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Planning & Transportation Commission Staff Report

From: Jonathan Lait, Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: February 22, 2023

TITLE

2147 Yale: Preliminary Parcel Map with Exceptions to Subdivide Existing Parcel into Substandard Lots

RECOMMENDATION

It is recommended the Planning and Transportation Commission (PTC) take the following action(s):

1. Recommend denial of the proposed project to the City Council based on findings.

REPORT SUMMARY

This project proposes to subdivide an existing 5,770 sf lot with two detached single-family houses into two 2,885 sf lots with one existing house on each lot. The two lots would be substandard in width, length, and area.

While the underlying lot line is shown on an antiquated map, the subject site is not currently recognized as two legally separate parcels. The tenancy-in-common ownership structures also does not affect the Findings or the determination that the proposed subdivision would bring the existing structures out of compliance with the Zoning Code. This project is unable to make the required Subdivision and Exception Findings and therefore denial of the project is recommended.

While this subdivision could be allowed under SB 9 if the parcel were zoned R-1, SB 9 procedures do not apply to the site's RMD zone district.

BACKGROUND

Project Information

Owner:	Kathryn Gelman, and Firth Griffith and Yuqing Li
Engineer:	Yi-Ran Wu, WEC Associates
Representative:	N/A
Legal Counsel:	N/A

Property Information

Address:	2147 and 2149 Yale
Neighborhood:	College Terrace
Lot Dimensions & Area:	50 ft x 115 ft, 5,770 sf
Housing Inventory Site:	No
Located w/in a Plume:	No
Protected/Heritage Trees:	N/A
Historic Resource(s):	No
Existing Improvement(s):	Two single family, detached, two-story residences, each 1,537 sf, 3,075 sf total. Built 2010
Existing Land Use(s):	Two-family residential under one ownership (tenancy in common)
Adjacent Land Uses & Zoning:	North: Office building (CN) West: Single Family (RMD (NP)) East: Office building (CN) South: Multi-family (RMD (NP)) (Grandfathered use per PAMC 18.10.150)
Special Setbacks:	None

Aerial View of Property:



Source: Google Satellite Maps

Land Use Designation & Applicable Plans/Guidelines

Comp. Plan Designation: Multiple-Family Residential

Zoning Designation: Two Unit Multiple-Family Residential – Neighborhood
Preservation Overlay (RMD(NP))

	Yes		Yes		Yes
Baylands Master Plan/Guidelines (2008/2005)		El Camino Real Guidelines (1976)		Housing Development Project	
Downtown Urban Design Guidelines (1993)		South El Camino Real Guidelines (2002)		Utilizes Chapter 18.24 - Objective Standards	
Individual Review Guidelines (2005)		Within 150 feet of Residential Use or District		Context-Based Design Criteria applicable	
SOFA Phase 1 (2000)		SOFA Phase 2 (2003)		Within Airport Influence Area	

Prior City Reviews & Action

City Council: None

PTC: None

HRB: None

ARB: None

PROJECT DESCRIPTION

This project proposes to subdivide an existing 5,770 sf lot with two detached single-family houses into two 2,885 sf lots with one existing house on each lot. Each lot would be substandard in width, length, and area. The applicant's justification for requesting the subdivision is based on an underlying lot line.

While the underlying lot line did exist, the lots are not two legally separate parcels. The College Terrace tract map, which shows the underlying lot line, was created in 1891, before the adoption of the first Subdivision Map Act. The underlying lots are only recognized if they were separately conveyed. These lots were never separately conveyed and therefore this proposal is to create two very substandard lots and Staff cannot support this application.

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. A series of “reverse findings” are required to approve the project and draft findings are provided in Attachment C.

- Preliminary Parcel Map with Conditional Exceptions: A subdivider may apply for exceptions to the requirements and regulations for lot width, lot depth, lot area, and street frontage or access, set forth in Titles 21 and 18. Exceptions may only be granted by the City Council following recommendation by the Planning and Transportation Commission. The findings for parcel map exceptions are set forth in PAMC Section 21.32.020 and draft findings are provided in Attachment C.

ANALYSIS

Neighborhood Setting and Character

2147-2149 Yale Street is located at the corner of College Avenue and Yale Street in the RMD (NP) zoning district. It contains two, two-story detached residences. They are adjacent to single-family houses along Yale Street, and adjacent to offices along College Avenue. The offices are in the CN zoning district. The lot sizes on the block vary from approximately 3,125 sf to approximately 9,630 sf, with the typical lot being between 3,125 sf and 6,000 sf.

