



City of Palo Alto

(ID # 5118)

Planning & Transportation Commission Staff Report

Report Type:

Meeting Date: 10/29/2014

Summary Title: Preliminary Parcel Map with Exceptions Extension Request

**Title: Extension Request for a Preliminary Parcel Map with Exceptions
Previously Approved on December 12, 2012 for the Property Located at 827
Chimalus Drive.**

From: Jason Nortz, Planning Manager

Lead Department: Planning & Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (Commission) recommend approval of the requested two-year extension of the Preliminary Parcel Map with exceptions to the City Council based upon the approved Record of Land Use Action and Negative Declaration provided as Attachment A.

Executive Summary

The applicant is requesting extension of a previously approved Preliminary Parcel Map with exceptions for the property located at 827 Chimalus Drive. The project is before the Planning and Transportation Commission due to the extension request only.

On December 10, 2012 the City Council approved the Record of Land Use Action and adopted the Negative Declaration for the Preliminary Parcel Map with exceptions (Attachment A). The City requires that within two years of the approval date, the subdivider shall cause the subdivision to be surveyed, and a Parcel Map as specified in Palo Alto Municipal Code (PAMC) Chapter 21.08, to be prepared in compliance with the provisions of the Subdivision Map Act and PAMC Ch. 21.16 and submitted to the City Engineer.

California Government Code Section 66452.6 (e) states that "...prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires... may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years."

The Preliminary Parcel Map with exceptions is set to expire on December 10, 2014. The property owner submitted the extension request on September 11, 2014 and is requesting an additional two years to complete the subdivision. (Attachment B).

Background

The Preliminary Parcel Map with exceptions was originally submitted on September 14, 2012 and was requested to subdivide an oversized single family residential lot into two lots, resulting in parcels having a width of 55.85 feet where the R-1 Zone standard minimum width is 60 feet.

As a condition of approval, the existing residence on the project site would be required to be demolished prior to recordation of the Parcel Map. Additionally, no grading or building permits would be issued until the Parcel Map is recorded with the County Recorder.

The owner's intent is to develop two new single family two-story homes. To ensure conformance with the existing neighboring homes, new two-story construction on either lot would be subject to review under the Single Family Individual Review (IR) Program. The owner is diligently pursuing the IR process; however it is not certain that entitlements can be obtained before expiration of the preliminary map. Therefore in an abundance of caution, the owner is seeking an additional 24 months to record the parcel map. California Government Code Section 66452.6 (e) allows for extensions up to six additional years.

The Commission reviewed and unanimously approved the project at its regularly scheduled meeting of November 14, 2012. The Commission staff report dated November 14, 2012 is provided as Attachment C. On December 10, 2012, the City Council approved a Record of Land Use Action and Negative Declaration for the Preliminary Parcel Map with exceptions. On September 11, 2014 the property owner of 827 Chimalus filed an extension request.

Resource Impact

Contained in City Manager's Report dated December 12, 2012 and provided as Attachment A. No additional resource impact incurred from extension request.

Policy Implications

Contained in City Manager's Report dated December 12, 2012 and provided as Attachment A. No additional policy implications incurred from extension request.

Environmental Review

Contained in City Manager's Report dated December 12, 2012 and provided as Attachment A. No additional environmental review is required.

Attachments:

- Attachment A: City Manager's Report ID#3335 12/10/12 (PDF)
- Attachment B: Extension Request (PDF)
- Attachment C: Planning and Transportation Staff Report 11/14/2012 (without attachments) (PDF)
- Attachment D: P&TC Excerpt Verbatim Minutes 11/14/12 (PDF)



City of Palo Alto City Council Staff Report

(ID # 3335)

Report Type: Action Items Meeting Date: 12/10/2012

Summary Title: 827 Chimalus

Title: Approval of a Record of Land Use Action for a Preliminary Parcel Map with Exceptions to Subdivide an oversized Single Family Residential lot into two lots, resulting in parcels having a width of 55.845 feet where the R-1 Zone standard minimum width is 60 feet; and Approval of a Negative Declaration located at 827 Chimalus Drive

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

Staff and the Planning and Transportation Commission (Commission) recommend that the City Council: (1) approve the Negative Declaration (Attachment E), with a finding that the project will not result in significant environmental impacts; and (2) approve a Record of Land Use Action (Attachment A) approving the Preliminary Parcel Map with exceptions for 827 Chimalus Drive, based on the stated findings and conditions.

Executive Summary

The project is for a Preliminary Parcel Map with exceptions for the property located at 827 Chimalus Drive. This project is before the Council due to the requested exception to the minimum lot width requirements. Preliminary parcel maps conforming to the Zoning and Subdivision Ordinances may be approved by the Director of Planning and Community Environment without Council action. The Director of Planning and Community Environment, however must forward any preliminary parcel map with exceptions to the Planning and Transportation Commission and the City Council for action.

Exceptions may be granted only upon a finding that the approval would substantially secure the objectives of the regulations or requirements, to which the exceptions are requested, shall protect the public health, safety, convenience, and the general welfare and shall be consistent with and implement the policies and objectives of the comprehensive plan. Any approval of

exceptions may be made upon such conditions as are deemed necessary to secure such compliance.

Background

The application was submitted on September 14, 2012. The Commission reviewed this project at its regularly scheduled meeting of November 14, 2012. The Commission discussed the project and supported the application because the proposed lots would be consistent with the neighborhood character and that the future development of the lots would have little impact on traffic or trees. It noted that the project would be consistent with the lot pattern in the neighborhood, would not impact a historic property, and would create standard lots over 6,000 square feet. After closing the public hearing, the Commission unanimously recommended that the City Council approve the Preliminary Parcel Map with exceptions in accordance with the findings and conditions of approval contained in the draft Record of Land Use Action. The Commission also recommended that the Council adopt the Negative Declaration. (Attachment E)

Discussion

Minimum Lot Width

The project site is a non-conforming parcel located in the Single-Family Residential (R-1) Zone District. The existing lot is approximately 112 feet wide by 113 feet deep. The existing parcel is non-conforming because the lot area of 12,656 exceeds the R-1 Zone's Maximum Lot Size standard of 9,999 square feet. The Site Development Regulations for the R-1 zone district prohibit newly created parcels to exceed 9,999 square feet, and require newly created parcels to have a minimum site area of 6,000 square feet and minimum site width of 60 feet. The proposal is to subdivide the single 12,666 square foot parcel into two equally sized parcels of 6,333 square feet that would meet the minimum site area and eliminate the site's existing nonconforming lot size; however, the subdivision would result in lot widths of only 55.845 feet.

Since the proposed new parcels would be approximately 4.15 feet narrower than the 60-foot width required by the R-1 zone district, the applicant has requested a conditional exception per Palo Alto Municipal Code (PAMC) Section 21.32.010 which allows exceptions to the requirements and regulations of Title 21. The exceptions are necessary because Section 21.20.100 requires that "the size and shape of lots shall conform with any zoning regulations effective in the area of the proposed subdivisions" and, as noted, the R-1 zone district standard minimum site width is 60 feet.

