



Planning & Transportation Commission

Staff Report (ID # 10341)

Report Type: Action Items **Meeting Date:** 8/28/2019

Summary Title: 874 Boyce Avenue: Code Text Amendment and Preliminary Parcel Map With Exceptions

Title: PUBLIC HEARING / QUASI-JUDICIAL. 874 Boyce [18PLN-00030]: Recommendation on Applicant's Request for Approval of An Ordinance to Amend Title 21, Chapter 20 to Allow for Creation of a Flag Lot Where the Residence on the Subject Lot to Be Subdivided Would be Protected Under a Historic Covenant as Well as Recommendation for Approval of a Preliminary Parcel Map With Exceptions to Subdivide One Lot to Create Two Lots. The Exceptions Are to Allow for A Narrower Front Lot Than Is Allowed Within the R-1 Zone District and To Allow for the Easements Serving the Rear Lot to be Greater Than 100 Feet. Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15308 (Protection of the Environment) and 15332 (Infill Development). Zoning District: R-1 (Single-Family Residential). For More Information Contact the Project Planner Claire Hodgkins at Claire.Hodgkins@cityofpaloalto.org

From: Jonathan Lait

Recommendation

Staff recommends the Planning and Transportation Commission (PTC) take the following actions:

1. Recommendation to the City Council that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15308 (Protection of the Environment) and 15332 (Infill Development).

2. Recommendation to the City Council to adopt the proposed ordinance amending Title 21 (Subdivisions and Other Divisions of Land), Chapter 21.20 (Design), Section 21.20.301 (flag lots) of the Palo Alto Municipal Code included in Attachment B.
3. Recommendation to the City Council for approval of the Preliminary Parcel Map with Exceptions based on findings and subject to conditions of approval included in the Draft Record of Land Use Action included in Attachment C.

Report Summary

The proposed project includes a request for a Preliminary Parcel Map with Exceptions to subdivide an existing residential parcel located at 874 Boyce into two lots. The existing parcel at 874 Boyce is 12,403 sf and the resulting lots would be 6,090 sf and 6,000 sf.

The proposed map includes an adjustment to the lot line between the subject site and the adjacent 872 Boyce. The owner of 874 Boyce would give 313 square feet (sf) of property to 872 Boyce, as discussed further below. This adjustment requires a request for a map exception to allow for the resulting lot at 874 Boyce to be 47.42 feet wide along the frontage. This width is less than the minimum width allowed in accordance with the Zoning Ordinance for lots within the R-1 Zone District. In addition, the applicant requests an exception for the proposed length of the access easements.

Title 21, Chapter 21.20 of the Palo Alto Municipal Code currently does not allow for the creation of a flag lot in the R-1 zone district, except when an existing residence on the new (rear) flag lot would have a recorded preservation covenant. The proposed project includes a Category 4 historic resource on the existing parcel, but the historic structure would be on the street-fronting lot rather than the proposed flag lot. The proposed ordinance would revise PAMC Chapter 21.20.301, allowing an owner to create a new flag lot in instances where the project would include recordation of a historic preservation covenant for the historic resource located on the resulting street fronting lot, rather than on the flag lot.

Background

Project Information

Owner:	Christopher and Ximena Loops
Architect:	Leopold Design
Civil Engineer:	L Wade Hammond, Licensed Land Surveyor
Legal Counsel:	N/A

Property Information

Address:	874 Boyce Avenue (880 Boyce Avenue would be assigned to the proposed rear parcel)
Neighborhood:	Crescent Park
Lot Dimensions & Area:	Two lots proposed (6,000 sf and 6,090 sf)
Housing Inventory Site:	No
Flood Zone	Yes; AH34.9

Protected/Heritage Trees:	Yes; an oak tree on the rear lot would be preserved
Historic Resource(s):	Yes; 874 Boyce is a Category 4 contributing building; adjacent 872 Boyce is protected by covenant and is a Category 4 contributing building. The two buildings are considered “sister” residences.
Existing Improvement(s):	874 Boyce is a two story home built in 1826, the rear of the parcel is vacant
Existing Land Use(s):	Single family residential use
Adjacent Land Uses & Zoning:	Single Family Residential
Special Setbacks:	None
Aerial View of Property:	



Source: Google Aerial Map

Land Use Designation & Applicable Plans/Guidelines

Zoning Designation:	R-1 (Single Family Residential)
Comp. Plan Designation:	Single Family Residential
Context-Based Design:	Not applicable
Downtown Urban Design:	Not applicable
SOFA II CAP:	Not applicable
Baylands Master Plan:	Not applicable
ECR Guidelines ('76 / '02):	Not applicable
Proximity to Residential Uses or Districts (150'):	Yes; within a residential district
Located w/in AIA (Airport Influence Area):	Not applicable

Prior City Reviews & Action

City Council:	None
PTC:	None
HRB:	June 14, 2018 Study Session Staff report: https://www.cityofpaloalto.org/civicax/filebank/documents/65432 Video: http://midpenmedia.org/local-tv/watch-now/
	April 26, 2018 Study Session staff report: https://www.cityofpaloalto.org/civicax/filebank/documents/64686 Video: http://midpenmedia.org/historic-resources-board-46-2-3-2/

The HRB held two study sessions to discuss the proposed project. The original application varied from the current proposal. The applicant's current proposal does not include any physical changes to the existing residence at 874 Boyce. No design is proposed for a new residence on the new flag lot. However, the HRB was supportive of the concept of subdividing the historic property to retain the existing historic resource via recorded covenant. Any future modifications to 874 Boyce or on the new flag lot would be subject to the restrictions identified within a historic preservation covenant to be recorded on the site.

ARB:

None

Project Description

The applicant proposes a Preliminary Parcel Map with Exceptions as well as a Text Amendment to Palo Alto Municipal Code Title 21 to allow for the subdivision of an existing 12,403 sf lot into two lots, one of which would be a flag lot. The subject parcel, at 874 Boyce, would become a 6,090 sf lot and the new flag lot would become a 6,000 sf lot. As part of the project, 313 sf of the existing lot would be gifted to the adjacent property at 872 Boyce. The gifted area would accommodate a 12 foot wide access easement that would run from the public right-of-way, through 872 Boyce, to the existing flag lot at 876 Boyce. A location map is provided in Attachment A and the proposed Preliminary Parcel Map is included in Attachment H.

There are several components to the proposed project. These include an Ordinance amending Title 21, Chapter 20; a preliminary parcel map with exceptions; revisions to existing easements; and a historical preservation covenant.

Ordinance to Amend Title 21, Chapter 21.20

Chapter 21.20 of the Palo Alto Municipal Code (PAMC) only allows for the creation of a flag lot in instances where there is a historic residence that will be preserved on the flag lot to be created. There is a Category 4 (contributing) historic structure located at 874 Boyce; however, it is located towards the street frontage rather than on the flag lot to be created. The proposed text amendment would allow the creation of a flag lot in instances where the existing historic structure on the resulting front parcel would have the protection of a historic preservation covenant. Specifically, the ordinance in Attachment B amends the code as follows in ~~strikeout~~ and underline:

21.20.301 Flag Lots

- (a) The director of planning may approve, pursuant to a preliminary parcel map, not more than one flag lot, as defined in Title 18 of this code, under the following conditions:

- (1) The flag lot shall be used only for single-family residential use;

- (2) The flag lot shall meet all of the requirements of the zone district within which it is located and, in addition, shall have an area which exceeds the lot area requirement of the zone district by not less than twenty percent exclusive of any portion of the lot used for access to a public street, ~~except when the flag lot to be created contains a residence with recorded preservation covenants, where the flag lot area is not required to exceed the lot requirement of the zone district and no request for nor approval of exceptions to said standards shall be required; and~~
 - (3) Access from the flag lot to a public street shall not be over an easement but over land under the same ownership as the flag lot. Such access shall have a minimum width of fifteen feet and shall have a paved way not less than ten feet in width;
 - (4) Notwithstanding the foregoing, if ~~except when~~ the flag lot or adjacent lot to be created contains a residence with recorded preservation covenants, ~~where the flag lot area is not required to exceed the lot requirement of the zone district and~~ the flag lot access may be over an easement or land under the same ownership, the access shall have a minimum width of twelve feet for a maximum length no more than 100 feet, and shall have a paved way not less than ten feet in width, and no request for nor approval of exceptions to said standards shall be required.
- (b) Notwithstanding the foregoing, the creation of flag lots, as defined in Title 18 of this code, shall be prohibited in the R-1 single-family residence district, and no exceptions shall be granted therefore; provided, however, that:
- (1) Flag lots may be created in the R-1 zone district ~~pursuant to Title 18~~ as long as a the residence thereon has a recorded preservation covenant is recorded for a historic resource located on the flag lot or on an adjacent lot to be created; and
 - (2) Flag lots in the R-1 zone district shall comply with the requirements stated in subsection (a), except that smaller lot areas may be approved pursuant to Section 18.12.140 of Title 18.
 - (3) Flag lots validly existing in the R-1 district as of the effective date of said prohibition shall, nonetheless, be recognized as legal lots for purposes of this Title 21 only. Development of such existing flag lots shall be subject to all applicable provisions of Title 18 of this code as of the date of any such proposed development.

