



City of Palo Alto

City Council Staff Report

(ID # 12061)

Report Type: Action Items

Meeting Date: 4/19/2021

Summary Title: 640 Fairmede: Preliminary Parcel Map with Exceptions

Title: PUBLIC HEARING / QUASI-JUDICIAL. 640 Fairmede Avenue [20PLN-00203]: Request for Council Approval of 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)

From: City Manager

Lead Department: Planning and Development Services

Recommendation:

Staff recommends that the City Council adopt a Record of Land Use Action (RLUA) approving the request for a Preliminary Parcel Map with Exceptions based on findings and subject to conditions of approval, and as recommended by the Planning and Transportation Commission.

Background:

The proposed project is to subdivide an existing 23,070 square feet (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 (9,999 sf) in the R-1 Zoning District. The existing home would subsequently be demolished and replaced with two single-family houses, one on each of the two new parcels.

This property is located in the R-1 zoning district in the Palo Alto Orchards neighborhood. Other parcels on the same block range in size from 6,732 sf to 12,868 sf. Excluding the subject property, the average lot size is approximately 10,154 sf. The neighborhood contains one- and two-story, single-family houses.

Discussion:

Staff reviewed 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 each lot is in keeping with the average lot size in the area. If approved, the existing house would be demolished and two new houses are expected to 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 a minimum lot width of 60 feet is required. The narrowest lot on the street currently is 70.4 feet wide.

The project 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

Recommending findings to approve the Preliminary Parcel Map with Exceptions is provided 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 and in a manner consistent with the rest of the neighborhood. The project is expected to provide at least one net new housing unit.

The necessary findings for approval of the Preliminary Parcel Map are contained in State law and incorporated into Title 21 of the Municipal Code. Under the Subdivision Map Act, the City Council must make a series of "reverse" findings to justify approval. If the findings cannot be made, the subdivision must be approved. In particular, under government code Section 66474, the City shall deny a Preliminary Parcel Map if any of the findings are made. Otherwise, the City must approve the subdivision. In addition, to approve a map with Exceptions, the City Council must make a series of findings.

Planning & Transportation Commission

On February 24, 2021 a hearing was held with the Planning & Transportation Commission.¹ The Commission discussed the rationale behind creating two oversized lots and the lack of alternative options. The Commission discussed the potential for creating three new parcels that conformed to lot width, depth and area requirements, but one of those parcels would need to be a flag lot with no street frontage other than an access driveway. Flag lots are restricted in R-1 zones and the subject parcel is not eligible in accordance with the zoning code. The Commission also discussed the limitations in the zoning code that preclude new cottage courts or other development low density development in R-1 zones.

¹ <https://www.cityofpaloalto.org/civicax/filebank/documents/80343>

Ultimately, the Planning and Transportation Commission voted 4-0-1 (Roohparvar absent) in the motion to recommend approval of the project.

Policy Implications:

This project has no major policy implications as the project will bring an oversized lot into greater compliance with the Zoning Code. Staff reviewed the proposed project's consistency with applicable zoning standards, reflected in a summary table (Attachment B). The subject site has a Comprehensive Plan land use designation of Single-Family Residential and is not subject to any Area Plans or Guideline documents. The project is expected to increase the city's housing stock by at least one unit.

Stakeholder Engagement:

The PAMC requires notice of this public hearing be published in a local newspaper of general circulation and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance of a public hearing. Notice of a public hearing for this project was published in the Daily Post on April 9, 2021, which is 10 days in advance of the meeting. Postcard mailing occurred on April 5, 2021, which is 14 days in advance of the meeting. No public comments were received at the time of report publication.

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 is categorically exempt per CEQA Guideline Section 15303 (New Construction or Conversion of Small Structures).

