

Appeal for lot split 2147-2149 Yale St. Palo Alto

May 1st, 2023

2147 and 2149 Yale Street





Development Services
285 Hamilton Avenue, 1st Floor
Palo Alto, CA 94301
(650) 329-2496

Address Activity Report
At: 586 COLLEGE

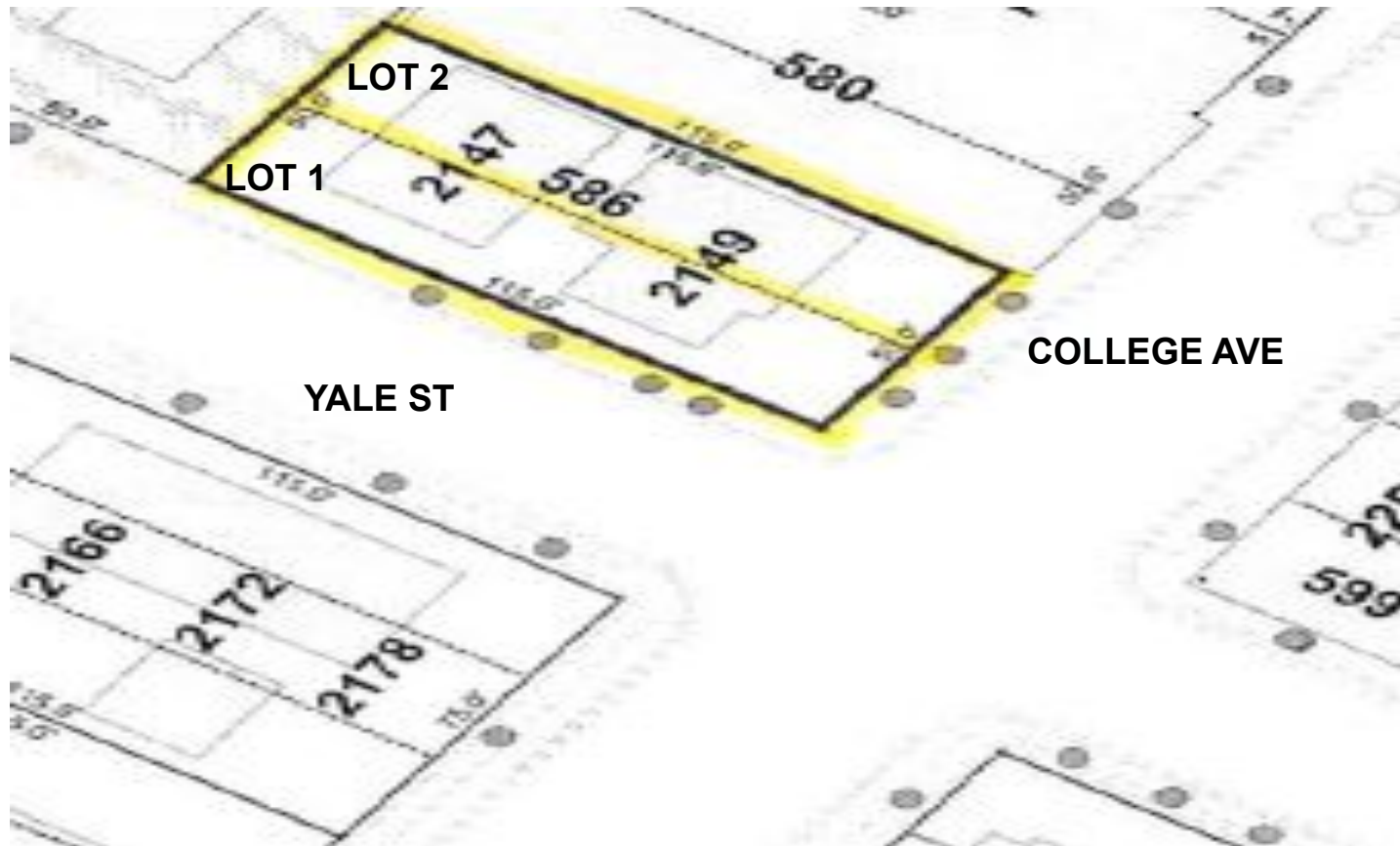
Note regarding permit status . . . Building Permits issued after January 2015 will have a status of "Finalized" when all inspections are complete. Older permits may still have a status of "Permit Issued". On these permits, please review the inspection history to verify all inspections are complete.

