

PUBLIC HEARING
Agenda Item #3

**PLANNING COMMISSION
AGENDA REPORT**

Meeting Date: March 3, 2022

Subject: Two-Lot Subdivision at 705 Vista Grande Avenue (Application TM21-0002)

Prepared by: Steve Golden, Interim Planning Services Manager

Attachments:

- A. Draft Resolution
- B. Vicinity and Notification Maps
- C. Public Correspondence
- D. Tentative Parcel Map

Initiated by: Navneet Aron, Applicant
Sandesh and Shikha Tawari, Property Owner

Recommendation:

Recommend City Council approval of the subdivision application (TM21-0002) approving a tentative parcel map to subdivide the property into two lots subject to the findings and conditions contained in the draft resolution.

Environmental Review:

This project is considered categorically exempt from environmental review under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines because it is a division of property into four or fewer parcels that are in conformance with the City’s General Plan and Zoning Ordinance, does not require any variances or exceptions, and all required services and access to the proposed parcels, in compliance with local standards, are available; and none of the circumstances described in CEQA Guidelines Section 15300.2 applies.

Project Description:

The Applicant requests approval of a tentative parcel map to subdivide a 26,708 square foot lot into two parcels including an interior lot and a corner lot (Attachment D). A portion of the existing lot along Springer Road would be dedicated for the public street right-of-way. Lot A, an interior lot, would be 11,120 square feet in size and Lot B, a corner lot, would be 12,166 square feet in size. The following table summarizes the project:

Subject: Two-Lot Subdivision at 705 Vista Grande Avenue

GENERAL PLAN DESIGNATIONS: Single-Family, Medium Lot (SF-4)
ZONING: R1-10 (Single-Family)
LOT SIZE: 26,708 square feet

	PROPOSED	REQUIRED
LOT A:		
Area	11,120 square feet	10,000 square feet
Width	80.0 feet	80 feet
Depth	126.5 feet	100 feet
LOT B:		
Area	12,166 square feet	11,000 square feet
Width	91.6 feet	90 feet
Depth	133.5 feet	100 feet

Background

The subject property is located on the corner of Vista Grande Avenue and Springer Road. The subject parcel is the result of a lot line adjustment recorded in 2008 that reapportioned a 1,765 square foot area between it and the abutting property at 715 Vista Grande Avenue. The former parcel was originally created as part of the Montebello Acres Subdivision recorded in May 1928, and the existing house on the property was constructed in 1951. Prior to recordation of the final parcel map, the existing residence will be required to be demolished, moved, or portions of the structure removed and rebuilt to comply with setbacks and other applicable development standards of the R1-10 zoning district.

Discussion/Analysis

General Plan and Zoning Compliance

The proposed subdivision conforms with all applicable goals, policies and programs in the Los Altos General Plan and complies with all applicable requirements in the City's Zoning Ordinance. As indicated in Figure LU-1 (General Plan Land Use Policy Map) and Table LU-1 in the Land Use Element, the site is designated as a Single-Family, Medium Lot land use, which allows for a density of up to four dwelling units per net acre. The Applicant requests a subdivision to create two, single-family lots, which fall within that allowed density range.

In addition to the Land Use Element, the Housing Element and Infrastructure and Waste Disposal Element have specific policies that pertain to residential subdivisions:

- The City shall ensure that the 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. (Housing Element, Policy 1.5);
- Review development proposals to determine whether adequate water pressure exists for existing and new development. (Infrastructure and Waste Disposal Element, Policy 1.3); and

- Review development proposals to ensure that if a project is approved, adequate sewage collection and treatment capacity is available to support such proposals. (Infrastructure and Waste Disposal Element, Policy 2.2).

The proposed subdivision is seeking to create two lots, an interior lot and a corner lot, that will front on Springer Road. The proposed lots meet the minimum lot size requirements and all applicable site development standards such as width, depth and frontage for the R1-10 Zoning District as shown in the table above. For the corner lot (Lot B), Vista Grade Avenue will be considered an exterior side property line in conformance with the Zoning Ordinance since Springer Road is the narrower width and the lot would not meet the 100-foot minimum depth requirement of the R1-10 Zoning District if Vista Grande Avenue was considered the front. The residential properties on the east side of Springer Road follow similar rectangular lot patterns and range in size from 10,000 to 17,500 square feet. The lots on the west side of Springer Road are more diverse in shape and size. The northern lot line of Lot A is the city boundary; therefore, the parcels to the north of the subject site are in the City of Mountain View and most parcels are smaller in size with an average lot size of approximately 5,300 square feet. Therefore, the project complies with all applicable R1-10 District site development standards and conforms to the Housing Element policy related to subdivisions maintaining an orderly and compatible development pattern.

