

**RESOLUTION NO. 2021-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
APPROVING A CONDITIONAL USE PERMIT FOR A FLAG LOT AT 1074  
RIVERSIDE DRIVE**

**WHEREAS**, the City of Los Altos received a conditional use permit application (CUP19-0004) from Hiep Nguyen (“Applicant”) for a flag lot at 1074 Riverside Drive; and

**WHEREAS**, the Project is categorically exempt from environmental review as a minor alteration in land use limitation in accordance with Section 15305 of the California Environmental Quality Act of 1970 as amended (“CEQA”) because it involves a lot line adjustment of an existing lot to create a flag lot; 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 18, 2021 at which all public comment was duly considered; and

**WHEREAS**, the City Council held a duly noticed public meeting on the Project on April 13, 2021 at which time all public comment was duly considered; 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 City Clerk.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby grants and approves Conditional Use Permit Application No. CUP19-0004 for the creation of a flag lot at 1074 Riverside Drive subject to the findings attached hereto as Exhibit “A” and conditions of approval attached hereto as Exhibit “B” and incorporated herein 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 13<sup>th</sup> day of April 2021 by the following vote:

AYES: Council Members Lee eng, Meadows, Weinberg, Vice Mayor Enander and  
Mayor Fligor  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
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Neysa Fligor, MAYOR

Attest:  
  
Andrea Chelemengos, MMC, CITY CLERK

## **EXHIBIT A**

### **FINDINGS**

1. With regard to conditional use permit application CUP19-0004 for the creation of a new flag lot, the City Council finds the following in accordance with Section 14.80.060 of the Municipal Code:
  - a. The proposed location of the use is desirable for the public health, safety, comfort, convenience, prosperity, or welfare because the flag lot reappropriates existing single-family lots and maintains the current use of the property as single-family residential which is consistent with the surrounding single-family land uses;
  - b. The proposed location of the use is in accordance with the objectives of the zoning ordinance because the flag lot including the required property line setbacks, one-story building limitation, and creek setbacks creates a harmonious relationship with the adjacent residential land uses and conserves the city's natural beauty and preserves and enhances the creek as a distinctive physical character;
  - c. The proposed location of the use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing in the vicinity or injurious to property or improvements in the vicinity because the flag lot will maintain the existing yard relationships with the surrounding properties;
  - d. The proposed use will comply with the regulations prescribed for the district in which the site is located and the general provisions of the zoning ordinance because the flag lot will allow for the future development of a single-family dwelling which is the primary land use of the R1-10 Zoning District;
  - e. The size of the proposed flag lot is sufficient to mitigate development impacts and is compatible with the existing lots in the immediate neighborhood because the lot area exceeds the required minimum lot size and maintains appropriate yard relationships with immediate surrounding properties;
  - f. The proposed flag lot will not result in unreasonable noise impacts to neighbors adjoining the access corridor because the new access corridor is substantially in the same location as the existing access corridor;
  - g. The proposed flag lot will not result in unreasonable privacy invasion or unreasonable massing as a result of building height because the R1-10 District limits building height to one-story and not more than 20 feet on flag lots;
  - h. The proposed flag lot will not result in incompatible setbacks from neighboring properties because the flag lot will maintain current front and rear yard setbacks and increased side yard setbacks; and
  - i. The allowed floor area ratio in accordance with district regulations will not result in adverse impacts on neighboring properties because the flag lot will be similar to the lot area of properties in the surrounding area.

**EXHIBIT B**  
**CONDITIONS**

**GENERAL**

1. The conditional use permit approval to allow the flag lot is based upon the site plan dated January 25, 2021 except as may be modified by these conditions.
2. The Applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
3. All existing trees on the site are to be protected and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.
4. The Applicant shall remove all structures and man-made improvements within the Special Flood Hazard Area (SFHA) designated "AE" on the effective National Flood Insurance Rate Map that may impede the conveyance of flood water including but not limited to solid fencing and walls.
5. The Applicant shall dedicate public utility easements as required by the utility companies to serve both parcels.
6. 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. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.