Permit #	File Date	Address	Work Description	Permit Status
08000-00000-01678	07/09/2008	586 COLLEGE AV	DEMO SFR	
Inspection History				
	09/26/2008		FINAL INSPECTION	Approved
	07/11/2008		C and D Final	Approved
Permit #	File Date	Address	Work Description	Permit Status
08000-00000-01244	05/20/2008	586 COLLEGE AV	TEMP POWER	
Inspection History				
	07/23/2008		FINAL INSPECTION	Approved
	07/23/2008		E08 Temp Const Power	Approved
Permit #	File Date	Address	Work Description	Permit Status
08000-00000-00136	01/22/2008	586 COLLEGE AV	NEW 2-STORY DUPLEX W/BASEMENT & ATTACHED GARAGES	Permit Issued
Inspection History				
	10/06/2010		101 FINAL INSPECTION	Approved
	10/06/2010		222 GAS TEST/GREEN TAG/FINAL	Approved
	09/28/2010		973 C AND D FINAL	Approved
	09/07/2010		108 CONDITIONAL ELEC SERVICE	Approved
	08/10/2010		972 ADMIN PERMIT REACTIVATED	Approved
	07/13/2009		229 Tile Lath	Approved
	07/13/2009		406 P Shower Pan	Approved
	07/08/2009		229 Tile Lath	Not Approved-Corrections
	06/29/2009		225 Int Drywall - Plaster Lath	Approved
	06/25/2009		414 P Other Plumbing	Approved
	06/25/2009		221 Insulation	Approved
	06/25/2009		315 E Panel	Not Approved-Not Ready
	06/17/2009		202 RES All Trades	Approved
	06/12/2009		202 RES All Trades	Not Approved-Corrections
	05/11/2009		219 Roof, Ext Sheat, Struc Fra	Approved
	05/11/2009		405 P Sewer	Approved
	05/11/2009		410 P Water Service	Approved
	05/11/2009		703 In Progress	Approved
	03/05/2009		219 Roof, Ext Sheat, Struc Fra	Not Approved-Corrections
	03/03/2009		220 Daylight Plane	Not Approved-Corrections
	03/03/2009		219 Roof, Ext Sheat, Struc Fra	Not Approved-Corrections
	12/17/2008		203 Underfloor Combo JST - EMP	Not Approved-Not Ready
	12/11/2008		217 Joist	Not Approved-Corrections



