



DISCUSSION ITEMS

Agenda Item # 13

AGENDA REPORT SUMMARY

Meeting Date: April 23, 2019

Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Prepared by: Zachary Dahl, Planning Services Manager (for Sean Gallegos)

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Resolution No. 2019-07
2. Applicant Cover Letter
3. City Council Meeting Minutes, March 26, 2019
4. City Council Agenda Report, March 26, 2019
5. Public correspondence
6. Updated Tentative Map

Initiated by:

Ying-Min Li, Applicant and Property Owner

Previous Council Consideration:

March 26, 2019

Fiscal Impact:

It is estimated that the project will pay \$77,500 to the City's Park in-Lieu fund and \$6,774.20 to the City's Traffic Impact Fee fund.

Environmental Review:

This project is categorically 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 proposed subdivision result in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings?
- Does the subdivision provide for quality site planning and design?

Summary:

- The application includes a tentative map to subdivide the property at 831 Arroyo Road into two conforming parcels – an interior lot and a corner lot

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

- On February 7, 2019, the Planning Commission reviewed the application and recommended approval to the City Council
- On March 26, 2019, the City Council reviewed the application and voted to continue it to the April 23, 2019 Council meeting with direction to review the covenants that encumbered the property, provide an additional map showing the placement of houses on adjacent properties and review the placement of the corner lot's new driveway

Recommendation:

The Planning Commission recommends adoption of Resolution No. 2019-07 to approve subdivision application 18-DL-01 subject to the listed findings and conditions



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Purpose

Review the application and reach a decision on whether to approve the tentative map for a two-lot subdivision.

Background

On March 26, 2019, the City Council held a public meeting to consider the application for a two-lot subdivision at 831 Arroyo Road. The applicant's representative, Rick Hartman, presented the application, and ten members of the public provided comments in opposition to the proposed subdivision. They expressed concerns that the new house would not adhere to the neighborhood's 40-foot setback line, that it would not be compatible with the existing Arroyo Road neighborhood context, that the proposed lot sizes were too small, and that there could be safety issues at the corner of Arroyo Road and Mountain View Avenue. Following the presentation and public comment, the Council discussed the application and voted unanimously to continue the item to the April 23, 2019 Council meeting to allow further staff review of potential covenants that encumbered the land, directed staff to provide an additional map clearly showing the adjacent property with accompanying structures, and directed staff to prepare a finding or condition of approval requiring safe egress of the parcels. The meeting minutes and agenda report from the March 26, 2019 meeting are attached for reference (Attachments 3 and 4).

Discussion/Analysis

Tentative Map Updates

In response to concerns raised at the Council meeting, the applicant updated the tentative map to include a provision that specifies that the 30-foot visibility triangle at the corner of Mountain View Avenue and Arroyo Road shall be maintained, that the new driveway for the corner lot shall be setback on Mountain View Avenue at least 25 feet from the edge of the 25-foot radius corner at the intersection and that the house on the corner lot shall face Arroyo Road and maintain a minimum setback of 25 feet from this property line (32 feet from the back edge of the curb). Staff has reviewed these provisions and determined that they are consistent with all applicable City requirements and policies, and will enhance sight visibility for vehicles and pedestrians at the corner. In addition, a neighborhood vicinity map that shows all properties and houses in the vicinity of the site has been included in the project plans. This vicinity map shows the building footprint and front yard setback for all surrounding properties on Arroyo Road and Mountain View Avenue. As shown on the map, and previously documented by staff, while a majority of the houses along Arroyo Road have a front yard setback of 40 feet or more, there are multiple properties with houses that have a front yard setback that ranges from 25 to 40 feet. A cover letter from the applicant that includes additional information about the application and how they have responded to the Council direction is included as Attachment 2.



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

To further ensure that the subdivision improves safety and visibility at the corner of Mountain View Avenue and Arroyo Road, and maintains an appropriate relationship within the Arroyo Road neighborhood context, the following condition (No. 2) has been included:

Corner Lot Requirements

The newly created corner lot (Parcel 2) shall adhere to the following requirements:

- a. The new house shall have a front elevation that faces Arroyo Road.
- b. The new house shall have a setback of at least 25 feet from the exterior side property line adjacent to Arroyo Road.
- c. The driveway for the new house shall have a setback of at least 25 feet from the from the edge of the 25-foot radius corner at the intersection with Arroyo Road.
- d. The 30-foot visibility triangle at the corner of Mountain View Avenue and Arroyo Road shall be maintained free and clear of all landscaping and built objects that exceed three feet in height.

Declaration of Restrictions

In response to concerns raised by neighbors that the 40-foot building setback line restriction was binding on all properties along Arroyo Road and needed to be enforced by the City, staff and the City Attorney re-reviewed the declaration of restrictions that contained this provision.

In May of 1927, the subdivision map of Montebello Acres, the original subdivision that created Arroyo Road, among other streets, was recorded with the County of Santa Clara. Subsequently, in June of 1945, Harry Hoefler, the owner of all of the properties along Arroyo Road, Raymundo Avenue and the south side of Rincon Avenue (now Vista Grande Avenue) recorded a declaration of restrictions against them. The restrictions, which were contained in Clause No. 1, are as follows:

- a) No dwelling house with a setback of less than 40 feet from-the street line shall be erected or maintained on the lots above described.
- b) No dwelling house or out-buildings or garages, shall be erected closer than 15 feet to the side lot line.
- c) No dwelling house or garage shall be constructed on any of the lots without first submitting the plans and specifications for said dwelling house or garage to Harry Hoefler, his heirs or assigns, and no dwelling or garage shall be constructed thereon without first obtaining the written consent of the above named persons.

In December of 1952, the City of Los Altos was incorporated, and the Montebello Acres neighborhood was included in that original annexation. Subsequently, in 1969, the City adopted its first comprehensive Zoning Ordinance, which included site standards and design review requirements for all properties in the City. Since its adoption, the City has adhered to the site standards, including setbacks, and design review requirements contained in the Zoning Ordinance, and considered the



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enforcement of covenants, conditions and restrictions (CC&Rs) as a civil matter between property owners and their respective Homeowners Association (HOA).

The City considers prevailing setback patterns in a neighborhood as one element in a project's neighborhood compatibility evaluation and works to ensure that those type of patterns are respected when appropriate, but these are different from a setback requirement, which requires strict adherence.

In addition to the 40-foot setback from the street, the declaration of restrictions also requires properties to provide a 15-foot side yard setback and obtain approval from Harry Hoefler, his heirs or assigns, before building a new structure. Staff has not found any evidence that either of these two restrictions has been enforced or adhered to since the 1969 Zoning Ordinance was adopted. In addition, there are multiple examples of legal structures along Arroyo Road that have setbacks of less than 40 feet.

The City Attorney's office has also opined that the restriction is a private restriction burdening and benefitting the property owners in the Montebello Acres subdivision. Because this is a private restriction, the City has no role in enforcing it as it derives no benefit from the restriction. Instead, the homeowners in the Montebello Acres subdivision that have properties that benefit from the restriction have enforcement authority.

Finally, it should be noted that there is nothing in the law prohibiting a city from establishing setbacks and other land use limitations distinct from the limitations contained in a private property restriction. To put another way, the City's Zoning Ordinance with its distinct land use limitations acts as the government regulatory layer for a property owner to comply or face a government enforcement action. In addition to the government regulatory layer, a property owner must also comply with any valid private restrictions that may burden the property.

In short, the City has no authority or role in enforcing a private restriction. A city can also establish limitations and standards in its zoning ordinance that may deviate from those set forth in a private property restriction.

Public Correspondence

Following the publication of the March 26, 2019 City Council meeting agenda, staff received numerous emails and comment letters from neighbors and residents, primarily in opposition to the proposed two-lot subdivision. All public correspondence received after March 18, 2019 are contained in Attachment 5.

Options

- 1) Adopt Resolution No. 2019-07 to approve the tentative map for a two-lot subdivision at 831 Arroyo Road



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Advantages: The subdivision would create two new parcels that meet all applicable site standards for the R1-10 District and maintain an orderly and compatible development pattern on Mountain View Avenue and Arroyo Road

Disadvantages: None identified

2) Direct staff to bring back a resolution denying the application based on specific negative findings

Advantages: The existing parcel would remain unchanged.

Disadvantages: The City would lose the potential to subdivide into two conforming lots and create two new single-family dwelling units.

Recommendation

The Planning Commission recommends Option 1.

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A TENTATIVE MAP FOR A TWO-LOT SUBDIVISION AT 831
ARROYO ROAD**

WHEREAS, the City of Los Altos received a subdivision application that includes a tentative map from Ying-Min Li for a two-lot subdivision, application 18-DL-01, referred herein as the “Project”; and

WHEREAS, the Project is categorically exempt from environmental review as a minor land division that involves the creation of four or fewer new parcels in accordance with Section 15315 of the California Environmental Quality Act of 1970 as amended (“CEQA”); 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 on the Project on February 7, 2019 and the City Council held a duly noticed public meetings on the Project on March 26, 2019 and April 23, 2019; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision was made are located in the Office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and conditions of approval attached hereto as Exhibit “A” 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 23rd day of April 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-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:

- A. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element Policy 1.5 and Infrastructure and Waste Disposal Element Policies 1.3 and 2.2 by creating two single-family lots, which fall within the allowed density range. The project conforms with all applicable goals, policies and programs in the Los Altos General Plan by maintaining a similar layout to two previously approved subdivisions along Mountain View Avenue to the north and maintaining a compatible and orderly development to the Montebello Acres subdivision. The new lots meet the R1-10 District's minimum lot size requirements of 10,000 square feet for an interior lot and 11,000 square feet for a corner lot. The new lots also meet all applicable site standards for the R1-10 District, including width, depth and frontage.
- B. The site is physically suitable for this type and density of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;
- C. 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 suburban context and is not in or adjacent to any sensitive habitat areas;
- D. The design of the subdivision will not cause serious public health problems because the site is located within a suburban context and has access to urban services including sewer and water; and
- E. The design of the subdivision will not conflict with access easements because there are no access easements associated with or encumbering this property.

CONDITIONS

GENERAL

1. **Approved Plans**

Project approval is based upon the tentative map dated **April 8, 2019**, except as may be modified by these conditions.

2. **Corner Lot Requirements**

The newly created corner lot (Parcel 2) shall adhere to the following requirements:

- a. The new house shall have a front elevation that faces Arroyo Road.
- b. The new house shall have a setback of at least 25 feet from the exterior side property line adjacent to Arroyo Road.
- c. The driveway for the new house, if placed along Mountain View Avenue, shall have a setback of at least 25 feet from the from the edge of the 25-foot radius corner at the intersection with Arroyo Road.
- d. The 30-foot visibility triangle at the corner of Mountain View Avenue and Arroyo Road shall be maintained free and clear of all landscaping and built objects that exceed three feet in height.

3. **Public Utilities**

The developer shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

4. **Protected Trees**

All existing trees on the site are protected as shown on the submitted plans and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.

5. **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.

6. **Stormwater Management Plan**

The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015. The improvement plan shall include the “Blueprint for a Clean Bay” plan sheet as page 2 in all plan submittals.

7. **Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer.

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. Demolition

The applicant shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property.

10. Payment of 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 map check fee plus deposit as required by the City of Los Altos Municipal Code.

11. Easement Dedication

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

12. Right-of-Way Dedication

The applicant shall dedicate an area of land having a 25-foot radius adjacent to the intersection at Arroyo Road and Mountain View Avenue to the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

13. Map Recordation

The applicant shall record the tentative map.

14. Construction Management Plan

Detailed plans for any construction activities affecting the public right-of-way include but are not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, and 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.

15. Routing and Staging Plan

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

16. Utility Plan

The applicant shall submit a utility plan which includes the location of the sanitary sewer laterals for each lot.

17. Stormwater Pollution Prevention

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

PRIOR TO OCCUPANCY

18. Curb and Gutter Replacement

The applicant shall remove and replace the concrete curb/gutter along the entire frontage per the City Engineer's instructions

19. Underground Utilities

The applicant shall be responsible for the removal/undergrounding of the existing overhead utilities.

Justification Letter

831 Arroyo Road

This is to provide additional information regarding the property subdivision at 831 Arroyo.

The neighbors have voiced their objection to the subdivision of this lot, so at the direction of the City Council, we have done more study on the history of the area and its subsequent development.

Montebello Acres was originally subdivided in 1927 to include Vista Grande (formerly Rincon), Raymundo, Arroyo and Mountain View Avenue. The original subdivision consisted mostly of large lots just under 1 acre (30,000sf) each.

In 1945 the subdivision was modified wherein all the 1 acre parcels were split into 2 parcels per acre, these parcels range from 15,000sf to 18,000 each (less than ½ acre). Lot 74 and 76 have now been split into 3 parcels.

Its interesting that the original lot 60, subject property, appears to be the only original Montebello Acres lot not subdivided.

We have been unable to locate a Record of Survey for the 1945 modification and it was at this time that a CC&R package was developed that was brought up by the neighbors at the last meeting. The most notable comment from this document is that new homes were to have a front setback of 40' to the "street line". We believe this line to be "edge of pavement". With the property line 10' away from the edge of pavement, a front building setback of 30' from the property line would result.

Because the area is zoned R1-10 with a 25' setback requirement, it appears that the majority of the newer homes in the neighborhood have been built with a 25' to 30' front building setback. The 2 homes directly across Arroyo from the subject property, both appear to have 25' front setbacks.

Attached is a Google Map with homes overlaid showing the measured front building setbacks.

Because the City does not enforce CC&Rs it is the responsibility of the neighborhood to enforce them as they see fit. CC&Rs that have not been adhered to for many years become unenforceable.

We believe, because there are a significant number of homes built at the City setback of 25', that the CC&R requirement of 30' is no longer enforceable for this project.

We have agreed with Staff to increase our side street setback from 20' to 25' to respect the front setback requirements of the other properties on Arroyo. We respectfully request to keep the front setback as it has been designed. This would leave room for better Architectural articulation in the design of the homes.

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MARCH 26, 2019,
BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, 1 NORTH SAN
ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Lee Eng, Vice Mayor Pepper, Councilmembers Bruins, Enander and Fligor

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Lee Eng led the Pledge of Allegiance to the flag.

CLOSED SESSION ANNOUNCEMENT

1. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – Three cases

Mayor Lee Eng announced that no action was taken during the closed session.

CHANGES TO THE ORDER OF THE AGENDA

The Council moved item number 3 to the end of the agenda and continued item number 8 to a future meeting.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided public comment: Los Altos residents Marianne Hawkes, Lili Najimi and Fred Haubensak, and Mila Zelkha and Kim Cranston.

CONSENT CALENDAR

Upon a motion by Vice Mayor Pepper, seconded by Councilmember Bruins, the Council unanimously approved the Consent Calendar, as follows:

1. Design Contract Amendment: Annual Storm Drain Improvements, Milverton Road, Project CD-01012: Authorized the City Manager to execute an amendment on behalf of the City with Schaaf & Wheeler Consulting Civil Engineers in the amount of \$16,870 to provide additional consulting services for survey, potholing, and design for the Annual Storm Drain Improvements, Milverton Road Drywells Project.
2. Ordinance No. 2019-455: Amending Los Altos Municipal Code 14.82.030 – Cultivation of Cannabis for Personal Use: Adopted Ordinance No. 2019-455 imposing stricter controls on the indoor cultivation of cannabis for personal use.

DISCUSSION ITEMS

4. Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road: The Planning Commission recommends adoption of Resolution No. 2019-07, approving subdivision application 18-DL-01 subject to the suggested findings and recommended conditions

Associate Planner Gallegos presented the report.

Rick Hartman, representing the applicant, presented the application.

Public Comment: The following individuals provided public comment: Los Altos residents Themis Demas, Christina Demas, Robert Schonhardt, Anita Siegel, Nancy Ellickson, Mike Look, Carol Stratford, Jason Gussman, Ron Ellickson and Linda Buiochi.

All Councilmembers disclosed ex parte communications with various residents near the project area.

Action: Upon a motion by Councilmember Enander, seconded by Vice Mayor Pepper, the Council unanimously continued consideration of Resolution No. 2019-07 to the April 23, 2019 Council meeting to allow further staff review of potential covenants encumbered on the land, directed staff to provide an additional map clearly showing the adjacent property with accompanying structures, and directed staff to prepare a condition of approval requiring safe egress of the parcels.

STUDY SESSION

3. Proposed FY 2020-24 Five-year Capital Improvement Plan: Receive a report on the City's Capital Improvement Program and provide direction as needed

The Council continued item number 3 to May 14, 2019.

Mayor Lee Eng recessed the meeting at 9:01 p.m. The meeting resumed at 9:11 p.m.

DISCUSSION ITEMS CONTINUED

5. Story Pole Policy Recommendation: Adopt the Planning Commission's recommended changes to the Story Pole Policy

Community Development Director Biggs presented the report.

Public Comment: The following individuals provided public comment: Alex Comsa, Mircea Voskerician, Jeff Potts and Los Altos resident Matt Hershenson.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Enander, the Council revised item 1 under "Materials and Methods" of the Story Pole Policy to indicate that netting or flagging may be used, by the following vote: AYES: Enander, Lee Eng and Pepper; NOES: Bruins and Fligor; ABSTAIN: None; ABSENT: None.

6. Story Pole Policy Exception Request for 425 First Street Development: Per the findings specified in Resolution No. 2019-08, staff recommends approval of this request

Planning Services Manager Dahl presented the report.

Jeff Potts, representing the applicant, presented the application.

Action: Upon a motion by Vice Mayor Pepper, seconded by Councilmember Enander, the Council unanimously adopted Resolution No. 2019-08 as revised to grant a partial story pole policy exception for the 425 First Street Development.

7. Housing Element Annual Report: Provide the public an opportunity to provide oral testimony or written comment and receive the status report

Community Development Director Biggs presented the report.

Public Comment: The following individuals provided public comments: Los Altos residents Sue Russell (representing League of Women Voters), Donna Poulos, Phan Truong, Matt Hershenson, Pierre Bedard and Patricia Evans, and Huascar Castro (representing SV@Home).

8. City Council 2019 Strategic Priorities: The City Council should review the attached draft document, amend it as necessary, and either adopt the list of Strategic Priorities or request additional changes

The Council continued item number 8 to a future meeting.

9. Discussion of Stanford University General Use Permit: The City Council shall consider the proposed General Use Permit and determine if it wants to provide comments to Santa Clara County

The Council continued item number 9 to a future meeting.

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

City Manager Jordan informed the Council that the next few Council meetings will be held in the Los Altos Youth Center, and of a water quality issue near Arboretum Drive and Sequoia Drive.

Councilmember Fligor reported that she attended her usual meetings and that the Main Library will be starting to offer passport services.

Councilmember Bruins announced the Silicon Valley Clean Energy Bike to the Future event on April 27, 2019 and that she attended the Winning the War for Talent talk on March 18, 2019.

Vice Mayor Pepper reported that she attended the March 14, 2019 Cities Association of Santa Clara County Board meeting, that she held Open Office Hours on March 17, 2019 and that she attended the March 19, 2019 North County Library Authority meeting.

Councilmember Enander reported that in addition to her regular Commission meetings she also attended a meeting held by State Senator Jerry Hill for elected officials and a meeting with Palo Alto Neighborhood Associations.

Mayor Lee Eng reported that she attended the League of California Cities Peninsula Division luncheon and the various meetings she is assigned to. She also reported she hosted a meeting with the Chairs of the various City Commissions.

ADJOURNMENT

Mayor Lee Eng adjourned the meeting at 11:43 p.m.

Lynette Lee Eng, MAYOR

Jon Maginot, CMC, CITY CLERK



DISCUSSION ITEM

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: March 26, 2019

Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Resolution No. 2019-07
2. Planning Commission Meeting Minutes dated February 7, 2019
3. Planning Commission Agenda Report dated February 7, 2019
4. Public Correspondence
5. Tentative Map

Initiated by:

Ying-Min Li, Applicant

Previous Council Consideration:

None

Fiscal Impact:

It is estimated that the project will pay \$77,500 to the City's Park in-Lieu fund and \$6,774.20 to the City's Traffic Impact Fee fund.

Environmental Review:

This project is categorically 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 proposed subdivision result in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings?
- Does the subdivision provide for quality site planning and design?

Summary:

- The application includes a tentative map to subdivide the property at 831 Arroyo Road into two conforming parcels – an interior lot and a corner lot

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

- The Planning Commission reviewed the application on February 7, 2019 and recommended approval to the City Council

Recommendation:

The Planning Commission recommended adoption of Resolution No. 2019-07 approving subdivision application 18-DL-01 subject to the suggested findings and recommended conditions



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Purpose

Review the subdivision proposal and determine whether to approve the application, which includes a tentative map.

Background

At its meeting on February 7, 2019, the Planning Commission held a public hearing to consider the application. The Commission discussed the subdivision application, and a majority expressed general support. Six neighbors spoke in opposition to the proposed subdivision, expressing concern that it would not result in a compatible development pattern within the existing neighborhood context on Arroyo Road, the proposed lot sizes were too small, and the potential orientation of future houses toward Mountain View Avenue would negatively impact the Arroyo Road neighborhood character. In addition to the public speakers, 20 comment letters were submitted to the City that raised similar concerns about the proposal. This correspondence, which was submitted after the Planning Commission agenda report was published, is included as Attachment 4.

After reviewing the public comments, both written and oral, the Commission discussed the proposed subdivision, with a focus on the General Plan Housing Element, Policy 1.5 that proposed that subdivisions shall result in an orderly and compatible development pattern. Overall, the Commission recognized the concerns raised by the neighborhood, but found that the subdivision was consistent with the General Plan and met all applicable site standards. Following the discussion, the Commission voted unanimously (6-0, with one commissioner absent) to recommend approval of the subdivision application to the City Council. To address the concerns related to compatibility with the Arroyo Road neighborhood, the recommendation included a condition that requires the new house on the corner lot (Parcel 2) to be designed to face Arroyo Road and have a 25-foot setback from Arroyo Road to be consistent with the front yard setback pattern on the street. The Planning Commission meeting minutes and agenda report are included as Attachments 2 and 3.

Discussion/Analysis

This project includes a tentative map to subdivide the property at 831 Arroyo Road, a corner lot that also has frontage on Mountain View Avenue, into two lots. The property was originally created as part of the Montebello Acres subdivision in 1927. The division of land would create two new parcels, an interior lot and a corner lot, with primary frontages on Mountain View Avenue. Parcel 1, the interior lot, would be 10,029 square feet in size, and Parcel 2, the corner lot, would be 13,404 square feet in size.

The property is designated as Single-Family, Medium 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 new lots meet the R1-10 District's minimum lot size requirements of 10,000 square feet for an interior lot and 11,000 square



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

feet for a corner lot. The new lots also meet all applicable site standards for the R1-10 District, including width, depth and frontage.

The residential properties on the eastern end of Arroyo Avenue and along Mountain View Avenue are diverse in their sizes and shapes, with lots ranging from 10,101 to 38,061 square feet in size. The subdivision is proposing a similar layout to two previously approved subdivisions along Mountain View Avenue to the north. The two-lot subdivision at the corner of Raymundo Avenue and Mountain View Avenue occurred in April 1962, and it created an interior lot of 10,454 square feet and a corner lot of 19,819 square feet. The two-lot subdivision at the corner of Vista Grande Avenue and Mountain View Avenue occurred in June 1981, and it created an interior lot of 10,101 square feet and a corner lot of 13,253 square feet. Therefore, the project complies with all applicable R1-10 District site development standards and conforms to the Housing Element policy related to subdivisions maintaining an orderly and compatible development pattern.

To address neighbor concerns about the subdivision creating a lot with a reduced exterior side yard setback of 20 feet along Arroyo Road, where all of the adjacent properties have front yard setback of at least 25 feet, a condition was added to increase this setback to be 25 feet. In addition, to ensure that the pattern of front yards along Arroyo Road is maintained, a condition was also added to require the new house on the corner lot to face Arroyo Road. The tentative map has been updated to show a 25-foot setback from Arroyo Road.

Options

- 1) Adopt Resolution No. 2019-07 as recommended by the Planning Commission

Advantages: The subdivision would create two new parcels that meet all applicable site standards for the R1-10 District and maintain an orderly and compatible development pattern on Mountain View Avenue and Arroyo Road

Disadvantages: None identified

- 2) Direct staff to bring back a resolution denying the application

Advantages: The existing parcel would remain unchanged

Disadvantages: The City would lose the potential to subdivide into two conforming lots and create two new single-family dwelling units



Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Recommendation

The Planning Commission recommends Option 1.

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A TENTATIVE MAP FOR A TWO-LOT SUBDIVISION AT 831
ARROYO ROAD**

WHEREAS, the City of Los Altos received a subdivision application that includes a tentative map from Ying-Min Li for a two-lot subdivision, application 18-DL-01, referred herein as the “Project”; and

WHEREAS, the Project is categorically exempt from environmental review as a minor land division that involves the creation of four or fewer new parcels in accordance with Section 15315 of the California Environmental Quality Act of 1970 as amended (“CEQA”); 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 on the Project on February 7, 2019 and the City Council held a duly noticed public meeting on the Project on March 26, 2019; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision was made are located in the Office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and conditions of approval attached hereto as Exhibit “A” 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 XX day of XX 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-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:

- A. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element Policy 1.5 and Infrastructure and Waste Disposal Element Policies 1.3 and 2.2 by creating two single-family lots, which fall within the allowed density range. The project conforms with all applicable goals, policies and programs in the Los Altos General Plan by maintaining a similar layout to two previously approved subdivisions along Mountain View Avenue to the north and maintaining a compatible and orderly development to the Montebello Acres subdivision. The new lots meet the R1-10 District's minimum lot size requirements of 10,000 square feet for an interior lot and 11,000 square feet for a corner lot. The new lots also meet all applicable site standards for the R1-10 District, including width, depth and frontage.
- B. The site is physically suitable for this type and density of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;
- C. 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 suburban context and is not in or adjacent to any sensitive habitat areas;
- D. The design of the subdivision will not cause serious public health problems because the site is located within a suburban context and has access to urban services including sewer and water; and
- E. The design of the subdivision will not conflict with access easements because there are no access easements associated with or encumbering this property.

CONDITIONS

GENERAL

1. **Approved Plans**

Project approval is based upon the tentative map dated February 25, 2019, except as may be modified by these conditions.

2. **Parcel 2 Setbacks and Orientation**

The new house on Parcel 2 shall be sited to face Arroyo Road and have a setback of at least 25 feet from the exterior side property line adjacent to Arroyo Road.

3. **Public Utilities**

The developer shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

4. **Protected Trees**

All existing trees on the site are protected as shown on the submitted plans and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.

5. **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.

6. **Stormwater Management Plan**

The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP) NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015. The improvement plan shall include the “Blueprint for a Clean Bay” plan sheet as page 2 in all plan submittals.

7. **Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer.

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. **Demolition**

The applicant shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property.

10. **Payment of 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 map check fee plus deposit as required by the City of Los Altos Municipal Code.

11. Easement Dedication

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

12. Right-of-Way Dedication

The applicant shall dedicate an area of land having a 25-foot radius adjacent to the intersection at Arroyo Road and Mountain View Avenue to the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

13. Map Recordation

The applicant shall record the tentative map.

14. Construction Management Plan

Detailed plans for any construction activities affecting the public right-of-way include but are not limited to excavations, pedestrian protection, material storage, earth retention, and construction vehicle parking, and 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.

15. Routing and Staging Plan

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

16. Utility Plan

The applicant shall submit a utility plan which includes the location of the sanitary sewer laterals for each lot.

17. Stormwater Pollution Prevention

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

PRIOR TO OCCUPANCY

18. Curb and Gutter Replacement

The applicant shall remove and replace the concrete curb/gutter along the entire frontage per the City Engineer's instructions

19. Underground Utilities

The applicant shall be responsible for the removal/undergrounding of the existing overhead utilities.

APPROVED

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS, HELD ON THURSDAY, FEBRUARY 7, 2019 BEGINNING AT 7:00 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

ESTABLISH QUORUM

PRESENT: Chair Samek, Vice-Chair Lee, Commissioners Ahi, Bodner, Meadows and Mosley
ABSENT: Commissioner Bressack
STAFF: Community Development Director Biggs, Planning Services Manager Dahl, Senior Planner Golden, Associate Planner Gallegos, and City Attorney Lee

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Los Altos Square resident Fred Haubensak spoke in support of the City developing an El Camino Real Specific Plan with a focus on mixed-use, limited development incentives for density bonus projects, and addressing privacy impacts from tall buildings on adjacent to residential uses.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. **Planning Commission Minutes**
Approve the minutes of the January 17, 2019 Regular Meeting.

