



PLANNING DIVISION

STAFF REPORT

1

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Christopher Riordan **DEPARTMENT:** Planning and Community Environment

AGENDA DATE: March 30, 2005

SUBJECT: 1129-1137 San Antonio Road [04IPT-02305]:
Request by Chris Beach of Kier & Wright on behalf of CBC Bay View Partners LLC for a Tentative Map for commercial condominiums within three existing buildings. This map is required in order to create 10 commercial condominium units. Environmental Assessment: Categorically exempt from the California Environmental Quality Act per section 15301(k)-Subdivision of existing commercial or industrial buildings. Zone District: LM(D).

RECOMMENDATION:

Staff requests the Planning and Transportation Commission (Commission) recommend approval of the proposed Tentative Map to create ten (10) commercial condominium units to the City Council (Council), based upon the findings and conditions contained within the Record of Land Use Action (Attachment A).

SUMMARY OF LAND USE ACTION:

Located on a 252,193 square foot site near the terminus of San Antonio Road adjacent to the Palo Alto Baylands, the site is improved with three single story commercial buildings totaling 67,400 square feet. The project would not include any physical changes to the site other than the creation of condominium air space units.

Much like residential condominiums, commercial condominiums allow businesses to purchase their office or research and development space instead of leasing such space. The

Tentative Map would create 10 “for sale” commercial condominiums ranging in size from 5,000 – 8,800 square feet.

The project would be consistent with the site development standards of the LM limited industrial/research park district (PAMC 18.60.050).

SUMMARY OF KEY ISSUES:

To subdivide the existing site into ten commercial condominiums, the applicant must obtain the Commission’s recommendation to the Council for approval of a Tentative Map as required by PAMC Section 21.12.090(d).

The Tentative Map includes information on the existing onsite conditions. The Subdivision Map Act does not require that the division of airspace be shown on the map. These drawings are in compliance with the applicable provisions of the City’s Subdivision Ordinance. These plans contain all information and notations required on a Tentative Map (per PAMC Section 21.12.040. Because the request is to create more than four condominium units, this request cannot be processed administratively through the Director and requires review by the Commission and City Council approval (PAMC 21.08.010).

TIMELINE:

<u>Action:</u>	<u>Date:</u>
Tentative Map Application Received:	July 27, 2004
Tent. Map Application Deemed Complete:	January 19, 2005
P&TC Meeting on Tentative Map:	March 30, 2005
Action by Council on Tentative Map:	TBD

ENVIRONMENTAL REVIEW:

The City as the lead agency for the Project has determined that it is categorically exempt from the California Environmental Quality Act per section 15301(k)—Subdivision of existing commercial or industrial buildings.

ATTACHMENTS:

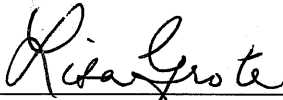
- A. Record of Land Use Action
- B. Applicant’s Project Correspondence
- C. Tentative Map (Commission Members Only)

COURTESY COPIES:

Chris Beach, Kier & Wright
CBC Bay View Partners LLC
Penny Ellson

Prepared by: Christopher Alan Riordan, AICP, Planner

Reviewed by: Amy French, AICP, Manager of Current Planning

Department/Division Head Approval: 

Lisa Grote, Chief Planning Official

ACTION NO. 2005-04
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 1129-1137 SAN ANTONIO ROAD
TENTATIVE MAP FOR COMMERCIAL CONDOMINIUM PURPOSES
04IPT-02305 (KIER & WRIGHT, APPLICANT)

SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. Chris Beach of Kier & Wright on behalf of CBC Bay View Partners LLC, property owner, has requested the City's approval of a Tentative Map for Condominium purposes.

B. The 252,193 square foot site is located near the terminus of San Antonio Road adjacent to the Palo Alto Bay Lands and is improved with three commercial buildings totaling 67,400 square feet. The project would divide the existing buildings into ten commercial condominiums ranging in size from 5,000-8,800 square feet ("The Project"). No physical changes will be made to the site.