2147 and 2149 Yale Street





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MAY 11, 2011

TITLE DEED DESCRIPTION

ORDER NO. : 0626018165

EXHIBIT A

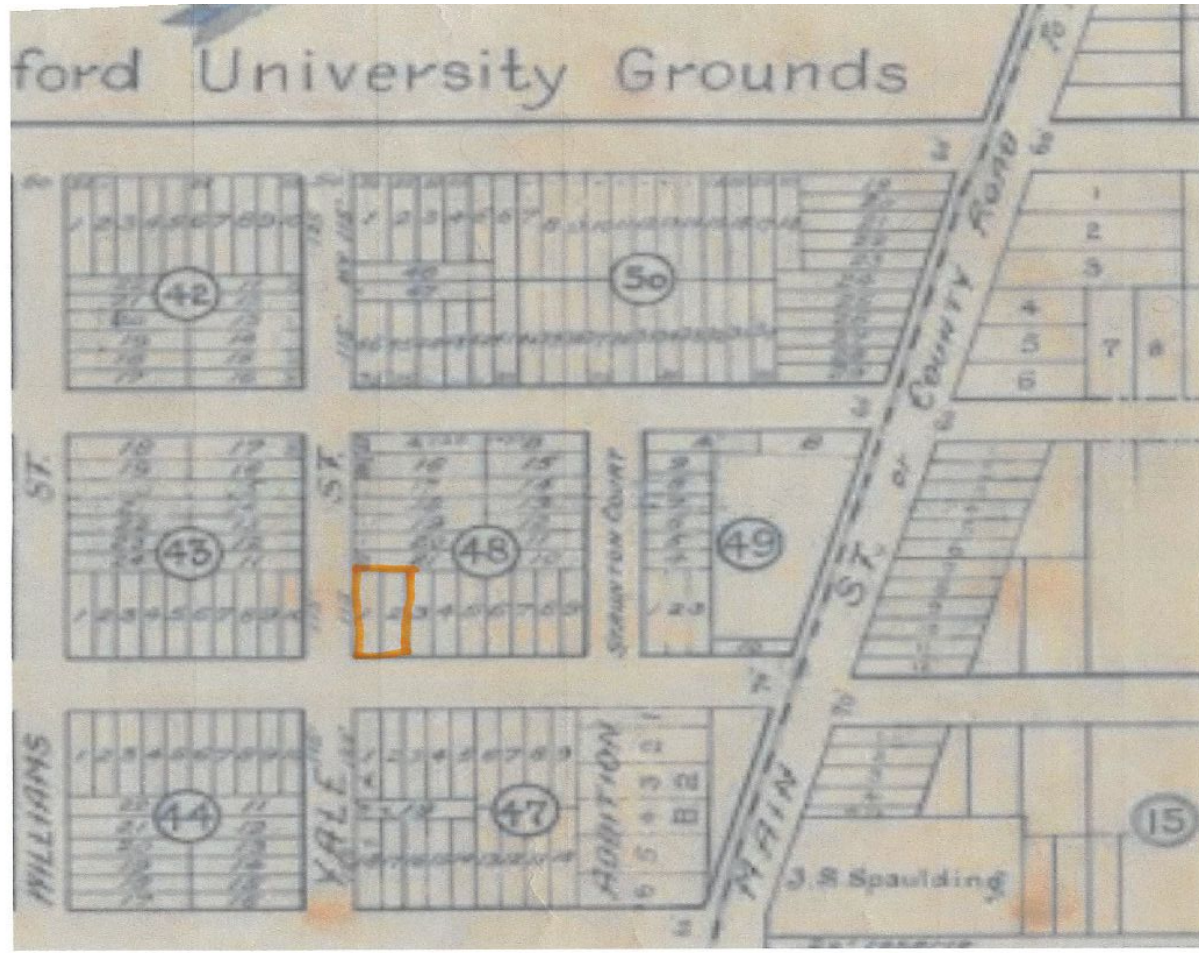
The land referred to is situated in the County of Santa Clara, City of Palo Alto, State of California, and is described as follows:

An undivided 50% tenants-in-common interest in the following described land:

Lots 1 and 2, Block 48, Tract entitled College Terrace, as shown on a Map recorded in Book E, Page 121 of Maps, Record of Santa Clara County, California.

