

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 34
CONDOMINIUM LOTS AND ONE COMMON LOT AT 4896 EL CAMINO REAL**

WHEREAS, the applicant, Doheny-Vidovich Partners, submitted an application for a Vesting Tentative Map (TM23-0003) to subdivide an existing 36,590 square foot lot into 34 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 November 21, 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 14, 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 the fourteenth day of January 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 Vesting Tentative Map (Application No. TM23-0003), 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:

- 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 Thoroughfare Commercial and allows for the subdivision for the creation of 34 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.

- 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 Thoroughfare Commercial and allows for the subdivision for the creation of 34 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.

- 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 Thoroughfare Commercial land use designations of the General Plan, complies with all applicable CT 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.

- 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 Thoroughfare Commercial land use designations of the General Plan, complies with all applicable CT 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.

- 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 dedicate an existing right-of-way access easement along Jordan Avenue to the public right-of-way and will not result in any further conflict with the existing access easement.

- H. 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 TM23-0003, except as modified by these conditions as specified below.
2. **Expiration:** This Permit is valid for a period of twenty-four months from the date of approval and will expire unless prior to the date of expiration, the Final Map is recorded, 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. Any work within El Camino Real will require the applicant to obtain an encroachment permit with Caltrans prior to commencement of work.
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. **Public Storm Drain Facilities:** The applicant shall abandon existing storm drainpipes.

9. **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.
10. **Sewer Lateral:** Any proposed new 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.
11. **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.
12. **Pollution Prevention:** The improvement plans shall include the “Blueprint for a Clean Bay” plan sheet in all plan submittals.
13. **Public Right of Way Dedication:** The applicant shall dedicate the Public Right of Way along Jordan Ave to make it a 50’ ROW street. Applicant shall submit documentation to the City for review and approval for the recordation of the public right of way to the City of Los Altos prior to Final Map Recordation.
14. **Subdivision Agreement:** The applicant shall sign and return the Subdivision Agreement to the City for records and recordation prior to Final Map Recordation.
15. **Affordable Housing Agreements:** All applicable affordable housing agreements including three moderate-income and two very-low-income below market rate ownership units for the project 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.
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. **Existing Storm Drain system:** The applicant shall cap the on-site SD system at the storm drain main and remove the on-site storm drain system entirely prior to issuance of building permit.
18. **Final 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.
19. **Performance Bond:** The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100-percent performance bond and 50-percent labor

and material bond (to be held 6 months until acceptance of improvements) for the public right-of-way work prior to issuance of building permit.

- 20. Stormwater Management Plan:** Prior to issuance of building permit, the applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated and is in compliance with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2022-0018 dated May 11, 2022. Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.
- 21. Storm Water Filtration Systems:** The applicant shall ensure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation prior to issuance of building permit.
- 22. Grading and Drainage Plan:** The design of drainage system and sewer lateral is not approved at this point, and it will be reviewed during the building permit phase. 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 issuance of building permit.
- 23. Sewage Capacity Study:** The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 8-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from the proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer prior to issuance of building permit.
- 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. A Transportation Permit, per the requirements 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 prior to issuance of building permit.
- 25. 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 issuance of building permit.
- 26. Solid Waste and Recyclables Disposal Plan:** The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type,

size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans prior to issuance of building permit.

27. **Sidewalk Lights:** The applicant shall maintain the existing light fixture and install new light fixture(s) in the Jordan Avenue sidewalk as directed by the City Engineer prior to issuance of building permit.
28. **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 building permit.
29. **Street Trees in Public Right-of-Way:** The applicant shall install new street trees along the frontage of Jordan Avenue and El Camino Real, from property line to property line, as extensively as possible and shall be shown on the building permit submittal plans.
30. **Existing Underground Vault:** The applicant shall relocate the existing underground utility vault at Jordan Avenue to prevent the conflict with the new sidewalk and curb and gutter prior to final occupancy.
31. **Condominium Map:** The applicant shall record the condominium map as required by the City Engineer prior to final occupancy.
32. **Sidewalk in Public Right-of-Way:** The applicant shall install new sidewalk, vertical curb and gutter from property line to property line along the frontage of El Camino Real and Jordan Ave as required by the City Engineer prior to final occupancy.
33. **Street Resurfacing:** The applicant is responsible to grind and overlay half of the street along the frontage of Jordan Ave as required by the City Engineer prior to final occupancy.
34. **Red Curb Striping:** The applicant shall install red curb on El Camino Real as directed by the City Engineer or his designee. Additionally, red curb striping shall be installed 50' north & south of the proposed garage driveway entrance on Jordan Avenue as required by the City Engineer prior to final occupancy.
35. **ADA Ramps:** The applicant shall install an ADA ramp at the Southwest corner of the intersection of El Camino Real and Jordan Ave with a new crosswalk crossing Jordan Avenue.

Two ADA ramps shall also be installed at each side of the new driveway approach prior to final occupancy.

- 36. Public Infrastructure Repairs:** 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 his designee prior to final occupancy. Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.
- 37. Storm Water Inlet:** The applicant shall label all new or existing public and private catch basin inlets which are on or directly adjacent to the site with the "NO DUMPING - FLOWS TO ADOBE CREEK" logo prior to final occupancy.
- 38. Maintenance Bond:** A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way prior to final occupancy.
- 39. SWMP Certification:** The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to the City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement prior to final occupancy.
- 40. Landscape and Irrigation Installation:** All on- and off-site landscaping and irrigation shall be installed and approved to the satisfaction of the Development Services Director and the City Engineer prior to final occupancy.