Action: Upon motion by Commissioner Meadows, seconded by Commissioner Bodner, the Commission approved the minutes from the January 17, 2019 Regular Meeting as amended. The motion was approved (5-0-1) by the following vote:
AYES: Ahi, Bodner, Lee, Mosley and Meadows
NOES: None
ABSENT: Bressack
ABSTAIN: Samek

STUDY SESSION

2. **18-CA-03 – Paul Lovoi – Amendment to R3-4.5 Multiple-Family District**
Code Amendment to Chapter 14.16, R3-4.5 Multiple-Family District. *Project Planner: Golden*

Senior Planner Golden presented the staff report and answered questions.

Project applicant Paul Lovoi presented in support of the proposed amendments, noting he supports allowing two-story additions, rules to allow owners to modernize are needed and that he had received 21 letters of support and none in opposition.

Public Comment

Resident Eric Defriez, lives adjacent to the neighborhood, expressed concern about two-story development and traffic issues on Fallen Leaf Lane, amendments should limit development to one-story along R1 edge to the north.

Resident Teri Wiss, lives on Fallen Leaf Lane, expressed concern about density in the neighborhood and noted the General Plan has policies that preserve low density and privacy.

Resident Karl Hansen, lives behind the neighborhood, noted that the existing design character of the neighborhood should be preserved, concerned about making parking issues worse and significant grade differences.

Resident Nitin Panjwan, lives in neighborhood, expressed concern about the amendments making structures nonconforming, needs to be more data and a full survey should be done.

Resident Ed North, lives on Cynthia Way, expressed concern about the grade change, noting that two-story duplexes would significantly impact adjacent single-family properties.

Resident Michelle Machado, lives on Stevens Place, expressed concerns about allowing two-stories, allowing small family daycare uses and sought clarification on if net area include easements.

Commission Discussion

The Commission discussed the project and provided the following comments:

- Commissioner Meadows:
 - Any amendments should ensure that duplex designation is maintained;
 - Example site plans that show proposed setbacks should be provided; and
 - Reducing the setbacks but limiting structures to one-story may be appropriate.
- Commissioner Bodner:
 - The proposal addresses nonconforming structures;
 - Okay with two-stories, but let the owners self-determine;
 - Design review can address privacy concerns; and
 - Exhibits demonstrating site standards would be useful.
- Commissioner Ahi:
 - Functionally an R2 zone;
 - The main issues are height and density;
 - Okay with two-story height limit, a one-story limit should be driven by property owners (self-imposed); and
 - Further evaluate floor area and coverage at 35 or 40 percent.
- Vice-Chair Lee:
 - Wants a better sense of where the neighborhood stands on the proposal;
 - Better identify character of the neighborhood and if it should be maintained; and
 - Is generally okay with the draft amendments.
- Commissioner Mosley:
 - Okay with allowing two-stories along Homestead Road; and
 - Look further at other areas of neighborhood that are appropriate for two-stories.
- Chair Samek:
 - Requiring a full neighborhood survey would be very cumbersome;
 - Amendments would not result in all properties rebuilding;
 - Set reasonable standards;
 - Concerned about allowing two-stories;

- If property owners want a two-story height limit, they should speak-up as there does not currently appear to be much demand; and
- Clarified that two-stories additions do not add density.

PUBLIC HEARING

3. 18-DL-01 – Ying-Min Li – 831 Arroyo Road

Tentative map to subdivide a property into two lots in the R1-10 Zone District. The subdivision would create a 10,029 square-foot lot and a 13,404 square-foot lot. *Project Planner: Gallegos*

Associate Planner Gallegos presented the staff report recommending approval of subdivision application 18-DL-01 to the City Council, subject to the recommended findings and conditions.

Project architect, Rick Hartman, presented the project, clarifying that the exterior side yard setback will be 20 feet and that the goal is to have the house on the corner lot face Arroyo Road.

Public Comment

Resident Michael Look expressed opposition to the subdivision, noting that it would change the character of the neighborhood, but if approved, the new house should face Arroyo Road and no tall fences should be allowed along the exterior side.

Resident Emily Wu expressed opposition to the subdivision, noting that it will turn back on Arroyo Road; but if approved, the new house needs to face Arroyo Road.

Resident Therri Demas expressed opposition to the subdivision, noting that it would disrupt the character of the Arroyo Road neighborhood.

Resident Nancy Ellickson expressed opposition to the subdivision, noting that the average lot size is 18,300 square feet, the newly created lots would be too small, the subdivision would disrupt the character of the neighborhood, does not meet orderly and compatible development requirement, and not everyone in the subdivision received the public meeting notice.

Resident Susan Flesher expressed opposition to the subdivision, noting that the CC&R's require a 40-foot setback along Arroyo Road, the property owner should create an Accessory Dwelling Unit on the lot instead of doing the subdivision and that she did not receive the public meeting notice.

Resident Lauri Look expressed opposition to the subdivision, noting that the new house on the corner lot should face Arroyo Road and that she did not receive the public meeting notice.

Commission Discussion

Commissioner Meadows expressed concern about the proposed subdivision, noting that the proposal doesn't appear to achieve the General Plan's consistency requirement, it would disrupt the Arroyo Road neighborhood and requested additional lot size and setback information along Arroyo Road.

Commissioner Bodner expressed support for the proposal, noting that it is consistent with the General Plan, meets all the required findings and the new house on the corner lot should face Arroyo Road.

Commissioner Mosley expressed support for the proposal, noting that it is consistent with the lot pattern along Mountain View Avenue and that the new house on the corner lot should be compatible with Arroyo Road.

Commissioner Ahi expressed support for the proposal, noting that the subdivision follows all required site standards; understands concerns, but concerned about how a denial could be justified.

Vice-Chair Lee expressed support for the proposal, noting that the Mountain View corridor is more diverse than the other streets.

Chair Samek expressed support for the proposal, noting the project conforms with zoning and isn't seeking any variances, and there is no basis for denial.

Action: Upon motion by Commissioner Bodner, seconded by Vice-Chair Lee, the Commission recommended approval of subdivision application 18-DL-01 to the City Council, subject to the listed findings and conditions, with a friendly amendment by Commissioner Mosley to add the following additional condition:

- The new house on Parcel 2 shall be designed to face Arroyo Road and have a 25-foot setback.

The motion was approved (6-0) by the following vote:

AYES: Samek, Lee, Ahi, Bodner, Mosley and Meadows

NOES: None

ABSENT: Bressack

ABSTAIN: None

The Commission took a three-minute break.

DISCUSSION

4. Story-Pole Policy Regulations

Discussion of the Story-Pole Policy. *Project Manager: Biggs*

Community Development Director Biggs presented the staff report and materials.

Commissioner Mosley stated that she would like to see the use of pennant flags as an option.

Public Comment

Commercial property owner Mircea Voskerician provided feedback on his experience with story poles, noting that story poles for 5-6 story buildings are a risk, there are maintenance issues and asked if the Story Pole Policy is necessary given that 3D modeling can provide a very accurate representation of proposed projects.

Vice-Chair Lee noted that for tall story poles, there needs to be some kind of City sign-off approval of the support system such as there is for construction scaffolding.

Commissioner Ahi noted that the story pole policy needs a wholesale overhaul and that the orange netting should be replaced by flags.

Following the discussion, it was the consensus of the Commission to recommend to the City Council the following:

- A safe and effective modern alternative to the installation of story poles should be considered;
- That story poles be removed as soon as possible after the first public hearing on the project – with photos showing the story poles posted at the site; and
- That flagging be an acceptable alternative to the orange mesh netting.

COMMISSIONERS' REPORTS AND COMMENTS

None.

POTENTIAL FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Chair Samek adjourned the meeting at 10:28 P.M.

Jon Biggs
Community Development Director



PLANNING COMMISSION AGENDA REPORT

Meeting Date: February 7, 2019

Subject: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

Prepared by: Sean K. Gallegos, Associate Planner

Attachments:

- A. Draft Resolution
- B. Application
- C. Area, Vicinity and Notification Maps
- D. Arborist Report
- E. Tentative Map

Initiated by: Ying-Min Li, Applicant and Owner

Recommendation:

Recommend approval of the parcel map subdivision application 18-DL-01 to the City Council the findings and conditions contained in the draft Resolution

Environmental Review:

This project is categorically exempt from environmental review under Section 15315 of the California Environmental Quality Act 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.

Project Description:

The project would split the property into two new parcels including an interior lot and a corner lot. Parcel 1, an interior lot, would be 10,029 square feet in size; and Parcel 2, a corner lot, would be 13,404 square feet in size. The following table summarizes the project:

GENERAL PLAN DESIGNATIONS:	Single-Family, Medium Lot (SF-4) and Open Space (OS)
ZONING:	R1-10 (Single-Family)
LOT SIZE:	23,433 square feet

	PROPOSED	REQUIRED
PARCEL 1:		
Area	10,029 square feet	10,000 square feet
Width	84.8 feet	80 feet
Depth	119 feet	100 feet
PARCEL 2:		
Area	13,404 square feet	11,000 square feet
Width	90 feet	90 feet
Depth	149 feet	100 feet

Background

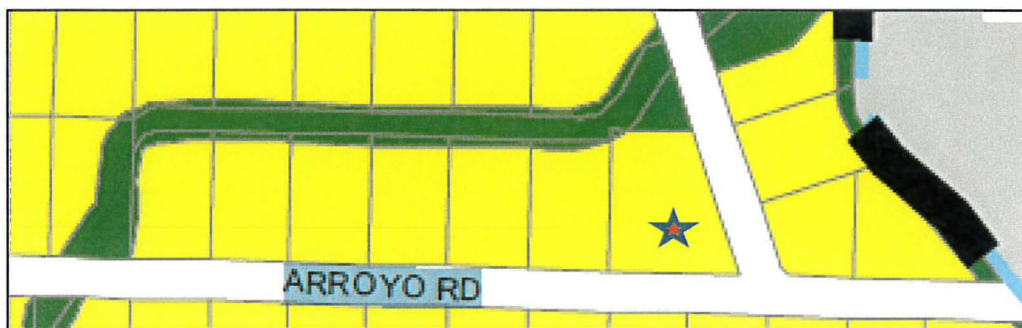
The subject property is located on the corner of Arroyo Road and Mountain View Avenue. The parcel was originally created as part of the Montebello Acres Subdivision recorded in May 1927, and the existing house was constructed in 1951. The structure is over 50 years in age but does not have the attributes to be considered a historic structure and it is not listed on the City’s Historic Resources Inventory. The rear of the property is adjacent to Hale Creek.

Discussion/Analysis

General Plan and Zoning Compliance

The subdivision conforms with all applicable goals, policies and programs in the Los Altos General Plan and complies with all applicable requirements in the City’s Zoning Ordinance. As indicated in Figure LU-1 (General Plan Land Use Policy Map) below and Table LU-1 in the Land Use Element, the site is designated as a Single-Family, Medium Lot land use, which allows for a density of up to four dwelling units per net acre. The proposal will be creating two, single-family lots, which fall within that allowed density range. The northwest corner of the site is designated with an Other Open Space (OS) designation on the General Plan Land Use Policy Map due to being immediately adjacent to Hale Creek. The Open Space land use area is located within the 25-foot required rear yard setback, and it does not diminish the development potential of the subject site since no portion of the culverted creek or Creekside vegetation is located on the property.

Figure 1: Land Use Designations



■ Single-Family, Medium Density (4 du/acre) ■ Other Open Space (OS)

In addition to the Land Use Element, the Housing Element and Infrastructure and Waste Disposal Element have specific policies that pertain to residential subdivisions:

- The City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings; provides for quality site planning and design; and provides for quality structural design. (Housing Element, Policy 1.5);
- Review development proposals to determine whether adequate water pressure exists for existing and new development. (Infrastructure and Waste Disposal Element, Policy 1.3); and
- Review development proposals to ensure that if a project is approved, adequate sewage collection and treatment capacity is available to support such proposals. (Infrastructure and Waste Disposal Element, Policy 2.2).

The proposed subdivision is seeking to create two lots, an interior lot and a corner lot, that will have frontage on Mountain View Avenue. The proposed lots meet the minimum lot size requirements and all applicable site development standards such as width, depth and frontage for the R1-10 District. Parcel 1 has a minimum frontage of 80 feet and Parcel 2 has a minimum lot frontage of 90 feet. The residential properties in this area are diverse in their shapes and range from 16,000 to 23,433 square feet in size. Therefore, the project complies with all applicable R1-10 District site development standards and conforms to the Housing Element policy related to subdivisions maintaining an orderly and compatible development pattern.

No portion of the property is located within a Special Flood Hazard Area (i.e. 100-year flood zone) as shown on the Flood Insurance Rate Map published by the Federal Emergency Management Agency (FEMA). Therefore, the property is not subject to meeting the standards in Chapter 12.60 Flood Hazard Area Regulations.

The Santa Clara County Fire District and California Water Service Company, the City's water provider, have confirmed that adequate water pressure exists in this area to serve the subdivision. The Public Works Department has confirmed that adequate sewage collection and treatment capacity is available to support the subdivision. Therefore, the project conforms to the Infrastructure and Waste Disposal Element policies related to new development.

Subdivision Findings

The State's Subdivision Map Act requires several general findings in order to approve a subdivision. First, the subdivision must conform to the City's General Plan. The property is designated with a Single-Family, Medium 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 proposed two-lot subdivision is within that allowed density range.

Second, the subdivision design and the proposed improvements should not cause substantial environmental damage, substantially injure fish or wildlife, or cause serious public health problems. The site is generally flat with minimal slope and located within a suburban context with access to existing services, including sewer, water, electricity and street circulation system. It is served by the Los Altos Police Department and Santa Clara County Fire Department. There are not any significant negative environmental or public health impacts associated with the subdivision and it is categorically

Subject: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

exempt from further environmental review under the California Environmental Quality Act because it is considered a minor land division.

Third, the subdivision cannot conflict with any access easements. There are not any existing access easements associated with the property. Therefore, the proposed subdivision will not conflict with any known access easements.

Existing Trees and Other Site Conditions

The property includes 19 trees on site and three trees in the Arroyo Road right-of-way along the property frontage. An arborist report that evaluated all 22 trees is included as Attachment D. As noted in the report, the arborist recommends the removal of a magnolia tree (No. 1), a cherry tree (No. 13), an apricot tree (No. 15), a privet tree (No. 19), a pepper tree (No. 21) and an olive tree (No. 22) due to being dead. Since the City places a priority on preserving mature trees and such trees can also provide privacy and value to the neighborhood, staff has included Condition No. 4 to protect the remaining trees on the property so that they can be considered when the new single-family houses on each lot are proposed.

Public Notification

A public hearing notice was published in the *Town Crier*, a public meeting notice was posted on the property and mailed to all property owners within 500 feet of the property. The mailed notices included 90 property owners.

Options

The Planning Commission can recommend approval, approval with modifications, or denial of the subdivision. Staff recommends approval due to the project conforming with all applicable goals, policies and programs in the Los Altos General Plan and the City's Zoning Ordinance. Once the Planning Commission makes a recommendation, this application will be forwarded to the City Council for consideration.

FINDINGS

18-DL-01, 831 Arroyo Road

With regard to division of land application 18-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:

- A. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element and Infrastructure and Waste Disposal Element;
- B. The site is physically suitable for this type and density of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;
- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife because the site is located within a developed suburban context;
- D. The design of the subdivision is not likely to cause serious public health problems because the site is located within a suburban context and has access to urban services including sewer and water; and
- E. The design of the subdivision will not conflict with access easements because there are no access easements associated with or encumbering this property.

CONDITIONS

18-DL-01, 831 Arroyo Road

GENERAL

1. **Approved Plans**

Project approval is based upon the tentative map dated January 14, 2019 except as may be modified by these conditions.

2. **Public Utilities**

The developer shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

3. **Protected Trees**

All existing trees on the site are protected as shown on the submitted plans and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.

4. **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.

5. **Stormwater Management Plan**

The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015. The improvement plan shall include the “Blueprint for a Clean Bay” plan sheet as page 2 in all plan submittals.

6. **Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer.

7. **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

8. **Demolition**

The applicant shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property.

9. **Payment of 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 map check fee plus deposit as required by the City of Los Altos Municipal Code.

10. **Easement Dedication**

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

11. Right of Way Dedication

The applicant shall dedicate a 25-foot radius of the intersection at Arroyo Road and Mountain View Avenue to the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

12. Map Recordation

The applicant shall record the parcel map.

13. Construction Management Plan

Detailed plans for any construction activities affecting the public right-of-way include 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.

14. Routing and Staging Plan

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

15. Utility Plan

The applicant shall submit a utility plan which includes the location of the sanitary sewer laterals for each lot.

16. Stormwater Pollution Prevention

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

PRIOR TO OCCUPANCY

17. Curb and Gutter Replacement

The applicant shall remove and replace the concrete curb/gutter along the entire frontage per the City Engineer's instructions

18. Underground Utilities

The applicant shall be responsible for the removal/undergrounding of the existing overhead utilities.

ATTACHMENT A

RESOLUTION NO. 2018-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A PARCEL MAP FOR A TWO-LOT SUBDIVISION AT 831
ARROYO ROAD**

WHEREAS, the City of Los Altos received a subdivision application that includes a parcel map from Ying-Min Li for a two-lot subdivision, application 18-DL-01, referred herein as the “Project”; and

WHEREAS, the Project is categorically exempt from environmental review as a minor land division that involves the creation of four or fewer new parcels in accordance with Section 15315 of the California Environmental Quality Act of 1970 as amended (“CEQA”); 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 on the Project on February 7, 2019 and the City Council held a duly noticed public meeting on the Project on ____,2019; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter.

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council’s decision was made are located in the Office of City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and conditions of approval attached hereto as Exhibit “A” 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 XX day of XX 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-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:

- A. The proposed subdivision is in conformance with the Los Altos General Plan, including specifically applicable policies contained in the Housing Element and Infrastructure and Waste Disposal Element;
- B. The site is physically suitable for this type and density of development because it is in conformance with the Single-Family, Medium Lot and Other Open Space land use designations of the General Plan, has a density that does not exceed four dwelling units per acre and complies with all applicable R1-10 District site development standards;
- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife because the site is located within a developed suburban context;
- D. The design of the subdivision is not likely to cause serious public health problems because the site is located within a suburban context and has access to urban services including sewer and water; and
- E. The design of the subdivision will not conflict with access easements because there are no access easements associated with or encumbering this property.

CONDITIONS

GENERAL

1. **Approved Plans**
Project approval is based upon the tentative map dated January 14, 2019 except as may be modified by these conditions.
2. **Public Utilities**
The developer shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.
3. **Protected Trees**
All existing trees on the site are protected as shown on the submitted plans and shall not be removed unless approved by the City during any subsequent development review or tree removal permit application.
4. **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.
5. **Stormwater Management Plan**
The project shall comply with the City of Los Altos Municipal Regional Stormwater (MRP)NPDES Permit No. CA S612008, Order No. R2-2015-0049 dated November 19, 2015. The improvement plan shall include the “Blueprint for a Clean Bay” plan sheet as page 2 in all plan submittals.
6. **Sewer Lateral**
Any proposed sewer lateral connection shall be approved by the City Engineer.
7. **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

8. **Demolition**
The applicant shall obtain and final a demolition permit from the Building Division to remove all existing structures on the property.
9. **Payment of 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 map check fee plus deposit as required by the City of Los Altos Municipal Code.
10. **Easement Dedication**
The applicant shall dedicate public utility easements as required by the utility companies to serve both parcels.

11. Right of Way Dedication

The applicant shall dedicate a 25-foot radius of the intersection at Arroyo Road and Mountain View Avenue to the public right-of-way.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

12. Map Recordation

The applicant shall record the parcel map.

13. Construction Management Plan

Detailed plans for any construction activities affecting the public right-of-way include 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.

14. Routing and Staging Plan

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

15. Utility Plan

The applicant shall submit a utility plan which includes the location of the sanitary sewer laterals for each lot.

16. Stormwater Pollution Prevention

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

PRIOR TO OCCUPANCY

17. Curb and Gutter Replacement

The applicant shall remove and replace the concrete curb/gutter along the entire frontage per the City Engineer's instructions

18. Underground Utilities

The applicant shall be responsible for the removal/undergrounding of the existing overhead utilities.

ATTACHMENT B



CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: *(Check all boxes that apply)*

Permit # 1108572

<input type="checkbox"/> One-Story Design Review	<input type="checkbox"/> Commercial/Multi-Family	<input type="checkbox"/> Environmental Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance	<input type="checkbox"/> Use Permit	<input type="checkbox"/> R1-S Overlay
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Tenant Improvement	<input type="checkbox"/> General Plan/Code Amendment
<input checked="" type="checkbox"/> Tentative Map/Division of Land	<input type="checkbox"/> Sidewalk Display Permit	<input type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Other:

Project Address/Location: 831 Arroyo Rd.

Project Proposal/Use: SFR Current Use of Property: SFR

Assessor Parcel Number(s): 189-29-020 Site Area: 23,433 sq ft

New Sq. Ft.: n/a Altered/Rebuilt Sq. Ft.: n/a Existing Sq. Ft. to Remain: n/a

Total Existing Sq. Ft.: n/a Total Proposed Sq. Ft. (including basement): n/a

Is the site fully accessible for City Staff inspection? _____

Applicant's Name: Ying-Min Li

Telephone No.: 408/896-3369 Email Address: YingMinLi@hotmail.com

Mailing Address: 577 Salmar Ave, Suite 107

City/State/Zip Code: Campbell, CA 95008

Property Owner's Name: Goldsilver island Homes, LLC

Telephone No.: 408-896-3369 Email Address: Yingminli@hotmail.com

Mailing Address: 577 Salmar Ave, Suite 107

City/State/Zip Code: Campbell, CA 95008

Architect/Designer's Name: RW Engineering

Telephone No.: 408-262-1899 Email Address: rwengineering@gmail.com

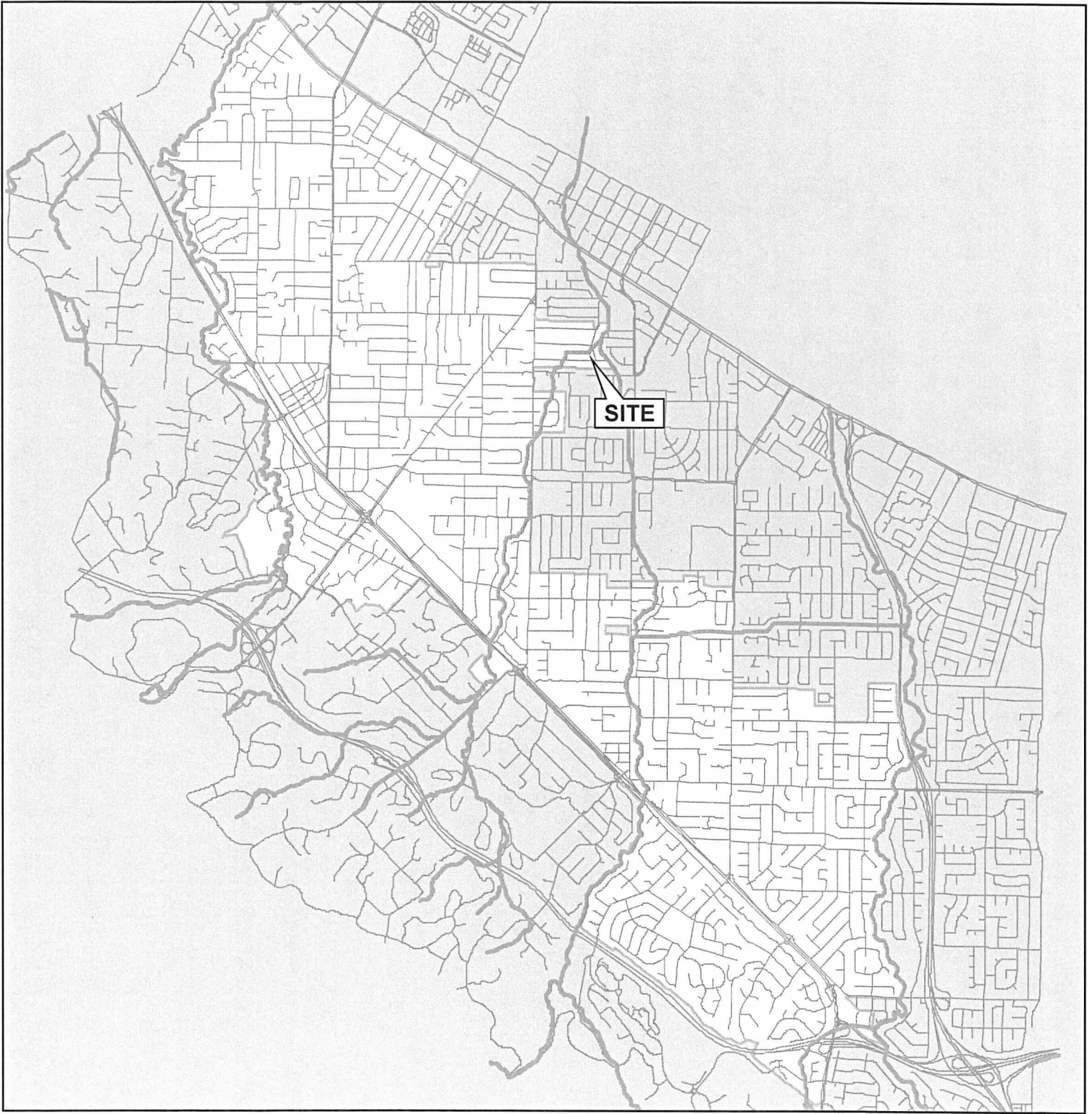
Mailing Address: 505 Altamont Dr.

City/State/Zip Code: Milpitas, CA 95035

** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. **

(continued on back)

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 18-DL-01
APPLICANT: Ying-Min Li/ Goldsilverisland Homes, LLC
SITE ADDRESS: 831 Arroyo Road



Not to Scale

VICINITY MAP



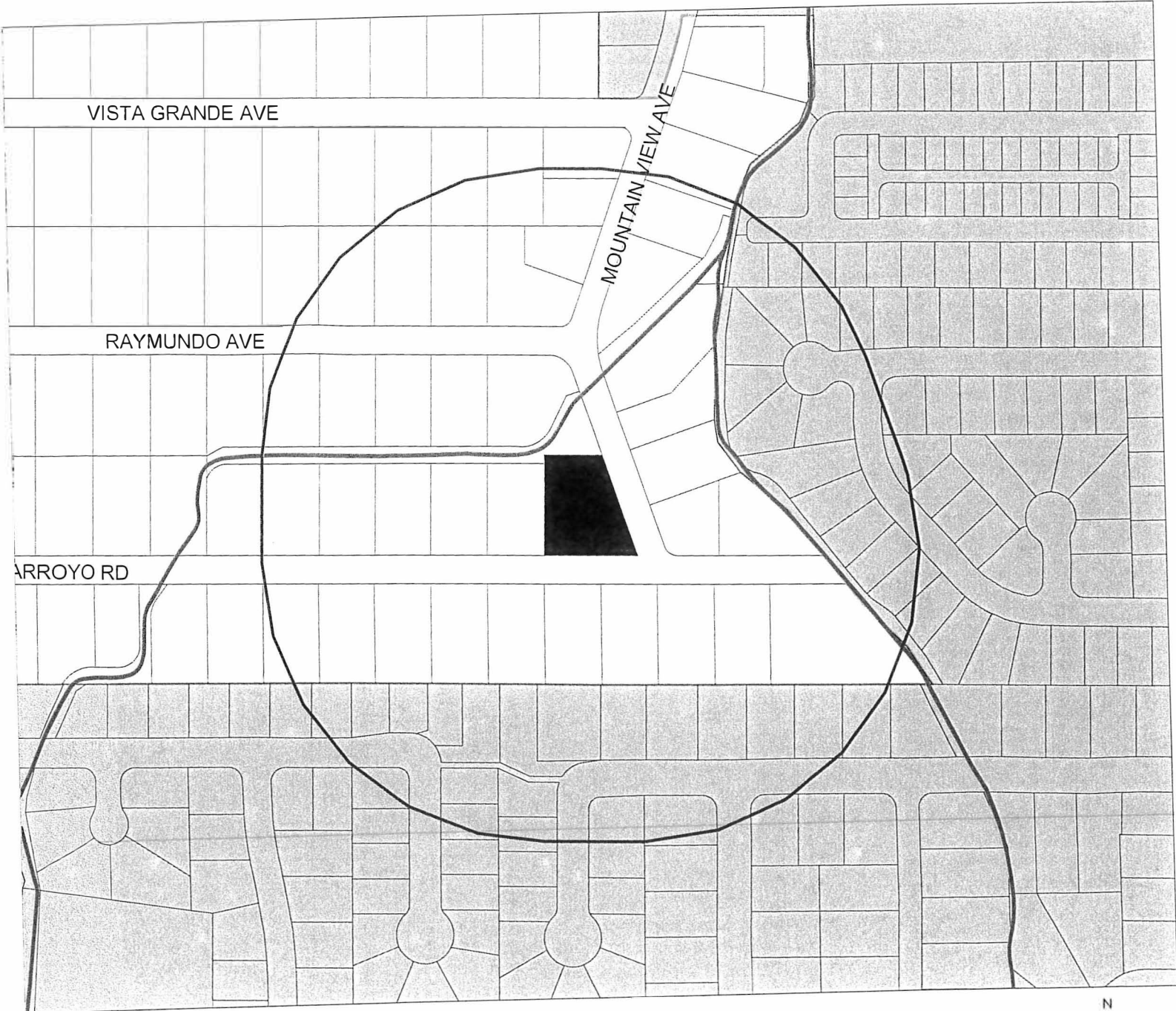
SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 18-DL-01
APPLICANT: Ying-Min Li/ Goldsilverisland Homes, LLC
SITE ADDRESS: 831 Arroyo Road

831 Arroyo Road 500-foot Notification Map



SCALE 1 : 3,000



ATTACHMENT D

Tree Assessment

Site Development at 831 Arroyo Los Altos, CA

Prepared for:

Goldsilverisland Homes, LLC
Attn: Mr. Ying-Min Li
577 Salmar Ave, Ste 107
Campbell, ca 95088

Prepared by:

Kielty Arborist Services
P.O. Box 6187
San Mateo, CA 94403

December 13, 2018

Tree Report

831 Arroyo
Los Altos, CA

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Kielty Arborist Services LLC

Certified Arborist WE#0476A

P.O. Box 6187

San Mateo, CA 94403

650-515-9783

October 10, 2018 revised December 13, 2018

Goldsilverisland Homes, LLC

Attn: Mr. Ying-Min Li

577 Salmar Ave, Ste 107

Campbell, ca 95088

Site: 831 Arroyo, Los Altos, CA

Dear Mr. Ying-Min Li,

As requested on Monday, October 1, 2018, I visited the above site to inspect and comment on the trees. A new home is planned for the site and your concern as to the future health and safety of the trees has prompted this visit.