Preliminary Parcel Map with Exceptions

The preliminary parcel map would subdivide the existing parcel located at 874 Boyce (APN 003-25-039) into two parcels. The proposed map includes a request for two exceptions:

- (1) An exception to allow for the street fronting lot at 874 Boyce to be 47.42 feet wide. A 60-foot lot width is normally required in the R-1 (single family residential) Zone District; and
- (2) An exception to allow for the length of the required access easement to extend 128.05 feet. Where a historic preservation covenant is recorded, PAMC Chapter 21.20.301(a)(3) states that no exception is required for an access easement of up to 100

feet; staff interpret this section to allow a longer easement length to be granted through an exception process.

These two design exceptions are necessary to accommodate the required access easements for the adjacent and proposed flag lots. The easements would not impact either of the existing historic residences or associated features (e.g. existing landscaping, fencing, or walkways) at 872 or 874 Boyce.

Easements

Currently there is a 17-foot-wide access easement shared between the three existing lots (874, 872, and 876 Boyce). The applicant proposes to abandon the existing shared easement as part of this proposed map, and create new easements. New easements would include:

- A 12-foot-wide access easement at 872 Boyce for access to the existing flag lot (876 Boyce), and
- A 12-foot-wide access easement at 874 Boyce for access to the new flag lot.

The applicant proposes to two separate access easements to avoid creation of a “private street.” In accordance with PAMC Chapter 21.20.240 (b)(4), if a single easement serves more than one lot at the rear, it is required to meet the design requirements of a private street. The code requires that private streets be deducted from the gross lot area when determining floor area ratio (FAR) allowances. This deduction would impact the adjacent historic residence at 872 Boyce, resulting in a non-compliance (the existing home would exceed the FAR maximum). In addition, the two parcels to be created could not both meet the minimum lot size requirements. By creating two separate easements, each serving a single lot at the rear, the applicant would avoid the restrictive impacts associated with a single private street.

In addition, the applicant proposes a new 10-foot-wide public utility easement for the maintenance of utilities, running from the public right-of-way to the new flag lot. The existing utility easement at 872 and 876 Boyce would remain.

Historic Preservation Covenant

If Council approves the Ordinance and the Record of Land Use Action for the Parcel Map with Exceptions, conditions of approval would require the recordation of an historic preservation covenant. The covenant would apply to the existing residence at 874 Boyce and would protect this Category 4 historic resource in perpetuity. The adjacent property at 872 Boyce is also a Category 4 contributing structure; it is a “twin” residence to 874 Boyce because the buildings on these properties mirror each other. The 1985 updated Department of Parks and Recreation inventory form for the parcel, which is included in Attachment E, notes that this is “a pair of individually elegant and matched houses carefully placed to enhance the simple formality of their design.” The twin, adjacent home at 872 Boyce has a preservation covenant, recorded in conjunction with a subdivision where two homes existed. Protection of 874 Boyce would ensure the preservation of both “twin” houses in perpetuity.

Requested Entitlements, Findings and Purview:

The following discretionary applications are requested, and are subject to PTC purview:

- Municipal Code Text Amendment to Title 21, Chapter 20: The process for evaluating this type of application is set forth in PAMC 18.80.080. A request for a Text Amendment requires at least one public hearing before the PTC, which shall forward its recommendations to the City Council for final action.
- Preliminary Parcel Map with Exceptions: The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code (PAMC) and California Government Code 66474. PAMC Chapter 21.12.090 outlines the process for approval of preliminary parcel maps. Although staff may review and approve preliminary parcel maps, PAMC Chapter 21.32.020 requires the Commission review preliminary parcels maps when the project includes an exception. The Commission reviews whether the amended subdivision complies and is consistent with the applicable laws. These include the Subdivision Map Act (in particular Government Code 66474), Title 21 of the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and state law. Staff forwards the Commission's recommendation to the City Council for final approval. The findings to approve a Preliminary Parcel Map are in Attachment C. In accordance with PAMC 21.32, Council may grant exceptions after recommendation by the PTC. The parcel map process documents the abandonment of existing easements, recordation of new easements, and recordation of the historic covenant.

Analysis¹

Following is staff's analysis of the proposed project's consistency with applicable plans, guidelines, and regulations as well as relevant policy considerations.

Neighborhood Setting and Character

The subject property is located along Boyce Avenue adjacent to the three-way intersection of Seneca Street, Homer Avenue, and Boyce Avenue. Adjacent structures are primarily two-story residences; however, there is a mix of single-story and two-story residences throughout the neighborhood. As noted previously, the City's Historic Inventory identifies both the residence at 874 Boyce and the adjacent residence at 872 Boyce as Category 4 (contributing) historic structures.

Consistency with the Comprehensive Plan, Area Plans and Guidelines²

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. Planning and Transportation Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to take an alternative action from the recommended action.

² The Palo Alto Comprehensive Plan is available online:
<http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

The proposed project is located within the single-family residential land use designation. The project would be consistent with the applicable goals and policies outlined in the Comprehensive Plan as detailed in the Draft Record of Land Use Action in Attachment C. In particular, the project would encourage historic preservation and would allow for the development of an additional residential unit. These outcomes are encouraged under the Land Use and Community Design Element and Housing Element of the Comprehensive Plan, respectively. There are no other plans or guidelines applicable to the subject property.

Municipal Code Compliance

The project complies with relevant titles of the PAMC, particularly Title 18 (Zoning); Title 21 (Subdivisions and other Divisions of Land); and Title 16, Chapter 49, (Historic Preservation), or is otherwise seeking, through the requested entitlements and approvals, permission to deviate from certain code standards in a manner that is consistent with the Municipal Code.

Title 18, Zoning, Compliance³

The subject property is located within the R-1 (single-family residential) zone district. A detailed review of the proposed project's consistency with applicable zoning standards is reflected in the summary table provided in Attachment D. The proposed project complies with the zoning ordinance except with respect to the proposed width of the parcel at 874 Boyce. PAMC Chapter 18.12.040 identifies development standards within the R-1 Zone District and requires a 60-foot width for parcels within this district. The requested exception would allow for the width of the parcel at 874 Boyce to be approximately 47.5 feet where the existing parcel is 50 feet wide and the standard is 60 feet. As described above, this exception would allow for the gift of 313 sf of land for an access easement across 872 Boyce that meets the required 12-foot width (and 10 foot paved width) without making physical changes to that historic property, which is under an existing preservation covenant.

The existing parcel at 874 Boyce is 12,403 sf and the resulting lots would be 6,090 sf for the new lot fronting the street and 6,000 sf for the new flag lot. The size of these parcels either meets or exceeds the minimum lot size requirement of 6,000 sf for the R-1 Zone District. Because the project is not requesting the use of preservation development incentives (e.g. a smaller minimum lot size for the resulting lots) the requirements outlined in PAMC Chapter 18.12.140 would not apply to the proposed project.

