



PLANNING COMMISSION AGENDA REPORT

Meeting Date: November 21, 2024

Subject: 1485 Fremont Ave - Conditional Use Permit and Tentative Parcel Map

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Initiated by: Jackie Terrell and Twinkal Parmar, Applicants

Attachments:

1. Draft Resolution Recommending Approval of the Tentative Parcel Map
2. Draft Resolution Approving the Conditional Use Permit
3. Tentative Parcel Map
4. [Historical Commission Staff Report and attachments, October 28, 2024](#)

Recommendation

1. Recommend the City Council adopt a Resolution approving a Tentative Parcel Map (Application No. TM24-0004) to subdivide one lot into two lots at 1485 Fremont Avenue, per the recommended findings and conditions of approval in the attached resolution; and find the project is categorically exempt from environmental review pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Attachment 1 to the report.
2. Adopt a Resolution approving a Conditional Use Permit (Application No. CUP24-0004) to allow a flag lot configuration as part of a subdivision at 1485 Fremont Avenue, per the recommended findings and conditions of approval in the attached resolution; and find the project is categorically exempt from environmental review pursuant to Section 15315 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Attachment 2 to the report.

Background

Property Description

The project site contains a single-family home and detached garage with a second-story accessory dwelling unit (ADU) on an approximately 64,380- square foot lot in the R1-10 zoning district. The property is a historic resource listed on the City of Los Altos local register and the existing single-family home and detached garage and ADU were constructed in 1927 (shown in Figure 1 and 2).

In 1997, a portion of the original lot was subdivided to create a separate parcel, which now contains a single-family home (shown as Parcel B in Figure 3).



Figure 1: Existing Historic House



Figure 2: Existing Detached Garage/ADU

Project Summary

The detached garage/ADU structure is currently located toward the northern side (rear) of the property, behind the single-family home. The project would relocate the garage to the east of the home and subdivide the lot to create a new, undeveloped flag lot for future single-family residential development (shown in Figure 3). The new flag lot (Lot 2) would be approximately 22,000 square feet in size and would be accessed from Kathy Lane, while the remaining lot with the single-family home and relocated garage/ADU (Lot 1) would be approximately 42,000 square feet in size and would retain its access from Fremont Avenue.

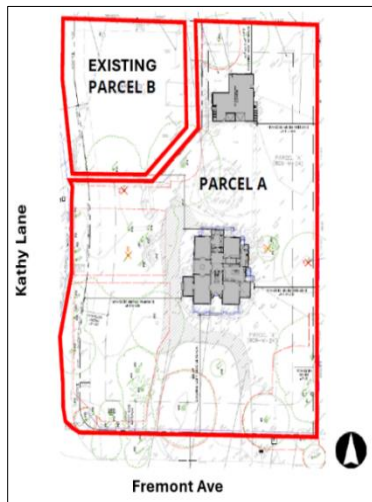


Figure 3: Existing lot configuration

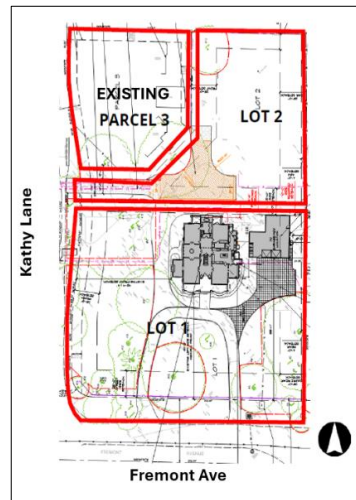


Figure 4: Proposed lot configuration

Required Permits

The project requires approval of the following permits:

- **Historical Advisory Review:** The project involves modifications to a historic resource listed on the City's local register of historic resources, and it requires a Historic Advisory Review by the Historical Commission. The final decision on the Historical Advisory Review is determined by the Development Services Director. The Historical Commission considered this item at the October 28, 2024 meeting and recommended approval. The Development Services Director issued an approval of the Historical Advisory Review on October 29, 2024, and no appeal was filed. The staff report for the Historic Advisory Review, which discusses the project's compliance with applicable provisions for historic properties, is provided as Attachment 4 to this report.
- **Design Review:** The project involves site modifications including relocation of a building and construction of a driveway extension, it requires Administrative Design Review pursuant to LAMC Section 14.78.020(A)(1). The Development Services Director issued an approval of the Design Review on October 29, 2024, and no appeal was filed.
- **Tentative Parcel Map:** The project requires approval of a Tentative Parcel Map to subdivide the lot into two lots. Tentative Parcel Maps require recommendation from the Planning Commission and final decision of the City Council. The Tentative Parcel Map will be reviewed by the City Council at a future meeting.
- **Conditional Use Permit:** The project requires a Conditional Use Permit pursuant to LAMC Section 14.06.030 to allow the creation of a flag lot. The Conditional Use Permit requires approval by the Planning Commission.

Analysis

General Plan Consistency

The proposed subdivision conforms with all applicable goals, policies and programs in the Los Altos General Plan. The site is designated as a Single-Family, Medium Lot land use, which allows for a density up to four dwelling units per acre. The project proposes a subdivision to create two single-family lots, resulting in a potential density of approximately 1.3 units per acre, which is well within the allowed density range. The project serves to further the following policies in the Los Altos General Plan:

- **Community Design & Historic Resource Element Policy 1.5: Continue to protect the privacy of neighbors and minimize the appearance of bulk in new homes and additions to existing homes.**

Lot 1, which will retain the existing single-family home and receive the relocated garage/ADU structure, will be approximately 42,000 square feet in size, which is significantly larger than

the single-family residential lots in the surrounding vicinity. The subdivision and structure relocation have been designed to ensure that the house and garage/ADU structure on Lot 1 will comply with the setback, lot coverage and floor area ratio requirements of the underlying zone district, thereby minimizing perceived bulk and protecting neighbors’ privacy.