The Santa Clara County Fire Department and California Water Service Company, the City's water provider, have confirmed that adequate water pressure exists in this area to serve the subdivision. The Engineering has confirmed that adequate sewage collection and treatment capacity is available to support the subdivision. Therefore, the project conforms to the Infrastructure and Waste Disposal policies related to new development.

Subdivision Findings

The California Subdivision Map Act requires several general findings in order to approve a subdivision. First, the subdivision must be consistent with applicable general and specific plans. As stated above, the subdivision conforms to the City's General Plan. The property is designated with a Single-Family, Medium Lot land use designation on the General Plan Land Use Policy Map and is consistent with Housing Element policies as well as other General Plan policies as discussed above.

Additionally, findings can be made that the site is physically suitable for the type of development and the proposed density of development. The site is suitable for the type of development because the R1-10 Zoning District allows for single-family residential development and the proposed lots will be in conformance with the site development standards of the district. The land use designation allows for a density of up to four dwelling units per net acre. The proposed two-lot subdivision is within that allowed density range.

The proposed subdivision and the proposed improvements should not cause substantial environmental damage, substantially injure fish or wildlife, or cause serious public health problems. There are not any significant negative environmental or public health impacts associated with the subdivision and it is categorically exempt from further environmental review under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines because it is considered a minor land division of four lots or less. Although the plans show a number of trees to be removed, removal of any trees protected by the Tree Protection Regulations (Chapter 11.08), are not approved at this time, will be required to be preserved, and will be evaluated during the Design Review Permit(s) for any

new residences or as part of a Tree Removal Permit application process. Other than that, the site is generally flat with minimal slope and located within a suburban context with access to existing services, including sewer, water, electricity, and public street circulation system. It is served by the Los Altos Police Department and Santa Clara County Fire Department.

Finally, the subdivision cannot conflict with any access easements. There are not any known existing access easements encumbering this property; therefore, the proposed subdivision will not conflict with any known access easements.

Public Notification and Public Correspondences

A public hearing notice was published in the *Town Crier*, a public meeting notice was posted on the property and mailed to all property owners within 500 feet of the property (Attachment B). The mailed notices included 95 property owners.

One public correspondence has been submitted prior to the date this report was published (Attachment C). Any additional public correspondences will be forwarded to the Planning Commission for review and published to the agenda website.

Options

The Planning Commission can recommend City Council approval, approval with modifications, or denial of the tentative map application. Because the project involves a residential subdivision to construct two or more housing units, the project is subject to the Housing Accountability Act. Therefore, any denial of the project (or any condition of approval that would have the effect of reducing density) must be supported by findings that the project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Staff recommends the Planning Commission recommend approval of the tentative map subject to the findings and conditions in the draft resolution (Attachment A). Staff is unaware of any circumstance that would support the findings required for denial under the Housing Accountability Act. Once the Planning Commission makes a recommendation, this application will be forwarded to the City Council for their consideration.

RESOLUTION NO. 2022-

**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 500-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 _____, 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 500-foot radius and a meeting notice was posted on the property; and

WHEREAS, on _____ 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 _____ 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 _____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Anita Enander, MAYOR

Attest:

Andrea M. Chelemengos, MMC, 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