Title 21, Subdivisions and other Divisions of Land, Compliance

PAMC Chapter 21 includes standards for reviewing preliminary parcel maps. The proposed project is consistent with most requirements outlined in this title with respect to parcel maps. However, the project would not be consistent with PAMC Chapter 21.20.030 (flag lots), which outlines when flag lots are allowed to be created. Accordingly, the proposed project includes a request for a Municipal Code Text Amendment, as described above. In addition, the proposed project includes a request for an easement that is longer than typically allowed under PAMC Chapter 21.20.030. Therefore, the proposed map would include an exception to allow for a

³ The Palo Alto Zoning Code is available online: http://www.amlegal.com/codes/client/palo-alto_ca

128.05-foot long easement, where only a 100-foot long access easement is allowed. With approval of the proposed ordinance in Attachment B to amend the Code, and approval of the preliminary parcel map with exceptions, the proposed project would comply with Title 21 of the Municipal Code.

Title 16, Chapter 49, Historic Preservation Ordinance, Compliance

The proposed ordinance is consistent with the original intent for a subdivision incentive for historic preservation; to help preserve historic resources which could otherwise be demolished. The City's historic ordinance (PAMC 16.49) does not otherwise offer protection for Category 4 homes located outside the Downtown or Professorville Historic District. The proposed project would preserve this Category 4 resource in perpetuity while also allowing for construction of an additional dwelling unit. A draft of the proposed covenant is currently being prepared and would be required prior to Council approval. Staff anticipates the proposed covenant will be similar to that recorded for the adjacent parcels at 872 and 876 Boyce. The covenant, at minimum, will require the property at 874 Boyce be maintained in accordance with the Secretary of the Interior's Standards for Rehabilitation and would require that any new construction on this lot or on the new flag lot be compatible with the existing historic structure. Construction on the new flag lot would need to meet the City's requirements for development of a flag lot, which restricts development to a single-story structure. The owner would record the covenant prior to recording the parcel map.

Multi-Modal Access & Parking

The proposed project would not conflict with any existing or future planned bicycle lanes. It is not located on a Safe Routes to School path. As noted previously, the owner proposes proper ingress/egress access in accordance with the design requirements outlined in Title 21 for access to the three existing units and the proposed flag lot.

Consistency with Application Findings

The proposed project complies with the applicable findings set forth in California Government Code Section 66474 under the Subdivision Map Act, and with the findings for map exceptions outlined in PAMC Chapter 21.32.020. In particular, the project is consistent with the Comprehensive Plan in that it supports the addition of a new dwelling unit. The City's policies encourage housing units. The project would also preserve a historic residence in perpetuity, consistent with the city's goals and policies for historic preservation. With approval of the allowed amendments and exceptions, the project would be consistent with the municipal code, as discussed above. The draft findings for the proposed exceptions are in Attachment C. The existing lot is unique in that the existing residence on the parcel is historic and the parcel is substantially larger than the allowed lot size for this zone district. This allows for the subdivision of the lot while still providing two parcels that meet the minimum lot size requirements. The project is designed to ensure that it would not be detrimental to the public welfare or injurious to other property in the vicinity as discussed further in the findings.

Environmental Review

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Specifically, the project has been found to be exempt from the provisions of the California Environmental Quality Act pursuant to 15308 (Protection of the Environment) and 15332 (Infill Development), as detailed in the draft documentation of the Notice of Exemption included in Attachment G.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. The *Daily Post* published a Notice of a public hearing for this project on August 16, 2019, which is 12 days in advance of the meeting. Postcard mailing occurred on August 19, which is 10 days in advance of the meeting.

Public Comments

As of the writing of this report, no project-related public comments were received other than comments received through coordination with adjacent property owners. As noted, because the project affects the property at 872 Boyce in that a small portion of 874 Boyce would be gifted to the property, the property owner of 872 Boyce will be a signatory to the proposed map. A joint letter from the property owners at 872 and 876 Boyce is included in Attachment F. These neighbors have expressed support for the project provided that the project is designed such that no additional paving is required on the 872 or 876 Boyce properties and that the new access easement through 872 Boyce only affects land covered under existing easements (i.e. does not further restrict the 872 Boyce property).

Alternative Actions

In addition to the recommended action, the Architectural Review Board may:

1. Approve the project with modified findings or conditions;
2. Continue the project to a date (un)certain; or
3. Recommend project denial based on revised findings.

Report Author & Contact Information

Claire Hodgkins, AICP, Planner
(650) 329-2116

Claire.Hodgkins@cityofpaloalto.org

PTC⁴ Liaison & Contact Information

Rachael Tanner, MCP, Assistant Director
(650) 329-2167

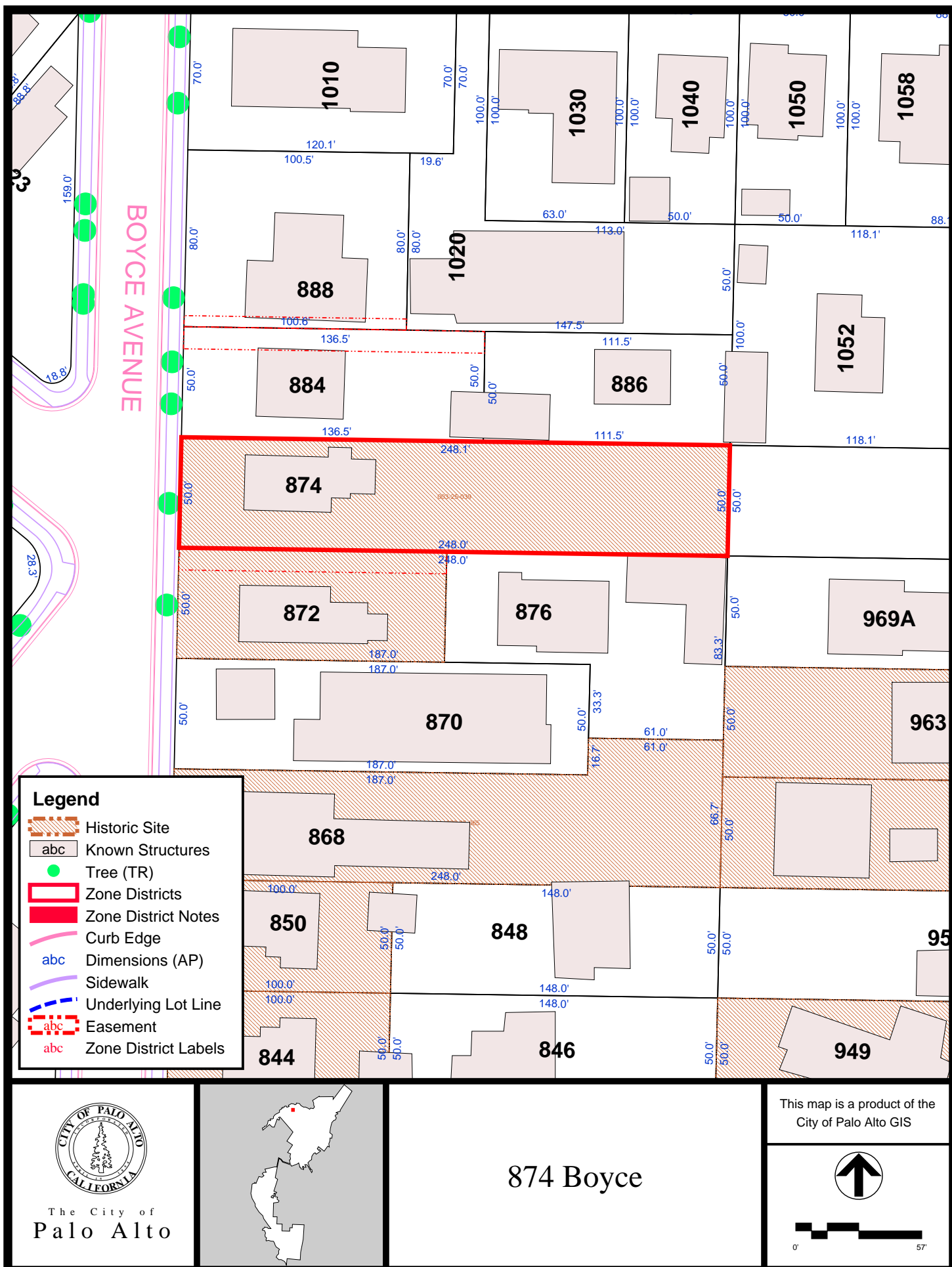
Rachael.Tanner@cityofpaloalto.org

Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Proposed Ordinance Amendments to Title 21, Chapter 20 (DOC)
- Attachment C: Draft Record of Land Use Action (DOCX)
- Attachment D: Zoning Comparison Table (DOCX)

