

RESOLUTION NO. 2022-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
MAKING FINDINGS, ADOPTING AN EXEMPTION UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE
SUBDIVISION APPLICATION FOR A TWO-LOT TENTATIVE PARCEL MAP
AT 705 VISTA GRANDE AVENUE**

WHEREAS, the City of Los Altos received a subdivision application that includes a tentative map from Navneet Aron for a two-lot subdivision, application number TM21-0002, referred herein as the “Project”; and

WHEREAS, the Project is categorically exempt from environmental review as a minor land division because it 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, on February 16, 2022, the City gave public notice of the Planning Commission’s public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners within a 1,000-foot radius and a public meeting notice was posted on the property; and

WHEREAS, on March 3, 2022, the Planning Commission conducted a duly-noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission recommended City Council approve the Project; and

WHEREAS, on April 13, 2022, the City gave public notice of the City Council’s public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners within a 1,000-foot radius and a meeting notice was posted on the property; and

WHEREAS, on April 26, 2022, the City Council held a duly noticed public meeting as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the Project; and

WHEREAS, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and


WHEREAS, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the Findings (Exhibit A) and the Conditions of Approval (Exhibit B) attached hereto 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 26th day of April by the following vote:

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


Anita Enander, MAYOR

Attest:


Angel Rodriguez, Interim City Clerk

EXHIBIT A

FINDINGS

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with the California Environmental Quality Act Guidelines, based on the whole record before it, including, without limitation, the analysis and conclusions set forth in the staff reports, testimony provided at the proposed Project's public hearings, the City Council finds and determines that the project is Categorically Exempt from further environmental review per Section 15315, Minor Land Division because the project consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent and none of the exceptions listed under CEQA Guidelines Section 15300.2 applies.

2. SUBDIVISION FINDINGS. With regard to Subdivision Application Number TM21-0002, 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 consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Single-Family, Medium Lot and allows for a density of up to four dwelling units per net acre. Specific applicable policies of the General Plan for subdividing parcels include Housing Element Policy 1.5 and the Infrastructure and Waste Disposal Element Policies 1.3 and 2.2. The subdivision is not within an area adopted as specific plan area.

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 consistent with the Los Altos General Plan, including the Land Use Element, which designates the parcel as Single-Family, Medium Lot and allows for a density of up to four dwelling units per net acre. Specific applicable policies of the General Plan for subdividing parcels include Housing Element Policy 1.5 and the Infrastructure and Waste Disposal Element Policies 1.3 and 2.2. The subdivision is not within an area adopted as specific plan area.

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 land use designations of the General Plan, and complies with all applicable R1-10 Zoning District site development standards and is surrounded by similar types of uses in an urbanized area of the city;

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 this type of development because it is in conformance with the Single-Family, Medium Lot land use designations of the General Plan, and complies with all applicable R1-10 Zoning District site development standards and is surrounded by similar types of uses in an urbanized area of the city;

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 urban 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 an urban 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 known existing access easements encumbering this property.

EXHIBIT B
CONDITIONS

GENERAL

1. Approved Plans

Project approval is based upon the tentative map submitted on December 22, 2022, except as may be modified by these conditions.

2. Public Utilities

The property owner shall be responsible for contacting all public utilities including but not limited to electric, gas, communication and water utilities regarding the installation of new utility services to the site and ensuring all required utility connections are provided.

3. Protected Trees

All existing trees on the site subject to Tree Protection Regulations (Chapter 11.08) of the Municipal Code shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.

4. 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.

5. 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.

6. Americans with Disabilities Act

All improvements shall comply with Americans with Disabilities Act (ADA) and all regulations and design guidelines adopted pursuant to the ADA or any other state or federal disability access law. The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.

7. Sewer Lateral

Any proposed sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed. All existing unused sewer laterals shall be abandoned according to the City Standards, cut and cap 12" away from the main.

8. Transportation Permit

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.

9. Pollution Prevention

The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.

10. Civil Engineering Drawings

The property owner shall submit civil engineering drawings that show property lines with bearing and easements.

11. 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 judicial or administrative proceedings, 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.

PRIOR TO MAP RECORDATION

12. Demolition

The property owner shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property or relocate the structures to meet all required R1-10 zoning district development standards including but not limited to setbacks, lot coverage, and floor area.

13. Payment of Fees

The property owner 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.

14. Easement Dedication

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

15. Right-of-Way Dedication

The property owner or applicant shall dedicate a 25-foot public right-of-way along Springer Road to the City of Los Altos for use as public right-of-way. In addition, a 25-foot radius of the intersection of Springer Road and Vista Grande Avenue shall be provided.

16. Subdivision Agreement

The property owner shall sign and return Subdivision Improvement Agreement to the city for recordation. The Subdivision Improvement Agreement sets forth the property owner's obligation to construct public improvements required as part of the project.

17. Storm Water Filtration Systems

The Applicant shall insure the design of all storm water treatment systems and devices are without standing water to avoid mosquito/insect infestation.

18. Utility Plan

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

19. Rolled Curb

The applicant shall extend City Standard rolled curb at Vista Grande frontage to the intersection of Springer Road and Vista Grande Ave.

20. Public Infrastructure Repairs

The Applicant shall repair any damaged rolled curb and replaced as directed by the City Engineer or his designee.

21. Maintenance Bond

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

22. Cost Estimate and Performance Bonds

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100 percent performance bond or cash deposit (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held 6 months after acceptance of improvements) for the work in the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

23. Map Recordation

The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

24. Construction Management Plan

The Applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The plan shall provide specific details with regards to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods.

25. Storm Water Filtration Systems

The Applicant shall insure the design of all storm water treatment systems and devices are without standing water to avoid mosquito/insect infestation.

26. Grading and Drainage Plan

The Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Department.

27. Stormwater Pollution Prevention

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