation plan shall be reviewed and approved by the Engineering Services Director or their designee.
- e. The height of the elevator tower shall be reduced to be no more than 12 feet above the roof deck height shown on the approved plans as prescribed by LAMC Section 14.66.240(F).
- f. The rooftop common area amenity shall be eliminated.

2. Commercial Space Limitation

The 2,100 square feet of commercial space on the ground floor shall be used only for administrative office uses.

3. Affordable Housing

The Applicant shall offer the City one (1) two-bedroom unit for sale at the Moderate income level. The unit shall be designated as any unit except for the first floor unit.

4. Upper Story Lighting

Any exterior lighting above the ground floor on the sides and rear of the building and on the rooftop deck shall be shrouded and/or directed down to minimize glare.

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. **Stormwater Management Plan**

The Applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP) NPDES Permit No. CAS612008, Order R2-2015-0049 dated November 15, 2015. Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

9. **Sewer Lateral**

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

10. **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.

11. **Indemnity and Hold Harmless**

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

PRIOR TO SUBMITTAL OF BUILDING PERMIT

12. **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.

13. **Property Address**

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

14. **Water Efficient Landscape Plan**

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

15. **Climate Action Plan Checklist**

The Applicant shall implement and incorporate the best management practices (BMPs) into the plans as specified in the Climate Action Compliance Memo prepared by Illingsworth & Rodin, Inc., dated September 21, 2018. The Applicant shall obtain third-party HVAC commissioning per Section 2.2 since the project includes non-residential construction.

16. **Pollution Prevention**

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

17. Storm Water Management Plan

The Applicant shall submit the 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.

18. Noise Mitigation

The Applicant shall implement and incorporate the noise mitigation measures into the plans as required by the report by Illingsworth & Rodin, Inc., dated November 30, 2017.

PRIOR TO FINAL MAP RECORDATION

19. Covenants, Conditions and Restrictions

The Applicant shall include the following provisions in the Covenants, Conditions and Restrictions (CC&Rs):

- a. Long-term maintenance and upkeep of the landscaping and street trees, as approved by the City, shall be a duty and responsibility of the property owners.
- b. The 2,100 square feet of commercial space shall be used only for administrative office uses.
- c. The three surface parking spaces accessed via the public alley shall be considered unrestricted guest parking and the owners shall not put up any restrictive signage to limit the use of these spaces except permitted by state or federal law.
- d. The 22 parking spaces in the mechanical parking lift system shall be assigned and reserved for use by the owners or tenants and shall include provisions for long-term maintenance and upkeep of the mechanical parking lift system;

20. Public Access Easement Dedication

The Applicant shall dedicate public access easements as follows:

- a. An easement of two feet along the rear alley for use as a public right-of-way; and
- b. An easement of one-foot along the First Street frontage to allow for pedestrian access.

21. Public Utility Dedication

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

22. Payment of Fees

The Applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees, parkland dedication in lieu fees, traffic impact fees, affordable housing impact fee, public art impact fee and a map check fee plus deposit as required by the City of Los Altos Municipal Code.

23. Performance Bond

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

PRIOR TO ISSUANCE OF BUILDING PERMIT

24. Final Map Recordation

The Applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

25. Sidewalk Lights

The Applicant shall install new light fixture(s) along First Street as directed by the City Engineer.

26. Storm Water Filtration Systems

The Applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

27. Grading and Drainage Plan

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

28. Sewage Capacity Study

The Applicant shall submit calculations showing that the City's existing 6" sewer line will not exceed two-thirds full due to the project's sewer loads. Calculations shall include the 6" main from the front of the property to the point where it connects to the 8" sewer line on San Antonio Rd. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the Applicant shall replace the 6" sewer line with an 8" sewer line.

29. 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 single-family neighborhoods. 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.

30. Sewer Lateral Abandonment

The Applicant shall abandon additional sewer laterals and cap at the main if they are not being used. A property line sewer cleanout shall be installed within 5-feet of the property line within private property.