⁴ Emails may be sent directly to the PTC using the following address: planning.commission@cityofpaloalto.org

- Attachment E: Historic Resources Inventory (DPR Form) (PDF)
- Attachment F: Neighbor Correspondence (PDF)
- Attachment G: Notice of Exemption (DOCX)
- Attachment H: Project Plans (DOCX)



ORDINANCE NO. _____

Ordinance of the Council of the City of Palo Alto Amending Section 21.20.301 (Flag Lots) of Chapter 21.20 (Design) of Title 20 (Subdivisions and Other Divisions of Land) of the Palo Alto Municipal Code.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Section 21.04.030 (Definitions) of Chapter 21.04 (General Provisions) of Title 21 (Subdivisions and Other Divisions of Land) of the Palo Alto Municipal Code is hereby amended to read as follows:

21.04.030 Definitions

(30) "Private Street" means any right of way, including vehicular access easements, not dedicated as a public street, which is used for vehicular traffic to or from two or more homes which do not have frontage on a public street or to or from one parcel which does not have frontage on a public street if the right-of-way or easement used for ingress or egress is more than two hundred feet in length. For the purpose of this section, "parcel" includes fee ownership, condominium, townhome or other ownership configurations. Private streets shall be excluded for the purpose of determining Floor Area Ratio (FAR). Minimum width of "private streets" shall be as defined in [21.20.240\(b\)\(4\)](#). For the purpose of the provisions of [21.20.240\(b\)\(4\)](#), the term "lot" includes fee ownership, condominium, townhome or other ownership configurations.

SECTION 2: Section 21.20.301 (Flag Lots) of Chapter 21.20 (Design) of Title 21 (Subdivisions and Other Divisions of Land) of the Palo Alto Municipal Code is hereby amended to read as follows:

21.20.301 Flag Lots

(a) The director of planning may approve, pursuant to a preliminary parcel map, not more than one flag lot, as defined in Title 18 of this code, under the following conditions:

- (1) The flag lot shall be used only for single-family residential use;
- (2) The flag lot shall meet all of the requirements of the zone district within which it is located and, in addition, shall have an area which exceeds the lot area requirement of the zone district by not less than twenty percent exclusive of any portion of the lot used for access to a public street, ~~except when the flag lot to be created contains a residence with recorded preservation covenants, where the flag lot area is not required to exceed the lot requirement of the zone district and no request for nor approval of exceptions to said standards shall be required; and~~
- (3) Access from the flag lot to a public street shall not be over an easement but over land under the same ownership as the flag lot. Such access shall have a

minimum width of fifteen feet and shall have a paved way not less than ten feet in width.

- (4) Notwithstanding the foregoing, if ~~except when~~ the flag lot or adjacent lot to be created contains a residence with recorded preservation covenants, ~~where the flag lot area is not required to exceed the lot requirement of the zone district and~~ the flag lot access may be over an easement or land under the same ownership, the access shall have a minimum width of twelve feet for a maximum length no more than 100 feet, and shall have a paved way not less than ten feet in width, and no request for nor approval of exceptions to said standards shall be required.

(b) Notwithstanding the foregoing, the creation of flag lots, as defined in Title 18 of this code, shall be prohibited in the R-1 single-family residence district, and no exceptions shall be granted therefore; provided, however, that:

- (1) Flag lots may be created in the R-1 zone district ~~pursuant to Title 18~~ as long as a the residence thereon has a recorded preservation covenant is recorded for a historic resource located on the flag lot or on an adjacent lot to be created; and
- (2) Flag lots in the R-1 zone district shall comply with the requirements stated in subsection (a), except that smaller lot areas may be approved pursuant to Section 18.12.140 of Title 18.
- (3) Flag lots validly existing in the R-1 district as of the effective date of said prohibition shall, nonetheless, be recognized as legal lots for purposes of this Title 21 only. Development of such existing flag lots shall be subject to all applicable provisions of Title 18 of this code as of the date of any such proposed development.

SECTION 2. The Council finds that the Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15305, because it is a minor alteration in land use limitations, and section 15308, because it is an action taken for the protection of historic resources.

SECTION 3. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

Mayor

APPROVED:

City Manager

Director of Planning and Development
Services

Director of Administrative
Services

APPROVAL NO. 2018-___
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND
USE ACTION FOR 874 BOYCE AVE APPROVING A PRELIMINARY
PARCEL MAP WITH EXCEPTIONS
[FILE NO 18PLN-00030]

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

A On January 23, 2018, Leopold Vandeneide on behalf of Christopher and Ximena Loops, applied for a Preliminary Parcel Map with exceptions to subdivide an existing 12,403 square foot single-family residential parcel, in order to create two parcels ("The Project").

B The project site is comprised of two lots (APN Nos. 003-25-039 and 003-25-073), located at 874 and 872 Boyce respectively. The subject property at 874 Boyce totals 12,403 sf (0.28 ac) and would be subdivided to create two parcels, which would be 6,090 sf and 6,000 sf. The property at 872 Boyce is currently 6,607 sf (0.15 ac) and would be expanded by 313 sf; therefore, the resulting lot would be 6,902 sf (0.158 ac). Single-family residential land uses are located adjacent to the lot to the north, south, east and west.

C Staff has determined that, with adoption of the proposed Municipal Code Text Amendment (Ordinance _____) amending Title 21, Chapter 20, Section 21.20.030 of the Palo Alto Municipal Code and with approval of the requested map exceptions, the proposed project is consistent with all applicable standards of the Palo Alto Municipal Code.

D Following staff review, the Planning and Transportation Commission reviewed the project and recommended approval on August 28, 2019 subject to conditions of approval.

E On _____ 2019, the City Council held a duly noticed public hearing, at which evidence was considered and all persons were afforded an opportunity to be heard in accordance with the City Council's policies and procedures. After hearing public testimony, the Council voted to approve the preliminary parcel map with exceptions subject to the conditions set forth in Section 6 of this Record of Land Use Action, and subject to the adoption and effectiveness of the Municipal Code text amendment ordinance.

F On _____ 2019 the City Council held a second reading for the Municipal Code Text Amendment, which is effective 30 days thereafter.

SECTION 2. ENVIRONMENTAL REVIEW. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental

regulations of the City and was found to be exempt from CEQA in accordance with CEQA Guidelines Section 15308 (Actions for protection of the environment) and Guidelines Section 15332 (In-fill exemption).

SECTION 3. PRELIMINARY PARCEL 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). The City Council cannot make these findings for the following reasons:

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

The proposed Preliminary Parcel Map is consistent with the City's Comprehensive Plan (i.e. general plan). Specifically, the project site is designated as having a single family residential land use designation, which encourages single-family residential uses. The proposed project would allow for the development of another single family dwelling unit and would also preserve the existing historic structure under a historic preservation covenant. This is consistent with policies outlined, in particular, in the Housing and the Land Use and Community Design Elements of the City's Comprehensive Plan. Therefore, the proposed map 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:

As noted above, the subdivision would allow for a single lot that currently exceeds the code requirements to be subdivided into two parcels in order to add a second single-family residence. The project does not currently propose any improvements other than minor paving at 874 Boyce in order to provide a 10 foot paved width. However, it is anticipated that with approval of the map, construction of single-story detached single-family residence would be a reasonably foreseeable future action. The proposed map is consistent with the City's Comprehensive Plan, as outlined in Table 1.