Method:

All inspections were made from the ground; the tree was not climbed for this inspection. The tree in question was located on a map provided by you. The tree was then measured for diameter at 54 inches above ground level (DBH or diameter at breast height). Multi leader trees were measured below the crotch or the leaders were measured and added together. The tree was given a condition rating for form and vitality. The trees' condition rating is based on 50 percent vitality and 50 percent form, using the following scale.

1	-	29	Very Poor = F
30	-	49	Poor =D
50	-	69	Fair =C
70	-	89	Good =B
90	-	100	Excellent =A

The height of the tree was measured using a Nikon Forestry 550 Hypsometer. The spread was paced off. Comments and recommendations for future maintenance are provided.

Site Conditions:

The site has a mature landscape that at one time consisted of are varieties of native and non-native trees (exotics). Fruit trees on the site have not been maintained for some time and are dead or in decline. The remaining trees on site have not been maintained for some time including irrigation which is consistent with many maturing landscapes in the area. The majority of the protected trees are on the perimeter of the site ideal for construction. All of the trees on site is part of the landscape with no native stands of trees. The native oaks were planted or grew from seed after the installation of the landscape.

831 Arroyo/10/10/18

(2)

Survey:

Tree#	Species	DBH	CON	HT/SP	Comments
1R	Southern magnolia (<i>Magnolia grandiflora</i>)	7.5	0/F	20/15	Dead.
2P	Southern magnolia (<i>Magnolia grandiflora</i>)	9.8	35/D	20/20	Poor vigor, poor form, in decline.
3P	Southern magnolia (<i>Magnolia grandiflora</i>)	13.7	45/D	30/25	Poor-fair vigor, fair form, in decline.
4P	Coast live oak (<i>Quercus agrifolia</i>)	14.3	60/C	30/35	Good vigor, fair form.
5HP	Almond (<i>Prunus dulcis</i>)	28	45/D	25/40	Fair vigor, poor form, twisted trunks.
6P	Coast live oak (<i>Quercus agrifolia</i>)	10.3	50/C	30/25	Fair vigor, poor form, codominant at 15 feet.
7HP	Valley oak (<i>Quercus lobata</i>)	19.6	65/C	35/30	Fair vigor, fair form, codominant at 8 feet.
8HP	Date palm (<i>Phoenix dactylifera</i>)	28	60/C	30/30	Fair vigor, fair form, not well maintained, poor location close to house.
9P	Loquat (<i>Eriobotrya japonica</i>)	14.1	50/C	30/30	Fair vigor, poor form, codominant at 2 feet.
10P	Apricot (<i>Prunus armeniaca</i>)	9.9	55/C	20/20	Fair vigor, poor form, codominant at 2 feet.
11P	Buckeye (<i>Aesculus californica</i>)	11.8	55/C	25/25	Good vigor, fair form, multi leader at 5 feet.
12HP	Chestnut (<i>Castanea dentata</i>)	30est	50/C	35/30	Fair vigor, poor form, multi leader.
13R	Cherry (<i>Prunus serrulata</i>)	14	0/F	20/20	Dead
14P	Plum (<i>Prunus spp</i>)	14.3	20/F	10/15	Poor vigor, poor form, decay in trunk.

831 Arroyo/10/10/18

(3)

Tree#	Species	DBH	CON	HT/SP	Comments
15R	Apricot (<i>Prunus armeniaca</i>)	14.2	0/F	20/25	Dead.
16P	English walnut (<i>Juglans regia</i>)	12.8	40/D	30/30	Poor-fair vigor, poor form topped.
17P	Valley oak (<i>Quercus lobata</i>)	8.1	50/C	30/25	Good vigor, poor-fair form, suppressed.
18HP	Monterey pine (<i>Pinus radiata</i>)	23.1	45/D	45/40	Fair vigor, poor form, suppressed.
19R	Privet (<i>Ligustrum japonicum</i>)	8x3"	0/F	30/30	Dead.
20R	Pepper (<i>Schinus mole</i>)	30est	0/F	30/30	Dead.
21R	Plum (<i>Prunus spp</i>)	7.8	0/F	25/20	Dead.
22P	Olive (<i>Olea europaea</i>)	6.7	35/D	20/20	Fair vigor, poor form, suppressed.

H indicates Heritage tree, P indicates tree will be protected, R indicates removal planned.

Summary:

The trees on site are a mix of native oaks, a buckeye and several species of imported trees. The oaks are in fair condition and could be retained. The buckeye is poorly located and will be removed. The fruit trees are in poor condition and are dead or in decline. Remove the fruit trees at the time of demolition. The large American chestnut is a rare tree in the area. The chestnut has very poor form and is poorly located and should be removed. The pine has bark beetle and will soon decline and die removal of the pine is strongly recommended.

Removal of the trees should be carried out during the non-nesting season or should be inspected for nesting birds or other animals.

The information included in this report is believed to be true and based on sound arboricultural principle and practices.

Sincerely,

Kevin Kielty
Certified Arborist WE0476A

Glossary

Adventitious	Arising from parts of the root or stem and having no connection to apical meristems
Air Excavator	A device that directs a jet of highly compressed air to excavate soil.
ANSI	An acronym for American National Standards Institute.
ANSI A300	In the United States, industry developed national consensus standards of practice for tree care.
Bifurcation	A natural division of branch or stem into two or more stems or parts.
Branch union	A point where a branch originates from the trunk or another branch. Fork. Crotch.
Brown rot	A fungal wood rot characterized by the breakdown of cellulose.
Buttress roots	Roots at the trunk base that help support the tree and equalize mechanical stress
Butt rot	Decay of the lower trunk, trunk flare or buttress roots.
Cabling	Installation of steel or synthetic cable in a tree to provide supplemental support to weak branches or crotches.
Canker	A dead, discolored, often sunken area (lesion) on a branch, root, stem or trunk.
Canopy	The part of the crown composed of leaves and small twigs.
Cavity	Open or closed hollow within a tree stem, usually associated with decay.
Compartmentalize	Natural defense process in trees which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms.
Decay	An area of wood that is undergoing decomposition.
Epicormic shoot	Shoot arising from latent or adventitious bud (growth point).
Eradicate	Total removal of a species from a particular area. May refer to pathogens, insects, pests or unwanted plants.

Hypoxylon	Black hemispherical fruiting bodies that develop on the surface of dead bark or wood. The fungus causes a white rot of the sap wood of living trees and dead wood.
Included bark	Bark that becomes embedded in a crotch between branch and trunk or between codominant stems. Causes weak structure.
Infectious	Capable of being spread to plants from other plants or organisms.
Lateral	Secondary or subordinate branch or root.
Live crown ratio	Ratio of the height of the crown containing live foliage to the overall height of the tree.
Mycelium	Vegetative body of a fungus.
Watersprout	Upright, epicormic shoot arising from the trunk or branches of a plant above the root graft or soil line.

References

- (1) Harris, Richard W, Clark, James R, Matheny, Nelda P Arboriculture, Third Edition Prentice Hall 1999.
- (2) Matheny, Nelda P, Clark, James R Evaluation Of Hazard Trees In Urban Areas Second Edition International Society of Arboriculture 1994
- (3) Dreistadt, Steve H., Pests of Landscape Trees and Shrubs, An Intergrated Pest Management Guide, Second Edition. Agriculture and Natural Resources Publication 3359, 2004.
- (4) International Society of Arboriculture, Glossary of Arboricultural Terms. 2006
- (5) Ronald M. Lanner Conifers of California Columbia Press 1999

Kielty Arborist Services

P.O. Box 6187
San Mateo, CA 94403
650-515-9783

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

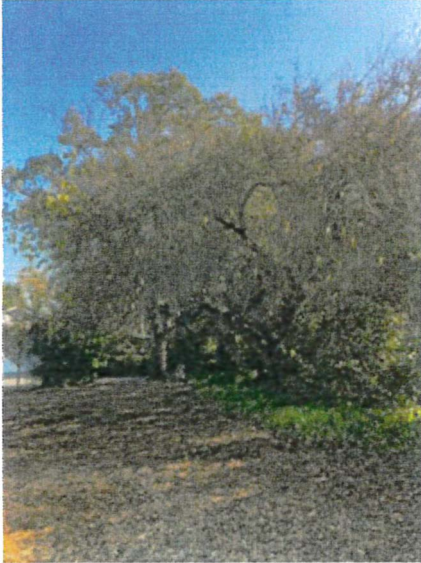
Arborist: _____
Kevin R. Kielty

Date: December 17, 2018

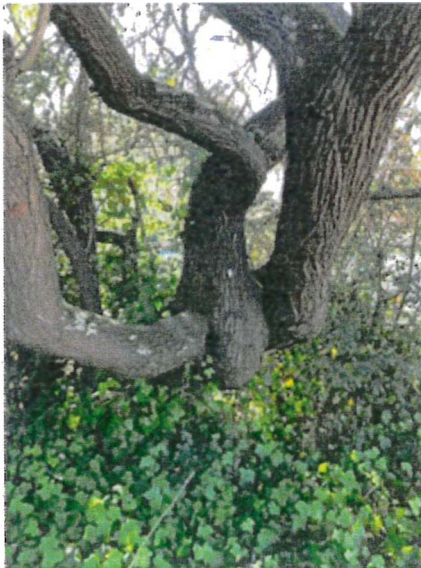
831 Arroyo/12/18/18

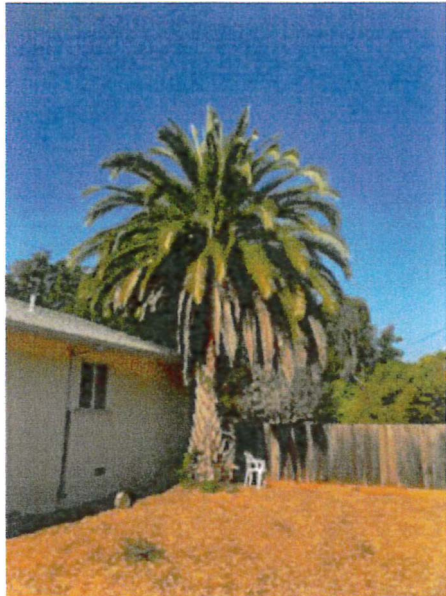
(7)

Photo Documentation of poor form Heritage trees:



Almond tree #5 with a severe lean encroaches into the property. The poor form from the leaning trunks and severely included bark makes the tree a hazard (below).





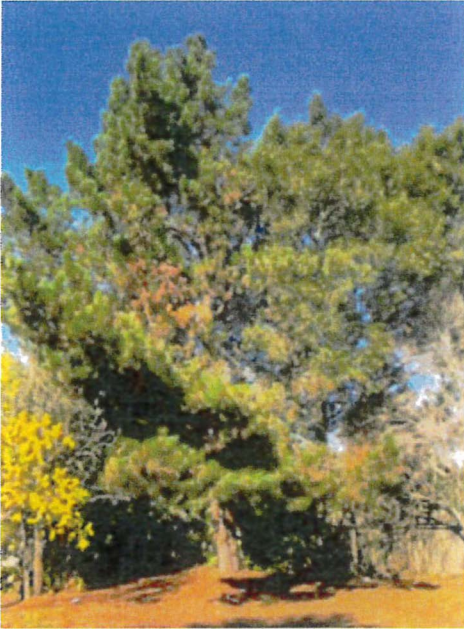
Canary Island palm near existing house. Relocation of this tree is near impossible as the root zone is not well developed due to the tree's location near the house.



Chestnut tree #12 appears to have been cut down re-sprouted and topped at 15 feet.

831 Arroyo/10/10/18

(9)



Monterey pine #18 in decline due to bark beetle



Bark beetle pitch tubes visible at the base of tree #18

Kevin R. Kielty

CURRICULUM VITAE

November 9, 2018

EDUCATION

American Society of Consulting Arborists Academy, Rhode Island ▲ 1999

College of San Mateo, San Mateo, CA

- **Pest Control Certification Program** ▲ 1983
- **Environmental Horticulture Certification Program** ▲ 1981

CREDENTIALS

- Qualified Applicator's License, Department of Pesticide Regulations
- International Society of Arboriculture Certified Arborist, 1989 to present WE #0476A
- International Society of Arboriculture Certified Tree Worker, 1986-1999 #124

EXPERIENCE IN FIELD

Kielty Arborist Services, San Mateo, CA ▲ 3/2007 to present

Mayne Tree Expert Company, San Carlos, CA ▲ 3/1978 to 3/2007
Consulting ▲ 6/1999 to 3/2007

Gardener, Marina Garden Apartments, San Mateo, CA ■ 6/1976 to 3/1978

ORGANIZATIONS AND ASSOCIATIONS

California Arborist Association, President, 2001, 2000, 1998, 1997

International Society of Arboriculture, Member

American Society of Consulting Arborists, Past member

Kielty Arborist Services CLIENT LIST (consulting, partial)

Municipalities and School Districts:

Atherton:	Interim Arborist, Town Arborist (present)
BART	Tree assessment A Line
Belmont:	Decay assessment, maintenance
recommendations	
Burlingame:	Sudden oak death survey, decay assessment, Pruning specifications, hazard tree assessments, Eucalyptus assessment (Cal Trans).
California Water Service	Construction impacts, tree protection
East Bay M.U.D.	Pipeline installation, Clements, CA
Hillsborough	Island inspections, Heritage tree assessment
Hillsborough School District	Construction impacts, planting plans
Los Altos Hills	Street tree assessment
Los Altos Hills County Fire district	Eucalyptus abatement project
Menlo Park School District	Decay assessment
Millbrae	Eucalyptus assessment, Redwoods (El Camino)
Mountain View:	Heritage tree inspections
National Parks Service	Survey of trees at Alcatraz Island
Portola Valley	Decay assessment
San Bruno	Eucalyptus survey, City Park, SB Fire site
San Carlos	Heritage tree assessment, plan check,
Eucalyptus	
San Francisco	Construction impacts (Boys and Girls
Club)	
San Francisco PUC	Hetch Hetchy Pipeline, Fremont, CA,
Van Ness	
	Pipeline, Crystal springs Lake to San
Francisco,	
	Sunol, CA,
San Mateo County	Hazard assessment Flood park,
	Fitzgerald Marine Preserve forest restoration
San Mateo Union High school district	Construction impacts
Town of Woodside	Protected tree violations and
reforestation inspections	

Architects and Landscape Architects: Tree Care providers:

Roger Kohler	Advanced Tree Care
Simpson Design	Bay Area Tree
Small Brown	John Arnaz Tree Movers
Square 3 Design	Mitchell Tree Service
Suzman and Cole	Timberline Tree Care
WEC Architects	McClenahan Consulting LLP
BAR Architects	Pearson Tree Service
Schwanke Architects	Loral Tree
Mark Helton (civil)	Peninsula Tree

John Berry (civil)
Steve Hartsell (Septic)

Kielty Arborist Services LLC

Certified Arborist WE#0476A
P.O. Box 6187
San Mateo, CA 94403
650-515-9783

October 10, 2018 revised December 13, 2018

Goldsilverisland Homes, LLC
Attn: Mr. Ying-Min Li
577 Salmar Ave, Ste 107
Campbell, ca 95088

Site: 831 Arroyo, Los Altos, CA

Dear Mr. Ying-Min Li,

The following tree protection plan will help to reduce impacts to the retained trees on site:

Tree Protection Plan:

Tree Protection Zones

Tree protection zones should be installed and maintained throughout the entire length of the project. Fencing for the protection zones should be 6 foot chain link fencing supported by metal poles or stakes pounded into the ground. The support poles should be spaced no more than 10 feet apart on center. The location for the protection fencing should be as close to the dripline as possible still allowing room for construction to safely continue. Signs should be placed on fencing signifying "Tree Protection Zone - Keep Out". No materials or equipment should be stored or cleaned inside the tree protection zones.



Example of properly protected trees from another site.

The following tree protection distances should be maintained for the entire length of the project:

- Oak tree #6 the tree protection fencing should have a radius of no less than 10 feet.
- Oak tree #7 the tree protection fencing should be no less than 15 feet.

831 Arroyo/10/10/18

(2)

Root Cutting

Any roots to be cut should be monitored and documented. Large roots or large masses of roots to be cut should be inspected by the site arborist. The site arborist may recommend fertilizing or irrigation if root cutting is significant. Cut all roots clean with a saw or loppers. Roots to be left exposed for a period of time should be covered with layers of burlap and kept moist.

Trenching

Trenching for irrigation, electrical, drainage or any other reason should be hand dug when beneath the driplines of protected trees. Hand digging and carefully laying pipes below or beside protected roots will dramatically reduce root loss of desired trees thus reducing trauma to the entire tree. Trenches should be backfilled as soon as possible with native material and compacted to near its original level. Trenches that must be left exposed for a period of time should also be covered with layers of burlap or straw wattle and kept moist. Plywood over the top of the trench will also help protect exposed roots below.

Irrigation

Normal irrigation should be maintained throughout the entire length of the project. The imported trees on this site will require irrigation during the warm season months. Some irrigation may be required during the winter months depending on the seasonal rainfall. During the summer months the trees on this site should receive heavy flood type irrigation 2 times a month. During the fall and winter 1 time a month should suffice. Mulching the root zone of protected trees will help the soil retain moisture, thus reducing water consumption. The native oaks should not require irrigation unless their root crown is traumatized.

Inspections

The site should be inspected by the project arborist prior to the start of demolition. The site also should be inspected by the site arborist if tree protection is to be moved at any time during construction. Other site visits will be on an as needed basis.

The information included in this report is believed to be true and based on sound arboricultural principles and practices.

Sincerely,

Kevin R. Kiely
Certified Arborist WE#0476A

Sean Gallegos

From: Michael Look <mlook@sbcglobal.net>
Sent: Thursday, February 7, 2019 4:10 PM
To: Sean Gallegos
Subject: 831 Arroyo Road Project Feedback

Dear Planning Commission,

We live at 840 Arroyo Road, the property directly across from the project site at 831 Arroyo Road.

We are writing to express our opposition of the proposed plan to create 2 lots facing Mountain View Avenue on that site. My wife and I moved to this neighborhood 22 years ago because Arroyo Road offered large lots, an open and welcome feel to each home and generous setbacks from the road. The proposed plan for 831 Arroyo Road, we believe, would detrimentally change the appeal of our neighborhood by creating a residential property that is neither consistent nor compatible with the homes on Arroyo Road, nor for that matter the rest of the neighborhood. An examination of Arroyo Road shows that all 36 homes on the street face Arroyo Road and provide open and expansive front yards. A further inspection of the adjacent streets in our neighborhood, mainly Raymundo Avenue and Vista Grande Avenue, also exhibit the same look and feel, homes that provide open and welcome front yards that face their respective streets.

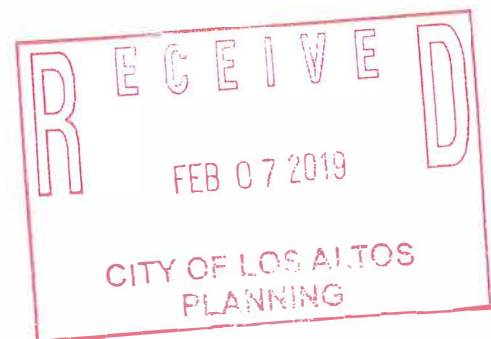
As a result, we do not believe the proposed plan results in an orderly and compatible development pattern within the subdivision and in relation to its surroundings as outlined in the Housing Element in City's General Plan.

We request that the Planning Department and Commission not approve this proposed plan as drafted and work with the owner of the property to develop a project plan that maintains the character of the neighborhood and is consistent with all the residential properties on Arroyo Road, Raymundo Avenue and Vista Grande Avenue.

Thank you for your consideration,

Sincerely,

Michael and Laurie Look
840 Arroyo Road



Sean Gallegos

From: Tina Klaassen <tinaklaassen@yahoo.com>
Sent: Thursday, February 7, 2019 2:00 PM
To: Sean Gallegos
Cc: Erno Klaassen
Subject: 831 Arroyo Road Project Feedback

Dear Planning Commission,

We are writing with regards to the plans that have been submitted for 831 Arroyo Road. Our home is on the corner of Arroyo and Springer Roads with our front entrance facing Arroyo Road. We are opposed to subdividing this property and rotating the homes to face Mountain View Avenue. This does not fit with the character of our street nor does it mach any of the corner homes currently in our neighborhood.

When entering Arroyo Road from Mountain View Avenue, the first long stretch would be a side fence versus an open front yard if the proposed plan were to be approved. This would negatively impact the character of Arroyo Road. The large lots and open feel of our street are what drew us to this neighborhood over 16 years ago.

Please encourage and consider alternate options at 831 Arroyo Road that would better match the character of our neighborhood. Thank you for your consideration.

Sincerely,

Erno and Tina Klaassen
702 Arroyo Road



Sean Gallegos

From: Robert Lerner <ralerner@yahoo.com>
Sent: Thursday, February 7, 2019 1:37 PM
To: Sean Gallegos
Subject: Comments for Planning Commission action on 831 Arroyo Road plans

First, thanks for soliciting neighbor feedback on this project and for all the important work you do.

As a long-time resident of this street, we have witnessed major building and remodeling projects over the years. Ours is a fairly unique neighborhood in Los Altos as the minimum lot size is 17,500 square feet vs the 10-11,000 square foot average sized lots in a majority of the town. The fact that the original owner of the beautiful plot of land that became our neighborhood had the foresight to sub-divide the way he did so that it would provide tremendous value for the homeowners for many decades to come.

That said, there are many issues related to what the developer wants to do with this property. They include:

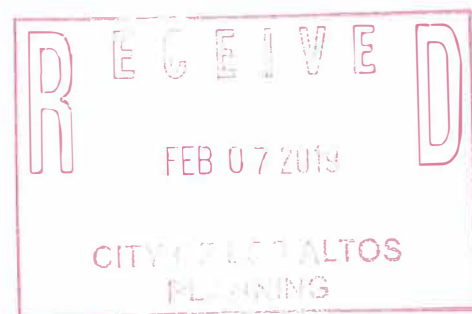
1. When will it end? Developers are in it to make big bucks and this developer went way out on a limb to buy the property for \$600,000 more on a square foot basis than anything that has previously sold in this neighborhood. When does the quest for huge profits outweigh the character of our neighborhood and other neighborhoods in the whole city of Los Altos?
2. Real estate agents will always stick with price per square foot as the apples-to-apples comparison tool for home values. Having smaller houses on smaller lots will reduce the values on a square foot basis which negatively affects many factors, including property taxes for the city. This can spread to other neighborhoods as well reducing or softening property values in the whole city.
3. Building facing Mountain View Avenue would more than likely allow them to have a 10 foot setback on the Arroyo Road side meaning we all would/could be staring at an unsightly fence along the 150 feet or so Southern border of the property.

Based on these reasons plus others I am certain others have voiced and submitted in writing, my suggestion is to turn this project down and opt for a single house facing Arroyo Road consistent with the rest of the neighborhood. One thought would be possibly asking them to go back to the drawing board to rethink their ideas and re-submitting to the Planning Commission for another review and meeting with the neighbors.

Thanks.

Robert Lerner
789 Arroyo Road

Robert Lerner
ralerner@yahoo.com
650-248-1590 Mobile



Sean Gallegos

From: Katie Heley <cemurphy80@gmail.com>
Sent: Thursday, February 7, 2019 12:14 PM
To: Jon Biggs; Sean Gallegos; Zach Dahl
Subject: OPPOSE Subdivision of 831 Arroyo Road

Dear Commissioners,

We have become aware that you will be discussing a recommendation to subdivide the existing lot at 831 Arroyo Road. We strongly oppose this recommended subdivision.

After reviewing the proposal and identifying the location of the two proposed buildable lots, we do not feel that this proposed subdivision is consistent with the general layout of Arroyo Road and the broader Montabello Acres community. We enjoy large front setbacks on Arroyo Road (25') and it is a significant characteristic of the homes in our neighborhood.

Per the submitted plans, it appears that the proposed subdivision will result in two new lots facing Mountain View Avenue. Specifically, the front setbacks on the plans show two lots with front setbacks calculated 25' from Mountain View Avenue. That would force one of the proposed houses to be built with a side yard facing Arroyo Road. The side yard setback is only 10' versus the 25' required for a front setback. This is a significant difference from all of the other houses on Arroyo Road.

We chose to buy our home on Arroyo Road because of the large lot sizes and significant front setbacks that are required of homes on our street. Please consider our concerns about this proposed subdivision and do not approve this proposal.

Thank you,
Rich & Katie Heley
714 Arroyo Road



Sean Gallegos

From: adele@hennigco.com
Sent: Thursday, February 7, 2019 12:07 PM
To: Sean Gallegos
Subject: 831 Arroyo

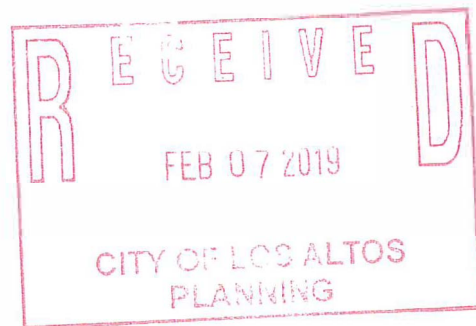
Dear Commissioners

I'm the second generation of my family to live in Montebello Acres. My parents bought our family home in 1950. I strongly oppose the subdivision of 831 Arroyo because it doesn't comply with the character of Montebello Acres. Each home on Arroyo faces Arroyo; each home on Raymundo faces Raymundo; each home on Vista Grande faces Vista Grande—including all corner homes. Why would we agree to have two homes facing the other direction?

I encourage the Commission to have the developer go back to the drawing board and relocate the proposed homes so they face Arroyo Road.

Sincerely

Adele Hennig
781 Raymundo Ave.



Sean Gallegos

From: Allyson Johnson <allysonyj@hotmail.com>
Sent: Thursday, February 7, 2019 11:20 AM
To: Sean Gallegos
Subject: Re: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

Dear Planning Commissioner:

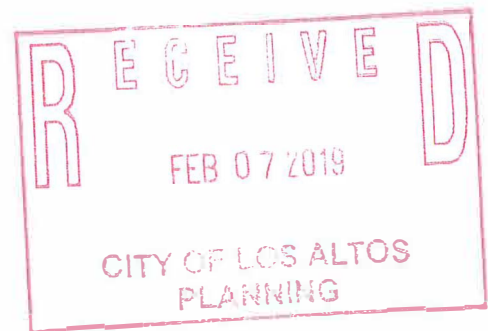
I am a resident of Los Altos whose property is across the street from 831 Arroyo Road, and I have several concerns about the planned subdivision of 831 Arroyo Road as shown in the documents submitted by RW Engineering on behalf of Goldsilverisland Homes, LLC.