31. Solid Waste Ordinance Compliance

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

32. Solid Waste and Recyclables Disposal Plan

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

33. Affordable Housing Agreement

The Applicant shall execute and record an Affordable Housing Agreement, in a form approved and signed by the Community Development Director and the City Attorney, that offers one below market rate unit, for a period of at least 55-years, as defined in Condition No. 3. The below market rate unit shall be constructed concurrently with the market rate units, shall be provided at the location on the approved plans, and shall not be significantly distinguishable with regards to design, construction or materials.

PRIOR TO FINAL OCCUPANCY

34. 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.

35. Signage and Lighting Installation

The Applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

36. Acoustical Report

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

37. Landscape Installation and Verification

Provide a landscape 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.

38. Condominium Map

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

39. 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.

40. Sidewalk in Public Right-of-Way

The Applicant shall remove and replace entire sidewalk and curb and gutter along the frontage of First Street as directed by the City Engineer.

41. Public Infrastructure Repairs

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

42. Maintenance Bond

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

43. 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.

44. 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.

45. Master Sign Program

The Applicant shall submit and have an approved master sign program for the building that is in compliance with Section 14.68.130 of the Zoning Code.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Bruins, the Council unanimously adopted Resolution No. 2019-23 establishing the FY 2019/20 Appropriations Limit.

Direction: The Council requested a future study session to discuss options to raise the City's Pavement Condition Index as quickly as possible.

Mayor Lee Eng recessed the meeting at 9:49 p.m. The meeting resumed at 10:00 p.m.

6. Resolution No. 2019-17: Design Review application 17-D-02 (385-389 First Street): Adopt Resolution No. 2019-17 approving Design Review application 17-D-02 and Subdivision application 17-SD-02 per the listed findings and conditions for a new, mixed-use building with ten residential units and 2,100 square feet of office at 385, 387 and 389 First Street

Senior Planner Golden presented the report.

Steve Johnson and Jeff Potts presented the application.

Public Comments: The following individuals provided public comments: Eric Steinle and Teresa Morris.

Action: Upon a motion by Councilmember Enander, seconded by Vice Mayor Pepper, the Council unanimously directed staff to draft a Resolution to be considered at the July 9, 2019 Council meeting approving the application but denying the requested waiver for a rooftop deck and elevator tower based on findings that the amenity is not required for the project to be constructed at the requested density, it is not consistent with the Downtown Design Guidelines and this type of activity is not appropriate for this area of Downtown and adding a condition to move the BMR unit from the ground floor to another unit.

8. Resolution No. 2019-18: Non-represented staff compensation: Adopt Resolution No. 2019-18 approving adjustments to the compensation ranges for Fiscal Year 2019-20 and to the benefit package beginning Fiscal Year 2019-20 for the non-represented employee group

Action: Upon a motion by Councilmember Enander, seconded by Vice Mayor Pepper, the Council continued item number 8 to the June 25, 2019 meeting, by the following vote: AYES: Enander, Lee Eng and Pepper; NOES: Bruins and Fligor; ABSTAIN: None; ABSENT: None.

STUDY SESSION

9. Cost Allocation Plan and User Fee Study: Receive the presentation on the Cost Allocation Plan and User Fee Study and provide direction to staff as necessary

Continued to a future meeting.



VICINITY MAP
N.T.S. 



