



Planning & Transportation Commission

Staff Report (ID # 11921)

Report Type: Action Items **Meeting Date:** 2/24/2021

Summary Title: 640 Fairmede: Preliminary Parcel Map with Exceptions

Title: PUBLIC HEARING / QUASI-JUDICIAL. 640 Fairmede Ave [20PLN-00203]: Recommendation on Applicant's Request for a Preliminary Parcel Map with Exceptions to Divide an Existing 23,000 Square Foot Parcel Into two Approximately 11,500 Square Foot lots, larger than the maximum allowed by the Zoning Code, to Facilitate Construction of two new Single-Family Residences. Environmental Assessment: Exempt per CEQA 15303 and 15061(b)(3). Zoning District: R-1 Single Family Residential. For More Information Contact the Project Planner Emily Foley at emily.foley@cityofpaloalto.org.

From: Jonathan Lait

Recommendation

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

1. Conduct a public hearing, receive testimony, and recommend approval of the application to City Council.

Report Summary

The proposed project is to subdivide an existing 23,070 sf lot into two lots, one 11,855 sf and the other 11,215 sf. This project is before the PTC because the proposed parcels are greater than the allowed maximum lot size in the R-1 Zoning District. The existing home would subsequently be demolished and replaced with one single-family house on each of the new parcels, which would provide at least one new housing unit. The project is consistent with the General Plan, Subdivision Map Act, and Parcel Map Findings. The new housing units would be required to be consistent with the Zoning Code and all other applicable regulations.

Background

Project Information

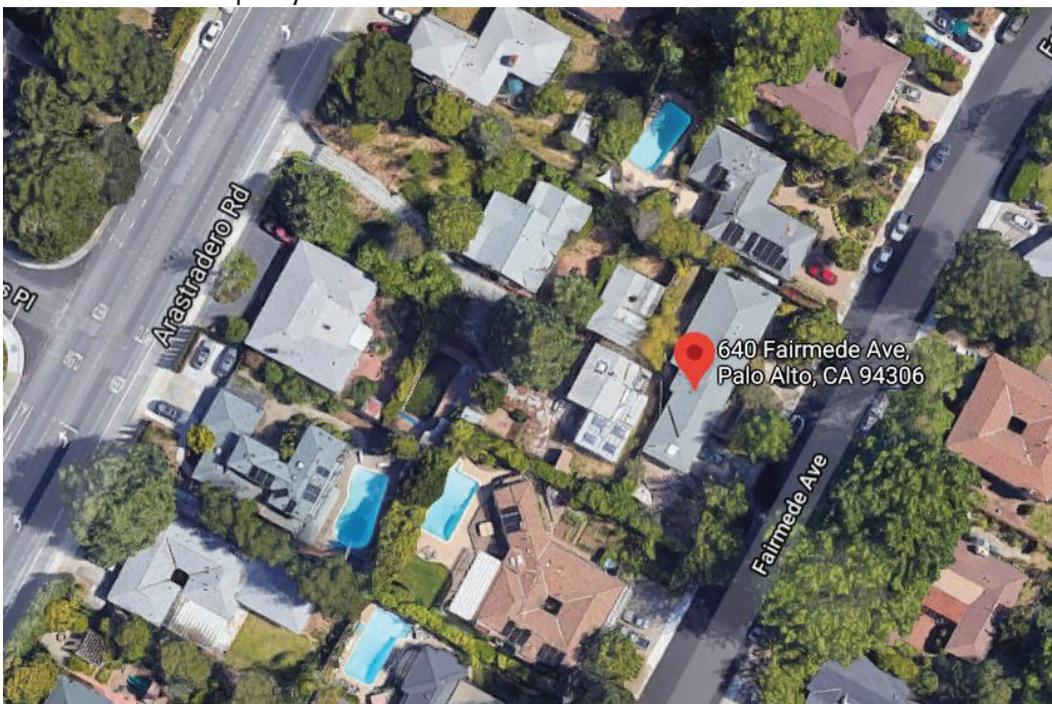
City of Palo Alto
 Planning & Development Services
 250 Hamilton Avenue
 Palo Alto, CA 94301
 (650) 329-2442