Staff believes the project is consistent with the required findings because the Parcel Map would create lots that do not exceed the maximum lot size and would be consistent with the existing pattern of lots in the neighborhood. The median width of each of the six (6) lots which are

contiguous to subject property is 55 feet (55, 55, 56, 55.4, 55.8 and 55.8 feet). The lot depth would remain 113 feet, a depth which is also consistent with those of the six adjacent properties. In addition, the allowable floor area ratio that could be built on the resulting 6,333 square foot lots would be more compatible with the existing neighborhood than would be allowed on the existing 12,666 square foot lot.

Future Development

The existing residence on the project site would be required to be demolished prior to recordation of the Parcel Map. If the application is approved, one single-family residence could be built on each of the resulting lots. Any proposal for construction, on either of the two resulting parcels, must conform to all zoning requirements and be subject to all applicable Development Impact Fees. To ensure conformance with the existing neighboring homes, new two-story construction on either lot would be subject to review under the Single Family Individual Review Program. Once the Parcel Map is approved, the parcels cannot be merged again because the resulting parcel would exceed the maximum site area.

Resource Impact

The two lots that would be created are in an urbanized area of the city that is already served by city services and would not have a detrimental effect on city resources. Utility services are already provided in the street that provides access to the project. Being that only one residence presently exists on the property, Development Impact Fees totaling approximately \$12,738 dollars would be required to be paid to the City prior to the issuance of a building permit for the second of two residences that could be built on the resulting two lots. Additionally, the City will realize incremental property and utility user revenues as well as a one-time documentary transfer tax once the parcel(s) are sold.

Policy Implications

The project's Compliance with applicable comprehensive plan policies is provided in a table attached to this report.

(Attachment D)

Timeline

Action:

Application Received:

Application Deemed Complete:

Date:

September 14, 2012

October 23, 2012

Negative Declaration Public Review Period:	November 6, 2012- November 26, 2012
P&TC Meeting:	November 14, 2012
Required Action by Council:	December 10, 2012

Environmental Review

The California Environmental Quality Act (CEQA) lists a minor land division of property in an urbanized area into four or fewer parcels as exempt from CEQA if the subdivision is in conformance with all zoning regulations. This project is not exempt from CEQA because the subdivision would create two lots that do not meet the 60 feet minimum lot width required by the zoning ordinance. An Environmental Impact Assessment and a Negative Declaration finding that the division would not result in any significant environmental impacts was prepared for the project and is included as an attachment to this report. The comment period for the Negative Declaration concluded on November 26, 2012. No Comments were received.

Attachments:

- Attachment A: Record of Land Use Action (DOC)
- Attachment B: Location Map (PDF)
- Attachment C: Subdivider's Statement (PDF)
- Attachment D: Comprehensive Plan table (DOC)
- Attachment E: Initial Study and Negative Declaration (PDF)
- Attachment F: Project Plans (TXT)

ATTACHMENT A

**ACTION NO. XXXX-XX
DRAFT RECORD OF THE COUNCIL OF THE CITY OF PALO
ALTO LAND USE ACTION FOR 827 CHIMALUS DRIVE:
PRELIMINARY PARCEL MAP 12PLN-00000-000369 (SAMIR
TUMA AND KRISS DEIGLMEIER, APPLICANTS)**

At its meeting on December 10, 2012, the City Council of the City of Palo Alto approved the Preliminary Parcel Map for the development of 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 14, 2012, Samir Tuma and Kriss Deiglmeier 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. 137-15-050) of approximately 12,666 square feet. The site contains one residential structure. Single-family residential land uses are located adjacent to the lot to the north, east and west.

C. Following staff review, the Planning and Transportation Commission reviewed the project and recommended approval on November 10, 2004, subject to conditions of approval.

SECTION 2. Environmental Review. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15070, Decision to Prepare a Negative Declaration. An environmental impact assessment was prepared for the project and it has been determined that no potentially adverse impacts would result from the development, therefore, the project would have a less than significant impact on the environment. The Negative Declaration was made available for public review beginning November 6, 2012 through November 26, 2012. The Environmental Impact Assessment and Negative Declaration are contained as Attachment E ~~to the November 14, 2012 Planning and Transportation Commission Report to the December 10, 2012 City Council Staff Report~~ and are hereby approved.

ATTACHMENT A

SECTION 3. Preliminary Parcel Map Findings.

A legislative body of a city shall deny approval of a Parcel Map, if it makes any of the following findings (California Government Code Section 66474):

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

The site is consistent with the Comprehensive Plan as described below.

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

The Project is consistent with the following Comprehensive Plan policies: Policy L-1: Continue current City policy limiting future urban development to currently developed lands within the urban service area. The Project site is located within the urban growth boundary and the Project is consistent with this policy by continuing the reuse of land within this area; and Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale. The Project would allow construction of two single-family residential structures, which is a permitted use within the R-1 district and which is compatible with other R-1 properties in the neighborhood; and Policy L-12: Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures. The Project would permit the subsequent construction of two single-family residential units, which would be subject to the R-1 site development regulations as the other R-1 sites in the neighborhood. Additionally, the parcel is currently non-conforming in terms of maximum lot size. The maximum lot size for R-1 zone parcels is 9,999 square feet. The subject site is 12,666 square feet. Subdividing the lots would remove the non-conformity and provide two conforming lots in terms of lot size, 6,333 square feet, and lot depth. This action would be consistent with Program H-5 which was designed to address the loss of housing due to the combination of single family residential lots and to consider modifying the R-1 Zoning District to create a maximum lot size to prevent the loss of housing or housing opportunities. Furthermore, all new two-story structures would be subject to the Individual Review program, which promotes adequate privacy, compatible massing and appropriate streetscape design with other residential structures.

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

ATTACHMENT A

The Project site is comprised of one large relatively flat lot in a residential neighborhood that would be subdivided into two lots for the purposes of single-family development. Each lot would exceed the minimum lot size requirements for R-1 zoned properties. Each lot would exceed the minimum lot length requirements for R-1 zoned properties. Each lot would allow for single family residential development without the need for zoning requirement exceptions for the construction of single family dwellings.

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

The project would create two lots that exceed all but one of the site development regulations for properties in the R-1 Single family Residence district.

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 Project will not cause environmental damage or injure fish, wildlife, or their habitat, in that property is currently developed and not adjacent to sensitive habitat areas.

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

The Project will not cause serious public health problems, as the environmental concerns have been reviewed in the Negative Declaration that was prepared for the subdivision project.

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.

There are no easements on the subject property and no off site easement will be affected by the proposed project.