389 FIRST STREET - EXISTING SITE



381 FIRST STREET



425 FIRST STREET



429 FIRST STREET



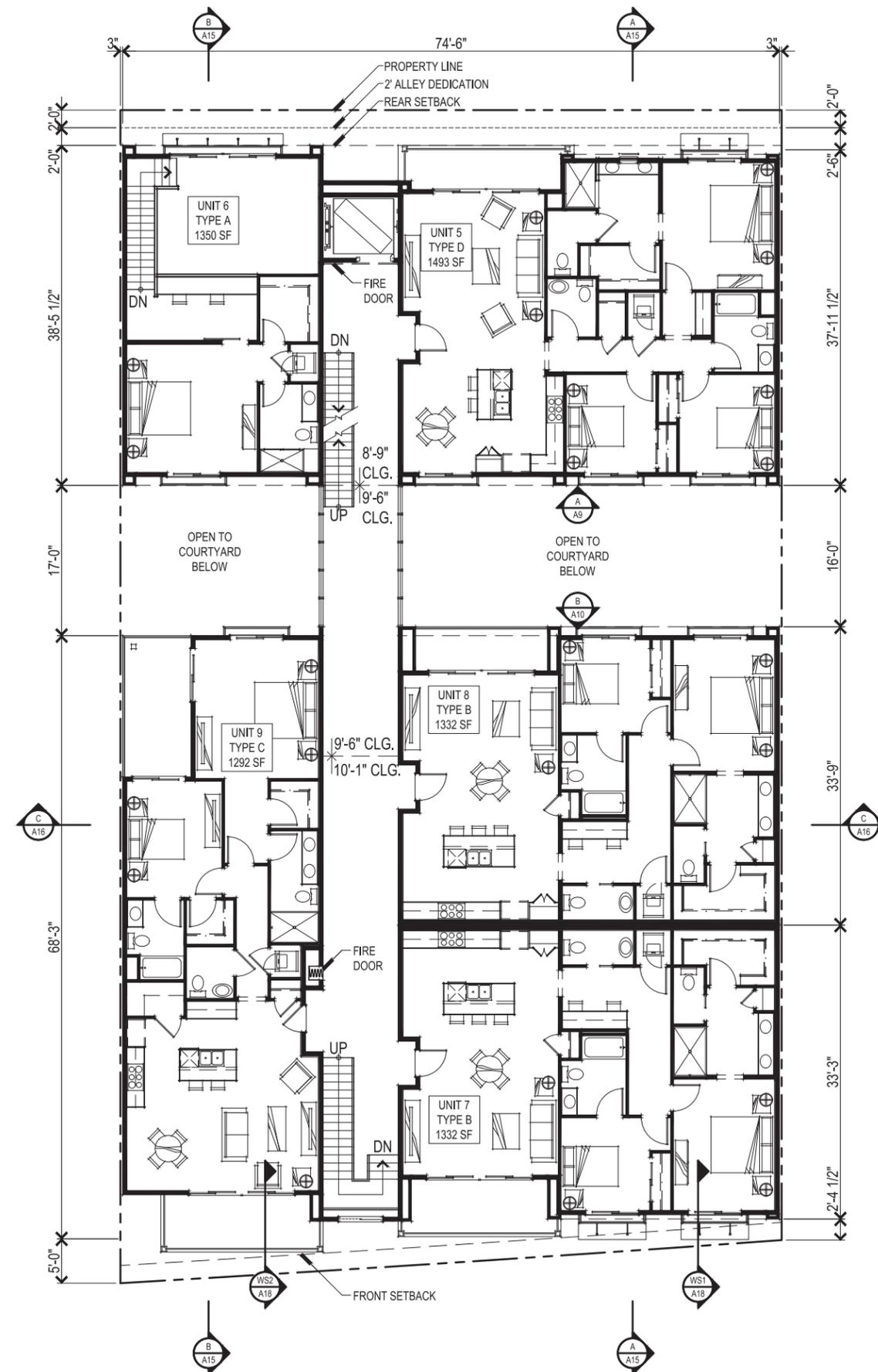
416 FIRST STREET



371 FIRST STREET



389 FIRST STREET STREETScape

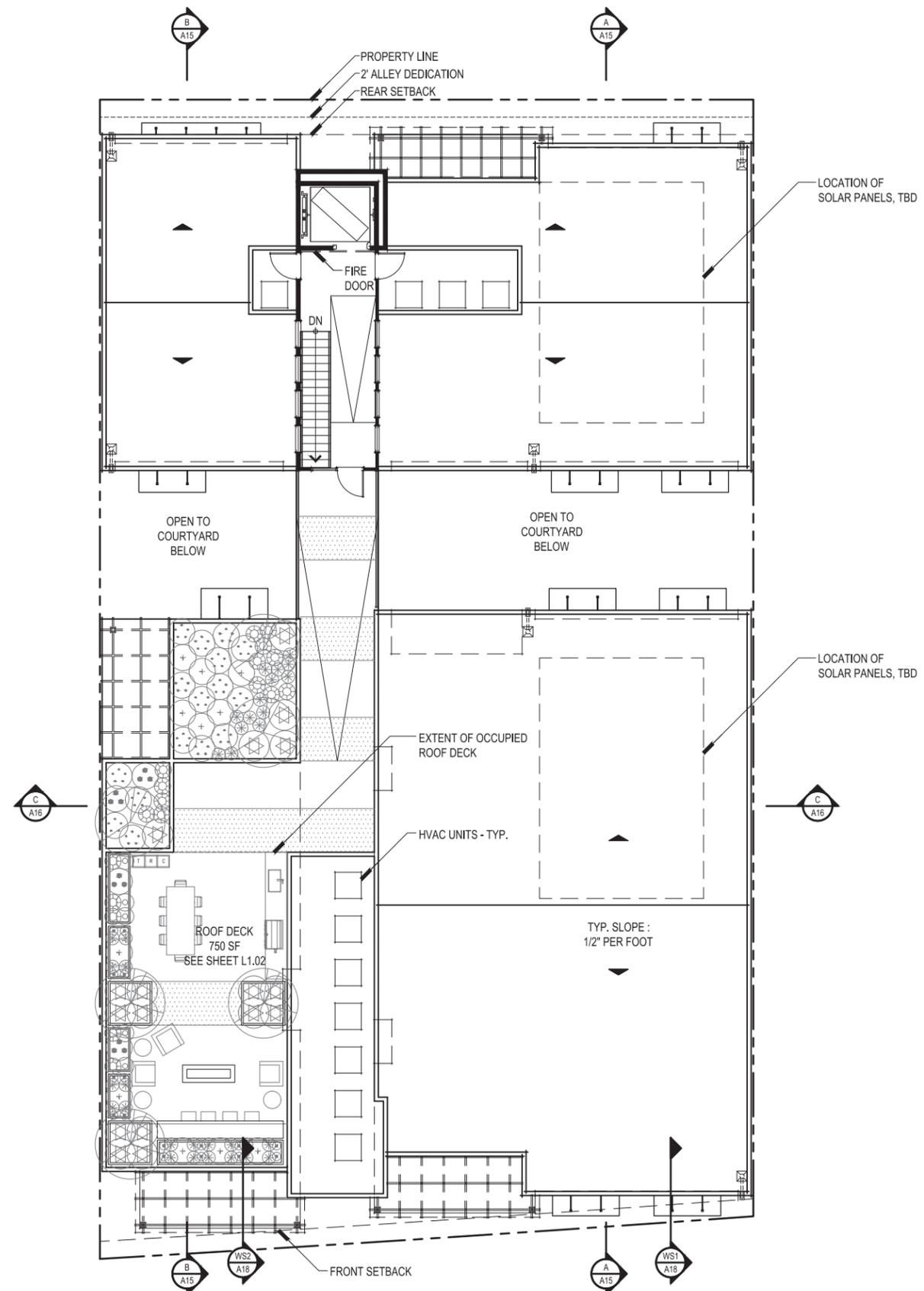


389 FIRST STREET
 Los Altos, CA
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A7
 THIRD FLOOR PLAN





ROOF PLAN



A8
ROOF LEVEL

389 FIRST STREET
Los Altos, CA
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RIGHT ELEVATION

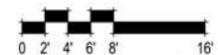


COURTYARD ELEVATION 'A'



FRONT ELEVATION

389 FIRST STREET
 Los Altos, CA
 July 9, 2019



A9
 FRONT & RIGHT ELEVATIONS





LEFT ELEVATION



COURTYARD ELEVATION 'B'



REAR ELEVATION

389 FIRST STREET
 Los Altos, CA
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A10
 REAR & LEFT ELEVATIONS



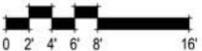


ALTERNATE LEFT ELEVATION



ALTERNATE RIGHT ELEVATION

ALTERNATE LEFT & RIGHT ELEVATIONS



389 FIRST STREET
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389 FIRST STREET
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A11
FRONT PERSPECTIVE



SDG Architects, Inc.



