

RESOLUTION NO. 2020-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A TENTATIVE MAP FOR A TWO-LOT SUBDIVISION AT 831
ARROYO ROAD**

WHEREAS, the City of Los Altos received a subdivision application that includes a tentative map from Ying-Min Li for a two-lot subdivision, application 18-DL-01, referred herein as the “Project”; and

WHEREAS, the Project is categorically exempt from environmental review as a minor land division that involves the creation of four or fewer new parcels in accordance with Section 15315 of the California Environmental Quality Act of 1970 as amended (“CEQA”); and

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

WHEREAS, the Planning Commission held a duly noticed public hearing on the Project on February 7, 2019 and the City Council held a duly noticed public meetings on the Project on March 26, 2019, April 23, 2019, May 14, 2019 and May 28, 2019; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter; 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 the City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby rescinds Resolution No. 2019-07 and approves the Project subject to the findings and conditions of approval attached hereto as Exhibit “A” 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 25th day of February 2020 by the following vote:

AYES: BRUINS, ENANDER, FLIGOR, PEPPER
NOES: LEE ENG
ABSENT: NONE
ABSTAIN: NONE


Janis C. Pepper, MAYOR

Attest:

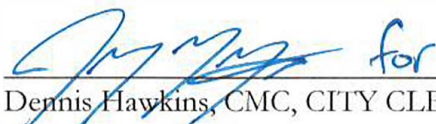

Dennis Hawkins, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-DL-01, the City Council finds the following in accordance with Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California:

- A. The proposed subdivision is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element Policy 1.5 and Infrastructure and Waste Disposal Element Policies 1.3 and 2.2 by creating two single-family lots, which fall within the allowed density range. The project conforms with all applicable goals, policies and programs in the Los Altos General Plan by maintaining a similar layout to two previously approved subdivisions along Mountain View Avenue to the north and maintaining a compatible and orderly development to the Montebello Acres subdivision. The new lots meet the R1-10 District's minimum lot size requirements of 10,000 square feet for an interior lot and 11,000 square feet for a corner lot. The new lots also meet all applicable site standards for the R1-10 District, including width, depth and frontage.

- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

This Finding cannot be made. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element Policy 1.5 and Infrastructure and Waste Disposal Element Policies 1.3 and 2.2 by creating two single-family lots, which fall within the allowed density range. The project conforms with all applicable goals, policies and programs in the Los Altos General Plan by maintaining a similar layout to two previously approved subdivisions along Mountain View Avenue to the north and maintaining a compatible and orderly development to the Montebello Acres subdivision. The new lots meet the R1-10 District's minimum lot size requirements of 10,000 square feet for an interior lot and 11,000 square feet for a corner lot. The new lots also meet all applicable site standards for the R1-10 District, including width, depth and frontage.

- C. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for this type of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;

- D. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made. The site is physically suitable for the proposed density of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use

designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, or substantially injure fish or wildlife because the site is located within a developed suburban context and is not in or adjacent to any sensitive habitat areas;

- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the subdivision will not cause serious public health problems because the site is located within a suburban context and has access to urban services including sewer and water.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. The design of the subdivision will not conflict with access easements because there are no access easements associated with or encumbering this property.

CONDITIONS

GENERAL

1. Approved Plans

Project approval is based upon the tentative map dated February 12, 2020, except as may be modified by these conditions.

2. Corner Lot Requirements

The newly created corner lot (Parcel 2) shall adhere to the following requirements:

- a. The new house shall have a front elevation that faces Arroyo Road.
- b. The new house shall have a setback of at least 25 feet from the exterior side property line adjacent to Arroyo Road.
- c. The driveway for the new house, if placed along Mountain View Avenue, shall have a setback of at least 25 feet from the from the edge of the 25-foot radius corner at the intersection with Arroyo Road.
- d. The 30-foot visibility triangle at the corner of Mountain View Avenue and Arroyo Road shall be maintained free and clear of all landscaping and built objects that exceed three feet in height.

3. Public Utilities

The developer shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

4. Protected Trees

All existing trees on the site are protected as shown on the submitted plans and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.

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. Stormwater Management Plan

The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015. The improvement plan shall include the "Blueprint for a Clean Bay" plan sheet as page 2 in all plan submittals.

7. Sewer Lateral

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

8. 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 MAP RECORDATION

9. Demolition

The applicant shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property.

10. Payment of Fees

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

11. Easement Dedication

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

12. Right-of-Way Dedication

The applicant shall dedicate an area of land having a 25-foot radius adjacent to the intersection at Arroyo Road and Mountain View Avenue to the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

13. Map Recordation

The applicant shall record the tentative map.

14. Construction Management Plan

Detailed plans for any construction activities affecting the public right-of-way include but are not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, and shall be provided to the City Engineer for review and approval. The applicant shall also submit on-site, and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by City staff.

15. Routing and Staging Plan

A truck routing and staging plan for the proposed excavation of the site shall be submitted for review and approval by the City Engineer. 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.

16. Utility Plan

The applicant shall submit a utility plan which includes the location of the sanitary sewer laterals for each lot.

17. Stormwater Pollution Prevention

The project shall comply with the Stormwater Pollution Prevention Measures per Chapter 10.16 of the Los Altos Municipal Code.

PRIOR TO OCCUPANCY

18. Curb and Gutter Replacement

The applicant shall remove and replace the concrete curb/gutter along the entire frontage per the City Engineer's instructions

19. Underground Utilities

The applicant shall be responsible for the removal/undergrounding of the existing overhead utilities.