ATTACHMENT A

SECTION 4. Exception Findings

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

The subject property is nearly twice the width of many of the other properties up and down the block including all adjoining properties. The Barron Park neighborhood, where the subject property is located, is comprised of varied lot sizes and does not follow a standard pattern. It is however common in the vicinity of the subject property to find lots that do not meet the required minimum 60-foot lot width and are nearly the same width (55 feet) as would result from the proposed subdivision. (See location map Attachment B)

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

The City of Palo Alto interprets this finding to describe the existence of a hardship in relation to other neighboring properties. The existing lots adjacent to the subject property do not meet the 60-foot standard lot width established for the R-1 zone district. Many of the other lots on the same side of the street to the left and right of the subject property as well as those to the rear of the subject property are only 55 to 56 feet wide. The proposed lots would be nearly 56 feet wide and would have lot widths consistent with the widths of the neighboring parcels. Additionally, the lot is currently non-conforming in terms of lot size, in that it exceeds the maximum R-1 lot size of 9,999 square feet. The subdivision would create two conforming lots in terms of lot size and lot depth.

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 division of this single parcel into two separate parcels will not have adverse impacts to other properties in the vicinity. The addition of a single parcel to the street will not negatively impact traffic and the resulting lot widths will be sufficient to provide ample width for standard development of single family houses without the need for exceptions.

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

The granting of the exception is consistent with the goals and policies of the Comprehensive plan as well as the spirit of the

ATTACHMENT A

law. Policy H-1 of the Palo Alto Comprehensive Plan states "Meet community and neighborhood needs as the supply of housing is increased. Ensure the preservation of the unique character of the city's existing neighborhoods." The subdivision of this parcel creates only one new single family lot within an established neighborhood that already receives city services. The new lot therefore would not diminish the quality of City services or diminish the capacity of infrastructure or transportation facilities. The subdivision of this parcel only serves to add further consistency to the existing lot pattern thus preserving the character of the neighborhood. The lot as it is currently situated exceeds the 9,999 square foot maximum lot size for R-1 zoned properties by approximately 2,700 square feet. The subdivision would allow the creation of two smaller lots that are more consistent with Palo Alto Municipal Code ("PAMC") Section 18.12.040. Policy H-2 states "Identify and implement a variety of strategies to increase housing density and diversity in different locations. Emphasize and encourage the development of affordable and attainable housing. "The division of the lot will allow for the construction of two modestly sized houses more consistent with the existing homes in the neighborhood rather than the construction of one large house on that would be out of scale with the adjacent residences. The two smaller houses would also be more affordable than the one larger home and allow for an additional housing unit in Palo Alto.

SECTION 5. Preliminary Parcel Map Approval Granted.
Preliminary Parcel Map approval is granted by the City Council under PAMC Sections 21.12 and 21.20 and the California Government Code Section 66474, subject to the conditions of approval in Section 7 of this Record.

SECTION 6. Parcel Map Approval.

The Final Map submitted for review and approval by the City Council shall be in substantial conformance with the Preliminary Parcel Map prepared by James Toby titled "Tentative Parcel Map", consisting of one (1) page, dated September 14, 2012 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 Community Environment, Current Planning Division. Within two years of the approval date of the Preliminary Parcel Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Parcel Map, as specified in Chapter 21.08, to be prepared in conformance with the Preliminary Parcel Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

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SECTION 7.

Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. Any new two-story construction on the lots will require review under the City's Individual Review process.
2. The applicant shall confirm the location all existing features of the site, including protected and non-protected trees, wells, structures, utilities, and easements to the satisfaction of Public Works, the Planning Division, and any other agency that would have an interest in those features.
3. Development Impact fees totaling approximately 12,738.83 dollars or, those fees in effect at the time of building permit issuance, shall be paid to the city of Palo Alto prior to the issuance of a building permit for the construction of the second of the two houses that could be built on the two parcels.

Building Division

4. The existing buildings within the project area shall be demolished prior to recording the map. A separate permit shall be required for the removal of the building.
5. New addresses will be assigned to each lot with the subdivision, following recordation of the subdivision map. The applicant shall file and "Address request Form" and pay the required fee, to the Palo Alto Development Center.

Public Works Engineering Department

6. A Parcel Map will be required after review of the Preliminary Parcel Map
7. No grading or building permits will be issued until Final or Parcel Map is recorded with County Recorder.
8. Any existing buildings must be removed from the site prior to recordation of the Parcel Map.
9. On the Parcel Map change lots to parcels.
10. Show all monuments to be set or found
11. Display width of street and show centerline.

ATTACHMENT A

Utilities Water Gas Wastewater Department

12. The applicant shall submit a request to disconnect all utility services and/or meters to the existing building including a signed affidavit of vacancy. Utilities will be disconnected or removed 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.
13. The applicant shall submit a completed water-gas wastewater service connection application-load sheets for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands.
14. The applicant shall be responsible for installing and upgrading the existing services a necessary to handle anticipated peak loads. This responsibility includes all cost associated with design and construction for the installation/upgrade of the utility services.
15. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.
16. 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.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTACHMENT A

ATTEST:

APPROVED:

City Clerk

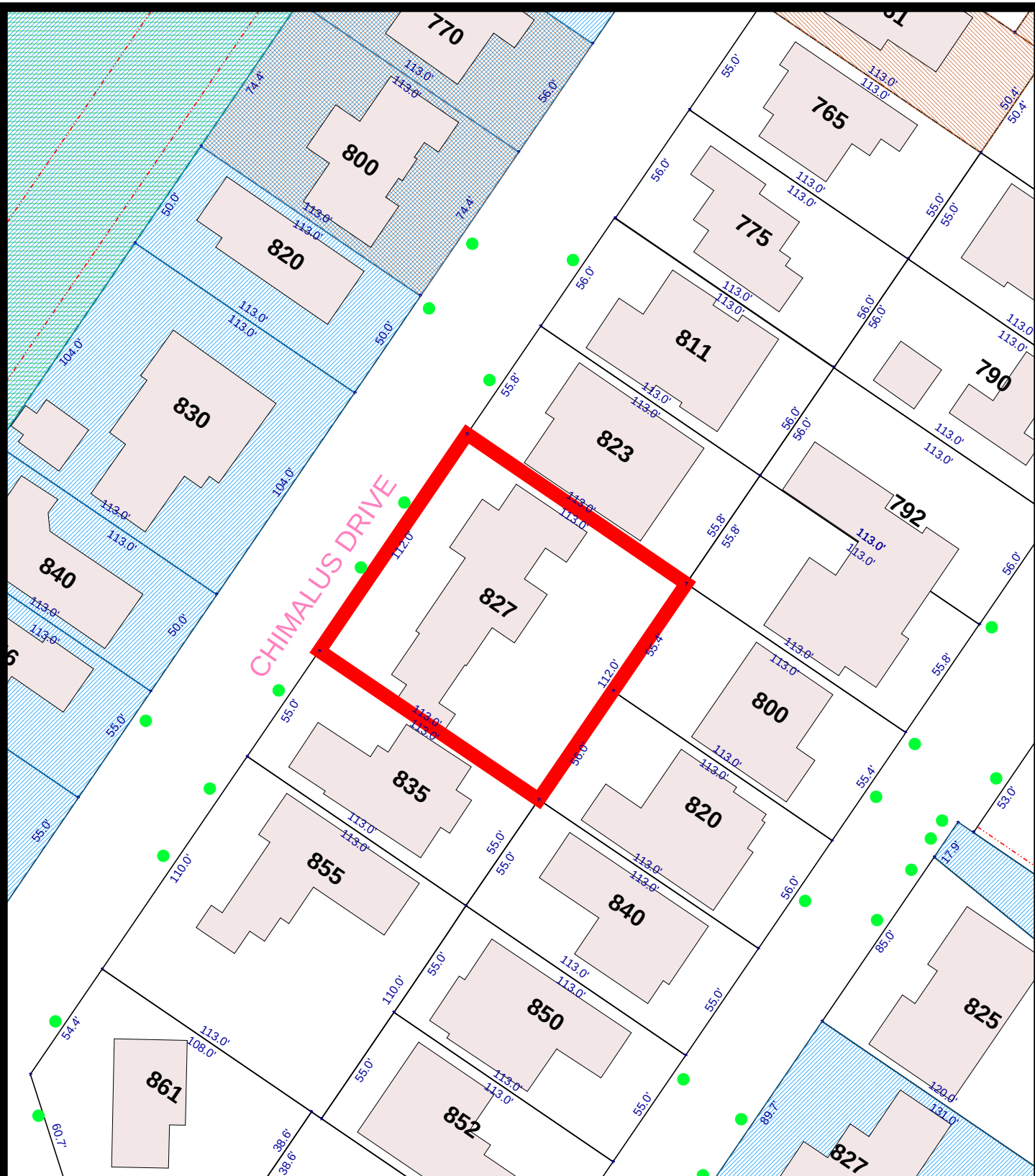
Director of Planning and
Community Environment