- **Consistency:** The plans as submitted are inconsistent. The smaller Tentative Parcel Map shows a 20' setback along Arroyo Road, while the larger map shows only a 10' setback.
- **Safety:** The intersection of Mountain View Avenue and Arroyo Road is an acute angle. This corner is already hazardous to pedestrians and bicyclists due to traffic diverting from Springer Road to get to El Camino, or going the other way to short-cut from Miramonte to Springer. If there is only a 10' setback at this corner, with a typical solid side-yard fence, the corner will be even more of a blind corner.

The current arrangement of the fencing at this corner allows for improved visibility around the corner with low landscaping and no fencing. Our home on the opposite

1.

Check out my blog at www.allysonjohnson.com - and don't forget to comment if you visit!



Sean Gallegos

From: Susan Flesher <susan@flesher.com>
Sent: Thursday, February 7, 2019 10:31 AM
To: Sean Gallegos
Cc: Jack Flesher
Subject: IMPT: 831 Arroyo, Los Altos - OPPOSE Subdivision Proposal
Attachments: Fleshers letter OPPOSING 831 Arroyo Rd Subdivision Plan.pdf

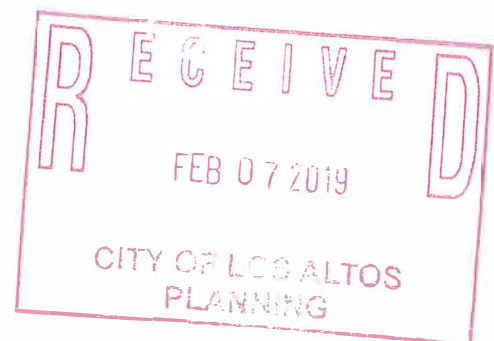
Importance: High

Hi Sean – Understand that you are the project planner to contact at Los Altos Planning re: the proposed subdivision at 831 Arroyo Road in Los Altos (which is part of 'Montebello Acres'). Many of us with homes on Vista Grande Avenue were NOT directly notified of the Public Hearing that is being held tonight (2/7) to discuss the subdivision proposal. As part of the Montebello Acres subdivision/community (which includes ~80 homes on Arroyo, Raymundo, Vista Grande and a few on Mountain View Ave), we believe strongly that all Montibello Acres owners should have been notified directly of this hearing, and many other Montebello Acres owners who were not notified share this concern.

Attached is a letter to make it clear that **we oppose the subdivision plan at 831 Arroyo Road**. We are in the process of spreading the word to other Montebello Acre residents who did not receive notification of the hearing tonight, and the opposition to the subdivision plan is high. I suspect you will be receiving more letters to demonstrate neighborhood opposition shortly.

Appreciate your sharing our concerns with the appropriate people on behalf of concerned neighbors of Montebello Acres.

Sincerely,
Susan and Jack Flesher
799 Vista Grande Ave., Los Altos, CA
Cell: (650) 619-0355



February 7, 2019

To: City of Los Altos Planning Commission One N. San Antonio Road
Re: 831 Arroyo Proposed Subdivision

Dear Commissioners,

Our family has been resident of 'Montebello Acres' (at 799 Vista Grande Avenue) for over 35 years. We have welcomed many new families into our neighborhood successfully over the years. That said, we (and many of our neighbors) are now deeply concerned to learn of a developer's plan to subdivide the property at 831 Arroyo into two smaller lots and build two new homes.

In the City's report, Montebello Acres was described as having "medium-sized lots." To be clear, almost all the homes in our neighborhood are ~ ½ acre (18,000 – 20,000 square feet), and within 500 feet of the proposed subdivision, this square footage number is even higher. This average was derived from all three streets (Vista Grande, Raymundo, most of Arroyo) plus the four homes on Mountain View Ave. that comprise our subdivision of 80 homes. Clearly Montebello Acres should be considered "large" lots since we are (on average) **two homes per square acre**. While there are a few older small lots in our subdivision, our neighborhood is known for its large properties and would in no way be considered "medium" sized.

The current plan for subdividing this property and building two spec homes does not comply with the **Housing Element in the City's General Plan** which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and **compatible development pattern**, within the subdivision and in relation to its surroundings."

After reviewing the proposed plot map that shows how 831 Arroyo will be split and the location of where the two new homes will be built, we stand firmly against this proposal. The way the two buildable areas of the lot are positioned is not consistent with the general layout of Montebello Acres subdivision and Arroyo Road. 831 Arroyo lot should remain intact (NOT subdivided) so that it remains consistent with the Montebello subdivision and current CCR's. If the developer wants to keep the lot intact and build a home with an ADU rental unit —many of us would support this effort.

Please do NOT approve the split of 831 Arroyo as it is currently drafted. We value the consistency of our beautiful Montebello Acres neighborhood.

Sincerely,



Susan and Jack Flesher
799 Vista Grande Avenue
Los Altos, CA 94024
(650) 619-0355

Sean Gallegos

From: Anil Gupta <gupta.anil@gmail.com>
Sent: Thursday, February 7, 2019 9:43 AM
To: Sean Gallegos
Subject: 831 Arroyo Road - Los Altos

Sean,

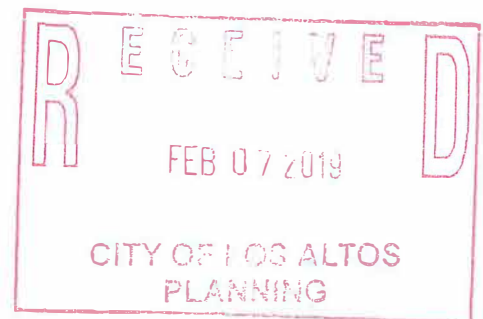
My wife (Lisa Rogo-Gupta) and I are residents at 789 Vista Grande Ave, Los Altos, CA 94024 in the Montebello Acres neighborhood. We understand that you will be considering the subdivision of 831 Arroyo Road within our neighborhood.

My understanding is that the current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states "the City shall ensure that the development permitted in the creation of land division results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."

We ask that the Commission not approve this subdivision as it is currently drafted. We value the consistency of the Montebello Acres neighborhood.

On a more personal note, as opposed to subdividing our own lot, we have chosen the path of building an accessory dwelling unit (which was approved by the City of Los Altos) recently that enables us to add housing for my elderly father without impacting the neighborhood lot sizes. We would encourage the 831 Arroyo owner to pursue a similar path which keeps the neighborhood subdividing in tact but accomplishes a similar goal.

Thanks,
Anil & Lisa Gupta



Sean Gallegos

From: Vickey Weir <vickeyweir@gmail.com>
Sent: Thursday, February 7, 2019 9:41 AM
To: Jon Biggs; Sean Gallegos; Phoebe Bressack
Subject: Objection to Proposed Subdivision of 831 Arroyo

Hi Sean, Jon and City Planners,

As a long time resident on Arroyo Road, I wanted to express my opposition to the proposed subdivision of the property at 831 Arroyo Road, very near my home at 860 Arroyo Road!!

As I understand it, the developer has proposed subdividing this property in such a way that both resulting parcels will face Mountain View Ave. I am concerned that this orientation might allow the developer to build a house with a setback on Arroyo as small as 10ft, which would be significantly out of character with the neighborhood.

I will be unable to attend the meeting on Thursday, Feb 7 to express my opposition in person. Please accept this written notice in place of my attendance.

Please contact me if you have any questions.
Vickey Weir



Sean Gallegos

From: Sue Greathouse <greathousesue@gmail.com>
Sent: Thursday, February 7, 2019 8:45 AM
To: Sean Gallegos
Cc: Nancy Ellickson; Laurie Look
Subject: Subdivision proposal for 831 Arroyo Rd

Dear Sean: Please forward this note to the members of the Planning Commission. Thank you.

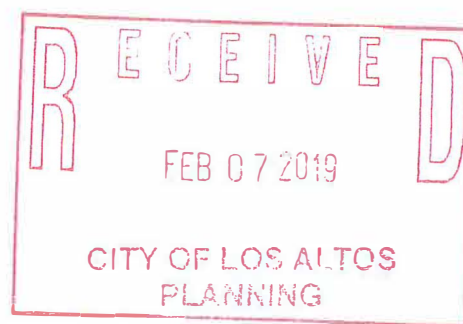
Dear Commissioners: My husband and I are the homeowners of 809 Arroyo Rd, two houses away from 831 Arroyo Rd.

We are not supportive of the plan to subdivide this lot. The two new lots, as shown on the proposal, will not be consistent with the character of the neighborhood. The portion of the lot running along Arroyo Road will be turned into a side setback and will be extremely close to Arroyo Rd. This is inconsistent with the rest of the street.

The proposal for this subdivision does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an **orderly and compatible development pattern**, within the subdivision and in relation to its surroundings."

This proposal is not compatible and is inconsistent with the general layout of Montebello Acres subdivision. Please do not approve this subdivision—we highly value the consistency of our Montebello Acres neighborhood.

Thank you for your consideration,
Sue and Ken Greathouse
809 Arroyo Rd.
Los Altos



Sean Gallegos

From: Lesley Colgrove <lesleycoz@yahoo.com>
Sent: Thursday, February 7, 2019 8:40 AM
To: Sean Gallegos
Cc: John Colgrove
Subject: 831 Arroyo Parcel division

Hi Sean,

My husband John and I are residents on Vista Grande Ave. The three streets in what's called the Montebello Acres in Los Altos (Vista Grande, Raymundo, Arroyo) are zoned to have relatively larger lots, and that's what attracted us to purchase the property there when we were looking to buy. We don't think the parcel division is a good idea since it would create a precedent in the neighborhood and then all the lots with older houses would get sold and subdivided by developers. This would completely change the characteristics of the neighborhood. They can obviously create separate buildings on the property per the current zoning, but we object to creating subdivisions on the property. Thank you for your attention.

Lesley Colgrove
John Colgrove
722 Vista Grande Ave
Los Altos



Sean Gallegos

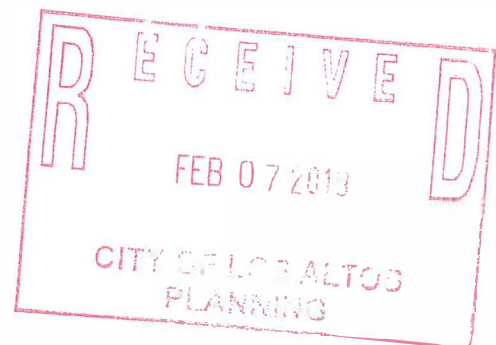
From: Susan Falk <falksusan@sbcglobal.net>
Sent: Thursday, February 7, 2019 8:40 AM
To: Sean Gallegos
Subject: 831 Arroyo subdivision

Tonight, Thursday 2/7 you plan to consider a subdivision of a lot at 831 Arroyo Road within the Montebello Acres neighborhood. As residents of this neighborhood, we object to this subdivision.

The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."

The proposed subdivision is not compatible and is inconsistent with the general layout of Montebello Acres properties. We ask that the Commission not approve this subdivision as it is currently drafted. We value the consistency of the Montebello Acres neighborhood. We plan to attend your meeting tonight.

Susan and Allen Falk
798 Raymundo Ave
Los Altos CA 94024



Sean Gallegos

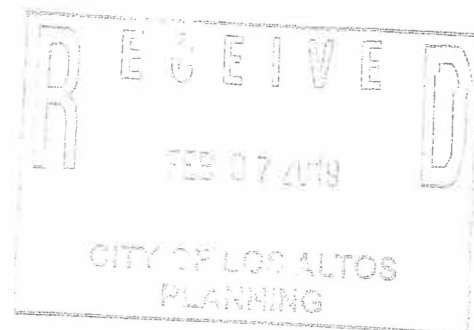
From: Nancy Ellickson <nellickson@yahoo.com>
Sent: Thursday, February 7, 2019 8:28 AM
To: Sean Gallegos
Cc: 'Susan Flesher'; 'Sue Greathouse'; adele@hennigco.com
Subject: 831 Raymundo
Attachments: 831 Arroyo--Letter from Nancy and Ron Ellickson 2-7-2019.docx

Hi Sean,
Attached is a letter from my husband and me.

Thanks,

Nancy

Nancy Ellickson
nellickson@yahoo.com
M: +1-650-245-1012



7 February 2019

City of Los Altos Planning Commission

One N. San Antonio Road
Los Altos, CA 94022

Re: Proposed subdivision at 831 Arroyo

Dear Commissioners,

Tonight you will be deciding on whether to split 831 Arroyo so a developer can build spec homes on this lot. We are respectfully requesting that you deny this proposal based on incompatibility with the street and subdivision as well as character of the neighborhood.

In the City's report, Montebello Acres was described as having "medium-sized lots." According to City staff, "The Single-Family, Medium lot General Plan designation does not have a minimum lot size. Instead, the **Single-Family, Medium lot General Plan designation has a maximum permitted density of four dwelling units per acre.**"

The average lot size in Montebello Acres is 18,000 sq ft. (outliers included). And within 500 feet of the proposed subdivision, this square footage number is even higher. This average was derived from all three streets (Vista Grande, Raymundo, most of Arroyo) plus the four homes on Mountain View Ave. that comprise our subdivision of 80 homes. Clearly Montebello Acres should be considered "large" lots since we are (on average) **two homes per square acre**. While there are a few older small lots in our subdivision, our neighborhood is known for its large properties and would in no way be considered "medium" sized.

In addition, the current plan for subdividing this property and building two spec homes does not comply with the **Housing Element in the City's General Plan** which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and **compatible development pattern**, within the subdivision and in relation to its surroundings." <Emphasis added>

Thank you for taking the time to really think this through.

Sincerely,

Nancy and Ron Ellickson
820 Raymundo Avenue
Los Altos
nellickson@yahoo.com

Sean Gallegos

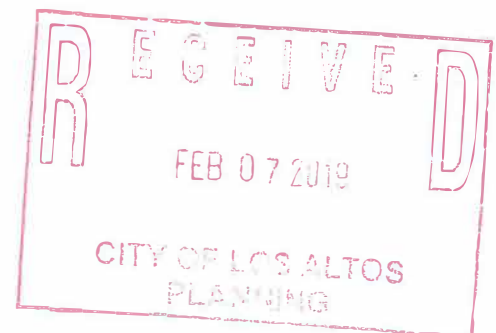
From: Nancy Ellickson <nellickson@yahoo.com>
Sent: Thursday, February 7, 2019 8:26 AM
To: Sean Gallegos
Subject: 831 Arroyo
Attachments: 831 Arroyo--Letter from Anita Siegel 2-7-2019.pdf

Hi Sean,
Attached is a letter from a neighbor who cannot attend tonight.

Thanks,

Nancy

Nancy Ellickson
nellickson@yahoo.com
M: +1-650-245-1012



7 February 2019

City of Los Altos Planning Commission

One N. San Antonio Road
Los Altos, CA 94022

Re: Proposed subdivision at 831 Arroyo

Dear Commissioners,

Tonight you will be deciding on whether to split 831 Arroyo so a developer can build spec homes on this lot. We are respectfully requesting that you deny this proposal based on incompatibility with the street and subdivision as well as character of the neighborhood.

In the City's report, Montebello Acres was described as having "medium-sized lots." According to City staff, "The Single-Family, Medium lot General Plan designation does not have a minimum lot size. Instead, the **Single-Family, Medium lot General Plan designation has a maximum permitted density of four dwelling units per acre.**"

The average lot size in Montebello Acres is 18,000 sq ft. (outliers included). And within 500 feet of the proposed subdivision, this square footage number is even higher. This average was derived from all three streets (Vista Grande, Raymundo, most of Arroyo) plus the four homes on Mountain View Ave. that comprise our subdivision of 80 homes. Clearly Montebello Acres should be considered "large" lots since we are (on average) **two homes per square acre**. While there are a few older small lots in our subdivision, our neighborhood is known for its large properties and would in no way be considered "medium" sized.

In addition, the current plan for subdividing this property and building two spec homes does not comply with the **Housing Element in the City's General Plan** which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and **compatible development pattern**, within the subdivision and in relation to its surroundings." <Emphasis added>

Thank you for taking the time to really think this through.

Sincerely,

Nancy and Ron Ellickson
820 Raymundo Avenue
Los Altos
nellickson@yahoo.com

Sean Gallegos

From: James Woo <jaws241@pacbell.net>
Sent: Wednesday, February 6, 2019 8:01 PM
To: Sean Gallegos
Subject: 831 Arroyo Ave feedback

Dear Commissioners:

On Thursday we will be considering the subdivision of 831 Arroyo Road within the Montebello Acres neighborhood. We are residents of this neighborhood. The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."

The proposed subdivision is not compatible and is inconsistent with the general layout of Montebello Acres subdivision. We ask that the Commission not approve this subdivision as it is currently drafted. We value the consistency of the Montebello Acres neighborhood.

Yours truly,

James and Lisa Woo

809 Raymundo Ave, Los Altos, CA 94024



Sean Gallegos

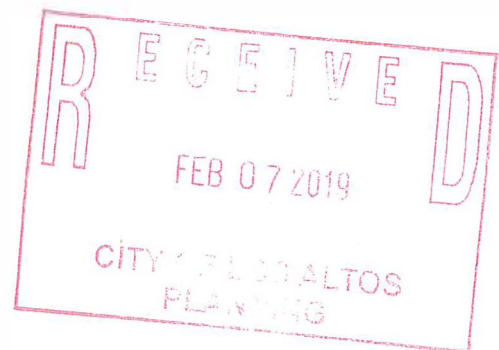
From: jazzam@aol.com
Sent: Wednesday, February 6, 2019 5:42 PM
To: Sean Gallegos
Subject: 831 Arroyo Proposal

Hi Sean,

I just found out about the idea of subdividing the lot at 831 Arroyo Road. I live on Vista Grande Ave. and use to live on Mountain View Ave., across the street from this property. I reject the idea for this subdivision. This neighborhood has mostly single family houses on large property lots, usually about 17,000 square feet. This would be a major change to the character and style of our community. Please reject this proposal.

Thanks,

Jeffrey S. Mayer



February 7, 2019

City of Los Altos Planning Commission

One N. San Antonio Road

Los Altos, CA 94022

Re: 831 Arroyo Proposed Subdivision

Dear Commissioners,

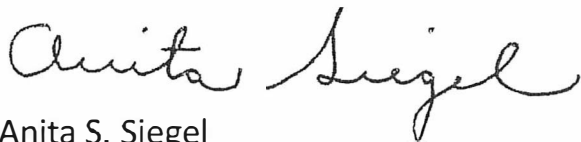
I have owned and lived in my home at 77 Mountain View Avenue, in the Montebello Acres subdivision for more than 50 years. My property faces 831 Arroyo. Unfortunately, I'm out of town and will miss Thursday's Commission meeting but I did want to provide my thoughts on the proposed subdivision.

After reviewing the plot map that shows how 831 Arroyo will be split and the location of where the two new homes will be built, I'm against this proposal.

The way the two buildable areas of the lot are positioned is not consistent with the general layout of Montebello Acres subdivision and Arroyo Road. My suggestion is to keep the lot intact and position any structures so they are compatible within the subdivision and in relation to their surroundings.

Please do not approve the split of 831 Arroyo as it is currently drafted. We value the consistency of our beautiful Montebello Acres neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Anita Siegel". The signature is written in black ink and is positioned above the typed name.

Anita S. Siegel

77 Mountain View Avenue

Los Altos, CA 94024

Sean Gallegos

From: Andrew Maisel <andrew@superkids.com>
Sent: Wednesday, February 6, 2019 2:09 PM
To: Jon Biggs; Sean Gallegos
Cc: Phoebe Bressack
Subject: Proposed subdivision of 831 Arroyo Road property

Hi Jon and Sean-

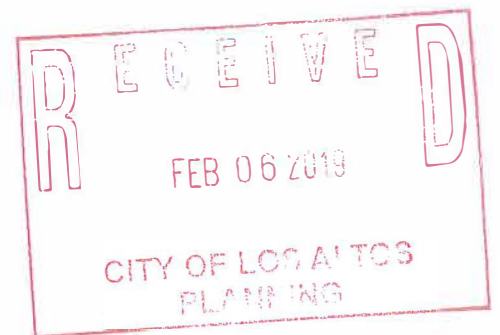
As a long time resident on Arroyo Road, I wanted to express my opposition to the proposed subdivision of the property at 831 Arroyo Road, two doors down from my home.

As I understand it, the developer has proposed subdividing this property in such a way that both resulting parcels will face Mountain View Ave. I am concerned that this orientation might allow the developer to build a house with a setback on Arroyo as small as 10ft, which would be significantly out of character with the neighborhood.

I will be unable to attend the meeting on Thursday, Feb 7 to express my opposition in person. Please accept this written notice in place of my attendance.

Please contact me if you have any questions.

Andrew Maisel
860 Arroyo Road
Los Altos, CA 94024



Sean Gallegos

From: Cynthia Chin <chin100@gmail.com>
Sent: Wednesday, February 6, 2019 10:08 AM
To: Sean Gallegos
Subject: Subdivision of 831 Arroyo Road

Dear Sean and Commissioners,

I am writing to get on record that we are very opposed to the subdivision of 831 Arroyo Road. We live across the street and one house down from this lot. One of the main reasons we purchased our home was because we have always loved how beautiful this street is with the large setbacks and large lots.

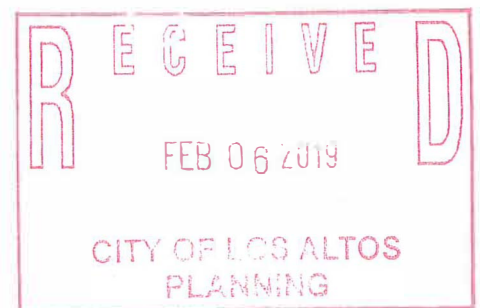
The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."

Approving this plan would allow for a smaller side yard setback on Arroyo Road, which is not compatible with the neighborhood.

We ask that the the Planning Department and Commission not approve this subdivision as it is currently drafted. We value the consistency of the Montebello Acres neighborhood and ask that you maintain this consistency.

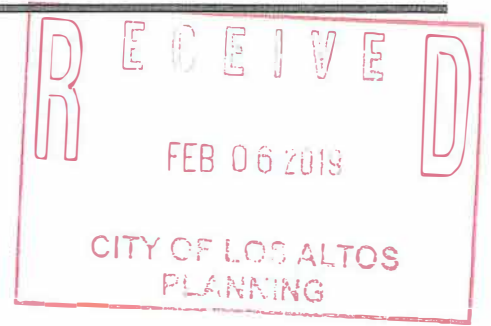
Thank you for your consideration.

Sincerely,
Chris and Cynthia Chin
820 Arroyo Road



Sean Gallegos

From: Kevin Kluge <kevin.kluge@gmail.com>
Sent: Wednesday, February 6, 2019 9:49 PM
To: Sean Gallegos
Subject: Submission for planning commissioners



Sean,

Could you please send this note on to the planning commissioners? It is with reference to the discussion about 831 Arroyo on this Thursday. Thanks.

Kevin

Dear Planning Commissioners,

We live at 850 Arroyo Road, diagonally across the street from 831 Arroyo Road. We would like to provide input on the proposed subdivision of 831 Arroyo Road. The proposal provides for two houses facing Mountain View Ave. As a result, we expect a fence will be erected along the ~100' frontage of the parcel on Arroyo Rd. This will create the only parcel on Arroyo that does not face Arroyo Road. It will look odd and inconsistent with the other houses of Arroyo, all of which are setback 25' or more, and face Arroyo.

We have a second concern for the safety of our neighborhood, related to the likely fence that results from this proposal. We are concerned that a fence will restrict visibility around the turn from Mountain View Ave on to Arroyo Road and vice versa. These two streets meet at a 110 degree angle, so the turn from Mountain View Ave on to Arroyo is quite sharp and it's hard to see around the corner. We have neighborhood kids, including our own, that bike and play in this area, and we have a number of cars passing through as a shortcut from Springer Road to El Camino Real. We worry that this likely fence would hamper driver visibility and increase the risk of an accident.

While we do not object to a property subdivision, we ask that you not approve the current proposal due to these two issues.

Thanks for your consideration.

Laura and Kevin Kluge

Sean Gallegos

From: Robert Schonhardt <bobschonhardt@yahoo.com>
Sent: Sunday, February 3, 2019 1:40 PM
To: Sean Gallegos
Cc: Betsy Schonhardt
Subject: Public Hearing 2/7 Regarding Project at 831 Arroyo Road



Re: Project Application for 831 Arroyo Road

From: Robert and Elizabeth Schonhardt
Home Owners of 821 Arroyo Road (next door to 831 Arroyo)

To: City of Los Altos Planning Commission - Please Read at
Hearing on 2/7

Hello everyone,

Our names are Robert and Elizabeth Schonhardt. We are owners and long-time residents of the home next door to the proposed project. We are extremely concerned about the proposed zoning change request to subdivide the current property located at 831 Arroyo Road. As the sole adjacent homeowner, this proposed change negatively impacts our property the most. When we purchased our home, our neighborhood, known as the Montebello Acre's neighborhood was predominately single-story homes on large 1/3+ acre lots with private backyards. We are concerned that the proposed changes will negate all of these key attributes, lot size, privacy and street appeal.

The proposed zoning change is especially concerning given that it is requesting to remove a street facing home currently next door to us on Arroyo with a side yard. The houses on Arroyo and

the neighborhood have consistent patterns for open front yards and side yards with consistent setbacks. We view this proposed change as unacceptable and respectfully ask that the city planners reject this proposed lot change as it is currently presented? We are not ones to squash other people's dreams, however, in this case, we are the ones being squashed. Obviously, we have many other questions regarding next door's building plans, e.g. structure, stories, setbacks, design, etc. as this process proceeds.

Thank you,

Bob and Betsy Schonhardt

PS. We are out of town and unable to attend the first public meeting this Thursday on February 7th. Can you please read this communication out loud to all in attendance and also include us in all future meetings and communications involving plans for 831 Arroyo Road?

REVISIONS	BY

TWO HOUSE SUBDIVISION FOR:

Goldsilverisland Homes, LLC

831 ARROYO ROAD, LOS ALTOS, CA. 94024

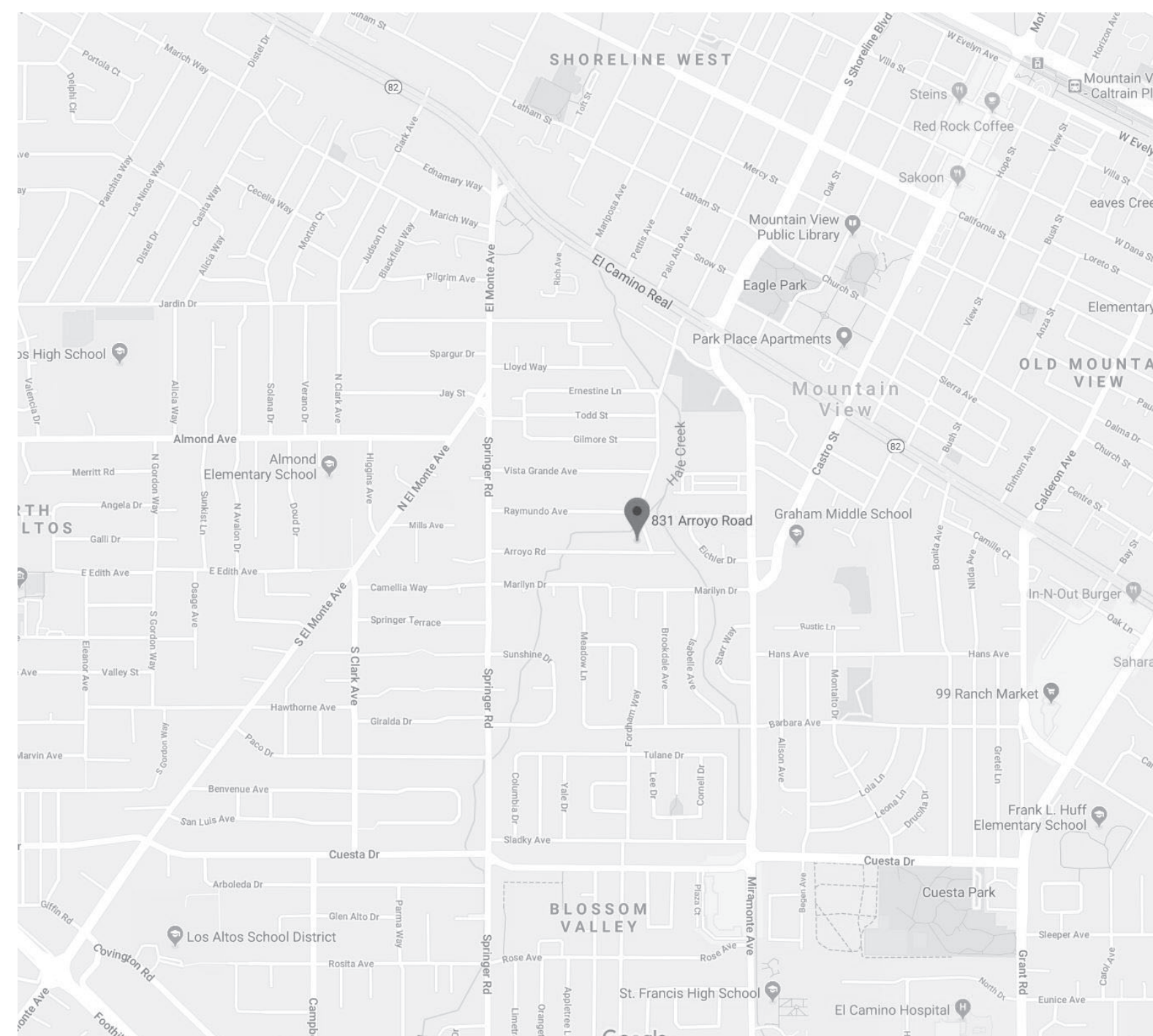
GENERAL NOTES:

OWNER/APPLICANT/ SUBDIVIDER:	YING-MING LI (408) 896-3369 Yingminli@hotmail.com
CIVIL ENGINEER & LAND SURVEYOR	ROBERT Y. WANG C50541 & LS8931 RW ENGINEERING, INC. 505 ALTAMONT DRIVE MILPITAS, CA 95035 (408) 262-1899 rwengineering@gmail.com
APN:	189-29*-020
EXISTING ZONING:	R-1-10 SINGLE FAMILY RESIDENCE
PROPOSED USE:	TWO (2) SINGLE FAMILY RESIDENTIAL UNITS
WATER:	CALIFORNIA WATER SERVICE COMPANY
STORM & SEWER (ON-SITE):	PRIVATE
STORM & SEWER (OFF SITE):	CITY OF LOS ALTOS
GAS & ELECTRIC:	PG&E
TELEPHONE:	AT&T
CABLE TV:	COMCAST
SOLID WASTE & RECYCLING	MISSION TRAIL WASTE SYSTEMS
TOTAL ACREAGE OF PROPOSED SUBDIVISION:	0.54 ACRE± (23,433 S.F.±)
GEOLOGICAL HAZARD ZONE:	NONE.
EXISTING WELLS ON SITE:	NONE.

