

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING 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 to herein as the “Application;” and

WHEREAS, this action is exempt from environmental review as a project that is disapproved in accordance with Section 15270 of the California Environmental Quality Act of 1970 Guidelines (“CEQA Guidelines”) and, as a separate and independent basis CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Application 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 Application on February 7, 2019; and

WHEREAS, the City Council held duly noticed public hearings on the Application on March 26, 2019, April 23, 2019 and May 14, 2019; and

WHEREAS, the City Council afforded the Applicant and all other interested parties the opportunity to comment on the Application and has thoroughly and independently reviewed all written evidence and oral testimony presented to date on this matter; and

WHEREAS, the State Subdivision Map Act provides that the City Council shall deny approval of a tentative subdivision or parcel map if it makes any of the findings specified in Government Code Section 66474; and

WHEREAS, based upon such evidence and testimony, and the entire record of proceedings and matters of general knowledge to the City, including without limitation the Los Altos General Plan, the Los Altos Municipal Code and other laws, regulations, policies, procedures and requirements the City Council has determined that one or more of the findings specified in Government Code Section 66474 apply and, therefore, warrant denial of the Application; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the City Council’s findings and decision are hereby made are located in the Office of the City Clerk of the City of Los Altos.’

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby denies the Application. This determination is based on the Recitals set forth above together with the findings and determinations, as specified in California Government Code Section 66474, as set forth in Exhibit A, each of which is based upon the evidence

presented in the record as a whole and each of which provides a separate and independent basis for this decision.

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 28th day of May, 2019 by the following vote:

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


Lynette Lee Eng, MAYOR

Attest:


Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-DL-01, (the "Application") the City Council makes the following findings in accordance with the California Government Code, Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California, each of which provides a separate and independent basis, based upon substantial evidence in the record, for the City Council's decision to deny the Application:

A. The proposed subdivision is not in conformance with the Los Altos General Plan. The Application is inconsistent with, among other policies and provisions of the General Plan, Housing Element 1.5, which provides that the City will ensure that the level of development permitted in the creation of land divisions results in an orderly and compatible development pattern within the subdivision and in relation to its surroundings; provides for quality site planning and design; and provides for quality structural design. As specified in Housing Element Program 15.1, the City is required to review the compatibility of land divisions as part of the permit review and approval process.

Consistent with these requirements, the City Council hereby finds and determines that the Application would be inconsistent with the General Plan and would not achieve an orderly or compatible development. The Application is inconsistent with the existing pattern or orderly development achieved in the surrounding Montebello Acres neighborhood and would fail to retain the very distinctive character of this long-established neighborhood. As discussed with examples of more details below, the Application fails to satisfy this finding necessary to approve the subdivision.

The Application does not provide for creation of a subdivision that would result in an orderly or compatible development pattern, either within the subdivision or in relation to its surroundings. Among other things, the Application would create lots that are substantially smaller than, and out of character with, the surrounding Montebello Acres neighborhood. The predominant character of the surrounding neighborhood comprises substantially larger lots, which are at odds with the lots proposed in the Application. This incompatibility is particularly concerning for the Application's proposed corner lot, which is substantially smaller than the interior lots in the surrounding neighborhood. The proposal departs from the recognized City planning practice for the area for corner lots in a neighborhood to comprise a substantially larger area than interior lots. This planning concept and the Application's inconsistency with the same was discussed at length in the City Council proceedings on the Application. It is further recognized that in the Los Altos Zoning Code provisions for the subject zoning, it establishes a greater minimum lot size for corner lots, than for interior lots (*See* Los Altos Municipal Code Section 14.06.040).

B. The site is not physically suitable for the type and density of development proposed in the Application. The Application proposes a subdivision that would create lots that are substantially smaller than, and are out of character with, the surrounding neighborhood.

C. The design of the subdivision and the proposed improvement could cause environmental damage due to its incompatibility with surrounding development and its failure to provide for orderly development.

D. The design of the subdivision could cause public health, safety or welfare problems due to its incompatibility with the surrounding neighborhood and its failure to provide for orderly development.