Table 1: Comprehensive Plan Consistency

Comp Plan Goals and Policies	How project adheres or does not adhere to Comp Plan
Land Use and Community Design Element	
Goal L-1.2: Limit future urban development to currently developed lands within the urban service area.	The proposed map is consistent with the Comprehensive Plan in that it would encourage in-fill development by allowing for the addition of a new residence in a single-family residential land use designation in an urbanized area. The only proposed improvements at the site at this time would be minimal paving to provide access to the new flag lot. It is anticipated that the rear parcel would be developed with a single-story residence; however, the design is not yet known. The historic preservation covenant will require that the new development be consistent with the historic character of the existing development.
Policy L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.	

Policy L-7.1: Encourage public and private upkeep and preservation of resources that have historic merit, including residences listed in the City's historic resource Inventory, the California Register of Historical Resources, or the National Register of Historic Places.	The project would include recordation of a historic preservation covenant that would protect the existing historic residence at 874 Boyce in perpetuity. This is consistent with Policy L-7.1, which encourages the preservation of historic resources.
Natural Environment Element	
Policy N-2.10: Preserve and protect Regulated Trees, such as native oaks and other significant trees, on public and private property, including landscape trees approved as part of a development review process and consider strategies for expanding tree protection in Palo Alto.	The proposed flag lot includes a protected oak tree. With approval of the lot subdivision, a condition of approval has been added to ensure that future development would not significantly impact this protected tree.
Housing Element	
Program H2.1.2: Allow increased residential densities and mixed use development only where adequate urban services and amenities, including roadway capacity, are available.	The Housing Element encourages the development of housing, especially on underdeveloped sites. The proposed project would increase the housing density on this parcel by allowing for two single-family residences where only one is currently allowed in accordance with the zoning requirements.

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

The site is well suited for the proposed development. The current parcel at 874 Boyce exceeds the maximum lot size requirements. The proposed project would split the lot in order to create two parcels that meet the area requirements allowed under the City's single-family residential zoning. Access would be provided with minimal improvements at 874 Boyce and without any improvements at the adjacent residence at 872 Boyce. The proposed parcel at 874 Boyce would be slightly narrower than the width allowed under the R-1 single family residential zoning. However, many other sites in the vicinity have narrower lots than are typically allowed under the code (typically around 50 feet in width where a 60 foot width is required); therefore, the project, which would allow a parcel with an approximately 47.5 foot lot width, would be consistent with other development in the area and is physically suitable for this type of development.

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

The single family residential land use designation identified 1 to 7 units per acre as the typical density range. The project site is 0.28 acres and therefore two units on this site area would be consistent with the typical density range identified in the Comprehensive Plan land use element. Proper utility connections (e.g. sewer, water, gas) are already available for the site and proper access and parking can be accommodated. Therefore, the site is physically suitable for the proposed density of development.

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:*

The proposed preliminary Parcel Map and minor improvement to provide 10 feet paved width access to the new flag lot would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. There are no open space areas or natural features within the vicinity of the project site. The area is entirely urban in nature. The adopted Palo Alto 2030 Comprehensive Plan includes Map N-1, which identifies sensitive animal and plant species within the Palo Alto quadrangle, a large geographic area that includes the urban portions and portions along the bay and within the foothills, based on information in the California Natural Diversity Database (CNDDB). Based on this map and the urban nature of the site, the subject property does not contain any habitat for endangered, rare, or threatened species and has not historically supported any of these species.

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

The proposed subdivision and the minor improvement to the drive aisle would not have the potential to cause a serious public health problem. The proposed use would not include use or storage of hazardous materials in large quantities and the site is not located on a hazardous waste site pursuant to 65962.5 of the government code.

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 proposed Preliminary Parcel Map and minor anticipated improvements will not conflict with any public easements (e.g. utility or access easements) on the site. There are no public access easements on the property currently. There is one public utility easement that runs from the public right-of-way through 872 Boyce to serve the existing flag lot at 876 Boyce. This easement would not be affected by the proposed project. The proposed development would require a new public utility easement to provide utility services to the new flag lot.

SECTION 4. MAP EXCEPTION FINDINGS. The project proposes exceptions to the design standards for lot width and for the length of a required access easement as depicted on Preliminary Parcel Map:

- Lot width (47.5 feet)
- Easement length (128.5 feet)

1. *There are special circumstances or conditions affecting the property.*

The subject property is irregular in that it is narrower and much longer than the typical surrounding lot. The total lot area is 12,403 sf, which far exceeds the maximum allowed under the R-1 (single family residential) zone district (9,999 sf). In addition, the parcel includes a Category 4 historic resource that is considered a “twin” to the adjacent house at 872 Boyce Avenue. These special

circumstances (the lot design and the historic structure) affecting the property limit the development that can occur on this site.

2. *The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*

The proposed exceptions would allow the property owner to utilize the full site area to its maximum potential without impacting the existing historic residence. Preservation of the existing historic residence and the addition of housing units are both highly encouraged under the City's Comprehensive Plan. Without the approval of these exceptions, an additional single-family residence could not be constructed at the rear of the property and the historic residence would not be preserved.

3. *The granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

The proposed exceptions would preserve the existing residence at 874 Boyce in perpetuity and allow for the development of a second single-story home on the new flag lot. The project has been designed to eliminate the need for any changes to the physical improvements at 872 or 876 Boyce and with only very minor changes (minor paving) at 874 Boyce to accommodate proper access to the new flag lot. The subject property is designed for single-family residential use. Therefore, the project would not be detrimental to the public welfare or injurious to other property in the territory.

4. *The granting of the exception will not violate the requirements, goals, policies, or spirit of the law.*

The granting of these exceptions does not violate the requirements, goals, policies or spirit of the law. These exceptions are allowed in accordance with the City's municipal code. The proposed exception to the lot width would not affect the parcel's compliance with the zoning ordinance (e.g. setback requirements) and the proposed exception to the easement length would not affect proper access to the site for regular vehicles or emergency access. The Fire Department would typically allow for a 150 foot access easement before additional protections are required and the proposed width is consistent with the code requirements.

SECTION 5. PRELIMINARY PARCEL MAP APPROVAL GRANTED. Preliminary Parcel Map approval is granted by the City Council in accordance with PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

SECTION 6. PARCEL MAP APPROVAL. The Parcel Map submitted for review and approval by the City Council shall be in substantial conformance with the Preliminary Parcel Map prepared by L. Wade Hammond, "Preliminary 3-Lot Parcel Map 874 Boyce Ave, Palo Alto and 872 Boyce Ave, Palo Alto", consisting of three lots, dated July 12, 2019, except as modified to incorporate the conditions of approval in Section 6. A copy of this plan is on file in the Department of Planning and Community Environment, Current Planning Division. Within two years of the approval date of the Preliminary Parcel Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Parcel Map, as specified in Chapter 21.08, to be prepared in conformance with the Preliminary

Parcel 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 7. CONDITIONS OF APPROVAL.

PLANNING DIVISION

1. CONFORMANCE WITH PLANS. The Parcel Map shall conform to the approved plans entitled, "Preliminary 3-Lot Parcel Map 874 Boyce and 872 Boyce," stamped as received by the City on August 13, 2019 on file with the Planning Department, 250 Hamilton Avenue, Palo Alto, California except as modified by these conditions of approval.
2. FUTURE DEVELOPMENT. This project does not include approval of any physical improvements to the site other than minor paving for the access easement serving the new flag lot; therefore, no building permit is required at this time. Any future improvements to the site may require additional permits (e.g. building, grading, street work, etc. depending on the proposed improvements.
3. EASEMENT RECORDATION AND ABANDONMENT. As shown on the preliminary parcel map, the existing shared easement (Access Easement Doc #18998265) shall be abandoned and the two new access easements serving the existing flag lot at 876 Boyce and the new flag lot shall be recorded, as shown on the preliminary parcel map, immediately prior to recordation of the Parcel Map.
4. PROTECTED OAK TREE. The existing oak tree located at the northwest corner of the new flag lot (Proposed Parcel B), which is considered a projected tree under Title 8 of the PAMC, would not be impacted by the project as no construction activities are proposed. The oak tree shall be retained and protected as part of any future development proposal for Parcel B.
5. HISTORIC PRESERVATION COVENANT. Prior to approval of the Parcel Map, a historic preservation covenant shall be recorded for protection of the Category 4 Historic structure located at 874 Boyce in perpetuity. The historic preservation covenant shall include a requirement that the existing structure be preserved in perpetuity, that any future development at 874 Boyce comply with the Secretary of the Interior's Standards for Rehabilitation, and that any future development of the new flag lot be compatible with the historic structure located at 874 Boyce.
6. NOISE. In accordance with PAMC Section 9.10.040 no person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane. The signage showing construction hours, as required under PAMC Section 9.10.040 shall include an emergency number for reporting noise concerns.
7. INDEMNITY. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

