

RESOLUTION NO. 2025-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A VESTING TENTATIVE MAP TO SUBDIVIDE ONE LOT INTO 21
CONDOMINIUM LOTS AND ONE COMMON LOT AT 420 SOUTH SAN ANTONIO
ROAD**

WHEREAS, the applicant, the applicant, Jan R. Hochhauser, submitted an application for a Vesting Tentative Map (TM22-0003) to subdivide an existing 12,968 square-foot lot into 21 condominium lots and one common lot; and

WHEREAS, approving the Vesting Tentative Map would be categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City's General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species, will not result in any significant effects relating to traffic, noise, air quality, or water quality, 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 Vesting Tentative Map; and

WHEREAS, on January 28, 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 Vesting Tentative 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 January 28, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pete Dailey, MAYOR

Attest:

Melissa Thurman, MMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to the Tentative Map (Application No. TM22-0003), 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:

1. 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 Downtown Commercial and allows for higher density residential development. Specific applicable policies of the General Plan for creating one parcel to be further divided into four condominium units include Land Use Element Policies 2.2, 3.1 and 3.5, Housing Element Policy 1.1, and the Infrastructure and Waste Disposal Element Policies 1.3, 2.2 and 3.1. The subdivision is also consistent with the Downtown Special Planning Area within the Land Use Element. The subdivision is not within an area adopted as a specific plan area.

2. 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 Thoroughfare Commercial and allows for the creation of 21 condominium lots and one common lot. The resulting lots will comply with the land uses and densities established in the Los Altos General Plan except as modified by the State Density Bonus Law. The subdivision is not within an area adopted as specific plan area.

3. 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 Downtown Commercial land use designations of the General Plan, and complies with all applicable CD Zoning District site development standards, except as modified by State Density Bonus Law, and the site adequately accommodates vehicle, pedestrian, and bicycle circulation to meet requirements for life safety, City services, and occupants of the project.

4. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made. The site is physically suitable for the proposed density of development because it is in conformance with the Downtown Commercial land use designations of the General Plan, which does not have a density maximum but allows higher density residential development and complies with all applicable CD Zoning District site

development standards except as modified by the State Density Bonus Law, and is surrounded by similar types of uses in an urbanized area of the city.

5. 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 or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitats as the project is categorically exempt under CEQA Guidelines Section 15332, and is substantially surrounded by urban uses; the site has no known habitat for endangered, rare, or threatened species; the project would not result in any significant impacts relating to traffic, noise, or air quality; and the site can be served by all required utilities and public services.

6. 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.

7. 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.

8. The project is categorically exempt from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines because it is a subdivision of property to support a project that is in conformance with the City's General Plan and Zoning Ordinance except as modified by State Density Bonus Law, occurs within the urban services area on the project site of no more than five acres and will be served by all utilities and public services, does not have value as habitat for endangered, rare or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality, and none of the circumstances described in CEQA Guidelines Section 15300.2 apply.

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 TM22-0003, except as modified by these conditions as specified below.
2. **Expiration:** This Permit is valid for a period of two years and will expire 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. **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.
7. **Public Utilities:** The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
8. **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.

9. **Sewer Lateral:** Any new proposed sewer lateral connection shall be approved by the City Engineer.
10. **Civil Engineering Drawings:** The applicant shall submit civil engineering drawings that show the traffic movement with the adjacent parking lot. The existing vehicle movement from the adjacent parking lot shall be maintained.
11. **Public Right of Way Dedication:** Prior to final map recordation the applicant shall dedicate the necessary right-of-way to provide for a 30.5-foot half street on San Antonio Road. The applicant shall dedicate a 2-foot dedication for a 20-foot-wide alleyway.
12. **Condominium Map:** Prior to final occupancy the applicant shall record the condominium map as required by the City Engineer.
13. **Public Utility Dedication:** Prior to final map recordation the applicant shall dedicate public utility easements as required by the utility companies to serve the site.
14. **Subdivision Agreement:** Prior to final map recordation the applicant shall sign and return the Subdivision Agreement to the City for records and recordation.
15. **Final Map Recordation:** Prior to the issuance of the building permit 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.
16. **Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees in accordance with State Law and the City of Los Altos current adopted fee schedule. All impact fees not paid prior to building permit issuance shall be required to provide a bond equal to the required amount prior to issuance of the building permit.
17. **Affordable Housing Agreements:** All applicable affordable housing agreements for the project which include one (1) very low and two (2) moderate income ownership units shall be executed and recorded on a form provided by the City to the satisfaction of the Development Services Director and City Attorney prior to recordation of the final map.