C. The Tentative Map includes information on the existing onsite conditions. The Subdivision Map Act does not require that the division of airspace be shown on the map. These drawings are in compliance with the applicable provisions of the City's Subdivision Ordinance. These plans contain all information and notations required on a Tentative Map (per PAMC Section 21.12.040).

D. Following Staff review the Planning and Transportation Commission (Commission) reviewed the Project and recommended approval on March 30, 2005. The Commission's recommendations are contained in CMR: [Number] and the attachments to it.

SECTION 2. Environmental Review. The City as the lead agency for the Project has determined that it is categorically exempt from the California Environmental Quality Act per section 15301(k)-Subdivision of existing commercial or industrial buildings

SECTION 3. Tentative Map Findings. A legislative body of a city shall deny approval of a Tentative Map, if it makes any of the following findings (California Government Code Section 66474):

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451:*

The site does not lie within a specific plan area and is consistent with the Comprehensive Plan.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans:*

The site does not lie within a specific plan area and is consistent with the Comprehensive Plan.

3. *That the site is not physically suitable for the type of development:*

The site is improved with existing office spaces and related site improvement. No physical changes would be made to the buildings or the site

4. *That the site is not physically suitable for the proposed density of development:*

The site is currently improved with 67,400 feet of office buildings and related site improvements. The project would create 10 commercial condominium units in existing buildings and would not increase the density of the site.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

No physical changes are being made to the site that would cause environmental impacts.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems:*

No physical changes are being made to the site that would cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that*

the public at large has acquired easements for access through or use of property within the proposed subdivision.

The tentative map will not conflict with pre-existing easements.

SECTION 4. Tentative Map Approval Granted. Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.12.090 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

SECTION 5. Final Map Approval.

The Final Map submitted for review and approval by the City Council of the City of Palo Alto shall be in substantial conformance with the Tentative Map prepared by Kier & Wright consisting of 1 page, received March 9, 2005, except as modified to incorporate the conditions of approval in Section 6.

A copy of this map is on file in the Department of Planning and Community Environment, Current Planning Division.

Within two years of the approval date of the Tentative Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08.010, to be prepared in conformance with the Tentative Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16.210 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. A Final Map, in conformance with the approved Tentative Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City Engineer, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Tentative Map approval date (PAMC 21.13.020[c]).

2. A preliminary copy of restrictive covenants (CC&Rs) shall be submitted for review at the time of Final Map submittal.

SECTION 7. Term of Approval.

Tentative Map. All conditions of approval of the Tentative Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]).

Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Tentative Map approval, or such extension as may be granted, the Tentative Map shall expire and all proceedings shall terminate. Thereafter, no Final Map shall be filed without first processing a Tentative Map (PAMC Section 21.16.010[d]).

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and
Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

1. Tentative Map prepared by Kier & Wright consisting on one page, received 9 March 05.

Riordan, Chris

From: Kathy Wegman [kathy@calbavarian.com]
Sent: Tuesday, March 01, 2005 5:20 PM
To: Riordan, Chris
Subject: Bayview Business Park Summary

Chris,

Thank you for your phone call this afternoon. Below is the brief summary you requested regarding the Bayview Business Park Condo Conversion project:

Converting Bayview Business Park to commercial condominiums presents a unique business opportunity. Much like residential condominiums, commercial condominiums allow businesses to purchase their office or R&D space instead of leasing such space. The commercial condominium market has been very active in Silicon Valley during the last 12-18 months, particularly the market for "for sale" space of 5,000 sq. ft and less. Small business owners are very interested in ownership opportunities. However, Palo Alto has very limited product of this type.

Owner feels strongly that Bayview Business Park is well suited for a condominium conversion due to its location and the layout of the business park. The condominium conversion will allow Owner to offer 10 spaces "for sale" ranging in size from 5,000 sq. ft. to 8,800 sq. ft.