VIEW FROM FIRST STREET & LYELL STREET

389 FIRST STREET
Los Altos, CA
July 9, 2019

A12
CONTEXTUAL PERSPECTIVES





VIEW FROM SECOND STREET & LYELL STREET ALT.

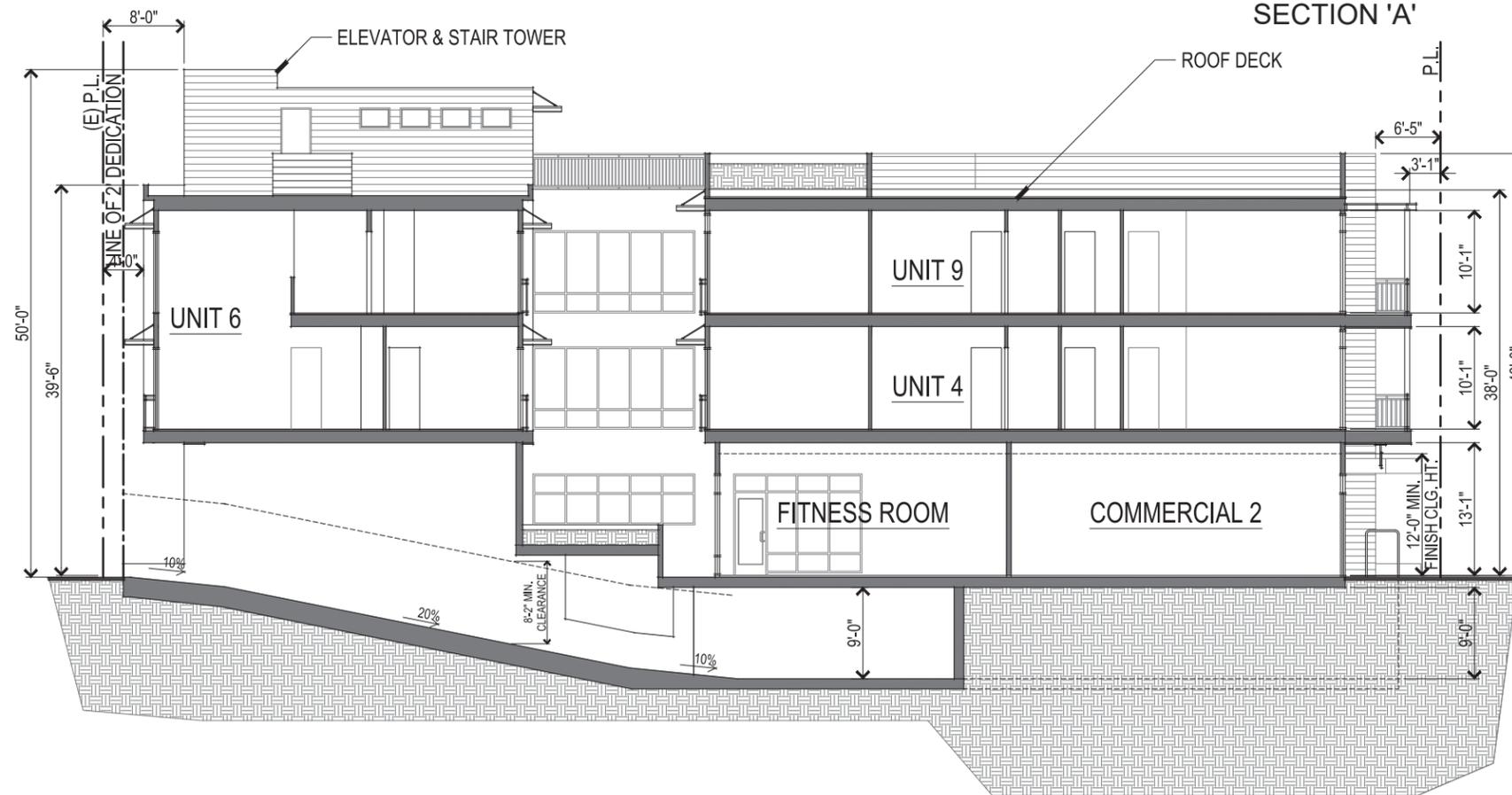
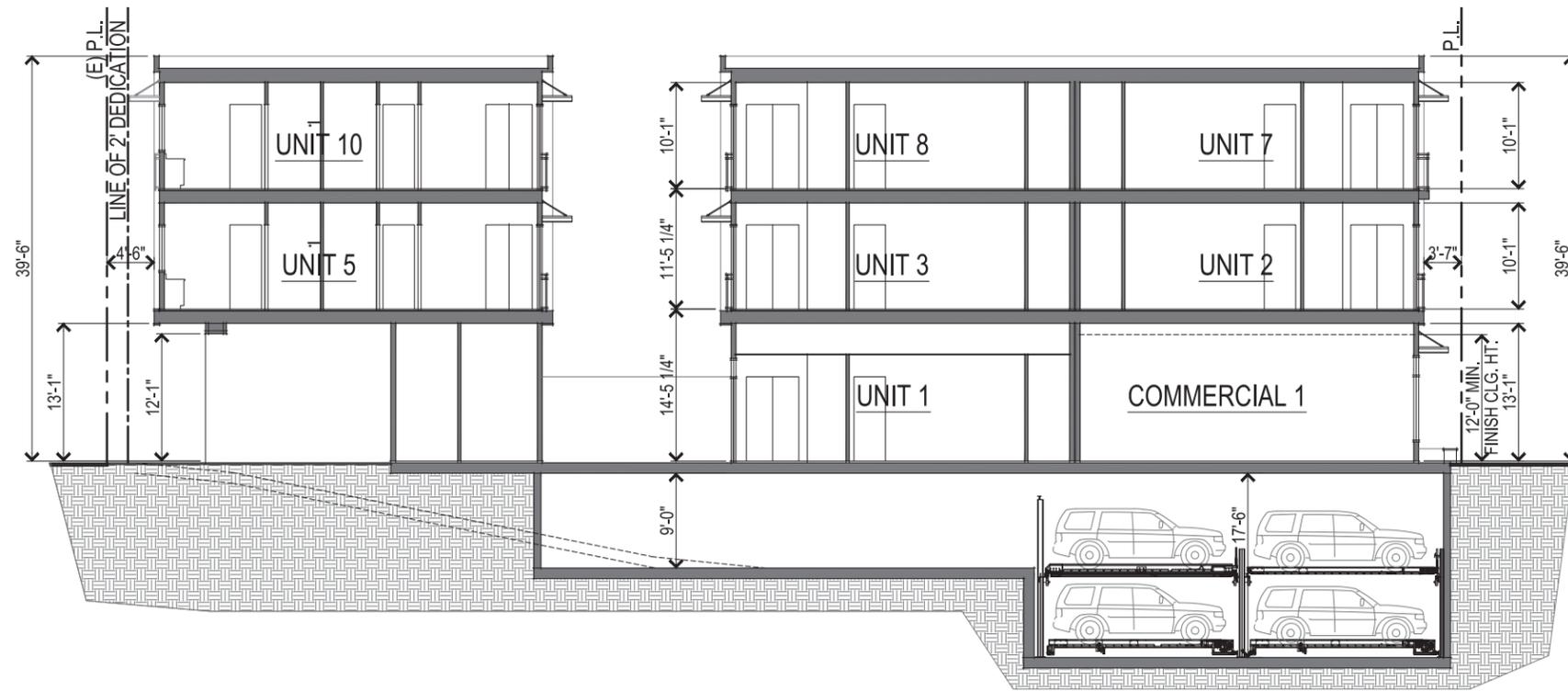