APPROVED AS TO FORM:

Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

Those plans prepared by James Toby titled "Tentative Parcel Map",
consisting of one page, dated September 14, 2012.



The City of
Palo Alto



827 Chimalus



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

Condition	Percentage of correct responses
0'	~95
15'	~85
30'	~88
55'	~65

Letter of Application and Sub Divider's Statement

Owners & Sub Dividers: Kriss Deiglmeier & Samir Tuma

Property Location: 827 Chimalus Drive, in the R-1 zone of the Barron Park Neighborhood.

**Amy French
Manager of Current Planning
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301**

Dear Ms. French

We hereby apply for the subdivision of the lot that our home sits on, located at 827 Chimalus Drive, Palo Alto, CA. We wish to divide our existing 12,666 square foot lot into 2 nearly identical lots of approximately 6,333 square feet each.

The requested exception is consistent with our neighborhood.

We are requesting a subdivision with exception so that we can create better living conditions for our family, while creating a home and lot size which are more consistent with our neighbors. Our current home is older, in poor condition and sits on an oversized lot for the neighborhood. Splitting our lot would allow us to create 2 lots which are nearly identical to all of the lots contiguous to our lot, and to build a new home for our family that meets our needs much better than our current house.

Our current lot is approximately 112 feet wide by approximately 113 feet deep, and totals 12,666 square feet in size. If we were to divide the lots equally, this would result in 2 lots, each with a width of approximately 56 feet, and a depth of approximately 113 feet. This would result in 2 lots of 6,333 square feet each, which is in excess of the minimum required lot size. The depth of 113 feet exceeds the required 100 feet of depth. The only requirement that would not be met is the width. The width of approximately 56 feet per resultant lot would be approximately 4 feet short of the required width of 60 feet.

However, the width of each of the 6 lots which are contiguous to our lot is 55, 55, 56, 55.4, 55.8 and 55.8 feet. As a result, the width of each of our split lots would be nearly identical to the widths of the adjoining lots. Additionally, all 6 adjoining lots are 113 feet in depth, which would match the depths of our split lots. As a result, our lots would not only be nearly identical to the widths of all adjoining lots, but they would be identical or slightly larger in size. The dimensions of each of the adjoining lots can be seen on Attachment 1 to this Statement.

In sum, splitting our lot as requested makes the resulting lots perfectly consistent with our neighbors, and allows us to build a home that is modest in size, and free of the issues we have with our current home.

The requested exception is supported by the Comprehensive Plan.

There are a host of Comprehensive Plan Goals, Policies and Programs which support this request. Most notably, Policy L-12 calls for preserving the character of neighborhoods by encouraging structures that are compatible with the neighborhood and adjacent structures. Additionally, Policies H-1 and H-2 call for meeting the housing needs of our community while increasing density in appropriate locations. Also, Policies L-1 and L-5 call for development within the urban service area, while maintaining the scale and character of the City.

If the lot was not split, a new home could be built on the existing lot that is much larger in size and scale than the adjoining homes. However, the requested split will result in 2 new homes that are compatible with the neighborhood and adjacent structures. It would also create a density that is consistent with the neighborhood, while maintaining the scale and character of the City.

The requested exception meets the required Exception Findings.

As demonstrated above, this request meets the criteria for an exception to the Subdivision Ordinance. There are special circumstances or conditions affecting the property. Our lot is twice the width of all adjoining neighbors, and of nearly all lots of our surrounding neighbors. Most of these lots do not meet the minimum lots width, and are nearly identical to the lots that would result from a split of our lot.

The exception is necessary for the preservation and enjoyment of a substantial property right. The City of Palo Alto interprets this finding to describe the existence of a hardship in relation to other neighboring properties. The existing lots adjacent to ours do not meet the 60 foot width requirement, and therefore if the application was denied, we would be deprived the same rights that our adjoining neighbors have.

The granting of the exception would not be detrimental to the public welfare or injurious to other property in the neighborhood. Splitting this one lot into two would not have adverse impacts on our neighbors. The creation of a single additional parcel will not significantly impact noise or traffic. Also, the resultant lots would be in excess of 6,000 feet, thereby allowing for adequate land on which to develop single family homes that will be compatible with the neighborhood.

The granting of the exception will not violate the requirements, goals, policies or spirit of the law. As described above, the request is consistent with and supported by the Comprehensive Plan. The result will be two new homes that are modest in size, more affordable than a single much larger house, and allow for an additional housing unit in Palo Alto. The subdivision adds to the consistency of the existing lot pattern, thus preserving the character of the neighborhood.

The requested exception is supported by very recent and relevant precedent.