Owner:	Catherine Shen
Architect:	Mike Ma
Representative:	N/A
Legal Counsel:	N/A

Property Information

Address:	640 Fairmede Avenue
Neighborhood:	Palo Alto Orchards
Lot Dimensions & Area:	23,070.3 square feet, (irregular shape, 134.04 to 154.28 feet wide, 167.04 feet deep)
Housing Inventory Site:	Not Applicable
Protected/Heritage Trees:	Three street trees, plus one non-street tree in the right-of-way
Historic Resource(s):	Not Applicable
Existing Improvement(s):	2,454 sf; 1 story; built in 1957
Existing Land Use(s):	Single-family residence
Adjacent Land Uses & Zoning:	North: Single-Family Residence (R-1) West: Single-Family Residence (R-1) East: Single-Family Residence (R-1) South: Single-Family Residence (R-1)

Aerial View of Property:



Source: Google Maps, note that some structures in the photo may have been recently demolished

Land Use Designation & Applicable Plans/Guidelines

Zoning Designation:	R-1
---------------------	-----

Comp. Plan Designation:	Single-Family Residential
Context-Based Design Criteria:	Not Applicable
Downtown Urban Design Guide:	Not Applicable
South of Forest Avenue Coordinated Area Plan:	Not Applicable
Baylands Master Plan:	Not Applicable
El Camino Real Design Guidelines (1976 / 2002):	Not Applicable
Proximity to Residential Uses or Districts (150'):	Yes
Located w/in the Airport Influence Area:	Not Applicable

Prior City Reviews & Action

City Council:	None
PTC:	None
HRB:	None
ARB:	None

Project Description

The proposed project is to subdivide an existing 23,070 sf lot into two lots, one 11,855 sf and the other 11,215 sf. The resulting parcels would be greater than the allowed maximum lot size in the R-1 Zoning District of 9,999 sf. The existing home would subsequently be demolished and replaced with one single-family house on each of the new parcels.

Requested Entitlements, Findings and Purview:

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

- **Preliminary Parcel Map:** The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code (PAMC) and Government Code Section 66474. PAMC Section 21.12.090 requires the Director to review whether the proposed subdivision complies and is consistent with certain documents. These include the Subdivision Map Act (in particular Government Code 66474), PAMC Title 21, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and State Law. If the Director believes there are issues of major significance associated with the proposed parcel map, he or she may refer the map to the Planning and Transportation Commission (PTC) for recommendation to City Council. All findings must be made in the affirmative to approve the project. The findings to approve a site and design application are provided in Attachment C.

Analysis¹

Neighborhood Setting and Character

This property is located in the R-1 zoning district in the Palo Alto Orchards neighborhood. The parcels on the same block as the subject property range in size from 6,732 sf to 23,070 sf. Excluding the subject property, the average lot size is approximately 10,154 sf. The neighborhood contains one- and two-story, single-family houses.

Zoning Compliance²

Staff performed a detailed review of the proposed project's consistency with applicable zoning standards. A summary table is provided as Attachment B. The proposed lots are larger than what is allowed by the Zoning Code, but in keeping with the average lot size in the area. If approved, the existing house would be demolished and two new houses would be built on the new lots, in a manner that conforms with the Zoning Code.

Although the proposed parcels are larger than the allowed maximum lot size, the property is too narrow to create three conforming lots. The total street frontage is 134.04 feet, and the proposal is for two 67.02 foot wide lots. Divided into three, each lot would only be 44.68 feet wide, whereas 60 feet are required. The narrowest lot on the street currently is 70.4 feet wide.

It is important to note, if the property were to be divided into three lots, the resulting lots would be over 7,000 sf and therefore not substandard. However, the three smaller lots would be less consistent with the rest of the neighborhood. Additionally, creating a new flag lot is not permitted.

Consistency with the Comprehensive Plan, Area Plans and Guidelines³

It is consistent with the Comprehensive Plan and the City's goals to provide more housing units, and encourage a consistent neighborhood and streetscape.

Consistency with Application Findings

The project meets the findings for a Preliminary Parcel Map with Exceptions, demonstrated in Attachment C. Notably, the proposed project and density is physically suitable for the site, and will bring the property into better conformance with the Zoning Code, in a manner consistent with the rest of the neighborhood. The project will provide at least one new housing unit.

Environmental Review

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

³ The Palo Alto Comprehensive Plan is available online: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

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 is exempt per CEQA Guideline 15303 and 15061(b)(3) because it involves the demolition and construction of a limited number of single-family homes in a residential neighborhood.