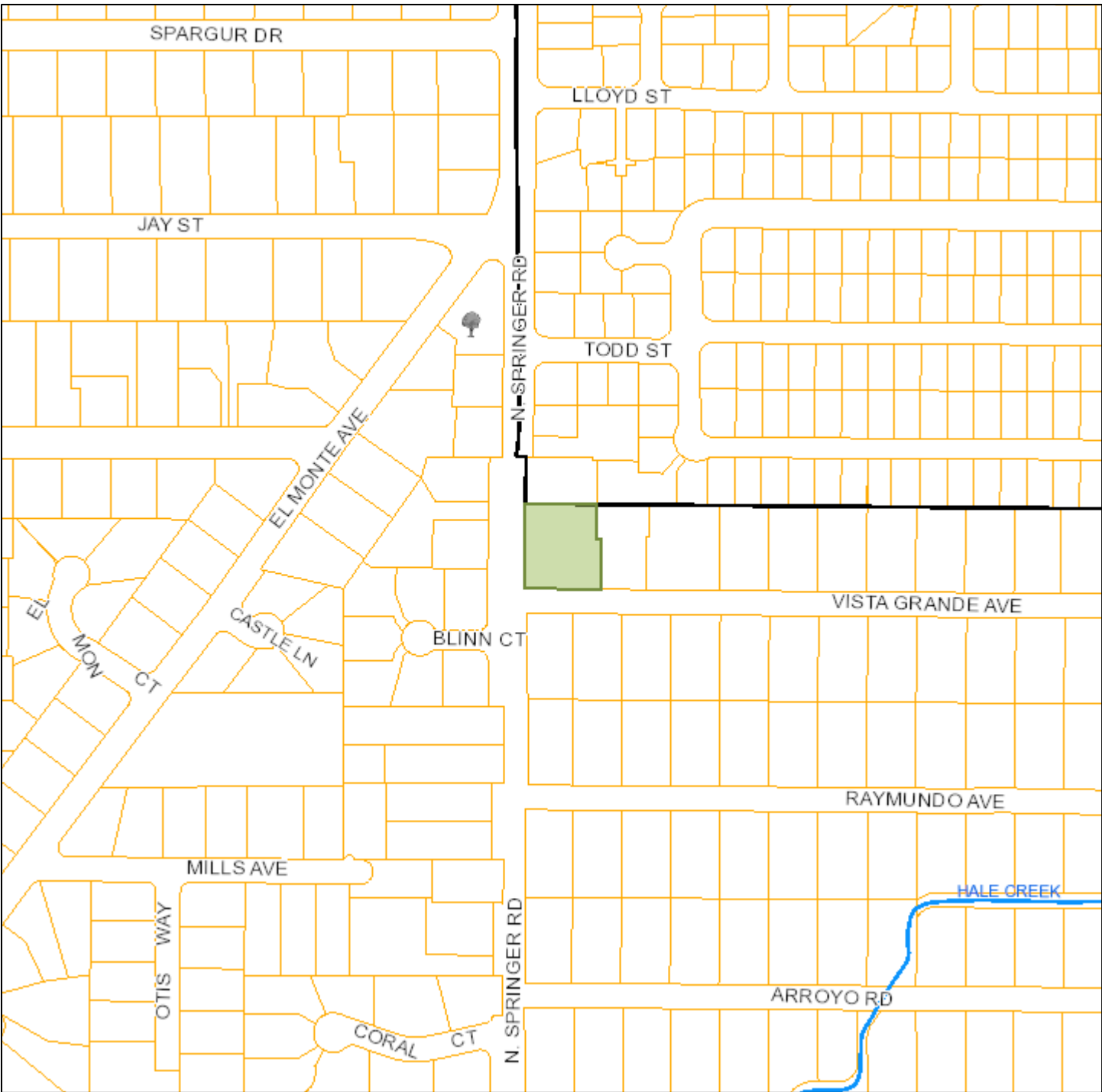
The Applicant shall submit on-site grading and drainage plans that include (i.e. drain swale, drain inlets, rough pad elevations, building envelopes, drip lines of major trees, elevations at property lines, all trees and screening to be saved) for approval by City Engineer. No grading or building pads 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.