APN: 137-01-038

ARB: 137-01-038

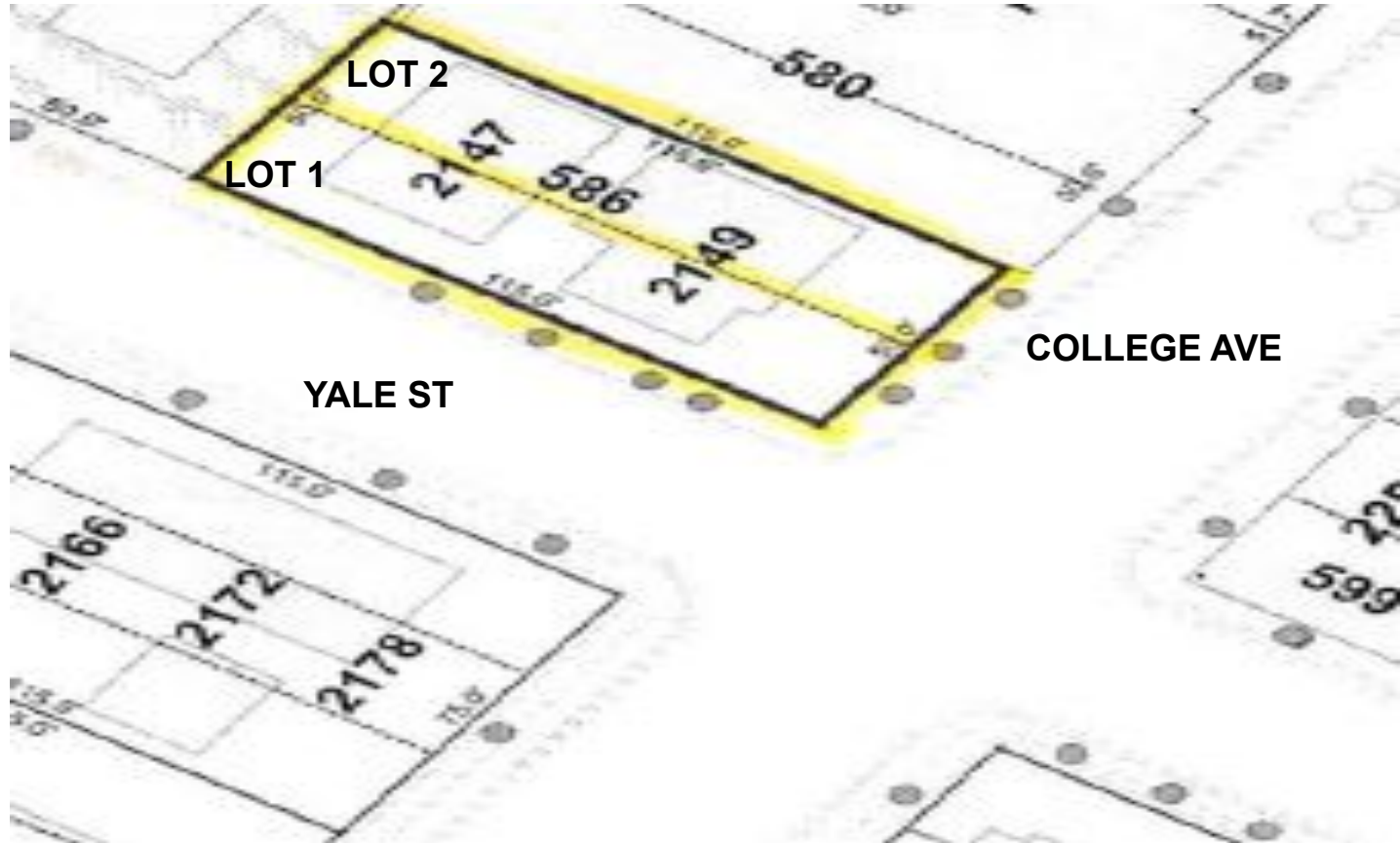


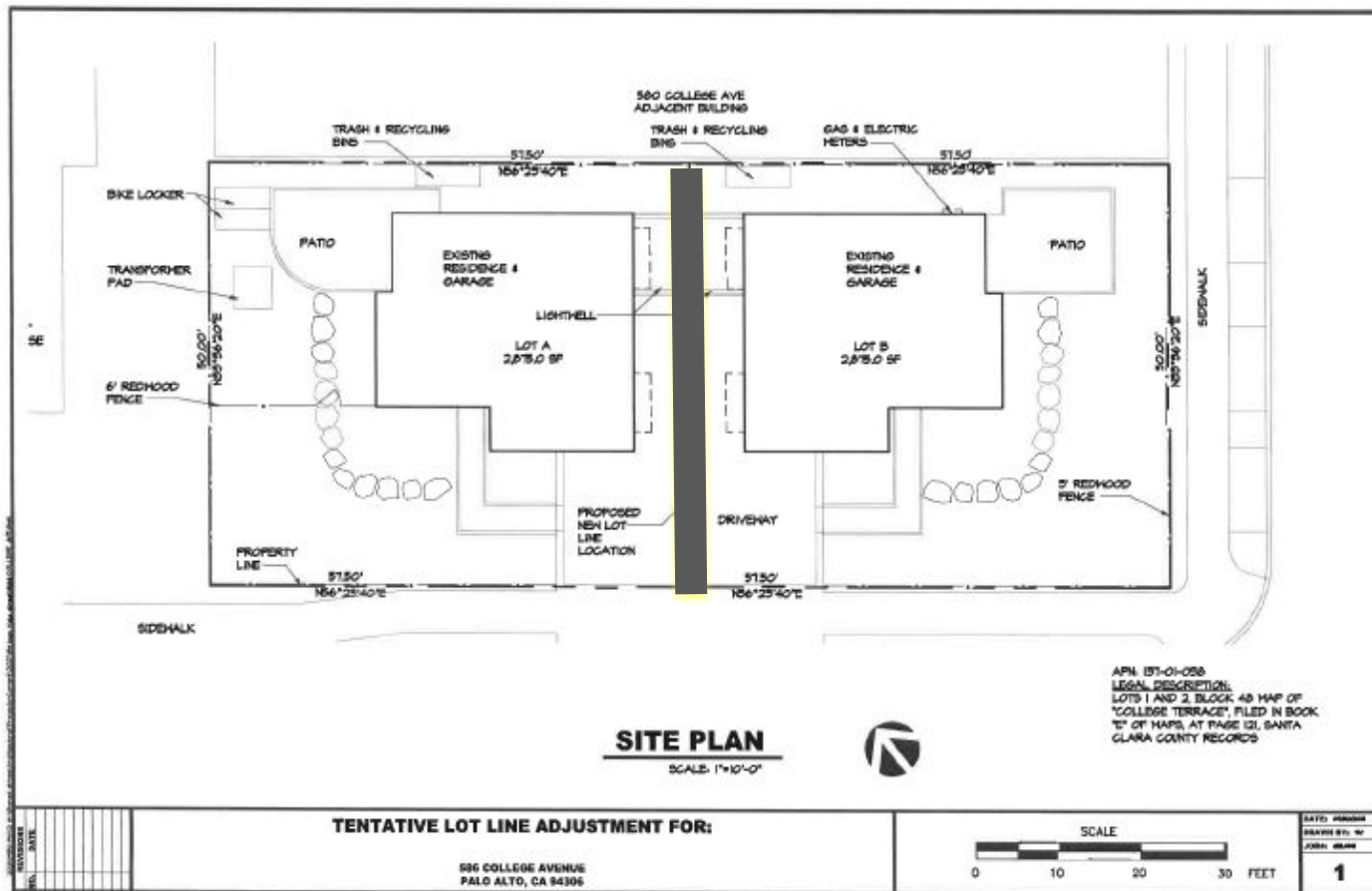
Recorded 01/01/1800
Doc #: 1880006420



2147 and 2149 Yale Street









Land Use Designation %: 100

Flood Zone: **X**
LOMA: **no**

Parking District: **none**
Traffic Impact District: **none**
Historic District: **none**

Historic Status: **none**

Homer/Emerson
Corridor Frontage: **no**

Esplanade: **no**

Underlying
Lot Lines: **Yes, see Public Works for
possible requirements.**

Neighborhood
Feature: **no**

Distance between sidewalk and pt.
(as measured on map): _____

Substandard: **Cannot assess for this zone.**

Flag Lot: **no**

Cottage: **Cannot assess for this zone.**

Max Floor Area: **Cannot assess for this zone.**

Max Lot
Coverage: **Cannot assess for this zone.**

Max Height
to Ridge: **Cannot assess for this zone.**

Special
Setbacks: **Cannot assess for this zone.**

Minimum Setbacks:

Front: **Cannot assess for this zone.**

Rear: **Cannot assess for this zone.**

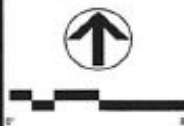
Interior Side(s): **Cannot assess for this zone.**

Street Side: **Cannot assess for this zone.**



586 College Ave

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



They did so and the result was their application for approval of the parcel map with exceptions was not approved by the Planning Commission. The Planning Commissioners in their discussion focused on the fact that the two lots that would be newly created by a lot line adjustment or by a parcel map would be substandard, non-conforming lots. This ignores the fact that the existing recorded parcels (Lots 1 and 2) are and have been existing non-conforming lots for many years. In that respect, they are no different from dozens of other lots located in the College Terrace subdivision which are grandfathered in as legal but non-conforming lots. It's worth noting that in the staff report, the staff made findings, some of which include the following:

1. "The site... is consistent with the visions of the Comprehensive Plan..."
2. "The existing structures and uses are consistent with the Comprehensive Plan..."
3. "... staff recommends finding that on balance, the project is consistent with the policies and the Comprehensive Plan."
4. "The subdivision map location for the site will not change the existing residential density of two units."
5. "The minor subdivision will not cause environmental damage or injure fish, wildlife, or other habitat."
6. "... 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. "The use of the property would not be changing, and therefore will not be detrimental to the public welfare or injurious to other properties in the area."

Preliminary Parcel Map Exception Findings

PTC Commissioners mostly agreed there are special circumstances or conditions affecting the property, especially:

- The legal description of Lots 1 and 2 that are written and referenced in our deeds and titles bisect the existing dwellings
- The special circumstance or condition affecting our property is that both houses exist and have been oriented in the manner that they exist

Preliminary Parcel Map Exception Findings

Some of the PTC Commissioners agreed that:

1. 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 and
2. The exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner(s) and
3. The granting of the exception will not violate the requirements, goals, policies, or spirit of law.

