



CITY OF LOS ALTOS

1 North San Antonio Road, Los Altos, CA 94022

www.losaltosca.gov

NOTICE OF EXEMPTION

To: Santa Clara County Clerk-Recorder
First Floor
110 W Tasman Drive
San José, CA 95134

From: City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

Office of Planning and Research
P.O Box 3044, Room 113
Sacramento, CA 95812

Project Title: 349 1st Street Residential Project

Project Applicant/Person or Agency Carrying Out Project: Emeric J. McDonald, Octane First Street, LLC.

Project Location/City: 349 1st Street, Los Altos, CA 94024

Public Agency Approving Project: City of Los Altos

Lead Agency Contact Person: Sean Gallegos

Phone Number: (650) 947-2641

Description of Project: The project would demolish the existing two-story commercial building and redevelop the site with a six-story, 19-unit residential condominium building with a maximum height of 84 feet, 11.5 inches. Four units (21 percent) would be provided as below market rate units for low-income households. The project would include a parking garage with at-grade parking and basement-level automated parking system, bicycle parking, rooftop terrace, utility improvements, and frontage improvements at the intersection of First and Whitney Streets. The project is proposed pursuant to the provisions of Government Code Section 65589(d)(5) known as the “Builder’s Remedy.”

Exempt Status: The following Exemptions are applicable to the project: Statutory Exemption. State Code Number PRC 21080.66.

Reasons Why Project is Exempt: The project meets all the statutory exemption conditions and requirements pursuant to PRC 21080.66. The project site is less than four acres, located within the Los Altos city limits, on a previously developed rectangular lot that is surrounded by at least 75% urban uses. The proposed residential land use is consistent with the General Plan and Zoning designation for the site, at a density of 117 units per acre. The project seeks to deviate from various land use and zoning requirements pursuant to the Builder's Remedy. These requested deviations from height, setback, parking and objective design standards, do not preclude a consistency finding for purposes of PRC Section 21080.66. The site is not located in a coastal zone or subject to a certified local coastal program, nor is it designated as Prime Farmland or Farmland of Statewide Importance. There are no wetlands on-site. The site is not: located within a Very High Fire Hazard Severity Zone; identified as a hazardous site on the Cortese list; or located within an earthquake fault zone, special flood hazard area, or regulatory floodway. The project site is not identified for conservation or under a conservation easement. The site is fully developed with urban uses and does not contain any sensitive habitat. The project would not demolish a historic structure or include transient lodging. Tribal consultation and a Phase I Environmental Site Assessment have been completed for the project, and the necessary conditions of approval are required. The project site is more than 500 feet from a freeway and would not be subject to prevailing wage requirements because it is not a 100 percent affordable housing project or 85 feet or more in height.

Signature of Lead Agency Representative:

A handwritten signature in dark ink, appearing to read "Sean K. Gallegos", is written over a horizontal line.

Sean Gallegos, Senior Planner

Date: August 7, 2026