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. Notice of a public hearing for this project was published in the *Daily Post* on February 12, 2021, which is 12 days in advance of the meeting. Postcard mailing occurred on February 11, 2021, which is 11 days in advance of the meeting.

Public Comments

As of the writing of this report, no project-related, public comments were received.

Alternative Actions

In addition to the recommended action, the Planning and Transportation Commission may:

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

Report Author & Contact Information

Emily Foley, AICP, Associate Planner
 (650) 617-3125
emily.foley@cityofpaloalto.org

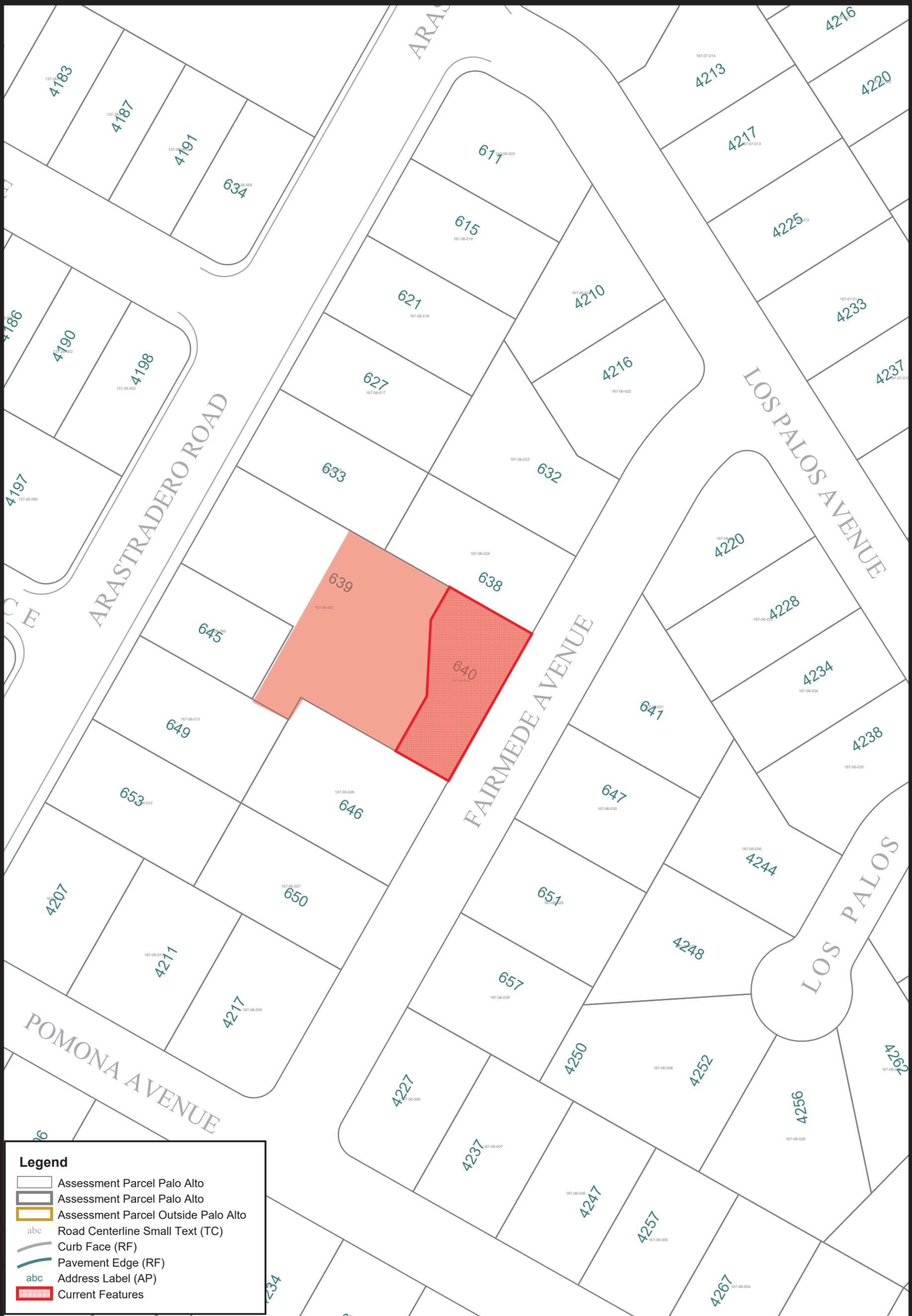
PTC⁴ Liaison & Contact Information

Rachael Tanner, Assistant Director
 (650) 329-2167
rachael.tanner@cityofpaloalto.org

