TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: DECEMBER 6, 2004 CMR:504:04

SUBJECT: 797 & 807 MATADERO AVENUE [03-SUB-01, 03-EIA-03]: REQUEST BY MARK MIGDAL OF THE TWO TOWERS GROUP FOR A TENTATIVE MAP TO CREATE A FIVE-LOT SUBDIVISION. ENVIRONMENTAL ASSESSMENT: A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED. ZONE DISTRICT: SINGLE FAMILY RESIDENTIAL (R-1).

RECOMMENDATION
The Planning and Transportation Commission recommends denial of the request for a Tentative Map to create a five-lot subdivision, as described in the Record of Land Use Action, Attachment A.

Staff recommends approval of the Tentative Map, as described in the Record of Land Use Action, Attachment B.

DISCUSSION
The project site is comprised of three lots (APN No. 137-10-132, 137-10-131, and 137-15-038) of approximately 1.1 acres adjacent to Matadero Creek in the Barron Park neighborhood of Palo Alto. The site contains two residential structures used as rental units and other accessory buildings. Single-family residential land uses are located adjacent to the lots to the north, south and west. Barron Park Elementary School is located on the opposite side of Matadero Creek. Dense vegetation of native and non-native trees, shrubs and other plant materials are located along the creek and large trees are found throughout the site.

The Tentative Map indicates the location of a cul-de-sac street that would be dedicated to the City and the location of property lines that define the extent of the five lots to be created as a part of this subdivision.

The oak trees located on the site are protected under the Palo Alto Municipal Code, Title 8.10 (Tree Preservation and Management Regulations). These trees would limit a future owner’s ability to construct any portion of a residential structure within the tree protection zone unless specific design considerations are approved prior to issuance of a building permit.
Staff prepared a staff report that recommended approval of the Tentative Map to the Commission. Staff presented findings and conditions indicating that the project would not have a significant affect on the environment and that the project was in compliance with the requirements of Title 18 (Zoning), Title 21 (Subdivisions) and the Comprehensive Plan.

Key issues for the Commission discussion included protection of the existing oak trees and vegetation near Matadero Creek; the dimensions of the proposed cul-de-sac, which would be slightly smaller than a standard cul-de-sac in terms of width and radius; protection of the riparian areas along Matadero Creek; and proposed conditions for the provision of rental housing that would comply with the Comprehensive Plan. These issues are fully described in the October 8, 2004 Commission staff report contained in Attachment D.

Pursuant to the regulations of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was completed, which identified the environmental factors that would be potentially affected by the project. These factors are: Air Quality, Biological Resources, Cultural Resources and Hydrology and Water Quality. These impacts would be mitigated with conditions that would reduce these impacts to a less than significant level. The environmental document is contained in Attachment J.

**BOARD/COMMISSION REVIEW AND RECOMMENDATIONS**

Staff presented the recommendation for approval to the Commission at the meeting of September 8, 2004. Commissioner Griffin moved to recommend denial of the request, which was seconded by Commissioner Bialson. The motion passed (5-2-0-0, Commissioners Cassel and Packer opposed) The Commission adopted a revised Record of Land Use Action on November 9, 2004.

As reflected in the Record of Land Use Action, the Commission’s action on the project was based upon the following conclusions:

- The proposed map and subdivision design are not consistent with applicable general and specific plans, in that the subdivision would not meet the policies of the Comprehensive Plan related to the preservation of neighborhood character, design, scale, density, and protection of the environment.

- The design of the subdivision and the proposed improvements are likely to affect the immediate environment of Matadero Creek, in that the subdivision would introduce a dense cluster of single-family lots adjacent to the riparian corridor of Matadero Creek, which contains protected species of trees and sensitive wildlife habitat. Construction activities within the riparian corridor, including installation of a storm drain outfall to Matadero Creek, could negatively impact this area. Construction of the cul-de-sac street and the storm drain outfall could disturb the creek bank to an extent that would affect the ability of the riparian corridor to...
support the existing vegetation and wildlife habitat of the area. In addition, construction activities could increase erosion, bank instability and loss of habitat.

- That the site is not physically suitable for the type and density of development, in that the existing lots contain numerous protected species of trees that are located in such a way that would restrict development on four of the five single-family lots. These restrictions would limit the design options for the homes that would otherwise be available to mitigate privacy, massing or streetscape issues. In addition, The subdivision would result in a greater than acceptable Floor Area Ratio (FAR) and/or lot coverage, street parking with resultant negative impact on vehicular and pedestrian traffic safety, and impervious surface on the site, which would not be compatible with the surrounding neighborhood.

PREPARED BY: ____________________________________
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Senior Planner

DEPARTMENT HEAD: __________________________
STEVE EMSLIE
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CITY MANAGER APPROVAL: ______________________
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ATTACHMENTS
A. Record of Land Use Action to Deny the Tentative Map
B. Record of Land Use Action to Approve the Tentative Map
C. Location Map
D. Planning & Transportation Commission Staff Report, September 8, 2004
E. Verbatim Minutes, September 8, 2004
F. Planning & Transportation Commission Staff Report, October 27, 2004
G. Verbatim Minutes, October 27, 2004
H. Planning & Transportation Commission Staff Report, November 10, 2004
I. Verbatim Minutes, November 10, 2004
J. Environmental Documents
K. Tentative Map Plans

COURTESY COPIES
Owen Byrd
Mark Migdal
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Jean Wren
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Cheryl Borja
Gary Curtis
Mr. Prasad
Alex Sherstiusky
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