PTC Commissioner's Comments

- PTC Commissioners asked whether the buildings should have been allowed to be built in the first place moving lots from College to Yale
- PTC Commissioner Templeton remarked that she doesn't think that "whether we do or don't split this lot will NOT affect the vision of the City's goal to build more housing and increase the density in residential neighborhoods." She thought "Staff had not sufficiently presented that a lot split will cause a devastating catastrophic downstream effect."

PTC Commissioner's Comments

- “Mistakes or ‘missed steps’ were made sometime in the history of this lot, and of this parcel, and the building of what was meant to be a multi-family property.”
- “There were a whole bunch of things that the City of Palo Alto allowed to happen.”

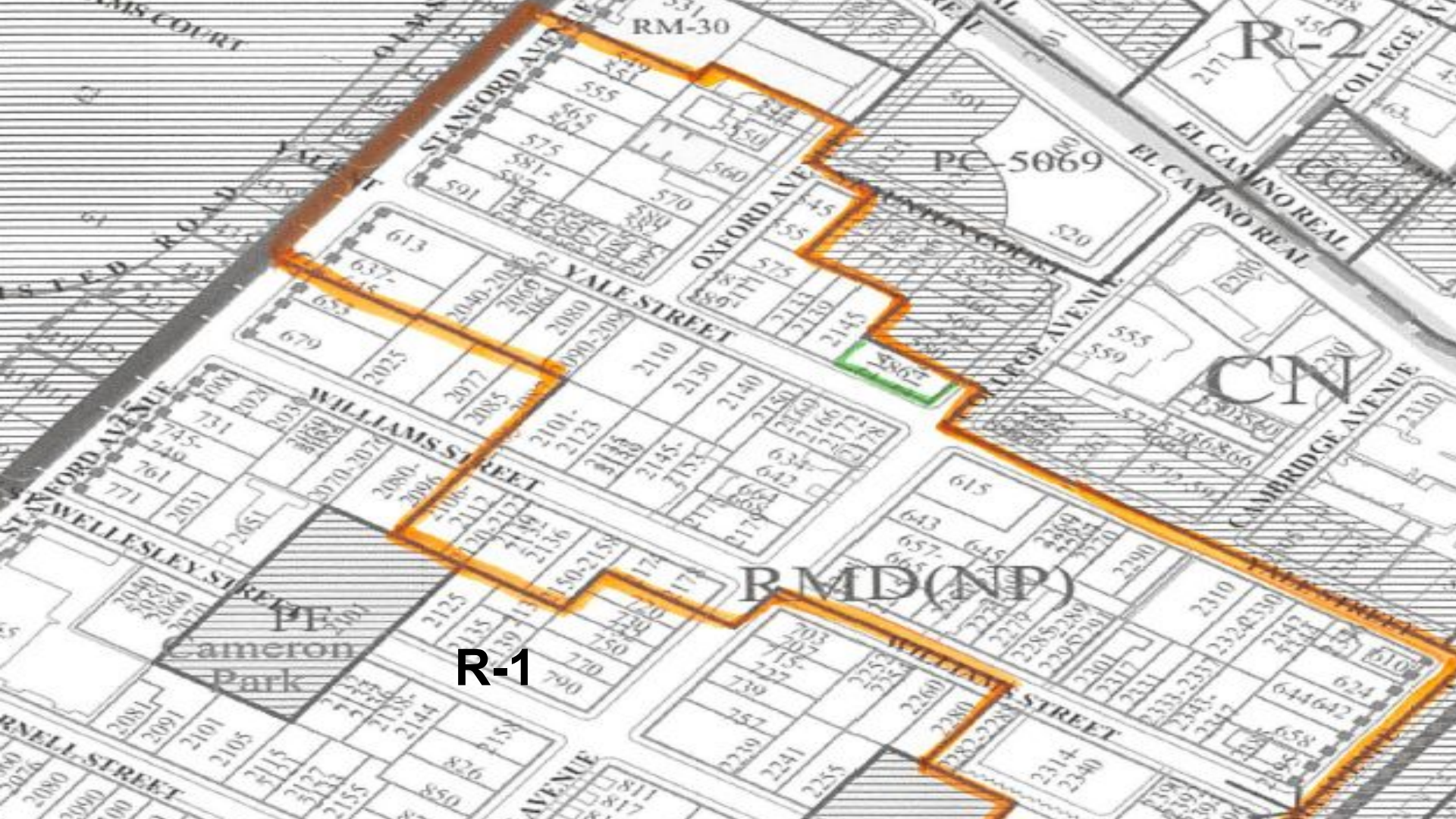
-PTC Commissioner Templeton

PTC Commissioner's Comments

Granting 2-substandard lots in College Terrace does not present a problem.