SHEET INDEX

T	TITLE SHEET
TM-1	TENTATIVE PARCEL MAP - SITE PLAN
TM-2	TENTATIVE PARCEL MAP - G&D PLAN

VICINITY MAP



NEW HOUSE FOR:
Goldsilverisland Homes, LLC
 831 ARROYO ROAD, LOS ALTOS, CA. 94024

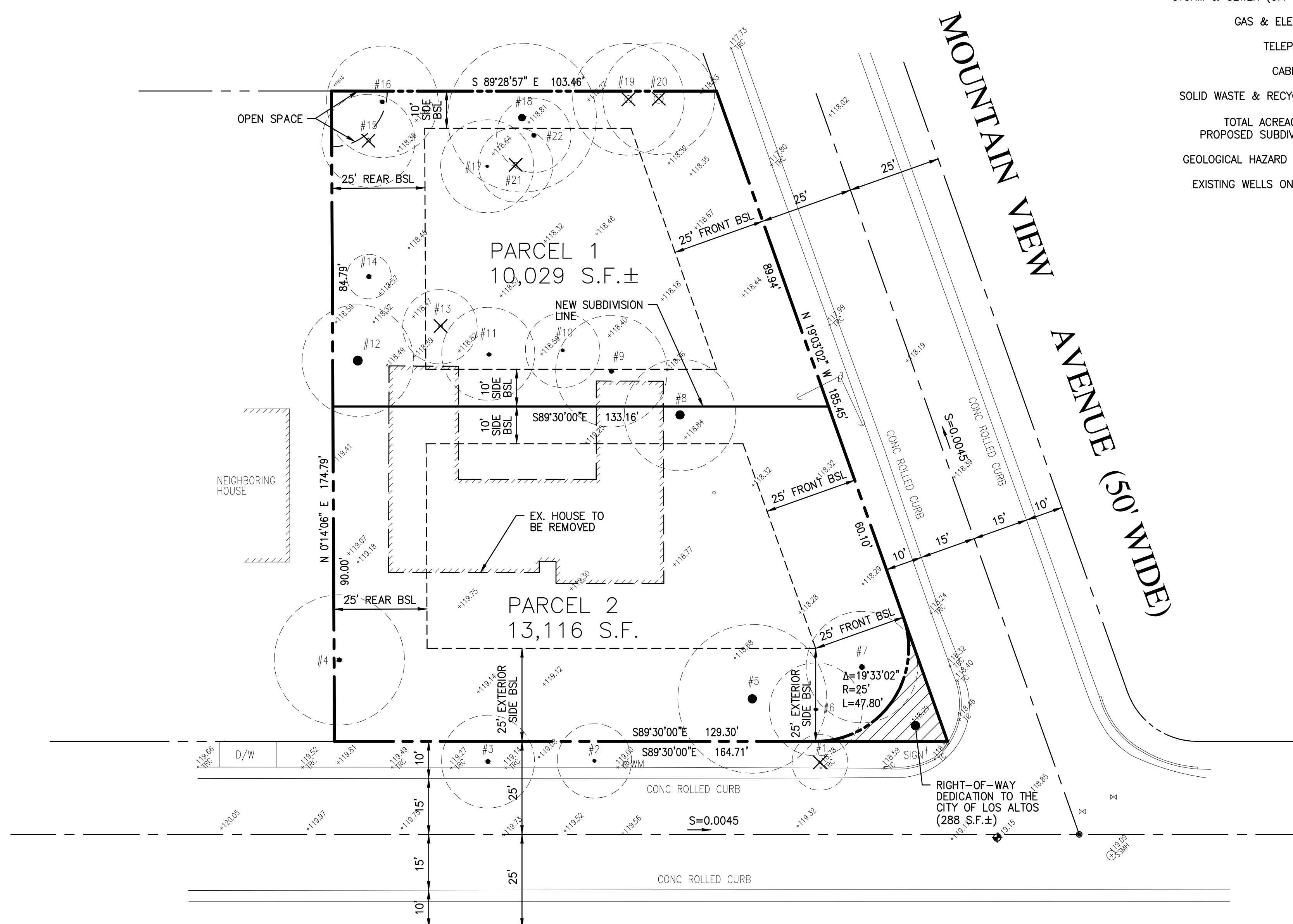
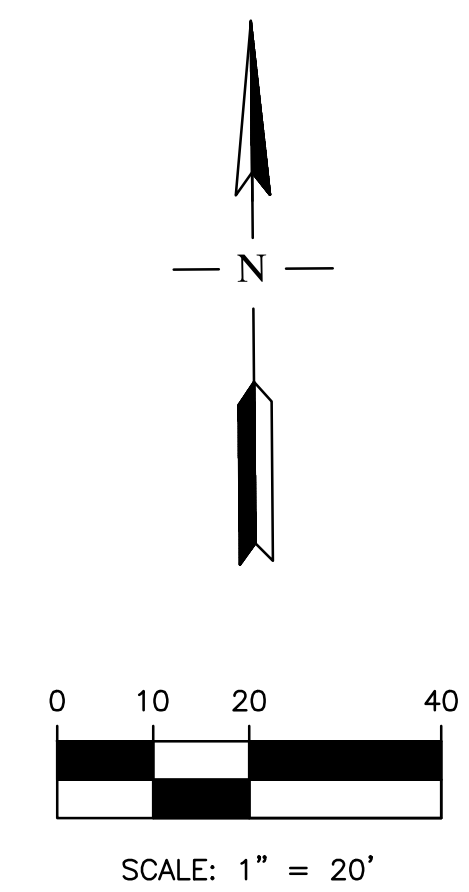
Date	
Scale	1/4" = 1'-0"
Drawn	RAH
Job	18-028
Sheet	T
of	Sheets

TENTATIVE PARCEL MAP

831 ARROYO ROAD LOS ALTOS, CA

LEGEND

- BOUNDARY LINE
- SUBDIVISION LINE
- ADJOINERS LINE
- CENTERLINE
- BUILDING SETBACK LINE
- DS DOWNSPOUT
- SURFACE FLOW DIRECTION
- SURFACE FLOW DIRECTION
- ⊗ TREE TO BE REMOVED
- ⊙ TREE TO BE PROTECTED



ARROYO ROAD (50' WIDE)

GENERAL NOTES:

OWNER/APPLICANT/SUBDIVIDER: YING-MIN LI
577 SALMAR AVE, SUITE 107
CAMPBELL, CA 95008
(408) 896-3369
yingmini@hotmail.com

CIVIL ENGINEER & LAND SURVEYOR: ROBERT Y. WANG C50541 & LS8931
RW ENGINEERING, INC.
505 ALTAMONT DRIVE
MILPITAS, CA 95035
(408) 262-1899
rwengineering@gmail.com

ASSESSOR'S PARCEL NUMBER: 189-29-020

EXISTING ZONING: R-1-10 SINGLE FAMILY RESIDENCE

PROPOSED USE: TWO (2) SINGLE FAMILY RESIDENTIAL UNITS

WATER : CALIFORNIA WATER SERVICE COMPANY

STORM & SEWER (ON-SITE): PRIVATE

STORM & SEWER (OFF SITE): CITY OF LOS ALTOS

GAS & ELECTRIC: PG&E

TELEPHONE: AT&T

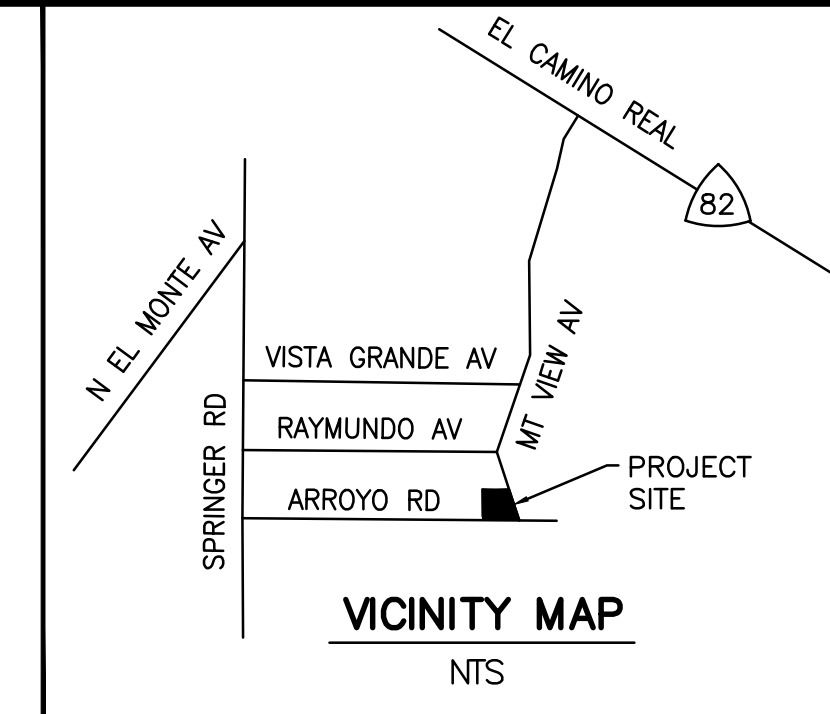
CABLE TV: COMCAST

SOLID WASTE & RECYCLING: MISSION TRAIL WASTE SYSTEMS

TOTAL ACREAGE OF PROPOSED SUBDIVISION: 0.54 ACRE± (23,433 S.F.±)

GEOLOGICAL HAZARD ZONE: NONE.

EXISTING WELLS ON SITE: NONE.



NO.	REVISION	DATE	BY

RW ENGINEERING, INC.
CIVIL ENGINEERS • LAND SURVEYORS
505 ALTAMONT DRIVE
MILPITAS, CA 95035
(P) (408) 262-1899
(FAX) (408) 824-5556
rwengineering@gmail.com

TREE INVENTORY

NO.	SPECIES	DBH	STATUS
1	SOUTHERN MAGNOLIA	7.5"	TO BE REMOVED
2	SOUTHERN MAGNOLIA	9.8"	TO BE PROTECTED
3	SOUTHERN MAGNOLIA	13.7"	TO BE PROTECTED
4	COAST LIVE OAK	14.3"	TO BE PROTECTED
5	ALMOND	28"	TO BE PROTECTED
6	COAST LIVE OAK	10.3"	TO BE PROTECTED
7	VALLEY OAK	19.6"	TO BE PROTECTED
8	DATE PALM	28"	TO BE PROTECTED
9	LOQUAT	14.1"	TO BE PROTECTED
10	APRICOT	9.9"	TO BE PROTECTED
11	BUCKEYE	11.8"	TO BE PROTECTED
12	CHESTNUT	30"	TO BE PROTECTED
13	CHERRY	14"	TO BE REMOVED
14	PLUM	14.3"	TO BE PROTECTED
15	APRICOT	14.2"	TO BE REMOVED
16	ENGLISH WALNUT	12.8"	TO BE PROTECTED
17	VALLEY OAK	8.1"	TO BE PROTECTED
18	MONTEREY PINE	23.1"	TO BE PROTECTED
19	PRIVET	8-3"	TO BE REMOVED
20	PEPPER	30"	TO BE REMOVED
21	PLUM	7.8"	TO BE REMOVED
22	OLIVE	6.7"	TO BE PROTECTED

SHEET INDEX

NO.	SITE PLAN
TM-1	SITE PLAN
TM-2	PRELIMINARY GRADING & DRAINAGE PLAN

SITE BENCHMARK:

SET NAIL
ELEVATION=119.15 NAVD 1988

BASIS OF BEARINGS:

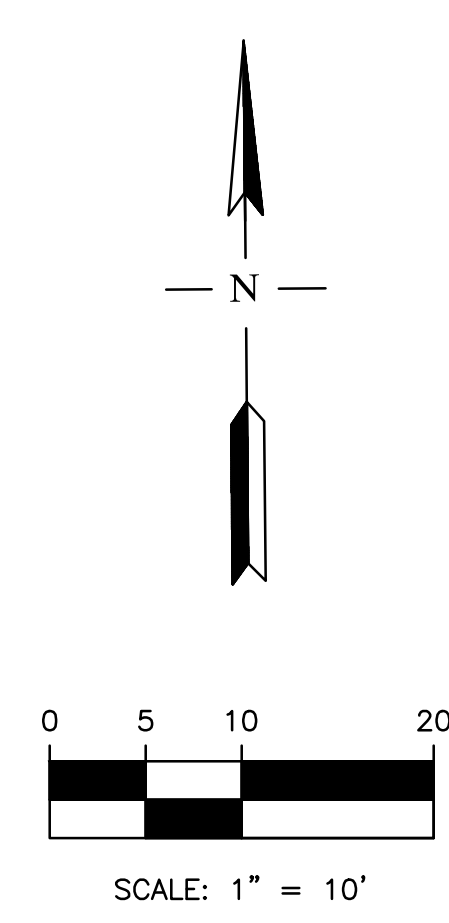
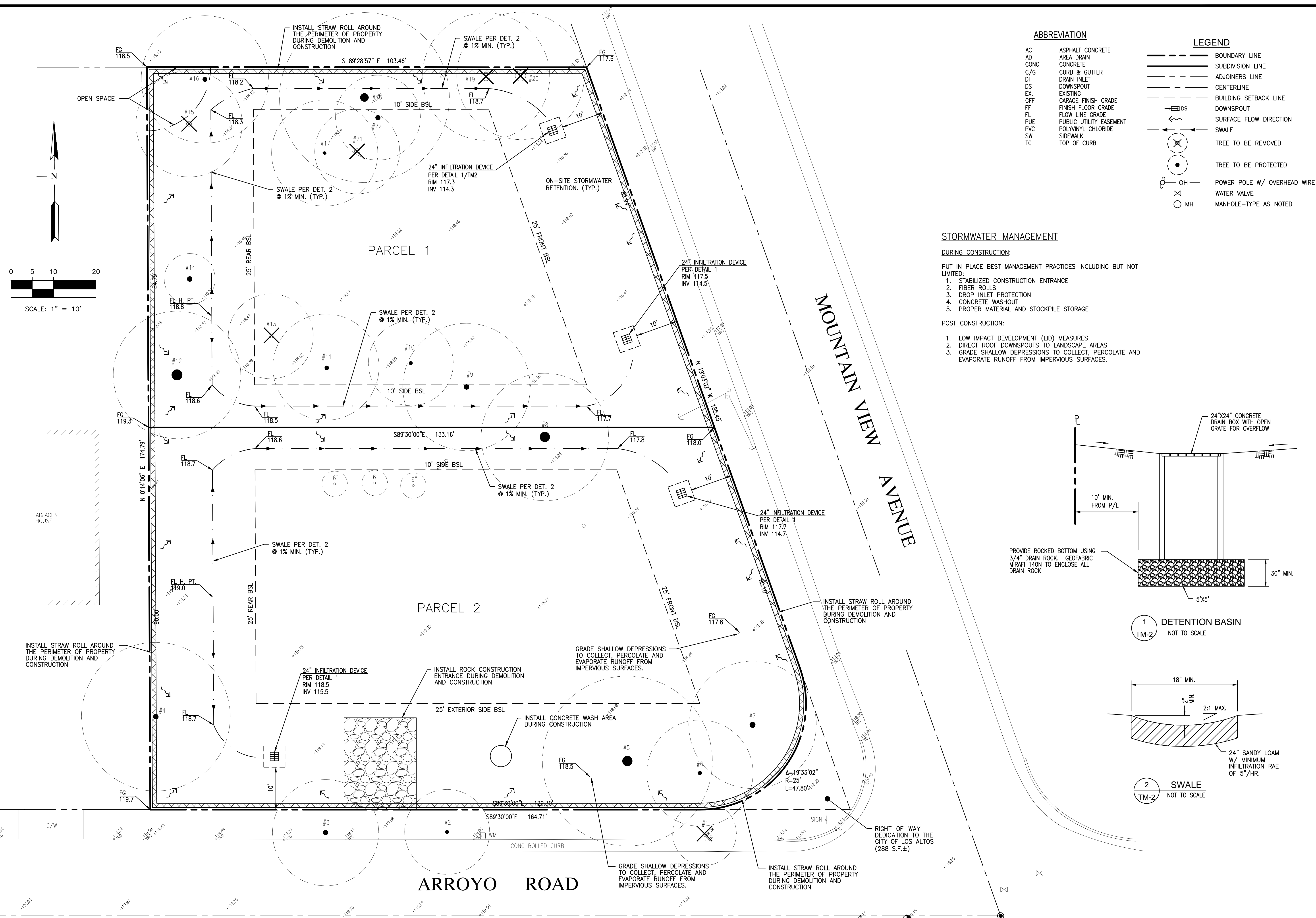
THE BEARING S89°30'00"E OF CENTERLINE OF ARROYO ROAD AS SHOWN ON MAP OF SUBDIVISION OF MONTEBELLO ACRES FILED IN BOOK "X" OF MAPS AT PAGE 1-3, SANTA CLARA COUNTY RECORDS.

831 ARROYO ROAD
LOS ALTOS, CA
APN: 189-29-020
SANTA CLARA COUNTY

TENTATIVE PARCEL MAP
SITE PLAN

DATE: 2/20/19
SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET NO.

TM-1
OF 2 SHEETS



ABBREVIATION		LEGEND	
AC	ASPHALT CONCRETE	---	BOUNDARY LINE
AD	AREA DRAIN	---	SUBDIVISION LINE
CONC	CONCRETE	---	ADJOINERS LINE
C/G	CURB & GUTTER	---	CENTERLINE
DI	DRAIN INLET	---	BUILDING SETBACK LINE
DS	DOWNSPOUT	DS	DOWNSPOUT
EX.	EXISTING	---	SURFACE FLOW DIRECTION
GFF	GARAGE FINISH GRADE	---	SWALE
FF	FINISH FLOOR GRADE	---	TREE TO BE REMOVED
FL	FLOW LINE GRADE	---	TREE TO BE PROTECTED
PUE	PUBLIC UTILITY EASEMENT	---	OH
PVC	POLYVINYL CHLORIDE	---	WATER VALVE
SW	SIDEWALK	---	MH
TC	TOP OF CURB	---	MANHOLE-TYPE AS NOTED

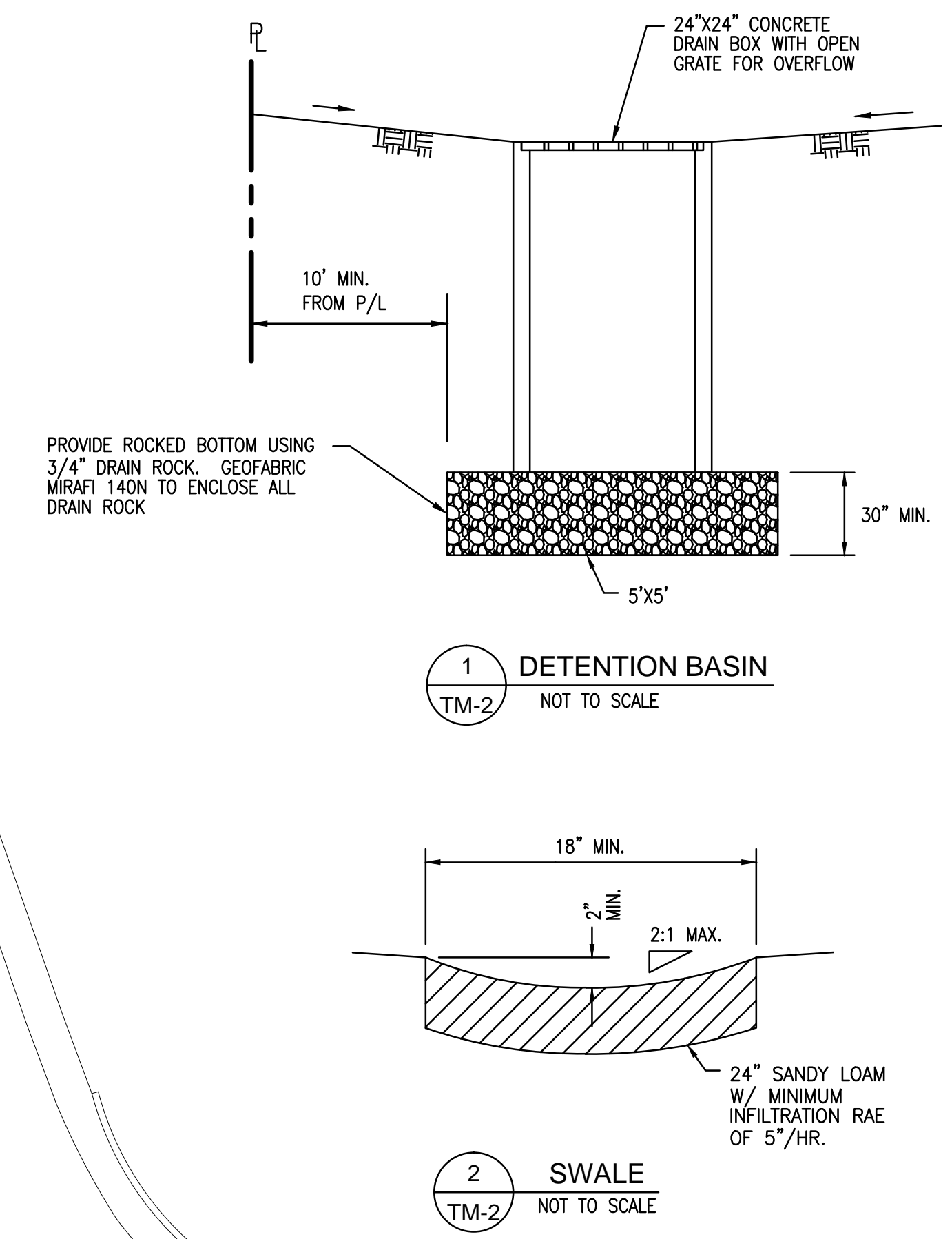
STORMWATER MANAGEMENT

DURING CONSTRUCTION:

- PUT IN PLACE BEST MANAGEMENT PRACTICES INCLUDING BUT NOT LIMITED:
1. STABILIZED CONSTRUCTION ENTRANCE
 2. FIBER ROLLS
 3. DROP INLET PROTECTION
 4. CONCRETE WASHOUT
 5. PROPER MATERIAL AND STOCKPILE STORAGE

POST CONSTRUCTION:

1. LOW IMPACT DEVELOPMENT (LID) MEASURES.
2. DIRECT ROOF DOWNSPOUTS TO LANDSCAPE AREAS
3. GRADE SHALLOW DEPRESSIONS TO COLLECT, PERCOLATE AND EVAPORATE RUNOFF FROM IMPERVIOUS SURFACES.



NO.	REVISION	DATE	BY

RW ENGINEERING, INC.
 CIVIL ENGINEERS • LAND SURVEYORS
 505 ALPAMONT DRIVE
 MILPITAS, CA 95035
 (P) (408) 262-1889
 (FAX) (408) 824-5556
 rweengineering@gmail.com

REGISTERED LAND SURVEYOR
 ROBERT Y. MANDY
 NO. 8931
 RENEWAL DATE: 09-30-20
 STATE OF CALIFORNIA

**831 ARROYO ROAD
 LOS ALTOS, CA**

SANTA CLARA COUNTY
 APN: 189-29-020

**TENTATIVE PARCEL MAP
 PRELIMINARY GRADING &
 DRAINAGE PLAN**

DATE: 2/20/19
 SCALE: AS NOTED
 DESIGNED BY: RW
 DRAWN BY: RW

SHEET NO.
TM-2
 OF 2 SHEETS

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:12 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Allyson Johnson <__>
Date: March 21, 2019 at 5:02:27 PM PDT
To: City Council <council@losaltosca.gov>
Subject: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

Dear Los Altos Council Members:

We are residents of a home across the street from 831 Arroyo Road, and we have several concerns about the planned subdivision of this property based on the documents posted on the planning commission website.

1. Consistency . On the smaller Tentative Parcel Map Site Plan, the setback facing Arroyo Road is listed as 20 feet. On the larger Tentative Parcel Map Preliminary Grading and Drainage Plan, the setback is only 10 feet.

2. Safety.

A. Arroyo Road crosses Mountain View Avenue at a sharply acute angle. This is already a hazardous corner for pedestrians and bicyclists, particularly during the mornings, due to commute traffic cutting from Springer Road to El Camino Real, and in the other direction from Miramonte Ave. to Springer Road. If the setback on Arroyo Road is only 10 feet, with a typical solid side-yard fence, this will be even more of a blind corner.

The current landscaping has low vegetation and no fence at the corner, which allows for reasonable visibility when properly maintained.

B. The parcel map shows both sub-divided lots fronting on Mountain View Avenue. This will add more hazard for residents of those lots who will need to negotiate in and out of their driveways with poor visibility, particularly for the residents of the corner lot.

3. Neighborhood Character. The Housing Element states that "the City shall ensure that the development permitted in the creation of land divisions results in an **orderly and compatible development pattern, within the subdivision and in relation to its surroundings.**" [boldface added for emphasis].

A. If the residence in the corner lot fronts on Mountain View Avenue, it will be the only residence on Arroyo with a minimal setback, adversely impacting the look of the street. Almost all of the homes on that side of the street adhere to the neighborhood convention of 35-40 foot setbacks in the front yard. Treating the Arroyo frontage as a side yard with only a 10 foot setback would be very much out of keeping with the neighborhood standard.

B. Both the subdivided lots will be considerably smaller than the other properties surrounding them. Montebello Acres was originally designed with extra -large lots, a half-acre or more. This difference will already impact the neighborhood. I hope that we can minimize the difference by good design and sensitivity to the overall positioning and appearance of new construction.

In order to mitigate the safety and neighborhood character concerns, I hope the council will at minimum ensure that whatever residence is built on the corner lot fronts on Arroyo Road with adherence to the neighborhood standard 35-40 foot minimum setback. This would also make it easier for the new residents to be part of the Arroyo Road community. (We have a strong community which includes a block party at the cul-de-sac each fall.)

Please take these concerns into consideration when discussing this proposed subdivision.

