



**CONSENT CALENDAR**

**Agenda Item # 3**

**AGENDA REPORT SUMMARY**

**Meeting Date:** September 12, 2017

**Subject:** Two-Lot Subdivision at 160 West Portola Avenue

**Prepared by:** Sean K. Gallegos, Associate Planner

**Reviewed by:** Jon Biggs, Community Development Director

**Approved by:** Chris Jordan, City Manager

**Attachments:** (All attachments were previously distributed as part of September 12, 2017 meeting packet)

1. Planning and Transportation Commission Meeting Minutes, dated July 20, 2017
2. Planning and Transportation Commission Agenda Report, dated July 20, 2017
3. Project Plans and Tentative Map

**Initiated by:**

Applicant

**Previous Council Consideration:**

None

**Fiscal Impact:**

None

**Environmental Review:**

This project is exempt from environmental review pursuant to Section 15315 (Minor Land Divisions) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

**Policy Questions for Council Consideration:**

- Does the subdivision ensure an orderly and compatible development pattern and maintain a reasonable relationship to its surroundings?
- Does the subdivision provide for quality site planning and design?

**Summary:**

- The application includes a tentative map to subdivide the property into two conforming parcels, historic review for the Historic Resource structures – the main house and the water tower structures – located on the site, a daylight plane variance to preserve the main house, and a height variance to allow for the preservation of the historic water tower.
- On June 26, 2017, the Historical Commission reviewed the application and recommended approval.
- On July 20, 2017, the Planning and Transportation Commission reviewed the application and recommended approval.



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**Staff Recommendation:**

Move to approve the subdivision application 16-DL-01 (160 West Portola Avenue) subject to the recommended findings and conditions



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### **Purpose**

Review the subdivision proposal and reach a decision whether to approve the application, which includes a tentative map, variance and historic review, as recommended by Planning and Transportation Commission.

### **Background**

At its meeting of June 26, 2017, the Historical Commission held a public meeting to consider the tentative map, variance and historic review applications to alter and move the historic structures and to subdivide the property. After discussing the application, the Commission voted 5-0, with two commissioners absent, to recommend approval of the project. The meeting minutes and agenda report are included in the Planning and Transportation Commission staff report (Attachment 2).

At its meeting on July 20, 2017, the Planning and Transportation Commission held a public hearing to consider the application. The Commission discussed the subdivision and variance applications, and a majority expressed general support. A neighbor expressed his support for the subdivision, but noted concern with the relocation of the water tower and suggested greater setbacks to the side property line. Following the discussion, the Commission voted 6-0, with one commissioner absent, to recommend approval of the tentative map, variance and historic review with the following condition:

- Provide a 25-foot side yard setback for the water tower.

The Planning and Transportation Commission meeting minutes and agenda report are included as Attachments 1 and 2.

### **Discussion/Analysis**

This project includes a tentative map to subdivide the property into two lots, a historic review to relocate the water tower and alter the main house, which are designated Historic Resource structures, and variances to allow the existing water tower to maintain its height of 25 feet where the maximum allowable height is 18 feet for accessory structures and maintain the existing main house, which encroaches into the daylight plane. The division of land would create two interior lots that front on West Portola Avenue, with Lot 1 at 10,000 square feet in size and Lot 2 at 33,617 square feet in size. The historic water tower would be relocated to Lot 2.

The property is designated as a Single-Family, Small Lot land use on the General Plan Land Use Policy Map, which allows for a density of up to four dwelling units per net acre. The proposal creates two single-family lots, which fall within that allowed density range. The project conforms with all applicable goals, policies and programs in the Los Altos General Plan and the proposed lots meet the minimum lot size requirements, all site standards including width, depth and frontage, for the R1-10 District and all other applicable sections of the Zoning Code.



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With regard to historic preservation, the General Plan has two specific policies that pertain to the preservation of historic structures. The project conforms with the policies in the Community Design and Historic Resources Element by avoiding demolition of the historic water tower, which is proposed to be moved to Lot 2 to preserve the main house and water tower. As outlined in the attached Historical Commission agenda report, it is feasible to alter the main house and to move the water tower while maintaining their physical integrity and historic significance.

To address the Commission and neighborhood concern about the setback to the tank house, the plans have been updated to show a 31-foot setback to the two-story section of the water tower, which exceeds the 25-foot setback recommended by the commission.

### **Options**

- 1) Approve the subdivision application as recommended by the Planning and Transportation Commission and staff.

**Advantages:** The subdivision creates two new parcels that are orderly and compatible with the surrounding neighborhood and it preserves the two existing historic structures.

**Disadvantages:** None identified.

- 2) Deny the subdivision application.