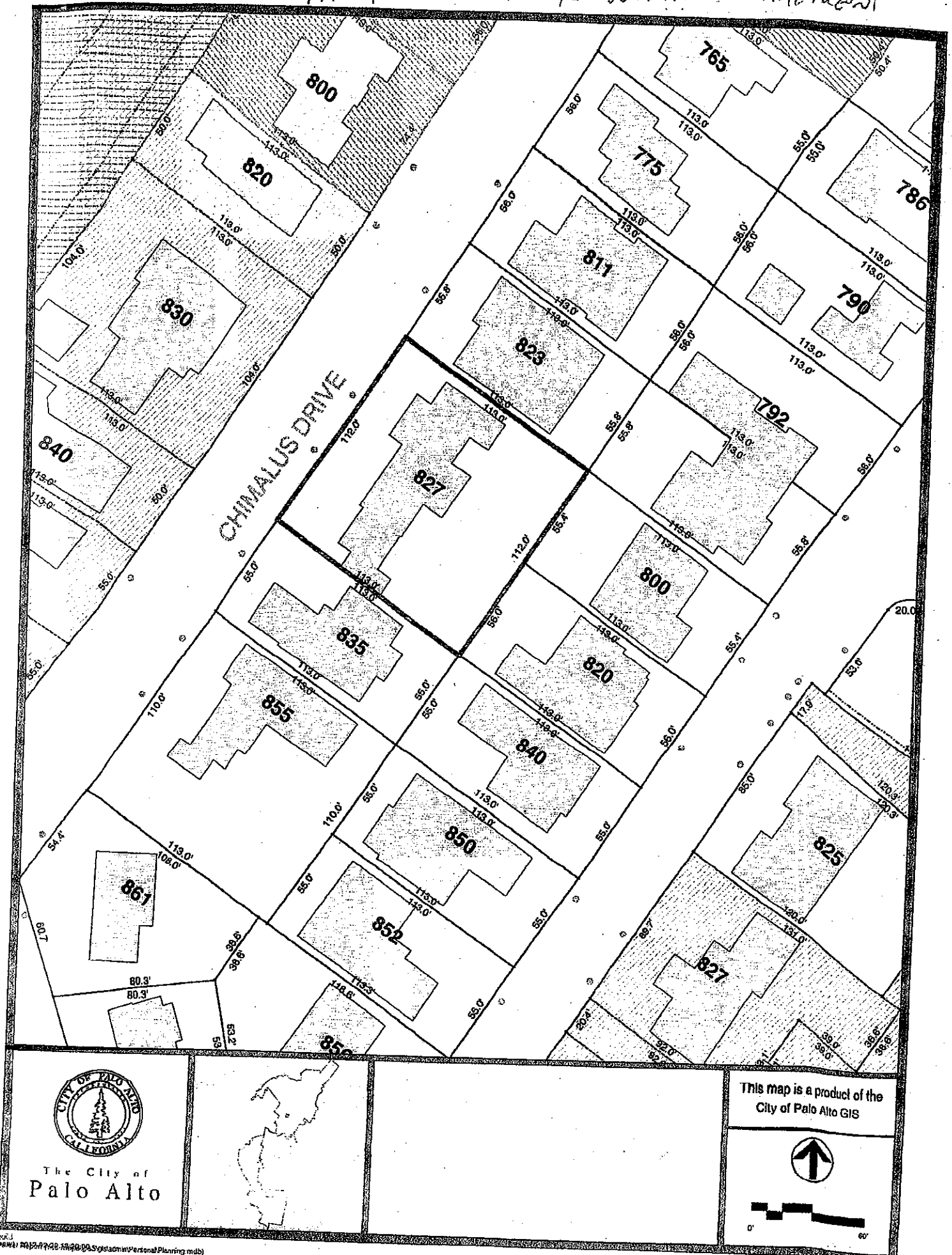
In 2004, an application for subdivision of a nearly identical lot in our neighborhood, 792 Matadero Avenue, was submitted to the City of Palo Alto. That lot was nearly identical in size and dimensions to our lot, and the lots which resulted from the lots split are nearly identical in size and dimensions to the lots that would be created by our request. Additionally, one of the lots that resulted from that lot split adjoins our lot. That application with exception was approved unanimously by the Planning & Transportation Commission and by the City Council.

For all of the above reasons, we believe that this application should be approved.

Best regards,

A handwritten signature in black ink, appearing to read "Kriss Deiglmeier & Samir Tuma", written over a horizontal line.

Kriss Deiglmeier & Samir Tuma



Attachment D

827 Chimalus
12PLN-00000-00369

Applicable Comprehensive Plan Policies

<i>Land Use and Community Design Element</i>
Policy L-1: Continue current City Policy limiting future urban development to currently developed lands within the urban service area.
Policy L-5: Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale.
Policy L-12: Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures.
<i>Housing Element</i>
Policy H-1: Meet community and neighborhood needs as the supply of housing is increased. Ensure the preservation of the unique character of the City's existing neighborhoods.
Policy H-2: Identify and implement a variety of strategies to increase housing density and diversity in different locations. Emphasize and encourage the development of affordable and attainable housing.

ENVIRONMENTAL CHECKLIST FORM
City of Palo Alto
Department of Planning and Community Environment

PROJECT DESCRIPTION Request for Planning and Transportation Commission review of a Preliminary Parcel Map with exceptions for the purposes of subdividing a single 12,666 square foot parcel into two 6,333 square foot parcels. The requested exception would be for each parcel to have a width of 55.845 feet where 60 feet is the required minimum width. The site is located at 827 Chimalus Drive in the R-1 zone district.

1. PROJECT TITLE

827 Chimalus Dr.
Palo Alto, California 94306

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Ave.
Palo Alto, CA 94303

3. CONTACT PERSON AND PHONE NUMBER

Jason Nortz
Planner, City of Palo Alto
650-617-3137

4. PROJECT SPONSOR'S NAME AND ADDRESS

Samir Tuma
827 Chimalus Dr.
Palo Alto, CA 94306

5. APPLICATION NUMBER

12-PLN-00369

6. PROJECT LOCATION

827 Chimalus Dr.
Palo Alto
Parcel Number: 137-15-050

The project site is located in the southern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280.

7. GENERAL PLAN DESIGNATION:

The General Plan designation for this site is Single Family Residential, per the Palo Alto 1998 - 2010 Comprehensive Plan. The Single Family land use designation allows for one dwelling unit on a lot. The net density in single family areas will range from 1-7 units per acre. Population densities will range from 1 to 30 persons per acre. The proposed subdivision within this section of the City is consistent with the Comprehensive Plan.

8. ZONING

The project site consists of one parcels under the address of 827 Chimalus Drive. The parcel is zone R-1 (Single Family Residential) and is regulated by the Palo Alto Municipal Code (PAMC) Chapter 18.12.

9. PROJECT DESCRIPTION

The proposed project consists of subdividing a single 12,666 square foot parcel into two 6,333 square foot parcels. The site is located at 827 Chimalus Drive in the R-1 zone district. The R-1 zone district requires new parcels to be a minimum of 60 feet in width, 100 feet in depth, and to be a minimum of 6,000 square feet in area. The applicant has requested an exception to create two new parcels approximately 4 feet narrower than is currently allowed in the R-1 development regulations. The proposed lots would be 55.845 feet wide and have a lot depth of 113.40 feet. The total lot area of the new lots would be 6,333 square feet each. The proposed lots would be larger in total area and deeper than is required by zoning requirements. It is only the lot widths that will require the exception.

10. SURROUNDING LAND USES AND SETTING

The project site is located on the west side of El Camino Real, approximately a half of mile west of the intersection of El Camino Real and Matadero Avenue. The site is surrounded by single family residential land uses.