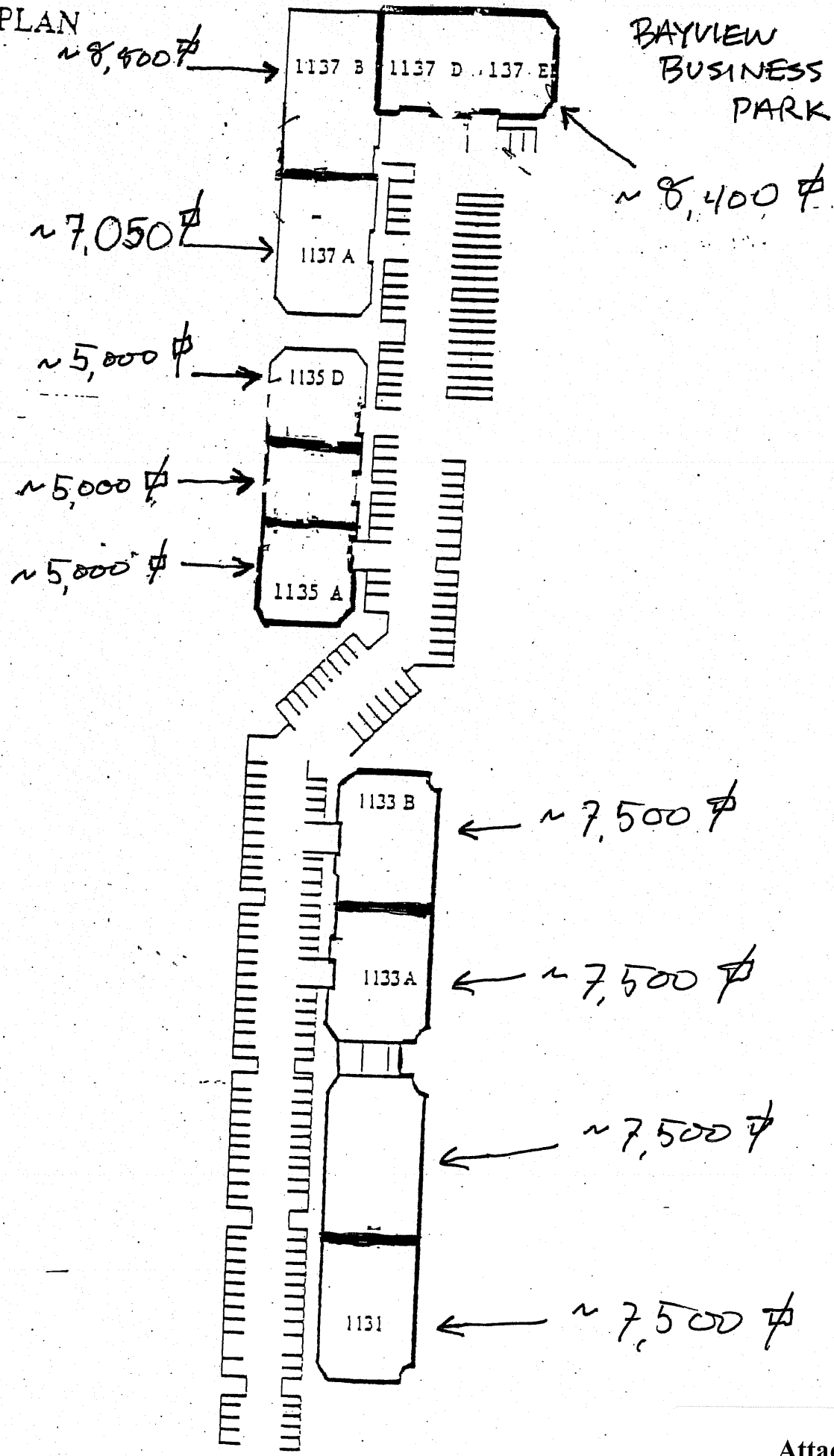
Please let me know if you have any questions or if I can be of any further assistance to you.

Kathy

Kathy Wegman
California Bavarian
kathy@calbavarian.com
Phone: (650) 326-4396
Fax: (650) 326-4399

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by return email and destroy all copies of the original message. Thank you

SITE PLAN



BAYVIEW
BUSINESS
PARK