PTC Commissioner Chang affirmed that nonconformity in College Terrace, one of the oldest sections in the city, does not present a problem, especially as the buildings already exist and there are 5 substandard lots within one block of the property.





RM-30

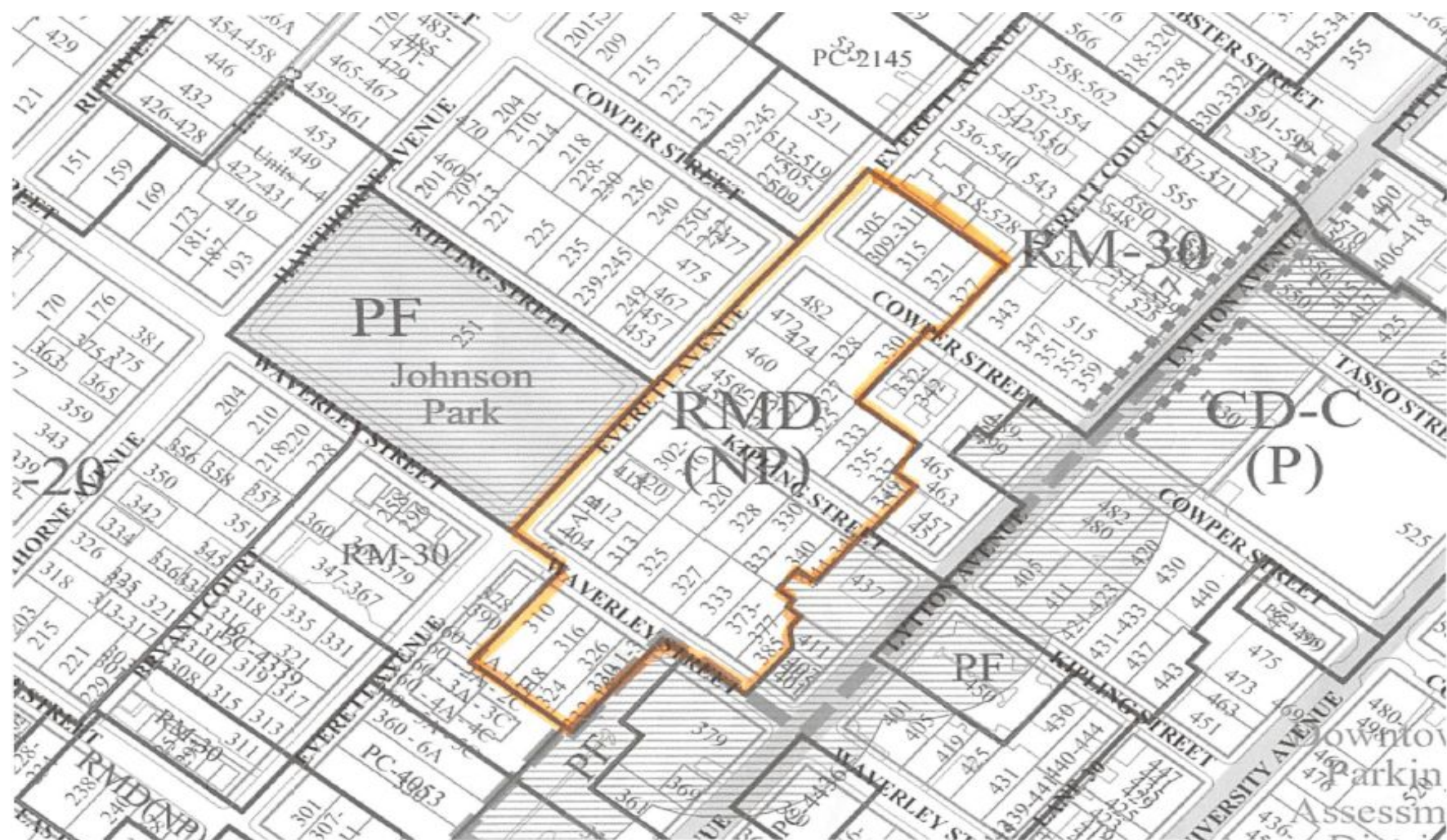
R-2

PC-5069

CN

R-MD(NP)