Cordially,

David and Allyson Johnson

Los Altos 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:11 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Tuesday, March 26, Los Altos City Council meeting regarding subdivision of the property at 831 Arroyo

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Robert Schonhardt
Date: March 21, 2019 at 3:23:02 PM PDT
To: council@losaltosca.gov
Subject: Tuesday, March 26, Los Altos City Council meeting regarding subdivision of the property at 831 Arroyo

Hello,

Our names are Robert and Elizabeth Schonhardt. We live at _____, next door the proposed project at 831 Arroyo. Our neighborhood, known as the Montebello Acre's, consists of homes on lots averaging over 16,000 square feet. All of the homes on Arroyo have a consistent pattern of open front yards with setbacks averaging 40 feet. Our primary ask of City Council is that the proposed new construction on Arroyo remains consistent with our street and neighborhood. Most importantly, that the new construction (the larger of two proposed houses) remains facing Arroyo (as the current property does) with a front yard setback consistent with the other houses on our street.

We are respectful of the need for additional housing and believe this can be accomplished while maintaining the character of our neighborhood.

We look forward to meeting with you this Tuesday.

Thank you,

Bob and Betsy Schonhardt

Los Altos, CA 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:05 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road - updated letter

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Allyson Johnson
Date: March 22, 2019 at 8:43:48 PM PDT
To: City Council <council@losaltosca.gov>
Subject: Fw: **18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road - updated letter**

Subject: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

Dear Los Altos Council Members:

Sean Gallegos has called my attention to new maps associated with the above subdivision. I

We are residents of a home across the street from 831 Arroyo Road, and we have several concerns about the planned subdivision of this property based on the documents posted on the planning commission website.

The new parcel maps show a 25 foot setback on each side of Parcel 2, but still show the house facing Mountain View Avenue. The council directed that the home built on this parcel should face Arroyo Road. This discrepancy should be corrected.

Our concerns regarding consistency with neighborhood character have not been allayed. . The Housing Element states that "the City shall ensure that the development permitted in the creation of land divisions results in an **orderly and compatible development pattern, within the subdivision and in relation to its surroundings.**" [boldface added for emphasis].

The neighborhood was originally designed Montebello Acres was originally designed with extra -large lots, a half-acre or more, and with generous front-yard setbacks of 35-40

feet. Almost all the homes on the north side of Arroyo conform to this standard setback. This difference will already impact the neighborhood. I hope that we can minimize the difference by good design and sensitivity to the overall positioning and appearance of new construction.

In order to mitigate the safety and neighborhood character concerns, I hope the council will at minimum ensure that whatever residence is built on the corner lot fronts on Arroyo Road with adherence to the neighborhood standard 35-40 foot minimum setback. This would also make it easier for the new residents to be part of the Arroyo Road community. (We have a strong community which includes a block party at the cul-de-sac each fall.)

Please take these concerns into consideration when discussing this proposed subdivision.

Cordially,
David and Allyson Johnson
Los Altos 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:05 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Please deny subdivision at 831 Arroyo Rd

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Melissa House
Date: March 23, 2019 at 2:12:12 PM PDT
To: council@losaltosca.gov
Cc: Melissa House
Subject: Please deny subdivision at 831 Arroyo Rd

To the members of the Los Altos City Council,

The City Council should not approve the subdivision at 831 Arroyo Rd. The points below describe significant issues with this proposal and I hope the Council denies this subdivision as it is currently drafted unless the home faces Arroyo and maintains the 35-40 foot setback.

The points below further express my concerns.

- 1) The primary home at 831 should face Arroyo Road and have a 35-40-foot setback consistent with the same side of the street. **This maintains the character of the Montebello Acres neighborhood.**
- 2) The corner of Arroyo and Mountain View Avenues poses a traffic safety issue which will be increased if both homes face Mountain View Ave. Setbacks on Arroyo will be narrower, decreasing corner visibility and putting children and other pedestrians at risk.
- 3) Nearly **85 percent of the Montebello Acres property owners have signed a petition** requesting that the complete front exterior of the proposed new residence face Arroyo Road and maintain the appropriate setback for the north side of Arroyo (the setback of the original home).
- 4) The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."
- 5) We ask that the Council **not approve this subdivision as it is currently drafted** unless the home faces Arroyo and maintains the 35-40 foot setback. We value the consistency of the Montebello Acres neighborhood.

Thank you,
Melissa House

., Los Altos, CA, 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:06 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Rd. Los Altos

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Rocky Speakman
Date: March 23, 2019 at 10:41:07 PM PDT
To: council@losaltosca.gov
Cc: Rocky Speakman
Subject: 831 Arroyo Rd. Los Altos

Hello,

Attention members of the Los Altos City Council,

The City Council should not approve the subdivision at 831 Arroyo Rd. The points below describe significant issues with this proposal and I hope the Council denies this subdivision as it is currently drafted unless the home faces Arroyo and maintains the 35-40 foot setback.

The points below further express my concerns.

- 1) The primary home at 831 should face Arroyo Road and have a 35-40-foot setback consistent with the same side of the street. This maintains the character of the Montebello Acres neighborhood.
- 2) The corner of Arroyo and Mountain View Avenues poses a traffic safety issue which will be increased if both homes face Mountain View Ave. Setbacks on Arroyo will be narrower, decreasing corner visibility and putting children and other pedestrians at risk.
- 3) Nearly 85 percent of the Montebello Acres property owners have signed a petition requesting that the complete front exterior of the proposed new residence face Arroyo Road and maintain the appropriate setback for the north side of Arroyo (the setback of the original home).
- 4) The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."
- 5) We ask that the Council not approve this subdivision as it is currently drafted unless the home faces Arroyo and maintains the 35-40 foot setback. We value the consistency of the Montebello Acres neighborhood.

Thank you,

Rocky Speakman

Los Altos, Ca. 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:05 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Ave

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Terri _____
Date: March 24, 2019 at 8:39:51 PM PDT
To: council@losaltosca.gov
Subject: 831 Arroyo Ave

To Los Altos City Council:

A recent sale of the property at 831 Arroyo has been approved to subdivide to a lot size non-conforming to the neighborhood.

This is absolutely ridiculous, we all purchased our homes in the Montebello Acres neighborhood to enjoy the charm of having low density, large lot, old Los Altos charm. I have lived in this town for 45 years and understand change, but allowing a variance to change the entire feel of a neighborhood is outrageous !

If this subdivision is allowed , then one of the properties must face Arroyo and adhere to the appropriate setbacks. It will ruin that entire end of the street to have both properties face Mountain View Avenue! It seems highly unfair to the owners on Arroyo that have adhered to the setbacks to have a greedy seller and buyer try to now change the rules for their own financial gain!

Please vote to retain our neighborhood feel and to be fair to all the property owners on Arroyo that would have to stare at a long fence along Arroyo should you approve the two lots facing Mountain View Ave.

Thank you,
Terri Dempsey

Los Altos

Sent from my iPhone

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:04 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Teresa Flory
Date: March 25, 2019 at 5:45:32 AM PDT
To: council@losaltosca.gov
Cc: Nancy Ellickson
Subject: 831 Arroyo Road

To the members of the Los Altos City Council:

We are 30 year residents of Los Altos living on Raymundo Avenue. We love the city and our neighborhood. We would like to voice our opinion about the subdivision of the lot at 831 Arroyo Road, which is just around the corner from where we live. That lot is only slightly larger than the rest of the lots in our three street subdivision and I was very surprised to learn that it had been subdivided, thus creating two lots that are both significantly smaller than the rest of the lots in the subdivision. I don't know if that decision is reversible, but I think it should be. That being said, if the lots are subdivided, the larger of the two lots, which fronts Arroyo Road should have it's front door on Arroyo, thus being consistent with all the other homes on the street, and should also abide by the 40 foot setback rule as set forth in our CC&Rs. There is an added safety factor because if both houses front on Mountain View Avenue and are only set back 10 feet, it will make that blind corner more dangerous. I like to walk my dog in our neighborhood and that would seriously limit visibility as I approach that corner.

Thanks for your time and consideration and for your service to our community.

Best regards,
Teresa Flory

Los Altos, CA. 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:04 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Proposed Development at 831 Arroyo

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Carol Stratford
Date: March 24, 2019 at 8:27:40 PM PDT
To: council@losaltosca.gov
Subject: Proposed Development at 831 Arroyo
Reply-To: Carol Stratford

Honorable Councilwomen:

We are resident owners at _____ which is within the subdivision known as Montebello Acres. We purchased our property in 1997 and have resided here continuously. In the time we have lived here, we have seen many changes to the neighborhood, mainly in the form of updated/remodeled residences. We applaud these changes as enhancing the beauty of the neighborhood. We remodeled our home in 2006-7. At that time we understood that the setback from the street was required to be at least 40 feet. We instructed our architect accordingly and maintained a true setback (from the edge of the street asphalt) of 50 feet, retaining the original front setback, which was 40 feet plus the 10 foot easement to the edge of the street. We have observed other neighbors comply with this requirement, to the ongoing benefit of the neighborhood character.

We strongly implore you to deny a permit to the developers who want to impinge on our **covenanted setback of at least 40 feet from the edge of our street, Arroyo Rd.** Also, in case it is still in question, we believe that the proposed corner residence must face Arroyo (and comply with its setback requirements). To do otherwise would be to endanger the lives of those of us who routinely walk around the neighborhood (due to a blind corner and no sidewalks at the corner comprising 831 Arroyo Road).

Thank you for your consideration of our comments,

Carol Stratford
David Blake

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:03 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Proposed project on Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Pam Lerner
Sent: Monday, March 25, 2019 8:42 AM
To: City Council <council@losaltosca.gov>
Cc: Sue Greathouse
Subject: Proposed project on Arroyo Road

To Los Altos City Council,

I am writing about my genuine concern regarding the proposed project at the corner of Arroyo Road and Mt. View Avenue. As a 20 year resident of Arroyo Road, I have experienced some frightening and dangerous encounters at the corner where this new project is slated for development.

I walk my dogs **every morning** at about the same time as elementary school children ride their bikes to school. I am well aware of the hazards at the corner. Currently there is a tall hedge at corner that makes it impossible to see oncoming traffic.

Arroyo Road is often used as a shortcut for people on their way to work. I listen for the cars speeding around the corner, and many times have had to step in the bushes to avoid being hit by a motorist. I have also watched many near misses as drivers swerve around the corner to avoid hitting children riding their bikes to school. As residents, we should be able to walk or ride our bikes safely in our neighborhood.

Any project that limits visibility at the corner of Arroyo Road and Mt. View Avenue is dangerous.

Please approve the proposed project with one home facing Arroyo Road and require the builder to have a 40 feet setback for an unobstructed view around the corner.

To approve the project without these stipulations would be a serious mistake and dangerous for our community.

While you evaluate the concerns of neighbors versus a developer's temporary interest in our neighborhood, please consider this question --- do you want to be responsible for approving a project that may cause injury or worse to a young child riding their bike to school?

Regards,

Pam Lerner

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:41 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Linda Buiocchi <_____
Sent: Monday, March 25, 2019 9:11 AM
To: City Council <council@losaltosca.gov>
Subject: 831 Arroyo Road

Dear City Council Members,

We are writing to express our concern with the proposed sub division of the property at 831 Arroyo Road.

We live at _____ We have been residents here since 2000. We purchased our home because of the beautiful neighborhood it is a part of, Montebello Acres. Our lots are significantly larger than the average Los Altos lot size. We enjoy wide streets with a front setback of 35-40 feet for the homes in this neighborhood. In fact, we actually tore down the original house we purchased in 2000 and rebuilt, as many of our neighbors have done since. We designed our home to keep to that 35-40 foot setback to maintain the integrity of this neighborhood. We urge you to adhere to this very important characteristic when making decisions about the request to sub divide 831 Arroyo Road.

Specifically:

- The main house at 831Arroyo should be facing Arroyo Road with a 35-40 foot setback to maintain the integrity of our street and neighborhood.
- Additionally, 831 Arroyo Road sits at the intersection of Arroyo Road and Mountain View Ave. It currently is a safety hazard for both pedestrians and motorists. Having any other configuration of the property (ie having both houses face Mountain View Ave) would increase the danger at that intersection by further obstructing the view at the intersection.

We thank you for reading this letter and taking our concerns into your decision making.

Respectfully,
Tom & Linda Buiocchi

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:11 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo proposed development

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Deborah Stern
Date: March 21, 2019 at 4:05:16 PM PDT
To: council@losaltosca.gov
Subject: **831 Arroyo proposed development**

Dear Council Members,

Regretfully, due to a prior commitment I am unable to attend the council meeting so I am writing this email for your consideration.

For the past 20 years I have lived at _____ One of the primary reasons I purchased the home was the large lot, unusual for Los Altos and it creates a neighborhood feel that is unique and should be appreciated and maintained. We are a close knit group of neighbors who watch out for one another so in addition to signing the neighborhood petition, I wanted to include my strong support of the following:

- 1) The primary home at 831 should face Arroyo Road and have a 35-40-foot setback consistent with the same side of the street. **This maintains the character of the Montebello Acres neighborhood.**
- 2) The corner of Arroyo and Mountain View Avenues poses a **traffic safety issue** which will be increased if both homes face Mountain View Ave. Setbacks on Arroyo will be narrower, decreasing corner visibility and putting children and other pedestrians at risk.
- 3) I, along with nearly **85 percent of the Montebello Acres property owners have signed a petition** requesting that the complete front exterior of the proposed new residence face Arroyo Road and maintain the appropriate setback for the north side of Arroyo (the setback of the original home).
- 4) The current plan for subdividing this property does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."

5) I, along with the majority of the Montebelloacres neighbors ask that the Council **not approve this subdivision as it is currently drafted** unless the home faces Arroyo and maintains the 35-40 foot setback. We value the consistency of the Montebello Acres neighborhood.

Clearly, the subdivision itself is completely out of character with the entire neighborhood which includes Vista Grande, Raymundo, and Arroyo. If approved, the subdivision will impact the prices of all the other homes when the two homes are used as price comps since they will be of lesser value due to the significantly reduced lot sizes.

Having been in commercial and industrial real estate development, I understand the desire to capitalize on making a profit in a development, but there will be plenty of money to be made with just one house on this beautiful piece of land.

Thank you for your time and consideration with regard to this matter.

Respectfully,

Deborah Stern

Sent from my iPhone

Sean Gallegos

From: Zach Dahl
Sent: Tuesday, March 26, 2019 10:13 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Subdivision

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Chris Jordan
Sent: Tuesday, March 26, 2019 8:06 AM
To: Zach Dahl <ZDahl@losaltosca.gov>
Subject: FW: 831 Arroyo Subdivision

From: Nancy Ellickson
Sent: Monday, March 25, 2019 9:16 PM
To: City Council <council@losaltosca.gov>
Subject: 831 Arroyo Subdivision

Dear City Council Members,

We are writing to protest the current subdivision plans for 831 Arroyo in Montebello Acres.

Ron and I have lived in our home at _____ for 27 years. We originally purchased because of the large lots and wide, tree-lined front yards (because of the setbacks). These characteristics are what make Montebello Acres unique in comparison to other neighborhoods in Los Altos.

After attending the February 7, 2019 Planning Commission meeting and then speaking with the majority of our neighbors over the last several weeks, we believe the plan for 831 Arroyo needs to go back to the drawing board. If Council ultimately does decide to give the developer permission to build this subdivision in Montebello Acres, we ask that the main house face Arroyo Avenue with a front setback of 40-feet at a minimum and a 25-foot rear setback.

We appreciate your time and thoughtful deliberation on this issue.

Respectfully,

Nancy & Ron Ellickson

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:42 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Rd.

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Anita Siegel
Sent: Monday, March 25, 2019 9:16 AM
To: City Council <council@losaltosca.gov>
Subject: 831 Arroyo Rd.

To Whom It May concern,

I live at _____ across the street from the proposed subdivision. Here are my concerns and request to keep the property at 831 intact:

(1) This subdivision does not comply with the current development pattern of homes built or in construction phase on Arroyo and Raymundo Avenues, as well as Vista Grande.

It is my suggestion that the property at 831 be kept intact so that a larger home and possibly an accessory unit could be built; thus keeping consistent the current log of new homes on Arroyo Road. This also insures the property values of those homes are kept up.

(2) I've often seen cars coming from the Arroyo side onto Mt. View Ave., cut into the left side of the road, not staying on the far right as they turn the corner. If the driveways of the Mt. View homes are too close to Arroyo, not only pedestrians, but mainly cars coming around the corner, as well as the owner of that home, on Mt. View Avenue will be in serious danger every time they leave the driveway.

My recommendation is to do a study of this situation before taking further action to subdivide.

(3) Should this proposal pass council, it is my concern that the two houses in question be limited in size, commensurate with lot size, and neighborhood, and limited to single story; as are the four other houses facing the property.

Sincerely,

Anita Siegel
Los Altos, CA

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 10:24 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo subdivision and plan

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Susan Falk <_____
Sent: Monday, March 25, 2019 9:55 AM
To: City Council <council@losaltosca.gov>
Cc: Susan Falk _____; Allen Falk <_____
Subject: 831 Arroyo subdivision and plan

Councilmembers,

The subdivision and plan for 831 Arroyo is on your agenda tomorrow Tue 3/26.

We strongly object to the previously published plan for development of 831 Arroyo Ave which plans to subdivide this lot and turn both new units toward Mountain View Ave. We object to this precedent setting subdivision based on a few smaller lots existing along Mountain View Ave.

Since the city planning commission seems inclined to allow the subdivision, we further strongly object to allowing the corner lot to turn away from Arroyo. Allowing over a 100 foot side yard along Arroyo will be an eyesore for everyone in our close community.

Beyond that, we expect any new home on Arroyo should follow the 40 foot front setback followed by virtually all the neighbors on Arroyo, since any deviation will substantially impact the unique look and feel of our neighborhood. Our Montabello Acres neighborhood is characterized by large 16000 to 18500 square foot lots with previously mandated 40' front setbacks due to the original neighborhood CC&Rs.

My husband Allen and myself own and reside at _____ in the Montabello Acres neighborhood.
- Susan and Allen Falk

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 11:01 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Montebello Acres proposed subdivision

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Jack Flesher
Date: March 25, 2019 at 10:30:49 AM PDT
To: City Council <council@losaltosca.gov>
Subject: Montebello Acres proposed subdivision

To whom it may concern at Los Altos City Planning Department and City Council,

In re the Montebello Acres proposed subdivision plan:

Said development is an older neighborhood situated between Springer Road and Mountain View Ave at the south-eastern corner of Los Altos. It encompasses houses on both sides of 3 streets, Arroyo Rd, Raymundo Ave and Vista Grande Ave; we live on Vista Grande near Mountain View Ave and why this proposal impacts us.

The neighborhood was initially orchard acreage with county oversight, and I believe sometime around the late 1940's/early 1950's, most of the parcels —still under county oversight— were divided into the approximately 17,000 sq. ft. buildable lots present now. The city of Los Altos later annexed this subdivision in a somewhat complex land trade agreement with the County of Santa Clara and city of Mountain View. (There is more to that history, but it is irrelevant to the proposal.) This leaves us where we are today, but most importantly along with the recorded CC&R's this development still operates under.

There are two main areas of concern to my wife and myself. They are that the proposed development violates several recorded covenants per the subdivision CC&R's; and then more directly that the proposed development deviates significantly from the character of the existing neighborhood. Additionally, there are some safety concerns with the proposed property driveway egress/ingress, and finally, we believe the Planning Commission had to be either misinformed or wrongly advised —and likely both— on certain key points of the proposed development, as it is so clearly contrary to the historical actions by them as respects our particular subdivision.

We would thank you in advance for your vote AGAINST this particular plan, and further encourage the site developer through you to come up with a plan more fitting and conforming to our neighborhood.

Sincerely,

Jack Flesher

Sean Gallegos

From: Zach Dahl
Sent: Tuesday, March 26, 2019 10:13 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Subdivision

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Chris Jordan
Sent: Tuesday, March 26, 2019 8:04 AM
To: Zach Dahl <ZDahl@losaltosca.gov>
Subject: FW: Subdivision

From: Charles Baker
Sent: Monday, March 25, 2019 5:59 PM
To: City Council <council@losaltosca.gov>
Subject: Subdivision

Dear Los Altos City Council, I strongly oppose the proposed subdivision located 831 Arroyo for the following reasons:

The main home needs to face Arroyo as all other houses on the street do.

The main home should be set back 40 feet as all other houses do and as stated in the CC&Rs

Safety, if both homes face Mt View avenue vision around the corner worsens for pedestrians and autos.

Charles N Baker

Los Altos
Ca 92024

Sean Gallegos

From: Zach Dahl
Sent: Tuesday, March 26, 2019 10:14 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Concerns

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Chris Jordan
Sent: Tuesday, March 26, 2019 7:02 AM
To: Zach Dahl <ZDahl@losaltosca.gov>
Subject: Fwd: 831 Arroyo Concerns

Sent from my iPad

Begin forwarded message:

From: Laurie Belove · _____
Date: March 25, 2019 at 11:00:49 PM PDT
To: council@losaltosca.gov
Subject: 831 Arroyo Concerns

Dear LA City Counsel,

My husband and I have lived at _____ for 30 years. We are not happy about the approval of subdividing the lot at 831 Arroyo. Since this is a done deal at this point, we would like to mention some of our concerns as this property is planned/developed:

- 1) The larger of the two homes must face Arroyo and the smaller house must face Mountain View Avenue. This corner lot presents a big safety issue as cars whip around the corner. It's a dangerous corner for pedestrians!
- 2) This home must follow the 40 foot setback to follow the current character of our street.

Hopefully, our home values don't suffer from this ridiculous decision to subdivide the lot. It's imperative that these two homes follow the current character of Arroyo Road and the safety and quality of our neighborhood.

Regards,

Laurie & David Belove

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 12:07 PM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Subdivision at 831 Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Katie Heley
Sent: Monday, March 25, 2019 11:28 AM
To: City Council <council@losaltosca.gov>
Subject: Subdivision at 831 Arroyo Road

Dear Council,

I'm writing on behalf of myself, and my husband, Rich Heley. We live at _____ and are aware of the planned subdivision at 831 Arroyo Road. We understand that the current lot is large enough to be subdivided, but we are concerned that the planned subdivision will impact the safety and aesthetic of our street.

We feel that our concerns would be addressed if the following two conditions were required for this project to move forward:

1. The main house should be front facing on Arroyo Road, like every other house on our road.
2. The main house on Arroyo Road should have a 40 foot setback, like the other houses on our road.

If both proposed houses are allowed to face Mountain View Ave., we are concerned about the visibility around the corner of Arroyo Road / Mountain View Ave. Our street is a popular cut-through road during rush hour and it's also popular with walkers, bikers and dogs. We'd hate to see this corner impacted by restricted visibility if both proposed residences face Mountain View Avenue.

Thank you for considering our feedback.
Katie & Rich Heley

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:12 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Opposition to 831 Arroyo Rd subdivision

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

Begin forwarded message:

From: Will Deng
Date: March 21, 2019 at 11:52:01 PM PDT
To: "council@losaltosca.gov" <council@losaltosca.gov>
Subject: **Opposition to 831 Arroyo Rd subdivision**
Reply-To: "

Dear council members,

The subdivision of 831 Arroyo Rd will definitely change how my neighborhood looks. It will be inconsistent with the surrounding houses. Houses on the three streets (Vista grande, Raymundo and Arroyo) have similar large lots, large front yard setback. I strongly ask for your help to preserve the current beautiful neighborhood look and deny the subdivision.

Thanks,

-Will Deng

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 1:40 PM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Road Subdivision

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Erno Klaassen
Sent: Monday, March 25, 2019 12:06 PM
To: City Council <council@losaltosca.gov>
Cc: Tina Klaassen
Subject: 831 Arroyo Road Subdivision

Dear City Council,

We are writing in regards to one of the items on the March 26 City Council Agenda - the proposed subdivision of the lot at 831 Arroyo Road.

Our family has lived at _____ for about seventeen years. We were first drawn to the street by the large lots and wonderful setbacks that characterize the Monte Bello Acres neighborhood. Over the years, our neighborhood has changed a lot. Yet despite all the large houses being built, this character has been maintained.

We ask you that in reviewing this proposal you ensure that the home closest to Arroyo Road faces Arroyo, and not Mountain View Avenue, to avoid creating an unsightly blind fenced side along Arroyo road.

We also ask that you will require that the developer maintain a proper front setback for this house of 40 feet, in line with the rest of the neighborhood.

Mountain View Ave and Arroyo Road meet at a relatively sharp angle, and maintaining a proper setback against Arroyo for this intersection will help reduce the traffic risk to kids and other pedestrians at this corner.

Best Regards,

Erno and Tina Klaassen

Los Altos, CA 94024

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 9:04 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Subdivision at 831 Arroyo

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

-----Original Message-----

From: tina zhang
Sent: Monday, March 25, 2019 12:18 AM
To: City Council <council@losaltosca.gov>
Subject: Subdivision at 831 Arroyo

Dear City Council,

My name is Zhengrong (Tina) Ji, the owner of _____, in Los Altos. I am sorry I can't attend this Tuesday's meeting due other commitments. Pls allow me to take this opportunity to express my concerns:

I think this subdivision may be a bad precedent, because it will cause:

- 1) A big safety issue, if face Mt. View Ave. We have many elementary kids ride bikes to school.
- 2) It should set back 40 feet, just like other houses.
- 3) Subdivision is driving by profits. I am afraid more properties will be teared down in the future. I have suffered noise and pollution from my next door neighbor new construction for almost two year. It was a nightmare.

I am sure most residences don't like this subdivision. So please consider our requests and protect our environment and peaceful neighborhood.

Thanks for listening our voice.

Many thank,
Zhengrong(Tina) Ji

Sent from my iPhone

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 2:37 PM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Feedback on subdivision of 831 Arroyo (from neighbors at 774 Arroyo Rd)

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Katie Povejsil
Sent: Monday, March 25, 2019 2:10 PM
To: City Council <council@losaltosca.gov>
Cc: Bill Scull
Subject: Feedback on subdivision of 831 Arroyo (from neighbors at 774 Arroyo Rd)

Dear Council,

We are excited that the property at 831 Arroyo Rd has turned over and will be upgraded. That property has been a major blight for quite some time and its overgrown trees and shrubs cause a very serious safety hazard at the corner of Mountain View Avenue and Arroyo Rd.

My husband (Bill Scull) and I have lived on Arroyo for 30 years. This is the first time the issue of subdividing one of the lots has come up. So with regard to the subdivision of 831 Arroyo Rd, we are neutral (neither for nor against it). However, if the property is subdivided, we would like to see it done so as to not only preserve the character of our neighborhood but to improve the aesthetics and safety of our neighborhood as well.

We would like to voice our support for our neighbor's recommendations for the planned subdivision and redevelopment of 831 Arroyo:

- o The envisioned main lot and home should face Arroyo Road—just as the original home did and like the other houses on the street.
- o The home on the main lot should have a front setback of **40 feet** in keeping with the character of our neighborhood.
- o The placement of homes, driveways, and landscaping must be designed to improve visibility and safety at the corner of Mountain View Avenue and Arroyo Road. If both lots have homes that are built to face Mountain View Avenue, it only worsens the safety issues for pedestrians and cars by further obstructing the view around the corner.

Thank you for the consideration of this input from the residents and homeowners in this neighborhood.

Sincerely,

Katie Povejsil

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 3:05 PM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Concerns about proposed subdivision of 831 Arroyo Road

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Andrew Maisel
Sent: Monday, March 25, 2019 2:43 PM
To: City Council <council@losaltosca.gov>
Subject: Concerns about proposed subdivision of 831 Arroyo Road

To: Los Altos City Council Members

I live at _____, and I am writing to express my concerns about the proposed subdivision of the property at 831 Arroyo Road.

Issue 1. Consistent appearance and character. The home on the proposed corner sub-parcel needs to face Arroyo. All the other homes on the street face Arroyo.

Issue 2. Safety. This corner is an acute corner, making visibility an issue. Setbacks need to be greater than normal to the reduce the risk of accidents involving pedestrians and bicyclists as well as the cut-through car traffic we have on the street, seeking to avoid the light at El Monte and El Camino.

Issue 3. There appear to be two errors in the Planning Committee's submission:

Error 1- on page 8: If it faces Arroyo road, there will be no 'exterior *side* property line adjacent to Arroyo Road.' The side property line will be adjacent to Mountain View Ave. I think the Planning Commission meant to say that the front setback on Arroyo must be at least 25 feet -- which relates to the two concerns I itemized before.

CONDITIONS

GENERAL

1. **Approved Plans**

Project approval is based upon the tentative map dated February 25, 2019, except as may be modified by these conditions.

2. **Parcel 2 Setbacks and Orientation**

The new house on Parcel 2 shall be sited to face Arroyo Road and have a setback of at least 25 feet from the exterior side property line adjacent to Arroyo Road.

