

RESOLUTION NO. 2025-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A TENTATIVE PARCEL MAP TO SUBDIVIDE ONE LOT INTO TWO
LOTS AT 235 YERBA SANTA AVENUE**

WHEREAS, the applicant, Amanda Musy-Verdel, submitted an application for a Tentative Parcel Map (TM24-0001) to subdivide an approximately 20,963 square foot lot into two lots, referred herein as the “Project”; and

WHEREAS, approving the Tentative Parcel Map would be categorically exempt from environmental review under Section 15315 (Minor Land Divisions) 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 apply; and

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

WHEREAS, on December 5, 2024, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment on the project, and at the conclusion of the meeting, the Planning Commission recommended the City Council approve the Tentative Map; and

WHEREAS, on XXXXXXXX, 2025, the City Council held a duly noticed public hearing as prescribed by law and considered public testimony and evidence and recommendations presented by staff in connection with the Project; and

WHEREAS, the finding and conclusions made by the City Council in the 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 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 Tentative Parcel Map subject to the findings (Exhibit A) and 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 XXXXXXXX, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

XXXXXXXXX, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to Subdivision Application Number TM24-0001, 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. The project proposes a subdivision that results in a density of approximately four (4) units per acre, which is within the allowed density range. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan. 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. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan. 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 existing services, including sewer, water, electricity, and public street circulation system. The site is, and will continue to be, served by the Los Altos Police Department and Santa Clara County Fire Department.

- 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.

- H. The project is categorically exempt from environmental review under 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.

EXHIBIT B

CONDITIONS OF APPROVAL

1. **Approved Plans:** The project shall be developed in substantial compliance with the design plans and support materials and technical reports approved as part of Los Altos planning application TM24-001 on December 5, 2024, except as modified by these conditions as specified below.
2. **Expiration:** This Permit is valid for a period of two years, unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to the Los Altos Municipal Code.
3. **Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the overall approvals may be approved by the Development Services Director.
4. **Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.
5. **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. 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.
6. **Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees prior to issuance of a building permit, including but not limited to Transportation, Park and Recreation, Public Safety, and General Government impact fees as required by the City of Los Altos Municipal Code and current adopted fee schedule.
7. **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.

8. **Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
9. **Undergrounding Utilities:** Prior to final occupancy, the applicant shall underground the existing overhead utilities and lines extending from the pole located at the southeast corner of 209 Yerba Santa Avenue to the pole situated at the southwest corner of 235 Yerba Santa Avenue. Additionally, the supporting pole and lines extending from the pole at the southeast corner of 235 Yerba Santa Avenue must be removed and undergrounded.
10. **Stormwater Management Plan:** The project shall comply with the San Francisco Bay Region Municipal Regional Stormwater (MRP) National Pollutant Discharge Elimination System (NPDES) Permit No. CA S612008, Order R2-2022-0018, Provision C.3 dated May 11, 2022, and show that all treatment measures are in accordance with the C.3 Provisions for Low Impact Development (LID). The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
11. **Americans with Disabilities Act:** All improvements shall comply with Americans with Disabilities Act (ADA). The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.
12. **Vacate Reserve Easement:** The applicant shall vacate the existing 1’ reserve easement at the north side of the lot prior to recordation of the final map.
13. **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.
14. **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. The applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer.
15. **Subdivision Agreement:** The applicant shall sign and return the Subdivision Agreement to the City for records and recordation prior to the recordation of the final map.
16. **Final Map Recordation:** 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.
17. **Storm Water Filtration Systems:** The applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation prior to the issuance of the building permit.
18. **Grading and Drainage Plan:** The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer prior

to the issuance of the building permit. 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 Division.

- 19. Solid Waste Ordinance Compliance:** The applicant shall be in compliance with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs prior to the issuance of the building permit.
- 20. Public Infrastructure Repairs:** Prior to final occupancy the applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or their designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of Yerba Santa Avenue if determined to be damaged during construction, as directed by the City Engineer or their designee.