8. **PARKLAND DEDICATION FEES.** Parkland Dedication Fees, currently estimated in the amount of \$63,104.04 shall be paid prior to the approval of the Parcel Map. Additional development impact fees may be required prior to approval of a building permit for any future development.
9. **IMPACT FEE 90-DAY PROTEST PERIOD.** California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS. If these requirements constitute fees, **taxes, assessments**, dedications, reservations, or other exactions as specified in Government Code Sections 66020(a) **or 66021**, this is to provide notification that, as of the date of this notice, the 90-day period has begun in which you may protest these requirements. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.

PUBLIC WORKS ENGINEERING

Prior to Public Works Engineering review of the parcel map, the following items must be shown on the map:

10. The Parcel Map shall include FLOOD ZONE DESIGNATION statement.
11. The Parcel Map shall reference the NAVD 88 datum.
12. The Parcel Map shall include CITY ENGINEER STATEMENT, CITY SURVEYOR STATEMENT and DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT STATEMENT.
13. Provide electronic copies of the referenced documents submitted to Public Works. This includes the records of survey, maps, etc.
14. Include additional signature blocks for neighboring property owners as appropriate.
15. Include City Clerk signature as appropriate.
16. If applicable to this map provide a Beneficiary or Trustee and Acknowledgement statement on the map.
17. Please show all existing easements along with all proposed easements for both properties.

Prior to parcel map recordation:

18. The City of Palo Alto does not currently have a City Surveyor we have retained the services of Siegfried Engineering to review and provide approval on behalf of the City. Siegfried will be reviewing, signing and stamping the Parcel Map associated with your project.

In effort to employ the services of Siegfried Engineering, and as part of the City's cost recovery measures, the applicant is required to provide payment to cover the cost of Siegfried Engineering's review.

Our intent is to forward your Parcel Map to Siegfried for an initial preliminary review of the documents. Siegfried will then provide a review cost amount based on the complexity of the project and the information shown on the document. We will share this information with you once we receive it and ask that you return a copy acknowledging the amount. You may then provide a check for this amount as payment for the review cost. The City must receive payment prior to beginning the final review process. **Scope and Fee Letter from Siegfried will be provided separately.**

19. Once the Parcel Map is approved by the City, submit wet signed and stamped mylar copy of the Parcel Map to the Public Works for signature. Map shall be signed by Owner, Notary and Surveyor prior to formal submittal.
20. Provide the electronic CAD file for the Map. Detail format of electronic submittal to be provided.

Prior to any future building, grading or excavation permit issuance:

21. Parcel Map shall be recorded with County Recorder. A conformed mylar copy shall be submitted to the City.
22. Any existing building(s) will need to be demolished prior to recordation of Parcel Map.

PUBLIC WORKS UTILITIES DIVISION

23. The public utility easement from the public right of way and through Parcel A to serve Parcel B shall be recorded in coordination with the Parcel Map. Underground electric service, running inside the Public Utilities Easement, shall be provided prior to approval of any future building permit for the new flag lot.

UTILITIES- WATER, GAS, WASTEWATER

24. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1' horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters unless otherwise approved by the Waste-Gas-Water Division. New water, gas or wastewater services/meters may not be installed within 10' of existing trees unless otherwise approved by the Waste-Gas-Water Division.
25. The applicant shall record the public utilities easement through the private driveway/area for facilities installed in private property as part of the Parcel Map. 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.
26. Where public mains/services are installed in private land/P.U.Es for the home in the back parcel, the 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 PUE area, then it shall be the responsibility of the owner, and not of the City, to Restore the affected portion(s) of the P.U.E Area. This Section may not be amended without the prior written consent of the City"
27. Any water service, gas service, or wastewater lateral not in use must be disconnected and abandoned.

28. Each unit shall have its own water and gas meter. Each parcel shall have its own water service, gas service, and wastewater lateral connection.
29. 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.
30. The contractor shall not disconnect any part of the existing water, gas, or wastewater mains except by expressed permission of the WGW utilities inspector and shall submit a schedule of the estimated shutdown time to obtain said permission.
31. Only City forces can work on the City gas distribution system.

SECTION 8. TERM OF APPROVAL. Preliminary Parcel Map with Exceptions Approval. The project approval shall be effective on the effective date of the Municipal Code Text Amendment Ordinance, and shall be valid for a period of two years. In the event that a Parcel Map is not secured for the project within the time limit specified above, the Preliminary Parcel Map with exceptions approval shall expire and be of no further force or effect. Application for extension of this entitlement may be made prior to expiration.

PASSED:
AYES:
NOES:
ABSENT:
ABSTENTIONS:
ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

Director of Planning and Development Services

ATTACHMENT D
ZONING COMPARISON TABLE
874 Boyce Avenue
Applications 18PLN-00030

Table 1: Compliance with R-1 Zone District Regulations			
Regulation	Requirement	Existing	Proposed
Minimum and Maximum Lot Area	6,000 – 9,999 sf	Parcel A: 12,403 sf (Noncomplying) Parcel C: 6,067 sf	Complies Parcel A (874 Boyce): 6,000 sf Parcel B (new flag lot): 6,090 sf Parcel C (872 Boyce): 6,380 sf
Min. Site Width	60 feet	Parcel A: 50 feet Parcel C: 50 feet	Exception needed Parcel A: 47.42 feet Parcel B: 50 feet Parcel C: 52.58 feet
Min. Site Depth	100 feet	Parcel A: 248.05 feet Parcel C: 121.17	Complies Parcel A: 128.02 feet Parcel B: 120 feet Parcel C: 121.17 feet

HISTORIC RESOURCES INVENTORY

(State use only)

Ser	Site	Mo.	Yr.			
UTM	Q	NR	SHL			
Lat	Lon	Era	Sig			
Adm	T2	T3	Cat	HABS	HAER	Fed

IDENTIFICATION Cat. IV

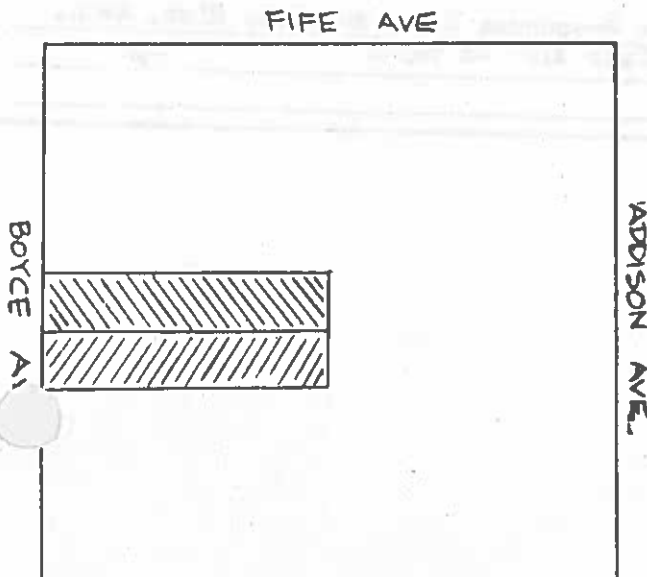
1. Common name: _____
2. Historic name, if known: _____
3. Street or rural address 872 and 874 Boyce Street
City: Palo Alto ZIP: _____ County: Santa Clara
872 - Janet and Lester Loops
4. Present owner, if known: 874 - Ryan Morris Address: same
City: _____ ZIP: _____ Ownership is: Public ☐ Private ☒
5. Present Use: Residential Original Use: Residential
Other past uses: _____

DESCRIPTION

6. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition:

These Renaissance Revival-styled structures are identical and are placed opposite each other across the shared driveway. The decorative eave treatment and Palladian arch theme of these two-story, hip-roofed stucco structures lend sophistication to a simple design. The rear cottage does not share the style but is not incompatible.

7. Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



8. Approximate property size:
Lot size (in feet) Frontage 50
Depth 248;
or approx. acreage _____
9. Condition: (check one)
a. Excellent ☒ b. Good ☐ c. Fair ☐
d. Deteriorated ☐ e. No longer in existence ☐
10. Is the feature a. Altered? ☐ b. Unaltered? ☒
11. Surroundings: (Check more than one if necessary)
a. Open land ☐ b. Scattered buildings ☐
c. Densely built-up ☐ d. Residential ☒
e. Commercial ☐ f. Industrial ☐
g. Other ☐
12. Threats to site:
a. None known ☒ b. Private development ☐
c. Zoning ☐ d. Public Works project ☐
e. Vandalism ☐ f. Other ☐
13. Date(s) of enclosed photograph(s): 1978

872-874 Boyce

NOTE: The following (Items 14-19) are for structures only.

14. Primary exterior building material: a. Stone ☐ b. Brick ☐ c. Stucco ☒ d. Adobe ☐ e. Wood ☐
f. Other ☐
15. Is the structure: a. On its original site? ☒ b. Moved? ☐ c. Unknown? ☐
16. Year of initial construction 1927 This date is: a. Factual ☒ b. Estimated ☐
17. Architect (if known): _____
18. Builder (if known): Findley and Kingham
19. Related features: a. Barn ☐ b. Carriage house ☐ c. Outhouse ☐ d. Shed(s) ☐ e. Formal garden(s) ☐
f. Windmill ☐ g. Watertower/tankhouse ☐ h. Other ☐ Rear cottage, 1928 i. None ☐
A. Anderson, builder

SIGNIFICANCE

20. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):
This is a pair of individually elegant and matched houses, carefully placed to enhance the simple formality of their design. They were built for Matilda (872) and Frances E. Wagner (874), widowed sisters-in-law; Matilda added the rear cottage, as well. Both occasionally invested in real estate in the city; this was especially true of Frances Wagner. She lived very briefly in her house at 874, while Matilda's daughter Virginia and her husband Oscar G. Peterson, occupied 872 Boyce until 1938. Frances Wagner remained in the community until the 1940s and was a violin teacher. Her husband Arthur came to Palo Alto in 1917 as the YMCA Secretary at Camp Fremont in Menlo Park. The Petersons were followed at 872 by a number of short-term tenants until the house was occupied by Walter G. Wood (1956-1968) and his wife Georgia. Wood, a graduate of Syracuse and Santa Clara Universities, was a photolithographer for Lenkurt Co. The present owners acquired the house in 1972. At 874 Boyce, the R.E. Quist family were occupants from 1934 to 1944, after which the house has been the residence of Evan F. and the late Georgena Morris.

21. Main theme of the historic resource: (Check only one): a. Architecture ☒ b. Arts & Leisure ☐
c. Economic/Industrial ☐ d. Exploration/Settlement ☐ e. Government ☐ f. Military ☐
g. Religion ☐ h. Social/Education ☐

22. Sources: List books, documents, surveys, personal interviews, and their dates: P.A. City Directories, P.A. Times 4/4/24; 10/11, 10/22/27; 3/9, 3/14, 9/5, 11/23/28; 11/2/37; 5/28/68; 9/17/68; interviews 1985, Janet Loops, Evan Morris

23. Date form prepared: 1978, 1985 By (name): Historic Resources Board and P.A. Hist. Assn.
Address: 250 Hamilton Ave City Palo Alto Ca 94301 ZIP: _____
Phone: _____ Organization: _____

(State Use Only)



Received

APR 15 2019

Department of Planning
& Community Environment

Neighbor Acknowledgment

March 6, 2019

Subject: 874 Boyce Avenue Subdivision

Dear Claire Hodgkins,
City of Palo Alto Project planner for 874 Boyce Ave.

We understand that Chris Loops, the owner at 874 Boyce Ave., has requested to create a separate lot in the back portion of the existing 874 Boyce property. This request affects the legal description of my current title report. This change is necessary for him to develop his property. The owner at 874 Boyce is going to gift a sliver of their property along the southern border of their lot to the 872 Boyce Ave. owners (the "Gifted Property"). The length of the Gifted Property will be 121.52' (i.e., the entire length of the northern property line of the 872 Boyce property) and the width will be 2' 7", or such greater width as is needed to cause the conditions below to be satisfied.

As a condition of approval, the property owners at 872 & 876 Boyce will need to amend the legal descriptions of the prospective properties to now be separate flag lots.

The scope of work includes the abandonment of the shared driveway / easements and the creation of a separate flag lot easement, for the 872 Boyce property. This requires the 872 Boyce property to file for a lot line adjustment and have a 10'-0" paved width and a 12'-0" wide access easement entirely on the 872 Boyce property and leading to the rear lot at 876 Boyce.

In addition to the transfer of the Gifted Property, the amendment of the legal description of 872 Boyce would be subject to the following conditions: (1) no additional paving on 872 Boyce will be required to the south of the southern edge of the existing pavement, (2) the new access easement will cover only land that is either currently subject to the utility easement or is the Gifted Property (and so the southern edge of the new access easement will not be further south than the southern edge of the utility easement) and (3) the Allowable Floor Area available for future renovation projects for 872 Boyce will be increased by 30% x the square footage of the Gifted Property.

Thank you,
Leopold Vandeneynde, Architect
650-224-6852


Homeowner at 872 Boyce Ave.


Homeowner at 876 Boyce Ave.

3/6/19
Date

4/15/19
Date

leopold@leopolddesign.com
Leopold Vandeneynde - 650.224.6852
777 Enright Avenue, Santa Clara, CA 95050



Notice of Exemption

Project Title: 874 Boyce Avenue

Project Location (include county): 874 Boyce Avenue, Palo Alto, CA 94301 (Santa Clara County)

Project Description:

Request for approval of an ordinance to amend Title 21, Chapter 20 to allow for creation of a flag lot where the residence on the existing lot to be subdivided would be protected under a historic preservation covenant as well as approval of a Preliminary Parcel Map with Exceptions. The exceptions would allow for a narrower front lot than is allowed within the R-1 Zone District as well as allow for an access easement that extends 128.05 feet where Title 21 only allows for easements to extend up to 100 feet. The project does not currently include development of the proposed flag lot; however, it is reasonably assumed that with approval of the proposed project, the resulting flag lot would eventually be redeveloped with a single-story residence.

Name of Public Agency Approving Project: City of Palo Alto

Name of Person or Agency Carrying Out Project: Christopher and Ximena Loops, Property owners

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption: 15308 (actions by regulatory agencies for protection of natural resources) and 15332 (in-fill exemption)
- ☐ Statutory Exemptions. State code number

Reasons why project is exempt:

The City has determined that the proposed 874 Boyce Avenue Project is categorically exempt from CEQA under Class 8 (Actions by regulatory agencies for protection of natural resources) and Class 32 (In-fill development projects). CEQA Guidelines §15308 reads: Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." CEQA Guidelines §15332 reads: "Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section."

The attached information documents the project's eligibility for these exemptions, including compliance with the specific Class 32 conditions and a summary of why the project falls under the Class 32 and Class 8 exemptions. It also confirms that no exceptions to the exemptions, as outlined in CEQA Guidelines §15300.2, apply to the project.