Consistency with the Comprehensive Plan, Area Plans and Guidelines¹

The Comprehensive Plan includes Goals, Policies, and Programs that guide the physical form of the City. The Comprehensive Plan provides the basis for the City’s development regulations and is used by City staff to regulate building and development and make recommendations on projects. Further, Subdivision Findings #1 and #2 require that the design be consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan.

The Comprehensive Plan land use designation for the project site is Multiple-Family Residential, which prescribes a density range of eight to 40 dwelling units per acre. The two existing units on the site is equivalent to a density of 15 dwelling units per acre, which complies with the intended multiple-family residential density.

Staff was not able to identify any Comprehensive Plan policies or programs directly relevant to the subject application. The existing structures and uses are consistent with the Comprehensive Plan and are not proposed to change. Therefore, staff recommends finding that on balance, the project is consistent with the policies in the Comprehensive Plan. Proposed findings related to the project’s consistency with the Comprehensive Plan are provided in Attachment C.

¹ The Palo Alto Comprehensive Plan is available online: bit.ly/PACompPlan2030

Zoning Compliance²

A detailed review of the proposed project's consistency with applicable zoning standards has been performed, provided in Attachment B.

The site as it exists today is compliant with the zoning code. The proposed subdivision would make the site less consistent with the zoning code, and denial of the project is recommended for that reason. The two lots would not meet the minimum lot size requirement, and new substandard lots cannot be created. The existing structures would also no longer meet minimum setbacks for interior side and rear yard requirements, and one of the proposed lots would not meet front setback requirements. Both lots would exceed allowable floor area by approximately 3%, though they would be in conformance for lot coverage.

Multi-Modal Access & Parking

The parking requirement for two-family use in the RMD zone is three parking spaces, two of which must be covered. The parking is allocated as one covered garage space in each residence, plus an uncovered shared space between the two houses. This is a typical arrangement for this use. As a part of the proposed subdivision, the property line would go through the shared parking space. An easement would be required to maintain shared use of this space for the two units.

For single-family use, two spaces are required per unit, located outside of the front setback and at least 10 foot setback from a street-side property line. If the subdivision were to be approved, the proposed lots would be out of compliance for parking.

Consistency with Application Findings

The project does not meet all required finding, in particular Subdivision Finding #3, and Exception Findings #1, #2, and #4. Further analysis is provided in Attachment C.

Subdivision Finding #3 asks if *"the site is not physically suitable for the type of development"*. While the existing residences are not proposed to change, the proposed property line would make the existing structures no longer in conformance with Zoning Code requirements. This makes the development not physically suitable for the proposed sites, as the residences could not be built new under this configuration.

Exception Findings #1, #2, and #4 ask if there are any special circumstances affecting the site, if granting the exception is necessary to preserve a property right, and if granting the exception will violate the requirements or spirit of the law. As noted above, the creation of new substandard lots is inconsistent with the PAMC. In addition, staff do not believe special circumstances exist or that the exception is necessary to preserve an existing property right. The applicant's Project

² The Palo Alto Zoning Code is available online: bit.ly/PAZoningCode

Description Letter (Attachment D) argues that the Tenancy-in-Common is a special circumstance, and is affecting the owner's ability (right) to sell the property. The letter states this is the only property with a Tenancy-in-Common, which is not the case. Furthermore, the Tenancy-in-Common is a private arrangement, which does not and did not involve the City. Asking for a subdivision as a way for the City to undo this arrangement is not appropriate.

The applicant's letter also seems to suggest that only small ADUs were intended as second units in the RMD(NP) zoning district. This is untrue. PAMC 18.04.030(141) defines two-family use as "the use of a site for two dwelling units, which may be within the same building or separate buildings." There is no limitation on size, or the size ratio between the two units, as long as the total floor area of the two units does not exceed the development standards for the property as a whole. The existence of two equally sized dwellings on in the RMD zone is not an unusual circumstance.

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 statutorily exempt from CEQA per Guideline 15270 (Projects Which Are Disapproved).

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 January 27, 2023, which is 12 days in advance of the meeting. Postcard mailing occurred on January 25, 2023, which is 14 days in advance of the meeting.

Public Comments

As of the writing of this report, one email of public comment was received. It is included as Attachment F.

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. Continue the project to a date (un)certain, and direct staff to prepared modified findings or conditions to recommend approval.

ATTACHMENTS

Attachment A: Location Map

Attachment B: Zoning Comparison Table

Attachment C: Denial Findings

Attachment D: Applicant's Project Description Letter

Attachment E: Project Plans

Attachment F: Neighbor Comments

AUTHOR/TITLE:

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Report #: {{item.custom_tracking_number}}