VIEW FROM SECOND STREET & LYELL STREET

389 FIRST STREET
Los Altos, CA
July 9, 2019

A14
CONTEXTUAL PERSPECTIVES





389 FIRST STREET
 Los Altos, CA
 July 9, 2019



0 2' 4' 6' 8' 16'

A15
 BUILDING SECTIONS





SECTION 'C'

389 FIRST STREET
 Los Altos, CA
 July 9, 2019

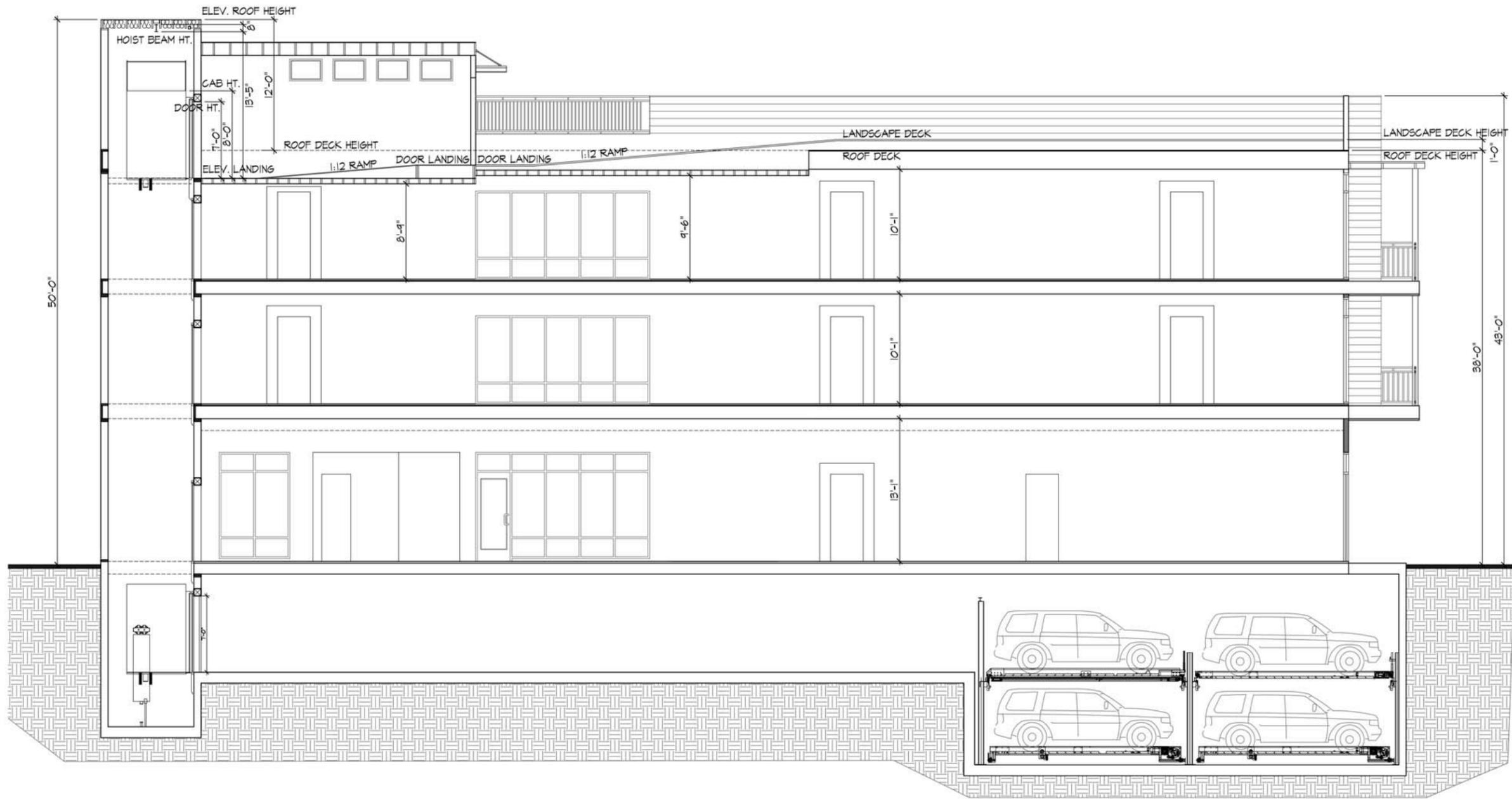


A16
 BUILDING SECTION



SDG Architects, Inc.





389 FIRST STREET
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ELEVATOR SECTION



SDG Architects, Inc.