Attachments:

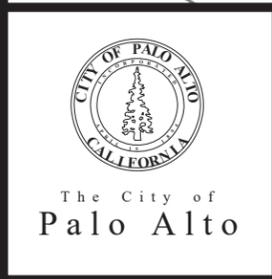
- Attachment A: Location Map (PDF)
- Attachment B: Zoning Comparison Table (DOCX)
- Attachment C: Prelim Parcel Map Findings (DOCX)
- Attachment D: Draft Conditions of Approval (DOCX)
- Attachment E: Project Plans (DOCX)

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



Legend

- Assessment Parcel Palo Alto
- Assessment Parcel Palo Alto
- Assessment Parcel Outside Palo Alto
- Road Centerline Small Text (TC)
- Curb Face (RF)
- Pavement Edge (RF)
- Address Label (AP)
- Current Features



Attachment A:
640 Fairmede Ave
20PLN-00203

This map is a product of the City of Palo Alto GIS

A north arrow pointing upwards and a scale bar showing 0 feet to 72 feet.

ATTACHMENT B
ZONING COMPARISON TABLE
 922 College Avenue, 20PLN-00104

Table 1: COMPARISON WITH CHAPTER 18.12 (R-1 DISTRICT)

Regulation	Required	Existing	Proposed Parcel 1	Proposed Parcel 2
Minimum/Maximum Site Area	6,000-9,999 sf area	23,070.3 sf	Non-conforming: 11,855 sf	Non-conforming: 11,215.3 sf
Minimum Site Width	60 feet	134.04 feet wide at front, 154.28 feet wide at rear	67.02 feet wide, additional portion 20 feet wide, 33 feet deep	67.02 feet wide
Minimum Site Depth	100 feet	167.04 feet	167.04 feet deep	167.04 feet deep
Residential Density	One unit, except as provided in 18.12.070	One unit	One unit	One unit

(3) R-1 Floodzone Heights: Provided, in a special flood hazard area as defined in [Chapter 16.52](#), the maximum heights are increased by one-half of the increase in elevation required to reach base flood elevation, up to a maximum building height of 33 feet.

(6) R-1 Floodzone Daylight Plane: Provided, if the site is in a special flood hazard area and is entitled to an increase in the maximum height, the heights for the daylight planes shall be adjusted by the same amount.

Table 2: CONFORMANCE WITH SECTION 18.12.060 and CHAPTER 18.52 (Off-Street Parking)

for Single Family Residential Uses

Type	Required	Existing	Proposed 922 College	Proposed 2160 Cornell
Vehicle Parking	2 parking spaces per unit, of which one must be covered	2 spaces, one covered for each unit	2 spaces, one covered for each unit	2 spaces, one covered for each unit

**ATTACHMENT C
PRELIMINARY PARCEL MAP FINDINGS**

640 Fairmede Avenue, File No. 20PLN-00203
Preliminary Parcel Map

A legislative body of a city shall deny approval of a Preliminary Parcel Map with Exceptions, if it makes any of the following findings (CGC Section 66474):

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

The site does not lie within a specific plan area and is consistent with the provisions of the Comprehensive Plan as noted below.

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

The map is consistent with the following Comprehensive Plan policies:

- a. 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.
- b. Policy L-3.1: Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.

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

The site currently contains one single-family house on a lot more than twice the allowed maximum. The site is physically suitable for two single-family residences and is located within an established single-family neighborhood.

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

The proposal for the site will create a residential density closer to the density in the Zoning Code (one house per 6,000 sf) and closer to the density in the neighborhood (one house per approximately 10,000 sf).

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 minor subdivision will not cause environmental damage or injure fish, wildlife, or their habitat. The project site has been fully urbanized and developed and is centrally located

within the Palo Alto Orchards neighborhood. There is no recognized sensitive wildlife or habitat in the project vicinity.

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

The creation of two individual parcels will not cause serious public health problems, as it does not substantially affect the existing conditions and overall function of the property as a site for single-family residences.

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 parcel map does not propose nor require any easements. The existing site has no easements.