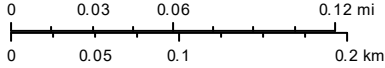
Vicinity Map

ATTACHMENT B



Print Date: February 16, 2022

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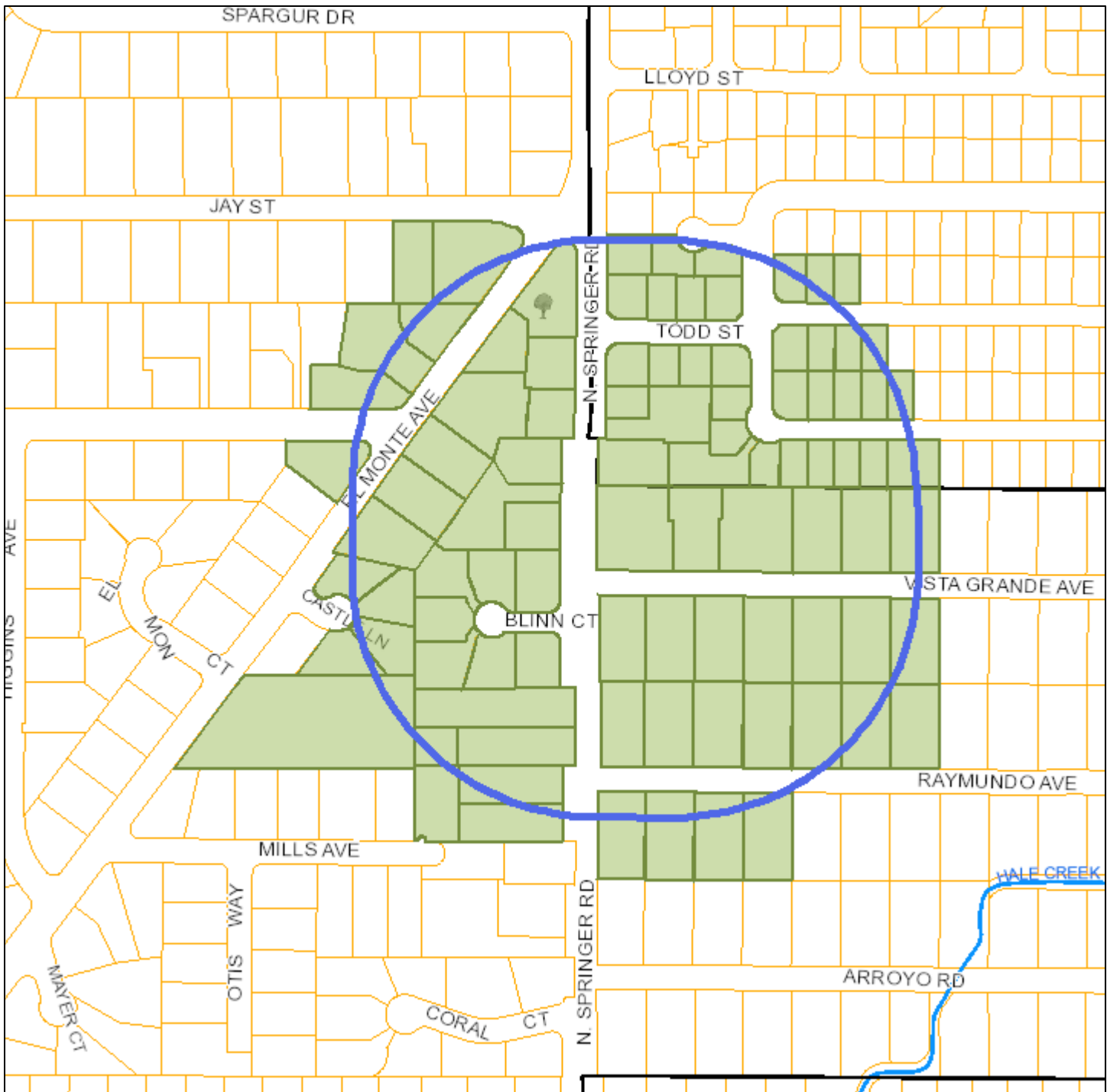


- Schools
- Park and Recreation Areas
- City Limit
- Road Names
- Waterways
- Situs Label
- TaxParcel

The information on this map was derived from the City of Los Altos' GIS. The City of Los Altos does not guarantee data provided is free of errors, omissions, or the positional accuracy, and it should be verified.

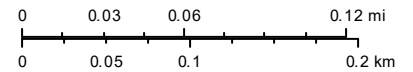
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Notification Map



Print Date: February 16, 2022

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- Schools
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705 Vista Grande Avenue

Subdivision Application No. TM21-0002

Response to this Application:

As neighbors at 1255 Springer Road, Mountain View, California and after reviewing Tentative Parcel Map, we are **STRONGLY OPPOSED** to this current **APPLICATION** and hope a more **AMIABLE APPLICATION** will be developed to alleviate our concerns and objections.

- 1) Privacy: Lot A property will be a two-story structure and will be 10 feet from our property line. This is **TOTALLY UNACCEPTABLE**. Other three properties neighboring our home provide adequate privacy. The first property is a two-story house on the backside of our property line and varies from 18 feet to 27 feet in distance. The second property is an adjacent plantation structure house and is also a two-story structure, however the actual structure is not adjacent to our property line. The third property is located on Springer Road and is a one-story house.
- 2) The two two-story structures are squeezed together into this limited parcel area. This destroys uniformity and the tranquilly of the neighborhood. There is nowhere else in the immediate neighborhood/area where this exists. This will change the feel and makeup of the neighborhood area.
- 3) Creates a higher density in this area of the neighborhood with two two-story structures squeezed next to each other in this limited parcel area.
- 4) More vehicles will be residing to this parcel, which will create more noise and pollution in the immediate area.
- 5) Amount of extra construction and time for the two-story structures required to be developed on this parcel, will cause extra disturbance, extra disruption, unacceptable amount of noise and extra dust.
- 6) The plan to remove the two existing trees on Springer Road will cause our home to lose shading from sunlight and also damages the environment and ecosystem of the area.
- 7) Extra amount of noise from the construction for the two-story structures will impact life style (sleeping issues) in the morning hours for some members of our family.

Hopefully our concerns will be respected to this project and the plan will be modified so that it will benefit all parties.

Thank You,

Michael, Blanca and Paul Rotschi

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Mountain View, California
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