11. OTHER PUBLIC AGENCIES

Office of the County Clerk-Recorder

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. **[A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on**

project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

DISCUSSION OF IMPACTS

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the

answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1,3				X
b) Have a substantial adverse effect on a public view or view corridor?	1,3				X
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1,3				X
d) Violate existing Comprehensive Plan policies regarding visual resources?	1,3				X
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1				X
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1				X

Mitigation Measure:

None

B. AGRICULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1,3,4				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of	N/A				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Farmland, to non-agricultural use?					

Mitigation Measures:

None

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan & 2000 Clean Air Plan)?	1,3				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:	1,3				x
i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM ₁₀);	1,3				x
ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?	1,3				x
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality	1,3				x

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?					
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1				x
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million	1				x
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI	1				x
e) Create objectionable odors affecting a substantial number of people?	1				x
g) Not implement all applicable construction emission control measures recommended in the <i>Bay Area Air Quality Management District CEQA Guidelines</i> ?	1				X

Mitigation Measures:

None

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 3				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1,3				x
c) Interfere substantially with the movement of					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 3				x
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 3				x
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1,3				x

Mitigation Measure:

None

E. CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1,3 MapL-7				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1,3-MapL8				x
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1,3-MapL8				x
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,3-MapL8				x
e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?	1,3-MapL7				x
f) Eliminate important examples of major periods of California history or prehistory?	1				x

Mitigation Measures:

None

F. GEOLOGY, SOILS AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	See below				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	1, 3				x
ii) Strong seismic ground shaking?	3-MapN-10,				x
iii) Seismic-related ground failure, including liquefaction?	3-MapN-5, 5,9				x
iv) Landslides?	3-MapN-5,				x
b) Result in substantial soil erosion or the loss of topsoil?	1				x
c) Result in substantial siltation?	1				x
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	3-MapN-5,				x
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3-MapN-5				x
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1				x
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	1				x

DISCUSSION:

Mitigation Measures

None

G. HAZARDS AND HAZARDOUS MATERIALS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1				x
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1				X
d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?	1				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 3-MapN-9, 5				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1,3-MapN-7				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	3-MapN-7				X
i) Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed	1				X

for the site?					
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Mitigation Measures:

None

H. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1,3				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	3-MapN2				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1				X
f) Otherwise substantially degrade water quality?	1				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 3-Map N-6				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	3-MapN6				X
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year	3-MapN6 N8				X

flood hazard area?					
j) Inundation by seiche, tsunami, or mudflow?	3-MapN6, N8				X
k) Result in stream bank instability?	1,3-MapN6,9				X

Mitigation Measure:

None

I. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1,2,3				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,2,3,4			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,3				x
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1,2,3				x
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1,2,3,				x
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1,2,3				x
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1,2,3				X

Discussion:

The Comprehensive Plan land use designation for this property is Single Family Residential and the Zoning Ordinance designation is R-1 Single Family Residential. Newly created parcels must have a minimum site width of 60 feet. The proposed subdivision is not consistent with this designation because the lot widths resulting from the proposed subdivision would be 55.845 feet wide. The project applicant has applied for an exception to the 60-foot lot width requirement for two new parcels that would be approximately 4.16 feet narrower than required. The granting of this exception would not result in a significant impact because the resulting lot widths would be consistent with the lot widths of the neighboring properties. The exception would not disrupt a consistent lot pattern or result in a detrimental

impact on the neighborhood.

Mitigation Measures:

None.

J. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1,3				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1,3				X

Mitigation Measures:

None.

K. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,3				x
b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?	1,3				x
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1,3				x
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1				x
e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?	1				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to	1				X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
excessive noise levels?					
g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?	1				x
h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?	1				x
i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?	1				x
j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?	1				x
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?	1				X
l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?	1				X

Mitigation Measures:

None

L. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,3				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1				X
d) Create a substantial imbalance between employed residents and jobs?	1				X
e) Cumulatively exceed regional or local population projections?	1				X

Mitigation Measures:

None.

M. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				X
Police protection?	1, 2				X
Schools?	1, 2				X
Parks?	1, 2				X
Other public facilities?	1, 2				X

Mitigation Measures:

None

N. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1				X

Mitigation Measures:

None

O. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	1,3				x
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1				x
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1				x
e) Result in inadequate emergency access?	1				x
f) Result in inadequate parking capacity?	1,3				x
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1,3				x
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1,3				x
i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?	1,3				x
j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause	1,3				x

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?					
k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?	1,3				x
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1,3				x
m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.	1,3				x
n) Impede the development or function of planned pedestrian or bicycle facilities?	1,3				x
o) Impede the operation of a transit system as a result of congestion?	1,3				x
p) Create an operational safety hazard?	1,				x

Mitigation Measures:

None

P. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1,3				x
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,3				x
c) Require or result in the construction of new					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,3				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1,3				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1				X
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1				X

Mitigation Measures:

None

Q. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,3-Map L4,4				x
b) Does the project have impacts that are individually limited, but cumulatively					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,3				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,2,3,4,				x

EXPLANATION FOR CHECKLIST RESPONSES:

The proposed project consists of subdividing a single 12,666 square foot parcel into two 6,333 square foot parcels. The site is located in the R-1 zone district requiring new parcels to be a minimum of 60 feet in width. The applicant has requested an exception to create two new parcels approximately 4.16 feet narrower than the 60 foot minimum required by the zoning.

The Parcel Map will create two single-family lots in the R-1 zone district where one had previously existed. No public improvements are required as a result of the lot split. One single family home may be built on each of the two new parcels. The construction of two new single family homes is a ministerial act and is exempt under CEQA.

The Environmental Chiclets was completed and all but one environmental factor was determined to be “No Impact”. A brief explanation is required for all answers except “No Impact”. Since the project will be creating two non-conforming lot as described above, the project will be in conflict with the “Land Use Planning” portion of the checklist. This impact was determined to be “Less Than Significant” as is discussed below.

SOURCE REFERENCES

1. Project Planner’s knowledge of the site and the proposed project
2. Project Plans, Architectural Dimensions, received September 14, 2012
3. Palo Alto Comprehensive Plan, 1998-2010. Parenthetical references indicate maps in Comp Plan.
4. Palo Alto Municipal Code, Title 18 – Zoning Ordinance

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	x
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Project Planner

Date

**Director of Planning and
Community Environment**

Date

Plans

6764

Letter of Application and Sub Divider's Statement

Owners & Sub Dividers: Kriss Deiglmeier & Samir Tuma

Property Location: 827 Chimalus Drive, in R-1 zone of the Barron Park Neighborhood.

Jason Nortz
Planning Manager
PC&E Department
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

RECEIVED
SEP 1 1 2014
Building Division

Dear Mr. Nortz

We hereby apply for an extension of 24 months to record a final subdivision map for the above captioned property.