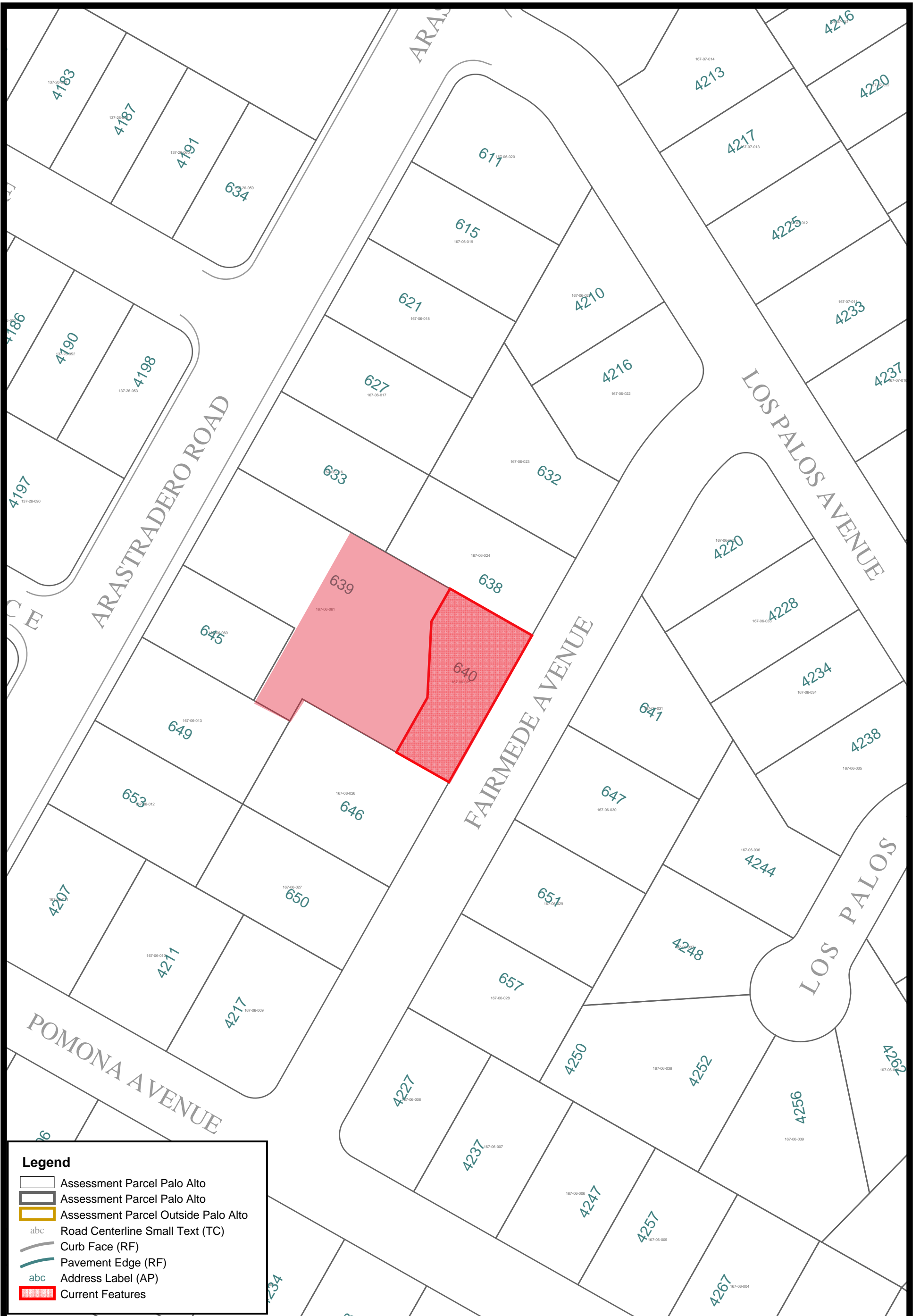
Attachments:

Attachment A: Location Map(PDF)









Attachment B: Zoning Comparison Table (DOCX)

