APPROVAL NO. 2008-03
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO
LAND USE ACTION FOR 433 W MEADOW: TENTATIVE MAP
07PLN-00346
(FORREST MOZART, APPLICANT)

At its meeting on March 17, 2008, the City Council of the City of Palo Alto approved the Tentative Map to subdivide a parcel (approx. 0.57 acres) into six condominium lots, which would be developed into residential single-family homes, making the following findings, determination and declarations:

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

A. Proposed by Forrest Mozart on behalf of West Meadow Oaks, L.P., this project involves the subdivision of the 433 West Meadow site (approx. 0.57 acre total) into six condominium lots with a private road and shared open space.

B. The Tentative Map plan set includes information on the existing parcel, onsite conditions, and the layout of the proposed new lots. These drawings are in compliance with the applicable provisions of the City’s Subdivision Ordinance. These plans contain all information and notations required to be shown on a Tentative Map (per PAMC Sections 21.12), as well as the design requirements concerning the creation of lots, streets, walkways, and similar features (PAMC 21.20).

SECTION 2. Environmental Review. Prior to Architectural Review approval of the proposed six single-family detached housing development, staff prepared an Initial Study and Draft Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA) which discussed the potential impacts of both the new buildings and the six lot condominium subdivision. The documents were made available for a 20 day public review period between September 14, 2007 and October 3, 2007. No public comments were received during this review period. The CEQA document found that the impacts produced by the project, including the development of the single-family homes, would have less than significant impacts on the environment with the incorporation of mitigation measures. Since state law requires the adoption of a CEQA determination prior taking action on a discretionary project, these environmental documents were adopted on October 23, 2007 by the Director of Planning and Community Environment, prior to action on the Architectural Review and Tentative Map applications for the proposed development.
SECTION 3. Tentative Map Findings.

A legislative body of a city shall deny approval of a Preliminary Parcel 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:

   This finding can not be made in the affirmative. The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan. The land use designation in the area of the subdivision is Multiple Family Residential, which allows a density of 8 to 40 units per acre. The proposed development of six single-family dwelling units on a 0.57 acre site is consistent with the land use and zoning designations of the site.

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

   This finding can not be made in the affirmative. The map is consistent with the prescribed land use designation and the following Comprehensive Plan policies: (1) Policy L-1 - Limiting future urban development to currently developed lands within the urban service area; and (2) Policy L-6 - Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different densities. The new development is designed to fit in with the neighborhood and provide a transition between existing higher and lower density housing.

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

   This finding can not be made in the affirmative. The site can accommodate the proposed subdivision. The lots are condominium units and conform in density to the requirements of the RM-15 district. The proposed development was granted Architectural Review approval on October 25, 2007 after a recommendation of approval from the Architectural Review Board on October 4, 2007.

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

   The subdivision would be consistent with the allowable density set forth in the site development regulations of the RM-15 district, which allows up to 8 units on this site, and would not affect the location of the existing property lines at the perimeter of the site.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

The subdivision would not cause environmental damage or injure fish, wildlife, or their habitat, as the site is currently developed with one single-family home and two wooden structures. However, the applicant is required to implement mitigation measures to reduce impacts to protected trees that will be retained during demolition and construction as specified in the Mitigated Negative Declaration and as reflected in the conditions of Section 6 of this Record.

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

This finding can not be made in the affirmative. The subdivision of the existing parcel into six condominium lots will not 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 subdivision of the existing parcel will not conflict with easements of any type.

SECTION 4. Approval of Tentative Map. Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.13 and 21.20 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 Sandis titled "Tentative Map 433 West Meadow Drive", consisting of one page, dated January 24, 2008, except as modified to incorporate the conditions of approval in Section 6.
A copy of this Tentative 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, 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 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. Building permit applications shall be submitted in conformance with all conditions of approval required in the Architectural Review approval.

3. Applicant shall file a tree removal permit for the trees planned for removal.

Utilities Department – Water, Gas & Wastewater

Prior to Issuance of Demolition Permit:

4. Prior to demolition, the applicant shall schedule the WGW utilities field inspector at 650/566-4503 to visit the site and review the existing water/wastewater fixtures to determine the capacity fee credit for the existing load. If the applicant does not schedule this inspection, they may not receive credit for the existing water/wastewater fixtures.

