

RESOLUTION NO. PC 2024-__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS
APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CREATION OF A
FLAG LOT AS PART OF A SUBDIVISION OF AN EXISTING 64,380 SQUARE FOOT
LOT AT 1485 FREMONT AVENUE**

WHEREAS, the applicants, Jackie Terrell and Twinkal Parmar, representing the property owner, Fucilla Los Altos LLC, submitted an application to relocate an existing historic structure to another location on the project site, and subdivide an existing 64,380 square foot lot into two lots with a flag lot configuration; and

WHEREAS, Section 14.06.030 of the Los Altos Municipal Code establishes a flag lot as a conditional use in the R1-10 zoning district, requiring a Conditional Use Permit to be approved by the Planning Commission to allow for the creation of a flag lot; and

WHEREAS, approving the Conditional Use Permit 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; and none of the circumstances described in CEQA Guidelines Section 15300.2 apply; and

WHEREAS, the project application was found to be consistent with all applicable provisions of the Los Altos Municipal Code and General Plan; 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, the Planning Commission held a duly noticed public hearing to consider the Conditional Use Permit on November 21, 2024 and considered the written record and all public comment; and

WHEREAS, the Los Altos City Council will consider the requested tentative parcel map to subdivide the lot at a duly noticed public hearing, and if the parcel map is not recorded prior to its expiration, this Conditional Use Permit will be null and void.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby approves Conditional Use Permit Application No. CUP24-0004 to allow the creation of a flag lot as part of a subdivision of an existing 64,380 square foot lot in accordance with Section 14.80.060 of the Municipal Code, based on the following findings attached hereto as "Exhibit A" and conditions of approval attached hereto as "Exhibit B" and incorporated by this reference..

EXHIBIT A

FINDINGS

With regard to the Conditional Use Permit to allow the creation of a flag lot as part of a subdivision of an existing 64,380 square foot lot at 1485 Fremont Avenue, the Planning Commission finds, in accordance with Section 14.80.060 of the Los Altos Municipal Code, that:

1. That the proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity, or welfare because the proposed flag lot is located in a single-family residential neighborhood with lots of similar sizes to the proposed lots, including flag lots, and subdivision of the lot is desirable for the public welfare because it will create an opportunity for infill development of additional single family residential unit(s); and
2. That the proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title because a flag lot is a conditionally permitted use in the R1-10 zoning district, the proposed flag lot will be harmonious among surrounding land uses, the flag lot will provide compliant frontage onto a public street to ensure a safe, functional traffic circulation system, and the flag lot will protect real property values in the City by allowing for the improvement of the subject property with single-family residential development that is compatible with the surrounding neighborhood; and
3. That the proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the new flag lot is located in a suburban context with access to existing services, including sewer, water, electricity, and public street circulation system; neither creation of the flag lot nor development thereon will result in adverse noise or traffic impacts to neighbors because any future development will be required to comply with applicable standards in the Los Altos Municipal Code and General Plan; and the site is, and will continue to be, served by the Los Altos Police Department and Santa Clara County Fire Department; and
4. That the proposed conditional use will comply with the regulations prescribed for the district in which the site is located and the general provisions of Chapter 14.02 because the proposed flag lot complies with all dimensional requirements for flag lots in the R1-10 zoning district and any future development on the lot will be required to comply with all applicable development standards; and
5. That the size of the proposed flag lot is sufficient to mitigate development impacts and is compatible with the existing lots in the immediate neighborhood, because the proposed flag lot is significantly larger than the minimum size for flag lots in the R1-10 district and is of comparable size to other lots in the vicinity, including other flag lots; and
6. That the proposed flag lot will not result in unreasonable noise impacts for neighbors adjoining the access corridor because the access corridor complies with the minimum width requirement for flag lot access corridors, the nearest house on the adjoining lot will be set back over 50 feet

from the access corridor, and use of the access corridor will be limited to providing vehicular access to one single-family property and will therefore create noise that is characteristic of a single-family neighborhood; and

7. That the proposed flag lot will not result in unreasonable privacy invasion or unreasonable massing as a result of building height because any future development on the flag lot will be required to comply with development standards, including height standards, of the underlying zone; and
8. That the proposed flag lot will not result in incompatible setbacks from neighboring properties because the proposed flag lot will be substantially larger than the minimum allowable size for flag lots, the access corridor will not be considered developable area any will need to be used for access only, and any future development on the lot will be required to comply with the setback requirements of the underlying zone; and
9. That the allowed floor area ratio in accordance with district regulations will not result in adverse impacts on neighboring properties because the lot will be substantially greater than the minimum size for flag lots in the R1-10 zoning district and of comparable size and similar configuration of other lots in the surrounding vicinity, the neighborhood features homes of varying sizes, and the floor area ratio requirements in the underlying zone will ensure that future development is of an appropriate size and scale when compared to neighboring homes; and
10. The Planning Commission finds 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, the land 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 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 DR24-0081, CUP24-0004, H24-0005, and TM24-0004, submitted on September 12, 2024, except as modified by these conditions as specified below.
- 2. Expiration:** This Permit is valid for a period of twenty-four months and will expire on November 21, 2026, unless prior to the date of expiration, the parcel map subdividing the lot is recorded, or an extension is granted pursuant to the procedures and timeline for extensions in the Zoning Code.
- 3. Recordation of Parcel Map:** If the parcel map subdividing the lot is not recorded prior to its expiration, this Conditional Use Permit shall be null and void.
- 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.