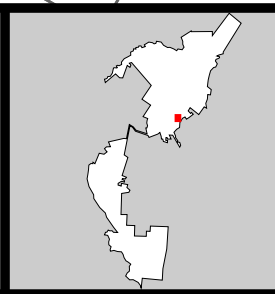
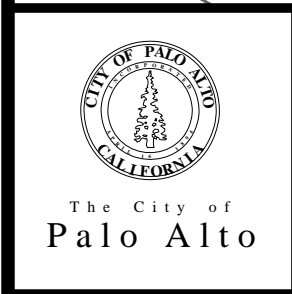
Attachment C: Draft Record of Land Use Action (DOCX)

Attachment D: Project Plans (DOCX)




Legend


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



Attachment A:
640 Fairmede Ave
20PLN-00203

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





ATTACHMENT B
ZONING COMPARISON TABLE
640 Fairmede Avenue, 20PLN-00203

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 Parcel 1	Proposed Parcel 2
Vehicle Parking	2 parking spaces per unit, of which one must be covered	2 spaces, one covered for each unit	Will comply	Will comply

ACTION NO. XXXX-XX
DRAFT RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND
USE ACTION FOR
640 FAIRMEDE AVENUE: PRELIMINARY PARCEL MAP 20PLN-00203

At its meeting on April 19, 2021, the City Council approved the Preliminary Parcel Map for a two-lot subdivision project with exceptions, making the following findings, determinations and declarations:

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

A. On September 9, 2020, Mike Ma, on behalf of Catherine Shen, applied for a Preliminary Parcel Map with exceptions for the development of a Two-lot subdivision project (“The Project”).

B. The project site is comprised of one lot (APN No. 167-06-025) of approximately 23,070 square feet total. The site contains one residential structure and single-family residential land uses are located adjacent to the lots.

SECTION 2. 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 is categorically exempt per CEQA Guideline Section 15303 (New Construction of Small Structures).

SECTION 3. Preliminary Parcel Map Findings.

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 parcel twice the maximum allowed size for R1-zoned properties. The proposed subdivision will create two lots where one exists now resulting in improved compliance with maximum lot standards, but still exceeding in lot area. Each parcel is expected to be developed with single family residences in accordance with applicable zoning regulations.

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.

SECTION 5. Exception Findings.

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.*

The subject parcel is twice the size of nearby properties and far exceeds the maximum lot standards for R1 zoned properties. The exception request renders the new parcels more compliant with existing zoning standard, results in the creation of at least one additional housing unit and is compatible in design with the surrounding neighborhood. The exception request grants attributes more lot area to each parcel than would otherwise be allowed but is necessary due to the size of the existing parcel and to maintain the complaint lot width and depth requirements for the new parcels.

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.

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 WEC Associates titled "Preliminary Parcel Map", consisting of five (5) pages, uploaded to Accela Citizen Access on December 4, 2020 except as modified to incorporate the conditions of approval in Section 7. A copy of this plan is on file in the Department of Planning and Development Services.

SECTION 7. 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. DECONSTRUCTION: The existing structure shall be deconstructed prior to recordation of the Parcel Map, to prevent the existing structure from crossing a property line.
6. 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.

7. 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

8. 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.

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

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.

SECTION 8. Term of Approval.

1. Preliminary Parcel Map. All conditions of approval of the Preliminary Parcel Map shall be fulfilled prior to approval of a Parcel Map (PAMC Section 21.16.010[c]). Unless a Parcel Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Preliminary Parcel Map approval, or such extension as may be granted, the Preliminary Parcel Map shall expire and all proceedings shall terminate. The Director of Planning and Development Services may approve one extension prior to expiration of the Preliminary Parcel Map, consistent with the provisions of PAMC Title 21.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and
Development Services

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by WEC Associates titled "Preliminary Parcel Map", consisting of five pages, dated December 4, 2020.

Attachment D

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>