The Preliminary Parcel Map with Exceptions also meets the following Findings for the Exceptions (PAMC 21.32.020):

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

The existing property is larger than the 10,000 sf maximum allowed by the Zoning Code. The subdivision will bring the property into better conformance with the Zoning Code, although the resulting parcels will continue to exceed 10,000 sf.

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

A property of this size is better equipped to provide more than one residential unit. The maximum FAR for a property of the original size is 7,671 sf, however, the maximum house size allowed in Palo Alto is 6,000 sf.

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 use of the property will not be detrimental to the public welfare or injurious to other

properties in the area, as the proposed use and density is more in conformance with the Code, and similar to other R-1 neighborhoods.

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

Granting this exception is found to be consistent with the Subdivision Map Act, Zoning Code, Comprehensive Plan. It will also provide at least one new housing unit for the City of Palo Alto.

ATTACHMENT D
DRAFT CONDITIONS OF APPROVAL

Planning Division

1. **PROJECT PLANS.** The Parcel Map submitted for review and approval by the Director shall be in substantial conformance with the Preliminary Parcel Map prepared by WEC “Preliminary Parcel Map”, consisting of 5 pages, dated November 10, 2020, except as modified to incorporate the conditions of this approval. A copy of this plan is on file in the Department of Planning and Community Environment, Current Planning Division.
2. **PARCEL MAP COVER PAGE.** At such time as the Parcel Map is filed, the cover page shall include the name and title of the Director of Planning and Development Services.
3. **PARCEL MAP EXPIRATION.** A Parcel Map, in conformance with the approved Preliminary Parcel 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 (2) years of the Preliminary Parcel Map approval date. The time period for a project may be extended once for an additional year by the Director of Planning if submitted prior to the expiration date. The resultant parcel map must be recorded prior to any building permit issuance.
4. **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.
5. **ESTIMATED IMPACT FEE:** Development Impact Fees, currently estimated in the amount of \$73,751.82 plus the applicable public art fee, per PAMC 16.61.040, shall be paid prior to the issuance of the second related building permit.
6. **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

7. The City Engineer Statement shall read as follows:

I HEREBY STATE THAT I HAVE EXAMINED THE WITHIN MAP; THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF THE APPROVAL OF THE PRELIMINARY PARCEL MAP HAVE BEEN COMPLETED. THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE PRELIMINARY PARCEL MAP AND ANY APPROVED ALTERATIONS THEREOF.

8. Provide the Closure Calculations for review.
9. Please provide electronic copies of the referenced documents, parcel map and preliminary title report.
10. 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 an 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.

Utilities

PRIOR TO ISSUANCE OF DEMOLITION PERMIT

11. The applicant shall submit a request to disconnect utility services and remove meters. The utilities demo to be processed 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.

FOR BUILDING PERMIT

12. 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.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

13. 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 including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities. Plans for new wastewater laterals and mains need to include new wastewater pipe profiles showing existing potentially conflicting utilities especially storm drain pipes, electric and communication duct banks. Existing duct banks need to be daylighted by potholing to the bottom of the ductbank to verify cross section prior to plan approval and starting lateral installation. Plans for new storm drain mains and laterals need to include profiles showing existing potential conflicts with sewer, water and gas.
14. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc).
15. 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.
16. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA's for domestic service shall be lead free. Show the location of the RPPA on the plans.
17. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the city inspector is required for the supply pipe between the meter and the assembly.
18. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.
19. If a new water service line installation for fire system usage is required. Show the location of the new water service on the plans. The applicant shall provide to the engineering department a copy of the plans for fire system including all fire department's requirements.
20. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
21. A new gas service line installation is required. Show the new gas meter location on the plans.

The gas meter location must conform to utilities standard details.
22. A sewer lateral per lot is required. Show the location of the new sewer lateral on the plans. A profile of the sewer lateral is required showing any possible conflicts with storm, electric/communications ductbanks or other utilities.
23. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

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. New water, gas or wastewater services/meters may not be installed within 10' of existing trees. Maintain 10' between new trees and new water, gas and wastewater services/mains/meters.
25. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.
26. 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.
27. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.

Attachment E

Project Plans

During Shelter-in-Place, project plans are only available online.

Directions to review Project plans online:

1. Go to: bit.ly/PApendingprojects
2. Scroll down to find “640 Fairmede” 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=5097&TargetID=319>