=====

Error 2 - on page 16: The proposed width and depth measures for the corner parcel 2 are inverted. If the house is facing Arroyo as specified by the Planning Commission above, then the proposed property's *width* is 149 feet, and the *depth* 90 feet, not as stated below. The proposed 90' depth measure is then short of the City's 100' depth requirement.

Subject: 18-DL-01 – Two-Lot Subdivision at 831 Arroyo Road

	PROPOSED	REQUIRED
PARCEL 1:		
Area	10,029 square feet	10,000 square feet
Width	84.8 feet	80 feet
Depth	119 feet	100 feet
PARCEL 2:		
Area	13,404 square feet	11,000 square feet
Width	90 feet	90 feet
Depth	149 feet	100 feet

Thank you for your attention and consideration of my concerns.

/Andrew Maisel

Sean Gallegos

From: Zach Dahl
Sent: Tuesday, March 26, 2019 10:15 AM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: 831 Arroyo Rd. Construction Projects

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Chris Jordan
Sent: Tuesday, March 26, 2019 7:02 AM
To: Zach Dahl <ZDahl@losaltosca.gov>
Subject: Fwd: 831 Arroyo Rd. Construction Projects

Sent from my iPad

Begin forwarded message:

From: RON LIGON
Date: March 26, 2019 at 6:55:47 AM PDT
To: council@losaltosca.gov
Subject: 831 Arroyo Rd. Construction Projects
Reply-To: RON LIGON

Dear City Council:

We have lived at [redacted] for approximately 25 years. During that time many homes in our subdivision have been sold, demolished, and replaced with new, modern construction. For the most part new construction has adhered to our neighborhood setbacks and the design styles have fit the neighborhood.

First, we are opposed to the division of the existing property located at 831 Arroyo Rd. We believe that it is in the best interest of the neighborhoods that the large lot size remains undivided. But if the city has the authority and intends to split the parcel into two lots then we and our neighbors share other concerns. Most of the neighborhood

residents seem to believe that the main house should continue to reside on Arroyo Rd. and face forward onto Arroyo as **all the other houses** on that block are oriented. The houses should also maintain the 40 foot setback that other homes on the street and in the neighborhood normally provide.

The second "added" property should face Mountain View Avenue. This alignment would match the properties that exist between the end of Raymundo Avenue and Vista Grande.

Many of my neighbors are also concerned that orienting both lots with homes facing Mountain View Avenue would create a safety issue that involves the reduced visibility of pedestrians and autos.

In conclusion, we do not believe that this parcel should be allowed to be subdivided. But, if the city decides that it will be subdivided, that both of these properties should not be allowed to face Mountain View Avenue.

Respectfully Submitted,

Theresa and Ron Ligon

Sent from my iPad

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 11:36 AM
To: Chris Jordan
Cc: Sean Gallegos; Jon Biggs
Subject: RE: 831 Arroyo

There are CC&Rs that predate City incorporation, but we consider the setbacks in the Zoning Ordinance, when it was adopted, to overrule the CC&R setback(s). However, through our neighborhood compatibility finding in our design review process, we have generally required projects on Arroyo Rd to respect this increased front yard setback pattern...and most, but not all, of the houses on Arroyo Rd have a FYSB of 35-40 feet. Thus, since there has not been strict adherence to the 40-foot FYSB specified in the CC&Rs, we have only enforced the Zoning Ordinance setbacks and left the CC&Rs as a civil matter for the neighborhood, or its HOA, to address.

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Chris Jordan
Sent: Monday, March 25, 2019 11:08 AM
To: Zach Dahl <ZDahl@losaltosca.gov>
Subject: FW: 831 Arroyo

She mentions "neighborhood covenants." Are there any CC&R's?

From: >
Sent: Monday, March 25, 2019 10:34 AM
To: City Council <council@losaltosca.gov>
Subject: 831 Arroyo

Dear Council Members,

I am a near lifetime resident of Montebello Acres. My parents moved into _____ in April 1950, prior to my birth. And I was able to raise my children in our family home as well.

The proposed subdivision at 831 Arroyo creates two smaller lots that fall significantly below the average lot size of more than 17,000 square feet in Montebello Acres. This subdivision impacts the character of our neighborhood and is contrary to what the majority of neighbors want. Knowing this, if you decide to move forward, I recommend that you consider the following:

- 1) All homes on Arroyo, Raymundo and Vista Grande are fronted on their named streets. The house at 831 should not be an exception.
- 2) According to our neighborhood covenants, the house facing Arroyo needs to be at a minimum, 40 feet back from the street and in alignment with the home next door.

Once again, I ask that if you decide to approve this subdivision, you maintain the character of our neighborhood by having the developer **face the main home on Arroyo at a setback comparable to the next door neighbor.**

Sean Gallegos

From: Zach Dahl
Sent: Monday, March 25, 2019 3:58 PM
To: Sean Gallegos
Cc: Jon Biggs
Subject: FW: Resolution 2019-07; Proposed Two-Lot Subdivision at 831 Arroyo Road (Council Agenda Item #3, March 26, 2019)
Attachments: 831 Arroyo Memo to Los Altos City Council 3-25-19.pdf

FYI

Zachary Dahl, AICP
Planning Services Manager

Community Development Department
City of Los Altos
(650) 947-2633

From: Carol Stratford
Sent: Monday, March 25, 2019 3:34 PM
To: City Council <council@losaltosca.gov>
Cc: Sue Greathouse ; Michael Look ; Laurie Look
: Adele Hennig
Subject: Resolution 2019-07; Proposed Two-Lot Subdivision at 831 Arroyo Road (Council Agenda Item #3, March 26, 2019)

Honorable Council,

Please find attached a memo and attached exhibits that express our concerns over the proposed subdivision of the property located in our neighborhood (Montebello Acres) at 831 Arroyo Road.

Thank you for your consideration of this matter.

Carol Stratford & David Blake
, Los Altos

To: Los Altos City Council
From: Residents of Montebello Acres Neighborhood¹
Re: Proposed Development of 831 Arroyo Road (Resolution No. 2019-07)

Executive Summary: We request that the City Council not approve the recommendations of the Planning Commission, as set forth in Resolution 2019-07 and supporting Agenda Report, which contravenes existing covenants on the property at 831 Arroyo Road. In addition to legal justifications for this request, we believe that such a plan will result in an increased safety hazard to our community.

Introduction

We are concerned with the proposed development of the property located at 831 Arroyo Road. Pursuant to a recommendation of the Planning Commission on February 7, 2019, the property is scheduled to be subdivided into two parcels. We believe that in approving this subdivision and the proposed setbacks, certain facts were either misrepresented or not taken into consideration. We therefore request that the council deny this development or, in the alternative, send it back to the Commission for further clarification and amendment.

The purpose of this memo is to present to the Council our concerns and to request that the Council refrain from approving the development in its current form. Further, we ask the Council to respect the duly recorded covenants on our properties in Montebello Acres, by ensuring that the developer of 831 Arroyo Road comply with these rules. We understand that we have other options for enforcing these covenants, but would prefer that it be done by cooperative City planning.

There are four areas of concern to us:

1. The proposed development deviates significantly from the character of the existing neighborhood.
2. The proposed development violates certain recorded covenants on the property.
3. The proposed development endangers the safety of pedestrians and motorists at the junction of Arroyo Rd. and Mountain View Ave.
4. The Planning Commission, in making its recommendation, was either misinformed or wrongly advised on certain key points of the proposed development.

Character of the Neighborhood

Montebello Acres is a small, older neighborhood adjacent Springer Road. Currently, it encompasses houses on both sides of 3 streets (Arroyo Rd., Raymundo Ave. and Vista Grande Ave.) as well as houses on Mountain View Ave., which runs perpendicular to these streets, at their east end. It was initially subdivided into approximately 0.8-acre lots in 1927 (c.f., Exhibit A). Subsequently, most of the parcels were further divided into approximately 17,500 sq. ft. lots, facing Arroyo Rd., Raymundo Ave, and Vista Grande Ave. (formerly Rincon Ave.).

¹ We are an *ad hoc* committee that has petitioned and solicited input from our neighborhood. We include: Laurie and Michael Look (840 Arroyo), Bob and Betsy Schonhardt (821 Arroyo, adjacent the subject property), Sue Greathouse (809 Arroyo), Nancy Ellickson (820 Raymundo, rear-adjacent to the subject property), Adele Hennig (781 Raymundo), Carol Stratford and David Blake (713 Arroyo).

Pursuant to a Declaration of Restrictions recorded in the Santa Clara County records in 1945, (described in further detail below) the owners and developer of the area, Harry Hoefler and Dale Hoefler, imposed certain restrictions (covenants) on the development of the parcels. One such restriction was that houses must have a setback of at least 40 feet from the street. Another was that no dwelling could be erected closer than 15 feet to the side lot line. Over the years, the residents of the area have ensured that these rules were respected and obeyed. Accordingly, the neighborhood currently has an open, expansive character that includes spacious front yards and drives.

Covenants on the Properties

Enforcement of covenants in California is governed by Calif. Civ. Code §1468, which states that a covenant will “run with the land” so long as (a) the land is particularly described in the instrument containing such covenants, (b) the instrument states that successive owners of the land are to be bound for the benefit of the land, (c) the covenant relates to the use, repair, maintenance or improvement of the land (or some part thereof; the so-called “touching” requirement), and (d) the instrument is duly recorded in the office of the recorder of the county in which the land is situated.

As mentioned above, a Declaration of Restrictions over much of the neighborhood was recorded in the Santa Clara County Records on or about July 2, 1945 (Vol 1265, pages 351 et seq.) [Copy attached as Exhibit B]. This document sets forth a number of covenants that bind and inure to the benefit of the owners of the property and their respective heirs, successors and assigns. Clause I of the Declaration states: “(a) **No dwelling with a setback of less than 40 feet from the street line shall be erected or maintained on the lots above described.** (b) No dwelling or out-buildings or garages shall be erected or maintained closer than 15 feet to the side lot line.” Such covenants inherently relate to the use or improvement of the land (the “touching” requirement).

The parcels covered by these covenants are described in the Declaration as those numbered successively from 43-82 of a certain Map entitled “Map of Subdivision of Montebello Acres” recorded on May 4, 1928 in Book I of Maps, at pages 1, 2 and 3. The subject property located at 831 Arroyo Rd. corresponds to lot #60 on this map (Exhibit A) (note that many of the subject lots were later divided into east-west sub-parcels of approximately 17,500 sq. ft each; subject property Lot 60 was not so sub-divided. [Exhibit A: Map recorded May 4, 1928].²

Although in recent years there have been some deviations from these rules, chiefly by incursions on the side lot line boundaries, Clause IV of the Declaration of Restrictions states: “The provisions contained in this declaration shall bind and inure to the benefit of and be enforced by the owner or owners of any property shown on said Map, their and each of their legal representatives, heirs, successors and assigns, and *failure by any property owner, his or her legal representatives, heirs, successors or assigns to enforce any such restrictions, conditions, covenants and agreements herein contained shall in no event be deemed a waiver of the right to do so thereafter.*” [emphasis added]

To be clear, the Declaration of Restrictions does provide a means for changing the covenants. Clause II states: “Any of the restrictions contained in this Declaration may be annulled, changed, waived, or

² The lots that were subject to these particular covenants include only lots fronting Arroyo Rd., Raymundo Ave., and Vista Grande Ave (previously known as Rincon Ave.) and did not include lots on the east side of Mountain View Ave – e.g., 855 and 861 Arroyo Ave, designated on the Map as Lot 42.

modified by the written consent duly recorded of the owners of three-fourths of the area of said lots above referred to, exclusive of streets.”

We are not aware of any change or annulment of the covenants on these properties; moreover, as of 3/25/19, we have obtained signatures on a petition representing 87 owners of the 104 homes in Montebello Acres, requesting that Arroyo Road frontage and the 40 foot setback of 831 Arroyo be maintained.

Safety Considerations

831 Arroyo Road is a large, corner lot, located at the northeast corner of Arroyo Rd. and Mountain View Ave. The corner is an acute (less than 90 degree) angle, with no sidewalks or street lights, which endangers pedestrians and bicyclists rounding the corner at all times of the day and night.

The existing house at 831 Arroyo has a setback of greater than 50 feet from both Arroyo Rd. and Mountain View Ave. We believe that any new development, including fencing, should be mindful of obstruction of visibility it may impose on this corner. By complying with the covenanted 40 foot setback from Arroyo Road, the safety of citizens will be better served.

Inaccuracies promulgated at Planning Commission Meeting on February 7, 2019

Site Frontage. The current developers initially proposed to subdivide the property into two lots, both fronting on Mountain View Ave. After residents argued that all existing lots in Montebello Acres fronted on their named streets, the **Planning Commission amended its recommendation to require that the corner lot (“Parcel 2”) front on Arroyo Rd; however, the Tentative Parcel Map posted on the property still shows frontage on Mountain View Ave.** We request clarification of this requirement, in writing, in conjunction with other alterations to the plans, to comply with Housing Element, Policy 1.5 (orderly and compatible development pattern), as approved by the Planning Commission on February 7, 2019. In addition, as stated above, we request that the Council acknowledge and support compliance with the existing covenants on the subject property.

Size of Lot. It was stated by the developer that the properties in the area are diverse in their shapes, and that therefore, the proposed development (which would sub-divide an existing 23,433[sic] sq. ft. lot into a 10,029 and a 13,116 sq. ft. lot) complies with all applicable R1-10 District site development standards.

In fact, properties in Montebello Acres do vary from 10,101 sq. ft., (created by a subdivision in 1982) to 33,950 sq. ft.; however, such smaller lots are in the minority: **the average size lot is greater than 17,000 sq. ft., and the median lot size is 17,500 sq. ft. Thus, both the proposed parcels are significantly smaller than the standard size within the Montebello Acres neighborhood.**

Errors and inaccuracies in presentation at February 7 Planning Meeting.

Planning Staff present at the February 7, 2019 Planning Commission meeting included Mr. Dahl, Planning Services Manager, and Mr. Gallegos, Associate Planner.

Gallegos stated that Parcel 2 (the corner parcel) meets the required width of 90 feet and depth of 100 feet, and therefore was consistent with Housing Element Policy 1.5 (compatible development pattern).

In fact, as stated above, this would not be consistent with majority of the Montebello Acres development, in which lots are typically 100 feet wide and 175 feet deep.

Gallegos showed an aerial map that incorrectly depicted the project site in relation to the subdivision by **excluding all 19 Montebello Acres lots on the South side of Arroyo Rd.** (including those directly across Arroyo from the subject property) and **including the significantly smaller lots on the North and South sides of Gilmore St. of Mountain View** (which runs parallel and north of Vista Grande Ave.) This was not an accurate depiction of the neighborhood and belies its true character.

Gallegos referred to an earlier subdivided lot in the area as a precedent for the present development. In fact, **the resulting lots, located at the northeast corner of Vista Grande Ave. and Mountain View Ave.,** while originally within Montebello Acres, **are located in the City of Mountain View** (1062 and 1066 Mountain View Ave.). According to testimony provided at the Planning Commission Meeting, this subdivision was effected in 1980; Commissioner Sally Meadows correctly pointed out to Gallegos and staff that these lots are now part of the City of Mountain View.

In response to questions from Chairman Samek concerning conformance of setbacks, Gallegos stated that, with relation to the middle subdivision (referencing properties located at the north corner of Raymundo Ave. and Mountain View Ave., the locations of the side and rear yards [as depicted in the aerial photograph] “are very similar to the proposed development and the configuration is the same.” Samek further questioned, “All of them Conform?” To which Gallegos replied, “Yes.” In fact, with the exception of the City of Mountain View properties noted above, **existing corner properties within Montebello Acres all face their respective name streets.**

Dahl further noted: “When we say front yard, we are referring to per zoning. On a corner lot, a house can front on either frontage. The front yard indicates which one will be the 25 foot setback versus the exterior side, which should be 20 feet.” **This is in contravention to the covenants of the lots encompassed by Montebello Acres, as noted above.**

Rick Hartman [Architect from Hometec] testified: “There is a lot of misunderstanding....All the setbacks are met...The one that is on the corner of Arroyo will have a front door that faces Arroyo.... There is only one real adjacent home to this project and that is the one on Arroyo.... *We are careful to do only what we are allowed to do and not break any rules.*” [emphasis added] **These statements are misleading for all the reasons stated above.**

Inconsistencies in Planning Staff’s Agenda Report to the City Council.

We are also concerned about the substance and characterization of the Staff Agenda Report of the Planning Commission Meeting. For example, the report incorrectly states that the Commission voted to approve a 25 foot setback for the corner lot (Parcel 2), stating “To address the concerns related to compatibility with the Arroyo Road neighborhood, the recommendation included a condition that requires the new house on the corner lot (Parcel 2) to be designed to face Arroyo Road and have a 25-foot setback from Arroyo Road to be consistent with the front yard setback pattern on the street.” (Report, p. 3, second paragraph, under Background.)

In fact, the Planning Commission did NOT vote on the 25-foot setback. The initial motion was “To approve the tentative map to subdivide the property into two lots per the findings and conditions set forth in the report.” The motion was amended to include the condition that the property adjacent Arroyo Road would face that street, prior to final vote of the Commission.

Further, the Report states at page 4:

...The subdivision is proposing a similar layout to two previously approved subdivisions along Mountain View Avenue to the north. The two-lot subdivision at the corner of Raymundo Avenue and Mountain View Avenue occurred in April 1962, and it created an interior lot of 10,454 square feet and a corner lot of 19,819 square feet. The two-lot subdivision at the corner of Vista Grande Avenue and Mountain View Avenue occurred in June 1981, and it created an interior lot of 10,101 square feet and a corner lot of 13,253 square feet. Therefore, the project complies with all applicable R1-10 District site development standards and conforms to the Housing Element policy related to subdivisions maintaining an orderly and compatible development pattern.

To address neighbor concerns about the subdivision creating a lot with a reduced exterior side yard setback of 20 feet along Arroyo Road, where all of the adjacent properties have front yard setback of at least 25 feet, a condition was added to increase this setback to be 25 feet. In addition, to ensure that the pattern of front yards along Arroyo Road is maintained, a condition as also added to require the new house on the corner lot to face Arroyo Road. The tentative map has been updated to show a 25-foot setback from Arroyo Road.

The Report (at page 8, item 2 under "General") states, "The new house on Parcel 2 shall be sited to face Arroyo Road and have a setback of at least 25 feet from the exterior side property line adjacent Arroyo Road." In addition, the Tentative Parcel Map at page 75 of the Report indicates an "Exterior Side BSL" rather than a "Front BSL" as the Amended Motion required. Furthermore, the rear of Parcel 2 indicates a "Side BSL" when a "Rear BSL" (**with the appropriate rear setback of 25 feet**) should be shown. During the February 7, 2019 Planning Commission meeting, Mr. Gallegos stated, "In addition, according to our design guidelines, if there is a proposed single family home along the corner, there is a requirement that they have maintain a consistent setback line as other homes along the frontage." **As stated previously in this memo, the front setback on Arroyo Road requires a setback greater than 25 feet; the required setback is 40 feet.**

Summary

In summary, we request that the City Council respect the covenants that attach to the subject property. In addition to the legal justifications, we believe that the developer's current proposal is not compatible with the neighborhood and also will result in an increased safety hazard to the community.

EXHIBIT A

**MAP
OF SUBDIVISION OF
MONTEBELLO ACRES
SANTA CLARA COUNTY
CALIFORNIA**

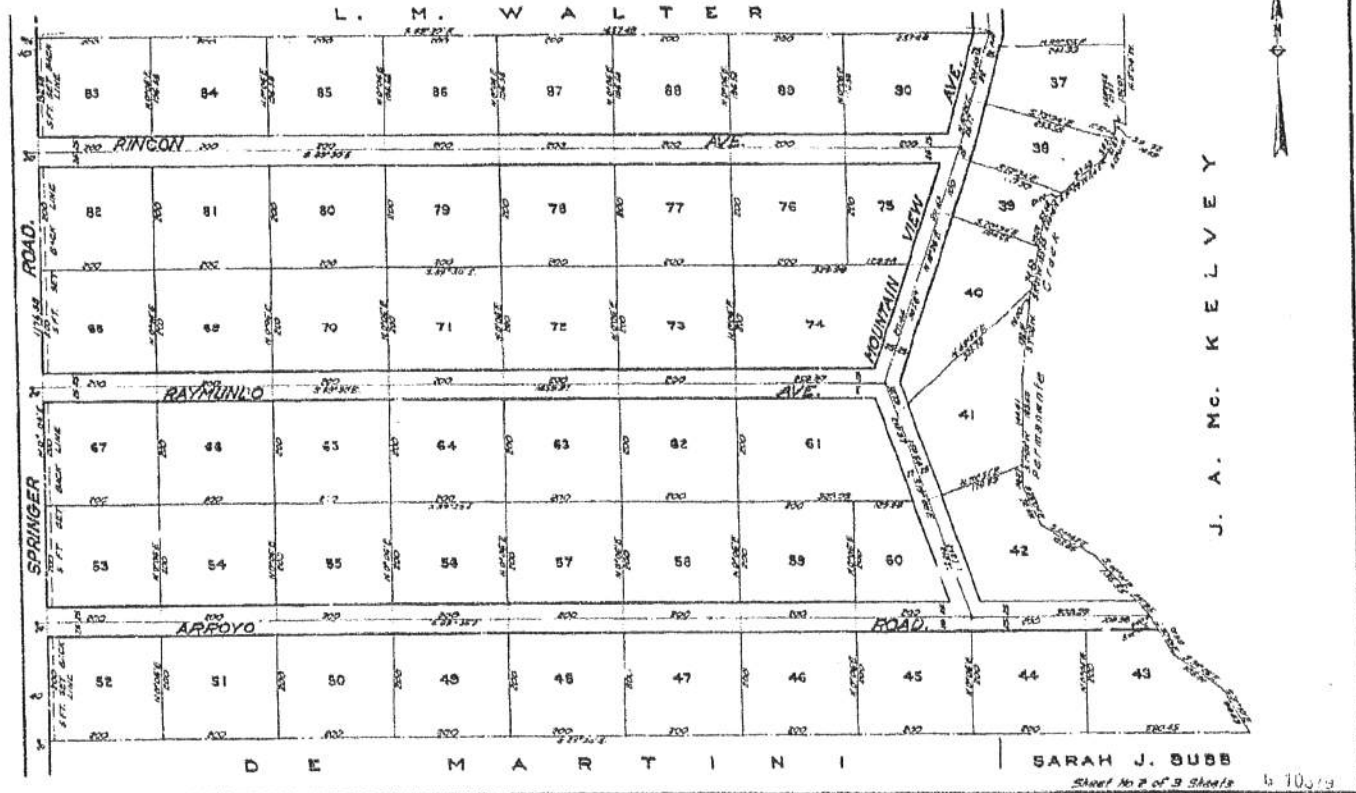
Surveyed by W. B. Hoag Engineer & Surveyor
San Francisco May, 1927.
Scale 1" = 100'

(See Sheet No. 1.)

NOTE:
Indicates 1/4" = 100' True Pit Measurement
or 1/4" = 100' Foot Measurement.

All dimensions are to the center line of
Springer Road and State Highway
where otherwise specified and to the 1/4" = 100'

L. M. WALTER



D E M A R T I N I

SARAH J. SUBB

Sheet No 2 of 3 Sheets 67079

All of Lot 27, as shown upon that certain Map entitled "Tract No. 38 Englewood Subdivision", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on March 9, 1936 in Book 1 of Maps, at pages 28 and 29.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 2nd day of July, 1945.

Clare Merry Grunwald

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)ss.

On this 2d day of July, in the year of our Lord One Thousand Nine Hundred and __, before me, C.B. Kilgore a Notary Public in and for said County of Santa Clara State of California, residing therein, duly commissioned and sworn, personally appeared Clare Merry Grunwald known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County of Santa Clara the day and year in this certificate first above written.

(NOTARIAL SEAL)

C. B. Kilgore Notary Public in and for said County of Santa Clara, State of California.

My commission expires January 7, 1948
FILING NO 351022 Filed for record at the request of California Pacific Title Insurance Co. Jul 2 1945 at 44 min. past 2 o'clock P.M.

CHAS. A. PAYNE, RECORDER
Helen Jorgensen, Deputy Recorder

fee 1.00 Jr

compared doc 14721 *Monsieur*
compared book *1141*

DECLARATION OF RESTRICTIONS

THIS DECLARATION made this 22nd day of June, 1945 by Harry Hoefler and Dale Hoefler, his wife,

WITNESSETH:

Whereas, Harry Hoefler and Dale Hoefler, his wife, are the owners of the following described property situate in the County of Santa Clara, State of California, more particularly described as follows:

All of Lots 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, as shown upon that certain Map entitled, "Map of Subdivision of Montebello Acres" which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on May 4, 1928 in Book X of Maps, at pages 1, 2 and 3.

WHEREAS, said Harry Hoefler and Dale Hoefler, his wife, are about to sell portions of the property above referred to and they desire to subject said property to certain restrictions between them and the owners of said property, as hereinafter set forth.

NOW THEREFORE, Harry Hoefler and Dale Hoefler, his wife, declare that the property above set forth is held and shall be conveyed subject to the following restrictions set forth in this Declaration, to wit:

CLAUSE NO. I.

- (a) No dwelling house with a setback of less than 40 feet from the street line shall be erected or maintained on the lots above described.
- (b) No dwelling house or out-buildings or garages, shall be erected closer than 15 feet to the side lot line.
- (c) No dwelling house or garage shall be constructed on any of the lots without first submitting the plans and specifications for said dwelling house or garage to Harry Hoefler, his heirs or assigns, and no dwelling or garage shall be constructed thereon without first obtaining the written consent of the above named persons.

CLAUSE NO. II.

Any of the restrictions contained in this Declaration may be annulled, changed, waived or modified by the written consent duly recorded of the owners of three-fourths of the area of said lots above referred to, exclusive of streets.

CLAUSE NO. III.

Violation of any of the restrictions or conditions or breach of any of the covenants or agreements herein contained shall give to each and every owner of any of the above described lots, the right to enter upon the property or as to which such violation or breach exists, and to summarily abate and remove at the expense of the owner thereof, any erection, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, and shall not thereby be deemed guilty of any manner of trespass for such entry, abatement or removal.

The result of every act or omission whereby any restriction, condition, covenant or agreement herein contained is violated in whole or in part is hereby declared to be and constitute a nuisance, and every remedy allowed by law against a nuisance either public or private shall be applicable against every such result and may be exercised by any owner of land in said lots above referred to. Such remedy shall be deemed cumulative and not exclusive.

CLAUSE NO. IV.

The provisions contained in this declaration shall bind and inure to the benefit

C.R.
Volume
1265
page
351

of and be enforceable by the owner or owners of any property shown on said Map, their and each of their legal representatives, heirs, successors and assigns, and failure by any property owner or his or her legal representatives, heirs, successors or assigns, to enforce any such restrictions, conditions, covenants and agreements herein contained, shall in no event be deemed a waiver of the right to do so hereafter.

IN WITNESS WHEREOF, the undersigned have executed these presents the day and year first hereinabove written.

Harry Hoefler
Dale Hoefler

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)ss.

On this 22nd day of June A.D. 1945, before me, Walter R. Vidler a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Harry Hoefler and Dale Hoefler known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

Walter R. Vidler Notary Public in and for
said County and State of California.

My commission expires Apr. 13, 1949.

FILING NO 351023 Filed for record at the request of California Pacific Title Insurance Co.
Jul 2 1945 at 44 min past 2 o'clock P.M.

fee 1.50 10¢

compared doc 141 J. Mansueti

CHAS. A. PAYNE, RECORDER
Helen Jorgensen, Deputy Recorder
compared book 2 11/11

DEED

and

SURRENDER OF LEASE

THIS INDENTURE made this 25th day of June, 1945, by and between Delta Gamma Association a corporation organized and existing under and by virtue of the laws of the State of California, first party, and The Board of Trustees of the Leland Stanford Junior University, second party,

WITNESSETH: WHEREAS, by a lease dated May 29th, 1900, unrecorded, second party, as lessor, leased to first party, as lessee, that certain lot or parcel of land situate on the lands known as "Palo Alto Farm" and being a portion of the grounds of The Leland Stanford Junior University in the County of Santa Clara, State of California, and more particularly described as follows:

Beginning at a point on the southwesterly curved line of Lasuen Street, distant thereon easterly from the stake at commencement of said street 410 feet, thence running in a general easterly and southeasterly direction along said curved line of Lasuen Street 130 feet thence southeasterly on a normal to said curved line 150 feet, thence northwesterly 138 feet more or less, thence northeasterly on a normal to said line of Lasuen Street 150 feet to the point of beginning, and

WHEREAS, the parties hereto have agreed to the surrender of said lease by first party to second party; and

WHEREAS, first party is the owner of the building and other improvements situated on said land, which first party has agreed to sell and second party has agreed to purchase;

NOW, THEREFORE, for a valuable consideration to it in hand paid by second party, the receipt whereof is hereby acknowledged, first party hereby surrenders said lease unto second party, its successors and assigns, as of the 30th day of June, 1945, which surrender second party hereby accepts, and first party hereby grants, bargains, sells and conveys unto second party, its successors and assigns, the building and all other improvements situated on said land hereinbefore described, and all appurtenances thereunto belonging or appertaining, and all other right, title and interest of first party in and to said lands.

