



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Planning and Development Services

Meeting Date: April 3, 2023

Report #:2302-0976

TITLE

2850 West Bayshore [22PLN-00364]: Approval of Final Map for a single-lot subdivision for condominium purposes for 48 attached townhome condominiums. Environmental Assessment: Exempt per CEQA Guidelines Section 15332. Zoning District: ROLM (Research, Office, and Manufacturing).

Recommendation

Staff recommends that the City Council approve the final subdivision map on consent calendar. The final map action follows the Council's June 20, 2022 approval of the Tentative Map, pursuant to Palo Alto Municipal Code Chapter 21.16 and the Subdivision Map Act.

Executive Summary

The requested action is the approval of a final subdivision map for recordation. This action follows Council's review and approval of the Tentative Map application per the Planning and Transportation Commission's recommendation. The Final Map was submitted by John Hickey on behalf of SummerHill Homes. The Final Map reflects the 48 parcels and private streets shown on the Tentative Map Council approved on June 20, 2022. Staff will return at a later date for approval of an easement relocation to provide utilities for the project and the neighboring property.

Background

A subdivision map is the legal document recorded with the County to create distinct parcels of real property for separate ownership. There are typically two steps to the subdivision process – a preliminary or tentative map, which involves the exercise of discretion, and a parcel map or final map, which is typically more ministerial. A tentative map will set forth the conditions that must be satisfied before a final map will be approved. Subdivision maps are prepared under the direction of a registered civil engineer and is based on a survey. The map includes easements for utilities and access. In the case of condominium subdivisions, the City is only responsible for reviewing the number of condominium parcels to be created; the State of California Department of Real Estate is responsible for reviewing the boundaries of each condominium "air parcel" in a condominium plan.

The Planning and Transportation Commission (PTC) reviewed the Tentative Map in a public hearing on May 25, 2022¹ and recommended approval to the City Council.

On June 20, 2022², the City Council reviewed the map in a public hearing and approved the Major Architectural Review and Tentative Map applications with approval conditions. The record of land use action by the City Council was based on its findings that the proposed subdivision will have no significant environmental impact and is in conformance with all state and local laws and regulations, and applicable Comprehensive Plan Elements in effect at that time (Attachment B).

Analysis

On June 20, 2022, the City approved a Tentative Map for submitted by SummerHill Homes for 2850 West Bayshore Road. The 2.34-acre project site is in the Midtown neighborhood at the intersection of Colorado Avenue and West Bayshore Road. The Final Map includes 48 condominium parcels, with a central point of access on West Bayshore Road.

As required by the Subdivision Map Act, after review and confirmation by various City departments, staff determined that the Final Map presented substantially conforms to the approved tentative map and its conditions. Approval of a Final Map is ministerial as long as the Final Map is in substantial conformance with the approved Tentative Map. While many cities delegate approval of the Final Map to the City Engineer, under PAMC Section 21.16, the City Council is responsible for the approval. The Final Map also includes a Subdivision Improvement Agreement, describing any obligations for improvements by the subdivider and the payment of bonds by the subdivider for financial security to ensure these improvements are completed as described within the Subdivision Improvement Agreement.

Not anticipated during the Tentative Map review, there is an existing utility easement that runs across Greer Park which serves both 2800 and 2850 West Bayshore Road. The applicant has stated that maintenance needs to be performed on the easement but due to the alignment of the sewer line, a new manhole would be needed on Field #3 in Greer Park. In order to prevent this impact, the applicant and City have agreed to vacate the existing easement in place and propose a new easement slightly South of it. This new easement will run straight across Greer Park and will not require a new manhole which will eliminate long-term impacts to the Park outside of construction to build the new sewer line. On March 6, 2023 the City Council adopted a Park Improvement Ordinance on first reading to permit this utilities work. Staff will return in the near future for approval of the easement relocation.

Summary of Key Issues & Policy Implications

¹ May 25, 2022 Planning and Transportation Commission Staff Report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2022/ptc-05.25.2022-2850.pdf>

² June 20, 2022 City Council Staff Report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220620/20220620pccsm-amended-final-final.pdf>

The Final Map is the document containing the statements, acknowledgements and agreements from the property owner, surveyor, City officials and beneficiaries that the Final Map is in conformance with all applicable regulations and the approved Tentative Map. There are no policy implications related to the approval of the Final Map, since the map is substantially consistent with the approved Tentative Map.

Environmental Review

The subject project was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's environmental regulations. As noted earlier in this report, the City's consultant, Rincon evaluated the existing building and found it ineligible for the California Register of Historic Resources. Attachment H is the Categorical Exemption staff prepared pursuant to CEQA. The Categorical Exemption is also available for review on the project webpage at <https://bit.ly/3CnpVJT>. The project would not cause significant impacts to the environment and qualified as a Class 32 (In-Fill Development Projects) Exemption.

ATTACHMENTS:

- A. Location Map
- B. Signed Record of Land Use Action
- C. Project Plans & Environmental Documents

APPROVED BY:

Jonathan Lait, Planning and Development Services Director