

## CONDITIONS

11-D-09 and 11-UP-06—400 Main Street

### **GENERAL**

1. Project approval is based upon the plans received on August 1, 2012 except as modified by these conditions.
2. The property owner shall be responsible to maintain the landscape and Downtown entry element at the Foothill Expressway corner, and the fountain in the First Street right-of-way.
3. The property owner shall allow for public use along the Main Street and First Street sidewalk areas abutting the public right-of-way.
4. With regard to improvements in the Main Street and First Street right-of-way:
  - a. The applicant shall be responsible for the cost, the engineering and the installation of improvements within the public-right-of-way along the frontage of the subject property. Improvements include, but are not limited to, curb, gutter, sidewalk, landscaping and street trees. The improvements shall be consistent with the First Street Streetscape Improvement Plan except as modified by the project development plans, as required by the City Engineer.
  - b. The applicant shall contribute \$178,630 to the City for the cost of the City's prior installation of curbs, gutters, mid-block crosswalk, curb ramps, detectable warning surfaces, granite accent pavers, decorative utility vault covers, street lights, string light pole, sewer lateral installation and one-quarter of the traffic signal system.
  - c. The applicant shall coordinate their construction schedule with the City for the purpose of excavation, street closure and installation of curb, gutter, sidewalk and pedestrian amenities within the Main Street and First Street right-of-way.
5. Permits shall be obtained from the Engineering Division prior to any work done within the public right-of-way. The permits and the work shall be in accordance with plans to be approved by the City Engineer.
6. Improvements shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order R2-2009-0074 dated October 14, 2009. The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.
7. The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
8. The applicant agrees to indemnify 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 the City's action with respect to the applicant's project.

9. The Planning & Transportation Commission may approve minor changes to the development plans, as determined by the Community Development Director. Such minor design changes, if approved by the Planning & Transportation Commission, shall be final and not appealable.
10. Prior to City Council review the applicant shall:
  - a. Redesign tower elements to have parapets instead of hip roofs and minimize the keystone pattern of the natural stone arches; and
  - b. Redesign the entry element wall at Foothill Expressway to specify Downtown identity signage.

#### **PRIOR TO SUBMITTAL OF BUILDING PERMIT**

11. The plans shall show that all exterior lighting on the building above the first-story has shrouds and/or is directed downward to avoid impacts to the nearby properties.
12. The applicant shall prepare a landscape and irrigation plan that includes the Foothill Expressway shoulder within the public right-of-way that fronts on the subject property. The plan shall meet the requirements of the City's Water Efficient Landscape Regulations.
13. The applicant shall develop the master sign program for Community Development Director approval as follows:
  - a. Only anchor tenants may only have signage at the second story within the established sign areas. Anchor tenants are defined as tenants occupying at least 5,000 square feet of building area;
  - b. The building signs shall have individual metal or wood letters applied to the wall surface or suspended in the tower window not to exceed 12 inches in height except for anchor tenant signs that may have letters up to 18 inches in height;
  - c. The signs shall be externally illuminated or halo-lit from behind;
  - d. The signs shall identify business names and logos only;
  - e. Retail tenants may have a combination of building signs and blade signs only. Permanent window signs are not allowed unless otherwise approved in the master sign program;
  - f. Office tenants may not have blade signs or window signs;
  - g. Window signs are prohibited on the second story except in the established sign area within the tower elements; and
  - h. Signage is prohibited on the Foothill Expressway entry wall and the First Street fountain feature.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

14. The applicant shall obtain an easement or fee title from Santa Clara County for that portion of the Foothill Expressway right-of-way used by the project site plan.
15. The property owner shall dedicate and record a Fire Department Access Easement of at least 20 feet in width in the shared ingress/egress easement driveway area accessed from First Street and

a Fire Department turnaround connected to the west end of the Fire Department Access Easement.

16. The applicant shall record a Pedestrian Use Easement for the portions of the private property within the sidewalk area along First Street, the open area of the courtyard along First Street, and the corner sidewalk at Main Street and First Street in a form approved by the City Engineer and City Attorney. The plat and legal description of the Pedestrian Use Easement shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the review of the Pedestrian Use Easement.
17. The applicant shall submit the Storm Water Management Plan (SWMP) in accordance with the requirements provided by the City Engineer. The SWMP will show the entire requirement on how the design is 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 and approved by the third party consultant.
18. The applicant shall prepare and record a lot line adjustment or lot merger map to combine the site into one property. Plats and legal descriptions of the lot line adjustment or lot merger shall be submitted for review and approval by the Planning Division and the City Land Surveyor and shall show the shared access easement in common with the property at 160 First Street (Safeway). The applicant shall provide a sufficient fee retainer to cover the cost of the lot merger application.
19. The applicant shall pay a traffic impact fee in accordance with Chapter 3.48 of Los Altos Municipal Code.
20. The applicant shall pay all applicable sanitary sewer connection fees.
21. The applicant shall submit on-site grading, utility and drainage plans for approval by the City Engineer. The grading/drainage plans shall include, but not limited to, drain swales, drain inlets, rough pad elevations, building envelopes and elevations at property lines. Utility plans shall show the size of proposed sanitary sewer lateral for the new building. The location of all underground utilities in the public right-of-way shall be shown on the plans. The applicant shall verify that the city sewer and storm drain systems are adequately sized to handle the proposed flows.
22. The utility plans shall show a location(s) for a future grease interceptor. A grease interceptor is required to be installed for each commercial grease-generating activity (LAMC 10.08.280(C)). The grease interceptor is required to be sized in conformance with the Uniform Plumbing Code (LAMC 10.08.280(D)).
23. The applicant shall contact Mission Trail Waste Systems and submit a solid waste disposal plan indicating the type and size of container proposed and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed new enclosure for recyclables.

24. The applicant shall submit plans to the County of Santa Clara for any proposed improvements within the County's right-of-way and provide approval of these improvements to the City.
25. The applicant shall submit a construction management plan for review and approval by the City Engineer. The plan shall include:
  - a. A traffic control plan and a pedestrian detouring plan that will be implemented during the construction phase of this project;
  - b. Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavation, material storage, earth retention, construction vehicle parking, traffic control, and safe pedestrian access; and
  - c. A truck routing and staging plan for the proposed excavation of the site.
24. Pay any applicable fees to the Engineering Division for the transportation permit as required by the City Engineer.

#### **PRIOR TO FINAL INSPECTION**

25. The applicant shall provide an acoustical analysis demonstrating that all mechanical equipment is in compliance with the City's Noise Control Regulations.
26. All landscaping and irrigation shall be installed. The applicant shall obtain an encroachment permit from County Roads and Airports prior to installation of landscaping and irrigation in the Foothill Expressway shoulder.
27. The applicant shall submit a one-year, ten percent maintenance bond upon acceptance of improvements in the public right-of-way.
28. The applicant shall label all new or existing public and private catch basin inlets which are on and adjacent to the site with the "NO DUMPING - FLOWS TO BAY" logo as required by the City.
29. The applicant shall submit a Certificate of Completion as required by the City's Water Efficient Landscape Regulations.
30. The applicant shall submit a recorded maintenance agreement for the storm water treatment methods installed in accordance with the Storm Water Management Plan (SWMP). The approved third party consultant shall certify that all storm water treatment systems were properly installed per the approved SWMP and project plans.