On December 10, 2012 City Council unanimously approved this sub division. Soon thereafter, we left the country for 8 months for a work assignment in Asia. Upon our return, we began the planning necessary to effectuate the sub division. Tentative plans were discussed with the City of Palo Alto in the spring of 2014. However, those plans were rejected, and that rejection resulted in significant delays. Those plans are now working their way through the City process, but we do not anticipate approval until at least November of this year. By that time, it will not be feasible to start the project before the winter (rainy season), so we are seeking an additional 24 months to record the final map. We plan to finalize plans, obtain building permits, and commence construction in the Spring/Summer of 2015.

Best regards,



RECEIVED
SEP 1 1 2014
Building Division

On behalf of Kriss Deiglmeier & Samir Tuma



PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Jason Nortz, Planner **DEPARTMENT:** Planning & Community Environment

AGENDA DATE: November 14, 2012

SUBJECT: Request by Samir Tuma and Kriss Deiglmeier for a Preliminary Parcel Map with exceptions to create a two-lot subdivision. The requested exception would be for each parcel to have a width of 55.845 feet where 60 feet is the required minimum width. Environmental Assessment: A Negative Declaration has been prepared. Zone District: Single Family Residential District (R-1).

RECOMMENDATION

Staff recommends that Planning and Transportation Commission recommend approval of the Preliminary Parcel Map with exceptions to the City Council, based upon the Findings and subject to the Conditions of Approval contained in the attached draft Record of Land Use Action (Attachment A).

SUMMARY OF KEY ISSUES

Minimum Lot Width

The project site is a non-conforming parcel located in the Single-Family Residential (R-1) Zone District. The existing lot is approximately 112 feet wide by 113 feet deep. The existing parcel is non-conforming because the lot area of 12,656 exceeds the R-1 Zone's Maximum Lot Size standard of 9,999 square feet. The Site Development Regulations for the R-1 zone district prohibit newly created parcels to exceed 9,999 square feet, and require newly created parcels to have a minimum site area of 6,000 square feet and minimum site width of 60 feet. The proposal is to subdivide the single 12,666 square foot parcel into two equally sized parcels of 6,333 square feet that would meet the minimum site area and eliminate the site's existing nonconforming lot size; however, the subdivision would result in lot widths of only 55.845 feet.

Since the proposed new parcels would be approximately 4.15 feet narrower than the 60-foot width required by the R-1 zone district, the applicant has requested a conditional exception per Palo Alto Municipal Code (PAMC) Section 21.32.010 which allows exceptions to the requirements and regulations of Title 21. The exceptions are necessary because Section 21.20.100 requires that "the size and shape of lots shall conform with any zoning regulations effective in the area of the proposed subdivisions" and, as noted, the R-1 zone district standard

minimum site width is 60 feet.

Parcel maps conforming to the Zoning and Subdivision Ordinances may be approved by the Director of Planning and Community Environment. However, the Director of Planning and Community Environment must forward any preliminary parcel map with exceptions to the Planning and Transportation Commission and the City Council for action.

Exceptions may be granted only upon a finding that the approval would substantially secure the objectives of the regulations or requirements, to which the exceptions are requested, shall protect the public health, safety, convenience, and the general welfare and shall be consistent with and implement the policies and objectives of the comprehensive plan. Any approval of exceptions may be made upon such conditions as are deemed necessary to secure such compliance.

Staff believes the project is consistent with the required findings because the Parcel Map would create lots that do not exceed the maximum lot size and would be consistent with the existing pattern of lots in the neighborhood. The median width of each of the six (6) lots which are contiguous to subject property is 55 feet (55, 55, 56, 55.4, 55.8 and 55.8 feet). The lot depth would remain 113 feet, a depth which is also consistent with those of the six adjacent properties. In addition, the allowable floor area ratio that could be built on the resulting 6,333 square foot lots would be more compatible with the existing neighborhood than would be allowed on the existing 12,666 square foot lot.

Future Development

The existing residence on the project site would be required to be demolished prior to recordation of the Parcel Map. If the application is approved, one single-family residence could be built on each of the resulting lots. Any proposal for construction, on either of the two resulting parcels, must conform to all zoning requirements and be subject to all applicable Development Impact Fees. To ensure conformance with the existing neighboring homes, new two-story construction on either lot would be subject to review under the Single Family Individual Review Program. Once the Parcel Map is approved, the parcels cannot be merged again because the resulting parcel would exceed the maximum site area.

Comprehensive Plan

Compliance with applicable Comprehensive Plan policies has been provided as Attachment D.

RESOURCE IMPACT

The two lots that would be created are in an urbanized area of the city that is already served by city services and would not have a detrimental effect on city resources. Utility services are already provided in the street that provides access to the project. Being that only one residence presently exists on the property, Development Impact Fees totaling approximately \$12,738 dollars would be required to be paid to the City prior to the issuance of a building permit for the second of two residences that could be built on the resulting two lots.

TIMELINE

Action:

Application Received:
Application Deemed Complete:
Negative Declaration Public Review Period

P&TC Meeting:

Required Action by Council (Tentative)

Date:

September 14, 2012
October 23, 2012
November 2, 2012-
November 22, 2012
November 14, 2012
December 10, 2012

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) lists a minor land division of property in an urbanized area into four or fewer parcels as exempt from CEQA if the subdivision is in conformance with all zoning regulations. This project is not exempt from CEQA because the subdivision would create two lots that do not meet the 60 feet minimum lot width required by the zoning ordinance. An Environmental Impact Assessment and a Negative Declaration was prepared for the project and is included as an attachment to this report. The comment period for the Negative Declaration will conclude on November 22, 2012.

ATTACHMENTS

Attachment A: Record of Land Use Action
Attachment B: Location Map
Attachment C: Subdivider's Statement
Attachment D: Comprehensive Plan Table
Attachment E: Initial Study and Negative Declaration
Attachment F: Tentative Parcel Map (Commission Only)

COURTESY COPIES

Applicants

PREPARED BY:

Jason Nortz, Planner

REVIEWED BY:

Amy French, Chief Planning Official

DEPARTMENT/DIVISION HEAD APPROVAL:

Aaron Akin, Assistant Director

**Planning and Transportation Commission
Verbatim Minutes
November 14, 2012**

EXCERPT

Public Hearing

827 Chimalus Drive: Request by Samir Tuma and Kriss Deiglmeier for a Preliminary Parcel Map with exceptions to create a two-lot subdivision. The requested exception would be for each parcel to have a width of 55.845 feet where 60 feet is the required minimum width. Environmental Assessment: A Negative Declaration has been prepared. Zone District: Single Family Residential District (R-1).

Chair Martinez: Staff report?