Lot 2, the proposed flag lot, will be approximately 22,000 square feet in size, which is also significantly larger than nearby residential lots. Any future development on Lot 2 will be required to comply with applicable zoning standards to ensure that development will be compatible with the surrounding neighborhood.

Both lots will retain their abundant tree coverage, which will contribute to the site’s historic, pastoral setting and mitigate any potential impacts to neighbors’ privacy.

- **Community Design & Historic Resource Element Policy 6.1: Ensure that the integrity of historic structures and the parcels on which they are located are preserved through the implementation of applicable design, building, and fire codes.**

The proposed project will ensure the preservation of two historic structures on their original property, while allowing the land to be subdivided and developed to meet the needs of the property owners without diminishing the significance of the historic resource.

Zoning Consistency

The project and subdivision have been designed to comply with all applicable zoning requirements. Table 1, below, shows the minimum requirements for new lots in the R1-10 district, and how the lots will comply:

Table 1: Compliance with Lot Standards

Requirement	Lot 1 (Corner Lot)	Lot 2 (Flag Lot)
Minimum Lot Size: 11,000 square feet for corner lots and 15,000 square feet for flag lots	~41,990 sq ft	~ 22,390 sq ft
Minimum Lot Frontage: 90’ for a corner lot; 20’ for the “flagpole” of a flag lot	~190’ (Kathy Lane); ~212’ (Fremont Ave)	30’ (Kathy Lane)
Minimum Lot Depth: 100’	~184’	~113’

Additionally, the structure relocation and subdivision will not result in any new nonconforming condition or worsen any existing nonconformity on Lot 1, as is shown in Table 2 below:

Table 2: Compliance with R1-10 Zoning Standards:

Requirement	Lot 1 (Corner Lot with existing house and relocated garage/ADU)
Maximum Lot Coverage: 30% (lots with structures over 20' in height), or 14,689 sq ft	Proposed Lot Coverage: 11.5%, or 4,832 sq ft
Maximum Floor Area*: (3,850 + 10% [Lot 1 area]) = 6,948.99 sq ft	Proposed Floor Area: 5297.6 sq ft
Minimum Setbacks (main house): Front (Kathy Lane): 25' Street Side (Fremont Ave): 20' Interior Side: 1st Story 10', 2nd Story 17.5' Rear: 25'	Proposed Setbacks (main house): Front (Kathy Lane): 93' 9" Street Side (Fremont Ave): 99' 3" Interior Side: 1st Story 13' 6", 2nd Story 26' 1" Rear: 62' 6"
Minimum Setbacks (garage/ADU)**: Front: 25' Street Side: 20' Interior Side: 10' Rear: 5'	Proposed Setbacks (garage/ADU): Front: 166' 4" Street Side: 133' 8" Interior Side: 10' Rear: 15' 4"
Daylight Plane (main house): The daylight plane starts at a height of eleven (11) feet at each side property line and at an angle of twenty-five (25) degrees from the horizontal.	The main house is not within the daylight plane.
Daylight Plane (garage/ADU)***: The daylight plane starts at a height of six feet at the property line and proceeds inward at a 5:12 slope to a distance of ten (10) feet from the side and rear property lines	The accessory structure is not within the daylight plane. ***
Maximum Front Yard Impervious: 50%	Proposed Front Yard Impervious: 0% (the front yard is located along Kathy Lane and is entirely landscaped with numerous large, protected trees)
Maximum Rear Yard Coverage: 35%	Proposed Rear Yard Coverage: ~5.8%

* The ADU is exempt from floor area ratio requirements, pursuant to Section 14.14.060 of the LAMC.

** Because the first story of the garage/ADU structure is a garage, the structure must comply with the setbacks for accessory structures, which are more restrictive than the setback requirements for ADUs.

*** The garage is subject to daylight plane standards, pursuant to Section 14.15.040 of the LAMC. There is no daylight plane standard for ADUs. A portion of the structure extends beyond the required daylight plane for accessory structures; however this portion of the structure is comprised of the ADU, which is not subject to daylight plane requirements. Therefore, the structure complies with applicable daylight plane requirements.

Environmental Review

This project is 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.

Public Notification

A public meeting notice was mailed to property owners within 300 feet of the project site and published in the newspaper. The applicant also posted the site with a public notice sign in conformance with the Planning Division posting requirements.

At the time of preparation of this report, the Planning Division did not receive comments on the proposed project.

Housing Accountability Act (HAA)

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state's overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects (projects resulting in more than two (2) housing units or resulting parcels) which includes subdivision of land that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

The proposed project is protected under the Housing Accountability Act (HAA) as it creates additional housing stock within the City of Los Altos. Additionally, the proposed project meets all objective design standards that are applicable.

Next Steps

The Planning Commissions decision on the Conditional Use Permit application is final unless appealed to Council. The Planning Commission's consideration and recommendation on the Tentative Parcel Map application will be forwarded to Council for consideration at a future meeting and will be noticed separately.