IN WITNESS WHEREOF, the parties have executed this instrument in duplicate by their respective proper officers thereunto duly authorized the day and year first above written.

(CORPORATE SEAL)

DELTA GAMMA ASSOCIATION
By Lucile Packard, Its President
By Mary B. Kennedy, Its Secretary
First Party

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR UNIVERSITY
By Frank F. Walker (Frank F. Walker)
Financial Vice President
Second Party

Compared G2
Approved ESE

STATE OF CALIFORNIA)
CITY OF PALO ALTO)ss.
COUNTY OF SANTA CLARA)

On this 25th day of June in the year one thousand Nine Hundred and forty five before me, O.E. Jordan, a Notary Public in and for the City of Palo Alto, County of Santa Clara, personally appeared Lucile Packard & Mary B. Kennedy known to me to be the President & Secretary of the corporation described in and who executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and they acknowledged to me that such corporation executed the same.

REVISIONS	BY

TWO HOUSE SUBDIVISION FOR:

Goldsilverisland Homes, LLC

831 ARROYO ROAD, LOS ALTOS, CA. 94024

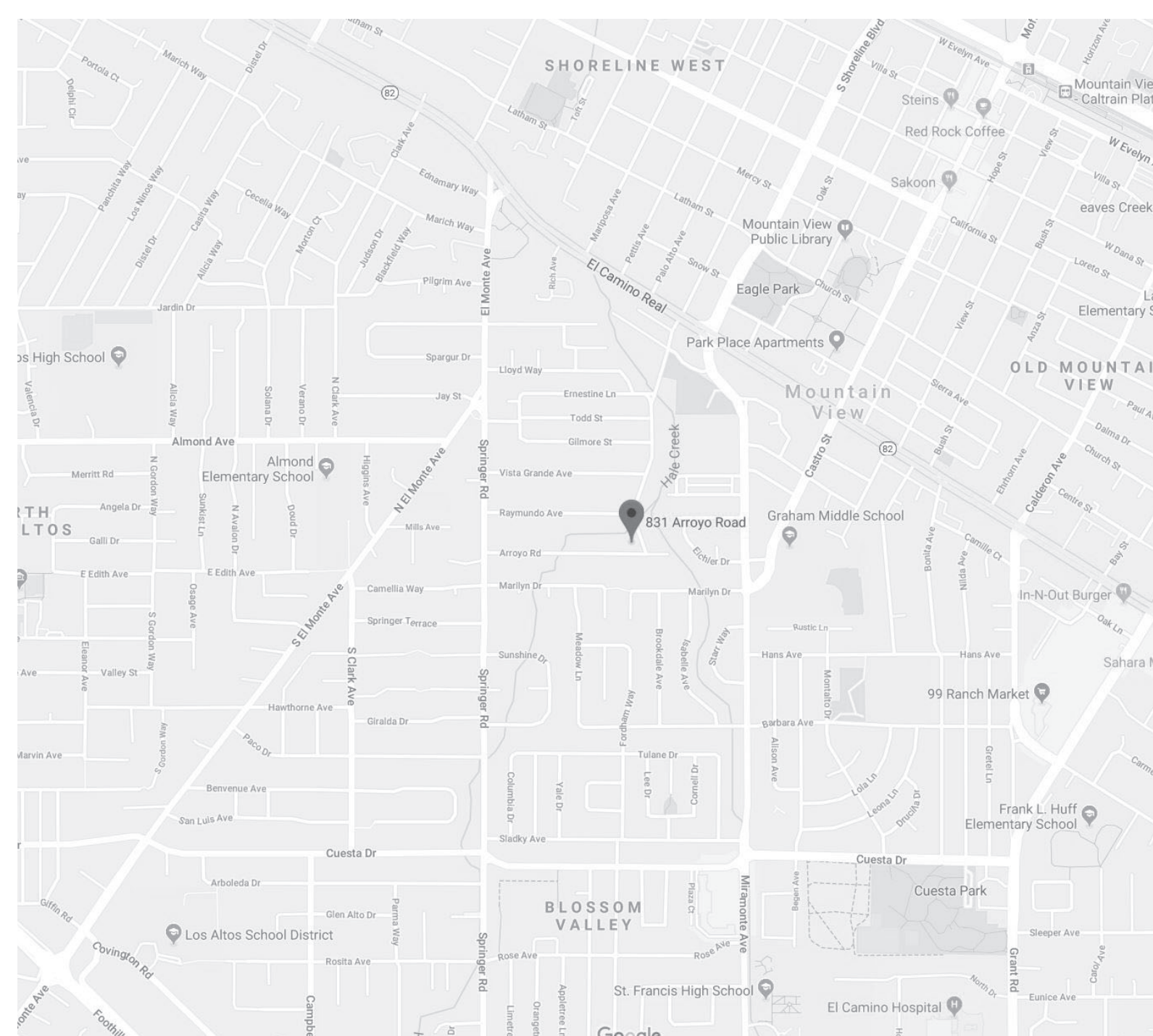
GENERAL NOTES:

OWNER/APPLICANT/ SUBDIVIDER:	YING-MING LI (408) 896-3369 Yingminli@hotmail.com
CIVIL ENGINEER & LAND SURVEYOR	ROBERT Y. WANG C50541 & LS8931 RW ENGINEERING, INC. 505 ALTAMONT DRIVE MILPITAS, CA 95035 (408) 262-1899 rwengineering@gmail.com
APN:	189-29*-020
EXISTING ZONING:	R-1-10 SINGLE FAMILY RESIDENCE
PROPOSED USE:	TWO (2) SINGLE FAMILY RESIDENTIAL UNITS
WATER:	CALIFORNIA WATER SERVICE COMPANY
STORM & SEWER (ON-SITE):	PRIVATE
STORM & SEWER (OFF SITE):	CITY OF LOS ALTOS
GAS & ELECTRIC:	PG&E
TELEPHONE:	AT&T
CABLE TV:	COMCAST
SOLID WASTE & RECYCLING	MISSION TRAIL WASTE SYSTEMS
TOTAL ACREAGE OF PROPOSED SUBDIVISION:	0.54 ACRE± (23,433 S.F.±)
GEOLOGICAL HAZARD ZONE:	NONE.
EXISTING WELLS ON SITE:	NONE.

SHEET INDEX

T	TITLE SHEET
TM-1	TENTATIVE PARCEL MAP - SITE PLAN
TM-2	TENTATIVE PARCEL MAP - G&D PLAN
CM-1	CONTEXT MAP

VICINITY MAP



NEW HOUSE FOR:
Goldsilverisland Homes, LLC
 831 ARROYO ROAD, LOS ALTOS, CA. 94024

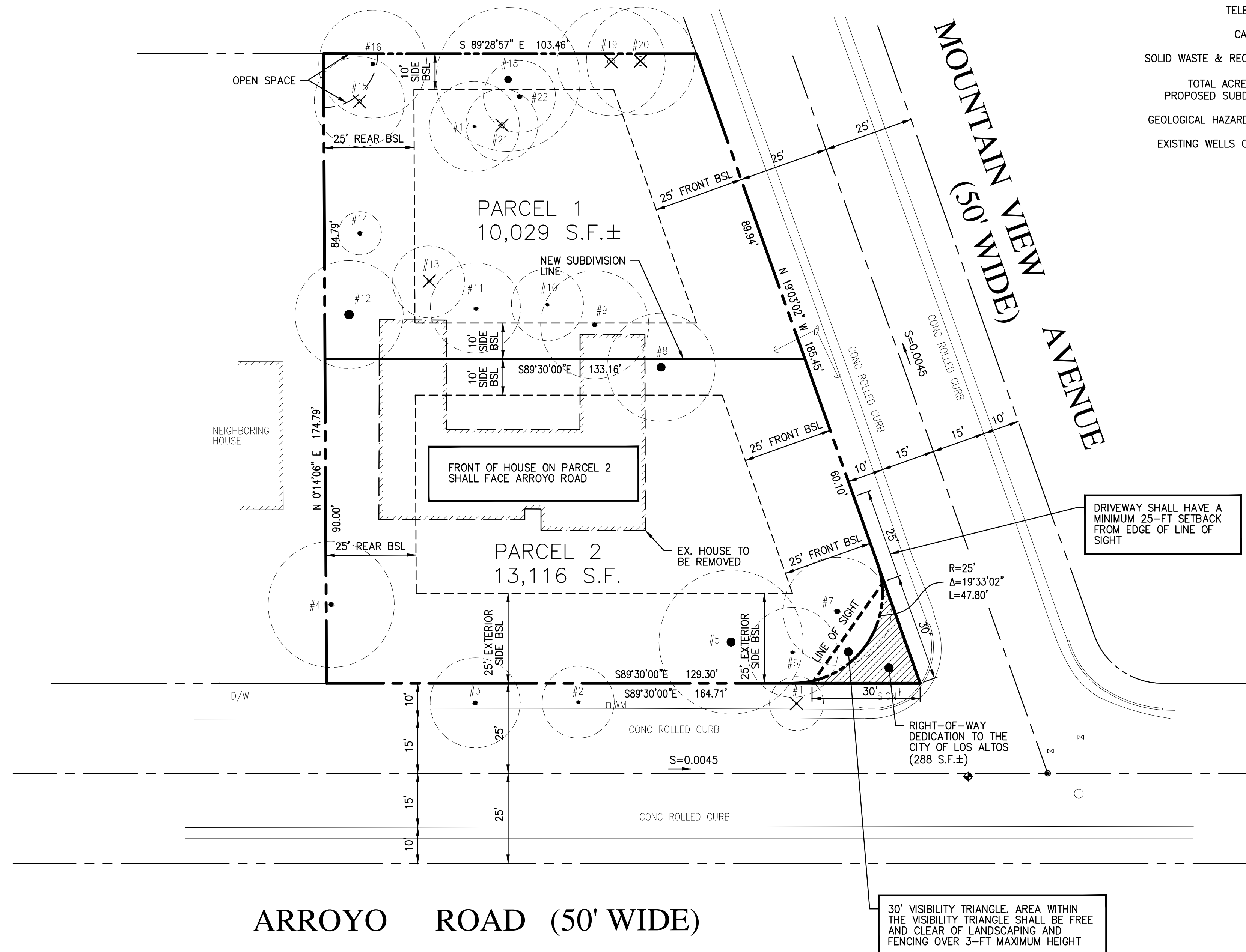
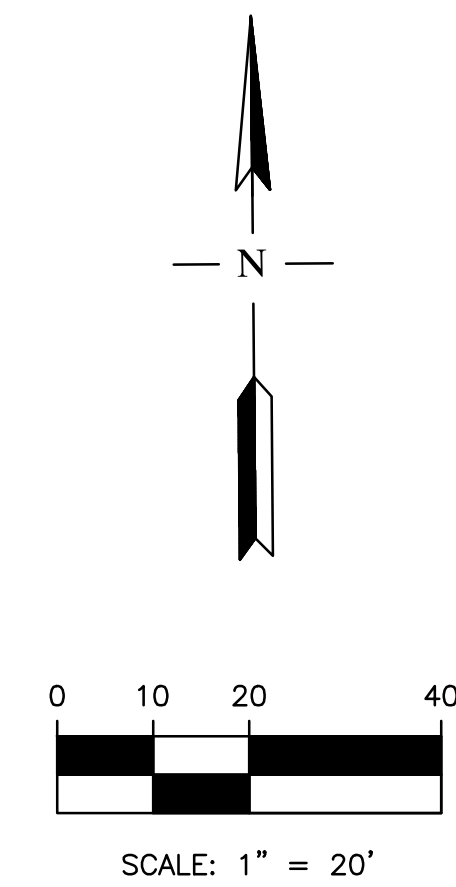
Date	
Scale	1/4" = 1'-0"
Drawn	RAH
Job	18-028
Sheet	T
of	Sheets

TENTATIVE PARCEL MAP

831 ARROYO ROAD LOS ALTOS, CA

LEGEND

	BOUNDARY LINE
	SUBDIVISION LINE
	ADJOINERS LINE
	CENTERLINE
	BUILDING SETBACK LINE
	TREE TO BE REMOVED
	TREE TO BE PROTECTED



GENERAL NOTES:

OWNER/APPLICANT/SUBDIVIDER: YING-MIN LI
577 SALMAR AVE, SUITE 107
CAMPBELL, CA 95008
(408) 896-3369
yingmini@hotmail.com

CIVIL ENGINEER & LAND SURVEYOR: ROBERT Y. WANG C50541 & LS8931
RW ENGINEERING, INC.
505 ALTAMONT DRIVE
MILPITAS, CA 95035
(408) 262-1899
rwingenr@gmail.com

ASSESSOR'S PARCEL NUMBER: 189-29-020

EXISTING ZONING: R-1-10 SINGLE FAMILY RESIDENCE

PROPOSED USE: TWO (2) SINGLE FAMILY RESIDENTIAL UNITS

WATER : CALIFORNIA WATER SERVICE COMPANY

STORM & SEWER (ON-SITE): PRIVATE

STORM & SEWER (OFF SITE): CITY OF LOS ALTOS

GAS & ELECTRIC: PG&E

TELEPHONE: AT&T

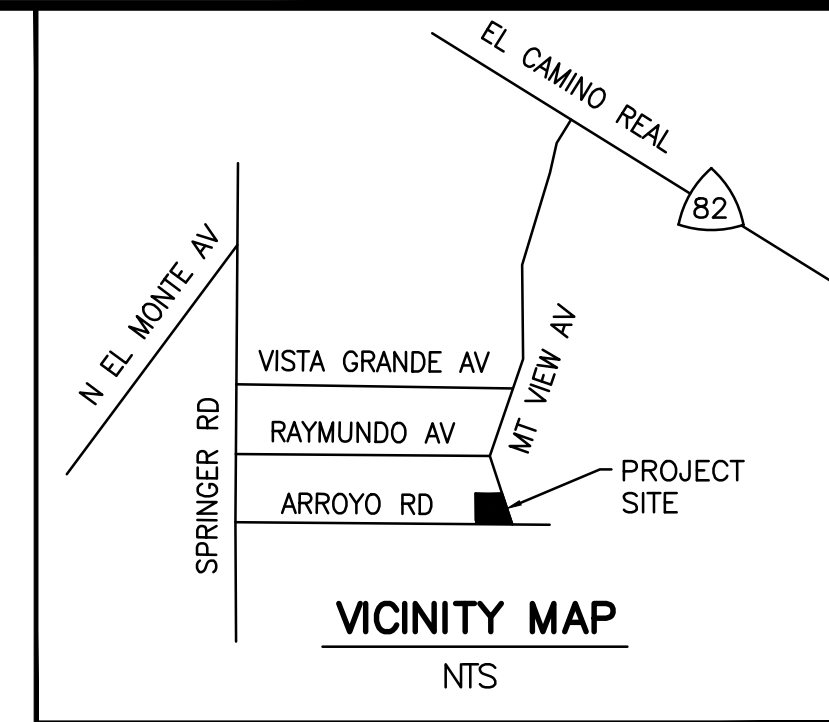
CABLE TV: COMCAST

SOLID WASTE & RECYCLING: MISSION TRAIL WASTE SYSTEMS

TOTAL ACREAGE OF PROPOSED SUBDIVISION: 0.54 ACRE± (23,433 S.F.±)

GEOLOGICAL HAZARD ZONE: NONE.

EXISTING WELLS ON SITE: NONE.



NO.	REVISION	DATE	BY

RW ENGINEERING, INC.
CIVIL ENGINEERS • LAND SURVEYORS
505 ALTAMONT DRIVE
MILPITAS, CA 95035
(P) (408) 262-1899
(FAX) (408) 824-5556
rwingenr@gmail.com

TREE INVENTORY

NO.	SPECIES	DBH	STATUS
1	SOUTHERN MAGNOLIA	7.5"	TO BE REMOVED
2	SOUTHERN MAGNOLIA	9.8"	TO BE PROTECTED
3	SOUTHERN MAGNOLIA	13.7"	TO BE PROTECTED
4	COAST LIVE OAK	14.3"	TO BE PROTECTED
5	ALMOND	28"	TO BE PROTECTED
6	COAST LIVE OAK	10.3"	TO BE PROTECTED
7	VALLEY OAK	19.6"	TO BE PROTECTED
8	DATE PALM	28"	TO BE PROTECTED
9	LOQUAT	14.1"	TO BE PROTECTED
10	APRICOT	9.9"	TO BE PROTECTED
11	BUCKEYE	11.8"	TO BE PROTECTED
12	CHESTNUT	30"	TO BE PROTECTED
13	CHERRY	14"	TO BE REMOVED
14	PLUM	14.3"	TO BE PROTECTED
15	APRICOT	14.2"	TO BE REMOVED
16	ENGLISH WALNUT	12.8"	TO BE PROTECTED
17	VALLEY OAK	8.1"	TO BE PROTECTED
18	MONTEREY PINE	23.1"	TO BE PROTECTED
19	PRIVET	8-3"	TO BE REMOVED
20	PEPPER	30"	TO BE REMOVED
21	PLUM	7.8"	TO BE REMOVED
22	OLIVE	6.7"	TO BE PROTECTED

SHEET INDEX

NO.
TM-1 SITE PLAN
TM-2 PRELIMINARY GRADING & DRAINAGE PLAN

SITE BENCHMARK:

SET NAIL
ELEVATION=119.15 NAVD 1988

BASIS OF BEARINGS:

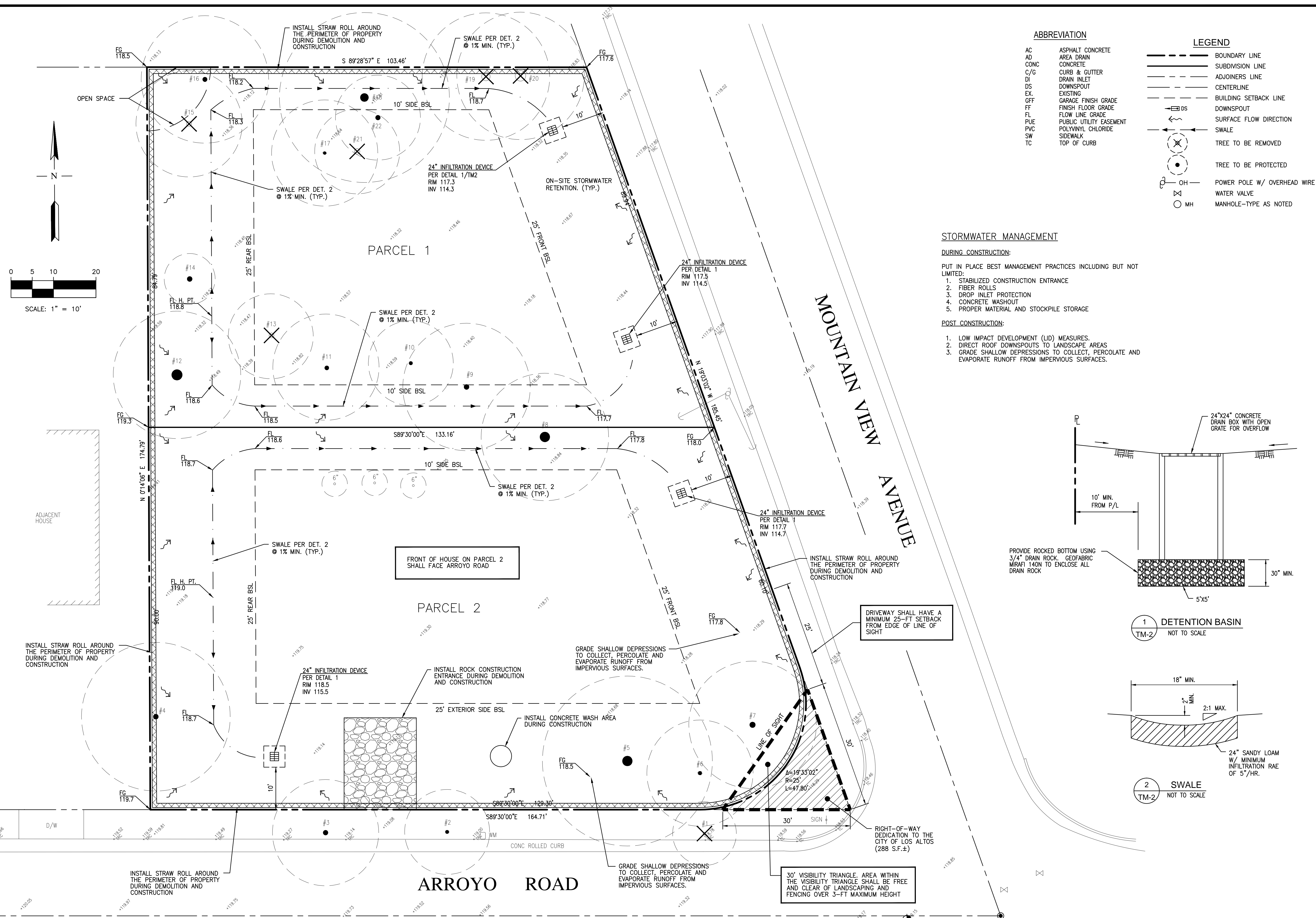
THE BEARING S89°30'00"E OF CENTERLINE OF ARROYO ROAD AS SHOWN ON MAP OF SUBDIVISION OF MONTEBELLO ACRES FILED IN BOOK "X" OF MAPS AT PAGE 1-3, SANTA CLARA COUNTY RECORDS.

831 ARROYO ROAD
LOS ALTOS, CA
SANTA CLARA COUNTY
APN: 189-29-020

TENTATIVE PARCEL MAP
SITE PLAN

DATE: 4/2/19
SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET NO.

TM-1
OF 2 SHEETS



ABBREVIATION

AC	ASPHALT CONCRETE
AD	AREA DRAIN
CONC	CONCRETE
C/G	CURB & GUTTER
DI	DRAIN INLET
DS	DOWNSPOUT
EX.	EXISTING
GFF	GARAGE FINISH GRADE
FF	FINISH FLOOR GRADE
FL	FLOW LINE GRADE
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE
SW	SIDEWALK
TC	TOP OF CURB

LEGEND

---	BOUNDARY LINE
---	SUBDIVISION LINE
---	ADJOINERS LINE
---	CENTERLINE
---	BUILDING SETBACK LINE
DS	DOWNSPOUT
---	SURFACE FLOW DIRECTION
---	SWALE
⊗	TREE TO BE REMOVED
⊙	TREE TO BE PROTECTED
OH	POWER POLE W/ OVERHEAD WIRE
⊗	WATER VALVE
○	MANHOLE-TYPE AS NOTED

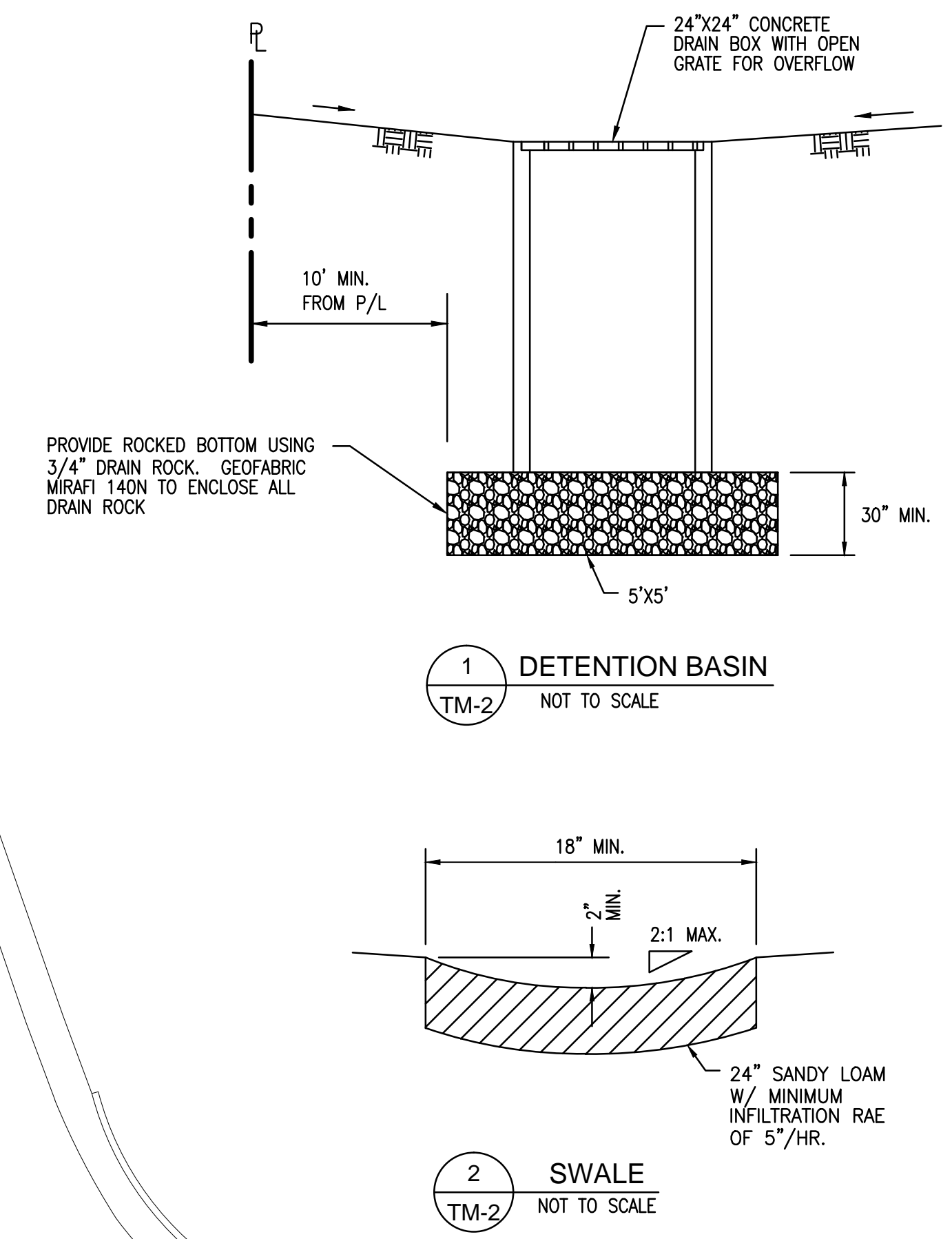
STORMWATER MANAGEMENT

DURING CONSTRUCTION:

- PUT IN PLACE BEST MANAGEMENT PRACTICES INCLUDING BUT NOT LIMITED:
1. STABILIZED CONSTRUCTION ENTRANCE
 2. FIBER ROLLS
 3. DROP INLET PROTECTION
 4. CONCRETE WASHOUT
 5. PROPER MATERIAL AND STOCKPILE STORAGE

POST CONSTRUCTION:

1. LOW IMPACT DEVELOPMENT (LID) MEASURES.
2. DIRECT ROOF DOWNSPOUTS TO LANDSCAPE AREAS
3. GRADE SHALLOW DEPRESSIONS TO COLLECT, PERCOLATE AND EVAPORATE RUNOFF FROM IMPERVIOUS SURFACES.



NO.	REVISION	DATE	BY

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(P) (408) 262-1899
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REGISTERED LAND SURVEYOR
NO. 8931
RENEWAL DATE: 09-30-20
STATE OF CALIFORNIA

831 ARROYO ROAD
LOS ALTOS, CA
SANTA CLARA COUNTY
APN: 189-29-020

TENTATIVE PARCEL MAP
PRELIMINARY GRADING & DRAINAGE PLAN

DATE: 4/2/19
SCALE: AS NOTED
DESIGNED BY: RW
DRAWN BY: RW
SHEET NO.
TM-2
OF 2 SHEETS



LEGEND

- FIRST STORY OUTLINE
- SECOND STORY OUTLINE
- PROPERTY LINE

NOTES

BUILDING footprints and Front Set Back(FSB) are taken from google earth

REVISIONS	BY

GoldSilverIsland
Homes LLC
577 Salmar Ave, Ste 107
Campbell, CA 95008

831 Arroyo Road
Los Altos, CA
APN 189-29-020 Santa Clara County

CONTEXT MAP

Date 4/4/2019

Scale 1"=40'

Drawn Mankang Mai

Sheet

CM-1

of Sheets