

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 1485 FREMONT AVENUE**

WHEREAS, the applicants, Jackie Terrell and Twinkal Parmar, representing the property owner, Fucilla Los Altos LLC, submitted an application for a Tentative Parcel Map (TM24-0004) to subdivide an existing 64,380 square foot lot into two lots with a flag lot configuration; 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 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 Tentative Parcel 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 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 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 Tentative Parcel Map (Application Number TM24-0004) 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 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.

- 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, including the density allowances in 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 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 parcel map shall be developed in substantial compliance with the design plans and support materials and technical reports approved as part of Los Altos planning application TM24-0004, 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, 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 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 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.
7. **Relocation Plan:** Prior to issuance of any building permit to allow for the garage/ADU structure to be relocated, the applicant shall submit to the Development Services Department a structure relocation plan which details the process, schedule, and methods for moving the historic structure. The plan shall also include details of how any necessary dismantling or damage to the structure will be resolved. The relocation plan shall be prepared by a

contractor or other qualified professional with experience relocating historic structures and shall be approved by the Development Services Director and Chief Building Official.

- 8. Relocation of Structure:** Prior to recordation of the parcel map, the building permit for the relocation of the structure shall be issued and the structure moved to the approved location.
- 9. Parcel 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.
- 10. 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.
- 11. Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
- 12. Americans with Disabilities Act:** All improvements shall comply with the latest version of Americans with Disabilities Act (ADA).
- 13. Sewer Lateral:** Any new proposed sewer lateral connection shall be approved by the City Engineer. One sanitary sewer connection per lot is required. New sanitary sewer laterals shall be installed and connected to the sanitary sewer main on Kathy Lane.
- 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.
- 15. 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.
- 16. 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.
- 17. Public Infrastructure Repairs:** The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks shall be removed and replaced as directed by the City Engineer or his designee prior to final occupancy.
- 18. Storm Water Filtration Systems:** Prior to the issuance of the building permit the applicant shall ensure the design of all storm water filtration systems and devices are without standing

water to avoid mosquito/insect infestation. Storm water filtration measures shall be installed separately for each lot. All storm water runoff shall be treated onsite. Discharging storm water runoff to neighboring properties or public right-of-way and connections to existing underground storm water mains shall not be allowed.