5. The applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10
working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected and removed.

Prior to Submittal for Building Permit:

6. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.).

7. The applicant shall submit revised improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.

8. Each lot/residence shall have its own gas meter located on the building per the WGW Utility standards. The gas meter shall be shown on the plans.

9. Each lot/residence shall have its own water meter shown on the plans in the street right-of-way. Backflow prevention shall be downstream of the meter on private property.

10. All onsite (not located in the public right-of-way) sanitary sewer shall be private. The City’s responsibility will start at the cleanout in the public right-of-way. Show the cleanout on the City side of the property line where the sanitary sewer enters the street R-O-W.

11. The applicant must show on the site plan the existence of any auxiliary water supply.

12. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.

13. Sewer drainage piping serving fixtures located less than one foot above the next upstream sewer main manhole cover shall be protected by an approved backwater valve per California Plumbing Code 710.0. The upstream sewer main manhole rim
elevation shall be shown on the plans.

14. Flushing of the fire system to sanitary sewer shall not exceed 30 GPM. Higher flushing rates shall be diverted to a detention tank to achieve the 30 GPM flow to sewer.

15. Sewage ejector pumps shall meet the following conditions:
   a. The pump(s) be limited to a total 100 GPM capacity or less.
   b. The sewage line changes to a 4" gravity flow line at least 20' upstream of the City clean out.
   c. The tank and float is set up such that the pump run time not exceed 20 seconds each cycle.

Prior to Issuance of Building Permit:

16. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determined current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant may be required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

17. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department four copies of the installation of water and wastewater utilities off-site improvement plans in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-
builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities record drawing procedures.

18. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) shall be replaced at the applicant’s expense.

19. The applicant shall pay the capacity fees and connection fees associated with the installation of the new utility service/s to be installed by the City of Palo Alto Utilities. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

20. A separate water meter and backflow preventer shall be installed to irrigate the approved landscape plan for community areas. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account and no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.

21. An approved double check assembly (detector if not on a metered service) shall be installed for any water connections serving a fire sprinkler system or private hydrant to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. Double check assemblies shall be installed on the owner's property adjacent to the property line. Show the location of the double (detector) check assembly on the plans. Inspection by the utilities cross connection inspector is required for the supply pipe between the City connection and the assembly.

22. A new gas service line installation is required. Show the new gas meter locations on the plans. The gas meter locations must conform with utilities standard details.

23. The applicant shall secure a public utilities easement for City facilities installed in private property. The applicant's engineer shall obtain, prepare, record with the county of Santa Clara, and provide the utilities engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.

24. Where public gas mains are installed in private streets/PUEs for condominium and town home projects the CC&Rs and final map shall include the statement: “Public Utility Easements: If the City’s reasonable use of the Public Utility Easements, which are shown as P.U.E on the Map, results in any damage to
the Common Area, then it shall be the responsibility of the Association, and not of the City, to Restore the affected portion(s) of the Common Area. This Section may not be amended without the prior written consent of the City”.

25. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

26. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.

Utilities Department - Electric

27. The applicant shall submit a request to disconnect all utility services and/or meters including a sign affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued by the building inspection division after all utility services and/or meters have been disconnected.

28. The applicant shall submit a completed electric load sheet for each lot for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service.

29. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right-of-way.

30. Any extension or relocation of existing distribution lines or equipment shall be done at customer/developer’s expense. Customer/Developer shall ensure that no structure is built over the existing easements.

31. The applicant shall secure a public utilities easement for facilities installed in private property. The applicant’s engineer shall obtain, prepare, record with the county of Santa Clara, and provide the Utilities Engineering section with copies of the public utilities easement across the adjacent parcels as is necessary to serve the development.

32. Utility installations shall be in accordance with the City of Palo Alto Utilities electrical service requirements.
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:

Those plans prepared by Sandis titled, "Tentative Map 433 West Meadow Drive", consisting of one page, dated January 24, 2008.