**Advantages:** The existing parcel would remain unchanged.

**Disadvantages:** The City would lose the potential to subdivide into two conforming lots and the opportunity for two historic structures to be rehabilitated.

### **Recommendation**

The staff recommends Option 1.

## FINDINGS

16-DL-01 – 160 West Portola Avenue

With regard to the division of land application 16-DL-01, 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 consistent with all applicable goals, policies and objectives of the Los Altos General Plan, specifically, it is consistent with General Plan Housing Policy 1.4 in that it proposes a subdivision with an orderly and compatible development by creating two regular shaped lots; the proposed lots meet the minimum lot size requirements and all applicable site standards for the R1-10 District; the subdivision complies with policies in the Community Design and Historic Resources Element by maintaining the main house on Lot 2 and preserving and rehabilitating the historic water tower, which will be relocated to Lot 2;
2. The site is physically suitable for this type and density of development in that it is generally flat with minimal slope and located within a suburban context with access to all City services, including sewer, water, electricity and public streets, and the subdivision does not exceed the maximum density of four dwelling units per acre;
3. The design of the subdivision and the proposed improvements will not likely cause environmental damage, or avoidably injure fish or wildlife since there is not any identified sensitive habitat or other environmental resources in proximity to the project site;
4. The design of the subdivision will not likely cause serious public health problems since it is maintaining the existing single-family use on the site and developing at a density consistent with the surrounding neighborhood; and
5. The design of the subdivision will not conflict with access easements since there are not any existing access easements that are on or adjacent to the property.

## CONDITIONS

16-DL-01 – 160 West Portola Avenue

### **GENERAL**

1. **Approved Plans**

Project approval is based upon the tentative map and project plans received on August 28, 2017 except as may be modified by these conditions.

2. **Utilities**

The applicant shall coordinate the installation of all utilities with the appropriate providers.

3. **Public Right-of-Way**

All work within the public right of way shall be done in accordance with plans to be approved by the City Engineer.

4. **Maintenance Bond**

A one-year, ten percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

5. **Stormwater Management**

Any future development on the site shall comply with the New Development and Construction Best Management Practices and Urban Runoff Pollutions Prevention Program regulations, as adopted by the City for the purpose of preventing storm water pollution (i.e downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.). The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet as page 2 in all plan submittals.

6. **Protected Trees**

All existing trees on the site are protected and cannot be removed without a tree removal permit from the Community Development Director.

7. **Fence Removal**

All existing fencing within the West Portola Avenue public street right-of-way shall be removed.

8. **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.

### **PRIOR TO MAP RECORDATION**

9. **Relocate Water Tower**

The applicant shall obtain a building permit to remove or relocate the existing historic structures per the approved plans. This includes providing architectural details and exterior specifications for the main house, garage, shed and water tower for review by the Historical Commission, receiving design review approval and obtaining a building permit.

10. **Required Parking**

The applicant shall obtain a building permit to add one covered parking space on Parcel 2.

**11. Impact Fees**

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees and final map check fee plus deposit as required by the City of Los Altos Municipal Code.

**12. Public Right-of-Way Improvement**

The applicant shall submit a cost estimate for work in the public right-of-way and shall submit a 100 percent performance bond (to be held until acceptance of improvements) and a 50 percent labor and material bond (to be held six months after acceptance of the improvements) in an amount approved by the City Engineer.

**13. Utility Easement**

The applicant shall dedicate public utility easements as required by the utility companies to serve the both parcels.

**PRIOR TO ISSUANCE OF A BUILDING PERMIT**

**14. Parcel Map Recordation**

Prior to the issuance of a building permit for Lot 1, the applicant shall record the parcel map.

**15. Construction Activities**

Detailed plans for any construction activities affecting the public right-of-way, including but not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, shall be provided to the City Engineer for review and approval. The applicant shall also submit on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for approval by City staff.

**16. Truck Routing and Staging Plan**

A truck routing and staging plan for any proposed excavation of the site shall be submitted for review and approval by the City Engineer.

**17. Stormwater Management**

The project shall comply with the Stormwater Pollution Prevention Measures per Chapter 10.16 of the Los Altos Municipal Code.

**PRIOR TO FINAL INSPECTION**

**18. Underground Utility Location**

Show the location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches shall avoid the drip-lines of all protected trees unless approved by the project arborist and the Planning Division. The applicant shall be responsible for the removal/under grounding of the existing overhead utilities serving Lot 2.

**19. Storm Drain Modification**

The applicant shall modify the existing storm drain curb inlet at the northeast corner of the frontage if a new driveway approach is designed at the location.