Project Planner: Claire Hodgkins, AICP E-mail: Claire.Hodgkins@cityofpaloalto.org

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☒ N/A

Planner

September XX, 2019

Signature (Public Agency)

Title

Date

Documentation of Project's Eligibility for Class 8 and Class 32 Categorical Exemptions under CEQA

The proposed project includes code amendments to Title 21 that would encourage the preservation of historic resources within the City. This would, in particular, allow for the project at 874 Boyce, which would include recordation of a historic covenant for preservation of a Category 4 historic resource. Therefore, the project would further protect the built environment with respect to historic resources, consistent with a Class 8 Exemption (Actions by regulatory agencies for protection of the environment). The project also meets the requirements for Class 32 exemptions. The proposed project would include a preliminary parcel map with exceptions to subdivide one residentially zoned parcel into two parcels to allow for development of a second residence. This project qualifies for a Class 32 exemption because it allows for in-fill development, encouraging higher density housing within an urban, heavily developed area that is appropriate for the proposed use. Below is a summary of how the project would meet the specific conditions under the Class 32 exemption.

Class 32 Exemption Condition	Complies?
a. <i>The project is consistent with the applicable general plan policies as well as with applicable zoning designation and regulations</i>	■
b. <i>The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses</i>	■
c. <i>The project site has no value as habitat for endangered, rare, or threatened species</i>	■
d. <i>Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality</i>	■
e. <i>The site can be adequately served by all required utilities and public services</i>	■
a. <i>The project is consistent with the applicable general plan policies as well as with applicable zoning designation and regulations</i>	

The project site's Comprehensive Plan Land Use Designation is "Single-family residential", which applies to residential neighborhoods primarily characterized by detached single-family homes, typically with one dwelling unit on each lot. The net density in single family areas ranges from one to 7 units per acre with population densities ranging from one to 30 people per acre. The proposed project is consistent with the Comprehensive Plan (i.e. general plan) land use designation in that it allows for an additional single-family residential unit to be constructed while still complying with the identified range of units and persons that would be allowed per acre. The addition of a new parcel in order to allow for an additional single-family residential housing unit is consistent with the goals and policies outlined in the Housing Element of the City's Comprehensive Plan. Because the subdivision would also include recordation of a historic preservation covenant for an identified historic resource, it is also consistent with the policies for historic preservation outlined in the Land Use and Community Design Element of the Comprehensive Plan.

The site is zoned R-1 (single-family residential). The R-1 zone district is intended to create, preserve, and enhance areas suitable for detached dwellings. The proposed project would create two parcels, both of which would meet the minimum lot size requirements, from a single parcel that currently exceeds the maximum lot size requirements; thereby addressing a legal noncomplying condition at the project site. The project includes a request for an exception to the 60 foot required lot width identified for lots within the R-1 zone district. The resulting lot would be 47.5 feet wide. However, most lots within this area are approximately 50 feet or less, including the existing lot. Therefore, the proposed lot width would be generally consistent with the existing character of the neighborhood. With approval of the exception, in allowance with the code, the project would be in compliance with the zoning ordinance.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed project is located on APN 003-25-039, which is a 12,403 square foot site (0.28 acres) that is located wholly within the City of Palo Alto's jurisdiction. Surrounding uses are single-family residential. There are no open space areas or natural features (such as creeks) within the vicinity of the site.

c. The project site has no value as habitat for endangered, rare, or threatened species

As noted above, there are no open space areas or natural features within the vicinity of the project site. The area is entirely urban in nature. The adopted Palo Alto 2030 Comprehensive Plan includes Map N-1, which identifies sensitive animal and plant species within the Palo Alto quadrangle, a large geographic area that includes the urban portions and portions along the bay and within the foothills, based on information in the California Natural Diversity Database (CNDDB). Based on this map and the urban nature of the site, the subject property does not contain any habitat for endangered, rare, or threatened species and has not historically supported any of these species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality

The proposed project does not include any proposed demolition or development and therefore could not result in any significant effects relating to traffic, noise, air quality, or water quality. It is reasonably foreseeable that, with approval of the subdivision, a new residence would be proposed on the newly created flag lot. In accordance with the R-1 zone district requirements, only a single-story residence could be developed on the flag lot. If a new house were to be developed, this would result in nominal impacts on traffic, noise, and air quality, primarily due to short-term construction related activities. Compliance with applicable regulations (e.g. basic dust control measures required by the BAAQMD and Title 9 construction noise requirements) would ensure that impacts remain less than significant.

Traffic

In accordance with the R-1 zone district requirements, only a single-story residence could be developed on the flag lot. The addition of one single-story residence at this property would not have the potential to result in any significant impact on traffic given the urban nature of this area and the nominal additional trips associated with one single-story detached dwelling unit.

Noise

No demolition is required or proposed given that the rear portion of the parcel is vacant and the existing residence on the site would be preserved under an historic preservation covenant. Construction of any new residence on this parcel would be required to comply with the regulations outlined in Title 9 of the Palo Alto Municipal Code (PAMC) with respect to construction noise, which stipulates maximum allowed decibels and restricts construction hours. Therefore, the project would not result in a significant impact on noise due to construction activities. Any HVAC equipment for the new residence would also be required to comply with the noise ordinance, which would reduce permanent impacts to a less than significant level.

Water Quality

The project is not located within the vicinity of any waterways; therefore the project would not alter the course of a stream or river. The project is located within a flood Zone, but any future development would be designed to meet FEMA requirements for construction of a residence within a flood zone. The future development would follow public

works engineering's required standard practices to control erosion and siltation during construction activities so as not to degrade water quality.

Air Quality

Future construction activities associated with development of the flag lot would be required to comply with BAAQMD requirements, which stipulate requirements for basic dust control to reduce PM₁₀ and PM_{2.5}. Construction of a single-story detached residence would not have the potential to exceed the daily thresholds for other criteria pollutants, including any pollutants for which the basin is in non-attainment.

e. The site can be adequately served by all required utilities and public services

The site is within an urban area that is already served by utilities and public services. Although new utility hook-ups would be required for any future proposed building, the site would be adequately served by existing infrastructure within the immediate vicinity.

Exceptions to the Exemptions

The City is aware that there are six categories or exceptions that preclude the use of Categorical Exemptions, as listed in CEQA Guidelines 15300.2. These categories, followed by the reason(s) the City believes they are not applicable to this project, are as follows:

15300.2(a) Location. Classes 3,4,5,6 and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact may in a particularly sensitive environment

By definition, this exception does not apply to Class 32 or Class 8 Exemptions.

15300.2(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project is a site specific subdivision project that would not be phased. The analysis above takes into account the reasonably foreseeable future action of constructing a new single-family residence on the resulting flag lot and this, in conjunction with the proposed project, would not result in a cumulatively significant impact. No other projects are planned for this site.

15300.2(c) Significant Effect. There are no unusual circumstances creating the possibility that the project will have a significant effect on the environment pursuant to CEQA.

There are no unusual circumstances affecting the project or property or anything unique about the location of the property or adjacent properties, which could result in a significant effect on the environment, such as the presence of archeological or cultural resources. The project complies with the comprehensive plan in an area where the proposed use is highly encouraged and, with approval of the requested exception, as allowed in accordance with the code, would comply with zoning.

15300.2(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project site is not visible from a scenic highway. I-280 and Skyline Blvd (HWY 35) are the only State scenic highways in Palo Alto and they are not visible from 874 Boyce Avenue.

15300.2(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The City has reviewed the Phase I ESA and the Cortese List on the Envirostor databased to confirm that the project site is not on a list of hazardous waste sites compiled pursuant to Sec 65962.5 of the Government Code.

15300.2(f)Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource.

For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The proposed project is specifically designed to preserve, in perpetuity, the existing Category 4 historic resource on the site through recordation of a historic preservation covenant. Any future development is required to be compatible with this preserved resource. Therefore, the project would not cause a substantial adverse change in the significance of a historic resource.

Attachment H

Project Plans

Hardcopies of project plans are provided to Commissioners. These plans are available to the public online and/or by visiting the Planning and Development Services Department on the 5th floor of City Hall at 250 Hamilton Avenue.

Directions to review Project plans online:

1. Go to: bit.ly/PApendingprojects
2. Scroll down to find “874 Boyce” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information

Direct Link to Project Webpage:

<https://www.cityofpaloalto.org/news/displaynews.asp?NewsID=4666>