R-1



Rectify the Problem

City Council can rectify the problem with a simple lot division



Historical Overview

- *Due Diligence*: Prior to purchase, SC County Tax Assessor assured us that our homes are not duplexes as permitted, which City would correct for two owners in two separate detached homes under separate title and deed.
- *Complications*: Both parties signed multiple TIC agreements with developer and twelve (12) investors expecting they would be rescinded after permitting issue was clarified.
- *Subdivision map*: PTC drew on an 1865 map with no infrastructure to deny our application insisting our property amounts to non existing legal lots in 100+ year old subdivision.
- *Records???*: City does not know if lots ever had separate deeds since 1800, but if proven, agreed to approve our application (Microfiche lot-related documents ended in 1987).

Historical Overview

- *False premises*: City claims we live in a duplex with a shared wall. PTC claims lots are not legal. Look at our homes. Look at the law. Government code Section 66412(d) states otherwise.
- *Lack of records*: Planning Department proffered no substantive records on this property. A public record request was initiated and only revealed the final Plans for the development.
- *Clear as day*: We are two owners not connected economically or otherwise. We purchased each home separately and one month apart.
- *Economic bind*: The TIC agreement is problematic and prevented prospective buyers of 2147 Yale moving forward with a purchase in the summer of 2021 when homes were selling fast. Originating attorney refuses to amend the TIC. TIC agreements were drafted by SF attorney using SF language & regulations, which differ from Palo Alto in regulation, application and financial implication.
- *No foul*: Our problem is unique as we are the only TIC in a RMD-NP zoning district. Our solution presents no precedent once resolved & requires no up-zoning or special consideration. No new map required.

A plea for the City's help

- Our property made problems for both residents and the City
- Both residents and the City made mistakes with this property
- Now it's taking a human toll as one family would like to sell and the other family wants to stay indefinitely
- Given the loophole used to build and sell these two dwellings separately in 2011, both owners now must sell in unison with prospective buyer either a single investor or Stanford University

Solution

- *Our plea*: Please offer us a lot split enabling families to own our homes separately
- *Conform*: Treat existing Lot 1 and Lot 2 as legal and conform lots to titles
- *No New Map*: Our attorney laid out underlying legal issues to PTC, showing how lots could be split without requiring a new map
- *Fairness*: We appeal to Council's sense of fairness so we can have same rights & privileges other Palo Alto residents enjoy
- *No precedent*: Given unique nature of problem created by both City and residents, we ask for no special treatment and in doing so create no ill precedents, and no new petitioners

By Approving this Application, the City of Palo Alto Will:

- Secure tax, school, and housing benefits otherwise potentially passed to Stanford University if homes must be sold in unison.
- Corrects for a permitting discrepancy and aligns the lot lines to titles and deeds
- Restores property ownership rights and privileges to petitioners with no adverse effects on stakeholders
- Reaffirms the spirit of the RMD district and discourages loopholes of creating TICs to meet the one ownership zoning regulation.

Palo Alto city residents should enjoy property ownership rights and privileges:

- City issued Duplex Permit #08000-00000-00136 for one person owner in 2008
 - Developer built two detached homes ready for sale in 2010.
 - Developer was unable to sell to one owner, foreclosed on the property, and sold to 12 investors.
 - Investors sold to two separate families under TIC agreement (for which there is no City document #) in May and June of 2011. This was a loophole created to go around City rules without city consent or documentation.
 - There is no mention of the word “DUPLEX” in either purchasing documentation
- New buyers in 2022 refused to sign TIC agreement for 2147 Yale
 - As a result, lender to 2149 deemed their house a “non performing” asset and collateralized additional assets against his loan
- Both properties are not eligible for home equity lines of credit, competitive mortgage rates, or sale separately under TIC agreement.

Delete this slide but preserve 1800-1977 single lot deed language

Why Application Should be Approved

Zoning regulations in RMD-NP district constrained developer to sell the duplex to a single owner

- 1) False loophole: Created to go around City rules without city consent or documentation
- 2) Purchasing agreements: No mention of duplex whatsoever
- 3) Single lot deeded separately since 1800?
 - Feasible for City to assume at least one instance of a single lot on parcel deeded separately extinguishing PTC's statutory arguments