Amy French, Chief Planning Official: Yes, Amy French, Chief Planning Official. The Planner, Jason Nortz, is sick this evening and could not attend. This is a Preliminary Parcel Map with exceptions to create two lots for single family home development. There is currently one single family home on the parcel that is two underlying, two lots. Those would be divided into two lots to make way for a total of two single family homes. This is actually not consistent with the minimum lot width, but the lots will have the minimum lot size. And the result will be that it is in greater conformance with the regulation put into place some years ago that we now have a maximum lot size. So currently the lot exceeds the maximum lot size in the R1 district. So we think that there are findings, and we provided those, to approve the exception which is for lot width. I should add the lots are the same width, the proposed lot sizes are the same width of many of the lots on the street. So it will actually bring it into consistency with the other lots on the street. So we support the proposal and provided findings for your support. And the applicant is here for questions if you need them. I'm going to put the map on the wall.

Chair Martinez: Commissioners, questions of staff on this item? I see none. We shall open the public hearing and let's hear from the applicant if she has something to say. Welcome.

Kriss Deiglmeier: Great, thank you. Good evening Chair Martinez and Commissioners. My name is Kriss Deiglmeier and my husband and family live at 827 Chimalus with our dog Lucy. And first of all I want to thank you for your time to review our application and in particular for the staff time. We know how intense kind of going through all this paperwork can be. And while I know I guess I have 15 minutes, I think I'm going to use a lot less than that. So what I want to do is just give you a little bit of background, our opinion on the request, and then what community input we've gathered from our neighbors.

So we bought this house back in 2006. The house was built in the fifties and I recall when we were going through the open house and asked the realtor about the infrastructure and the state of plumbing, etcetera and she looked at us, she goes, "Oh honey, this is a tear down." Well it wasn't a tear down for us and we've lived there for five years, but at this stage it's very clear the termites are winning, the plumbing is falling apart, you can start to see through the roof. So we're at a need for a renovation and a new house, which has brought us here tonight.

1 So what we've put forward to the request is to take an oversized lot, over 12,000 feet, divide it
2 into two. It would fall into accordance with being a lot size over 6,000 feet. It's deeper than
3 100, so what we're asking for is the variance on the four feet on the side. And so another point I
4 do think that is critical is every adjacent lot to ours it would be in accordance with what their lots
5 are, which is all around 55 feet.

6
7 Secondly, it's consistent with the Comprehensive Plan. It's also the exemption findings as
8 you've seen in your report in alignment with those. And I think the third point that's also
9 relevant, again if you go up on the map if you look at lot 792. So a nearly identical application
10 for a lot split was done in 2004 and that was done with a unanimous support. So there's also
11 precedent within our existing neighborhood to do this.

12
13 So even given all that protocol my husband and I spent the past few weekends going to the
14 neighborhood and letting everybody know that we were putting this forward. Everybody we
15 spoke to did not have any opposition. I don't know if you want for those people that weren't
16 home we left a letter explaining exactly what we were going to do with our telephone number.
17 We heard from our direct neighbor at 823 who came over to our house last night. She's fine
18 about the lot split. She asked concerns about what we were going to build and as we discussed
19 with her we don't know yet. We've got to get through this process, but we would ensure that we
20 follow all the rules and regulations with that so as far as we know after doing kind of that
21 neighborhood walk we have no opposition from anybody in the neighborhood and in particular
22 to all those adjacent properties. So for those reasons we respectfully request to recommend
23 approval of the lot split.

24
25 Chair Martinez: Ok, thank you. Questions of the applicant, Commissioners? None? I have one.

26
27 Ms. Deiglmeier: Yeah.

28
29 Chair Martinez: Former Commissioner recently asked an applicant, "I don't see any members,
30 any of your neighbors here. Are you sure you really explained well to them what your proposal
31 was?"

32
33 Ms. Deiglmeier: Yeah, so I can, you're welcome to, I don't know, you want to hand the letter to
34 them? So we left that letter with everybody so I think everybody we talked to we were very
35 clear about the lot split. I do think because of 792 had gone through this process before they
36 actually are very familiar with what we were requesting. So it's not something that hasn't
37 existed in the neighborhood and as you know in neighborhoods across Palo Alto in particular
38 Barron Park people tend to know what people are doing down the street. So I feel confident that
39 we were clear and I do think having the precedent of 792 made that communication even easier.

40
41 Chair Martinez: Do you have any idea why you guys got the bigger lot? What the history of that
42 was?

43
44 Ms. Deiglmeier: Oh, I have no idea. I mean it was built in the 50s. I unfortunately don't know
45 the history. And I've heard, and I don't know if the City may have more information, I think a
46 number of the lots throughout from the 1950s to the 2000s have been split into these double lots.

47
48 Chair Martinez: Ok, very good. Commissioner Keller?

1 Commissioner Keller: It looks like from attachment B that the 792 lot was split but was the
2 house torn down and two houses put up?

3
4 Ms. Deiglmeier: At 792 one house has been put up and they have the right to build a second
5 house.

6
7 Commissioner Keller: Because it looks like from the diagram the house straddles the property
8 line.

9
10 Ms. Deiglmeier: That is incorrect and I think the staff can confirm the house that was, so they
11 tore down what was there. The brand new house and we were with them last weekend is built on
12 half of a lot and there is a fence that goes through the lot split. So there's a clear fence divide.
13 The second lot that was split has not been built yet, but is completely divided. All fenced off.

14
15 Commissioner Keller: Thank you. Can staff comment?

16
17 Ms. French: It just so happens we have the Planner for that previous lot split here to my right,
18 Russ Reich, and if there were questions about that project he's in the know.

19
20 Commissioner Keller: Great. I'll get to that in a moment, but first I noticed that the two
21 properties behind 800 and 820, I think that's Matadero? Is that right? Behind it?

22
23 Ms. Deiglmeier: Yeah.

24
25 Commissioner Keller: Those properties are not exactly the same size and I'm wondering what
26 your thoughts are about dividing your property exactly in half or dividing it to be consistent with
27 the two lots behind you. Which it looks like there is not much difference, but I'm wondering in
28 terms of fence line issues and such do you have to continue that line across or to have it be
29 exactly in half?

30
31 Ms. Deiglmeier: So I don't have, it may be a few inches. So I think, are you talking about 800
32 and 820?

33
34 Commissioner Keller: Yes. One of them is 56.0 feet and the other one is 55.4 feet and that's
35 kind of odd because yours is 112 feet. So I'm not sure how those add up, because it looks like
36 there's 0.6 of a foot that's missing that seems to have vanished. And I don't know how the math
37 works, but seems kind of weird.

38
39 Ms. Deiglmeier: So all I can speak to is when we had the survey out they recommended that they
40 thought the ease was to do just an even split. And I think it comes to 56.4. It's in the materials.
41 So from, we back up to those properties right now with the fence. It's not like I would ever see
42 their fence because we've got a fence in the back. So if it's off four inches I don't think it's
43 material, per se, and again they spoke no questions around that, the four inches or five inches
44 here or there.

45
46 Commissioner Keller: So it may be that this is a glitch in how the two properties in the back are
47 reported in our GIS. So...

1 Ms. French: A broader global answer to that too, many properties have a fence that is not on the
2 property line. So where the fence is and where the property line are often at odds. So there may
3 in reality not be a visual difference in the end.
4

5 Commissioner Keller: All right, thank you.
6

7 Chair Martinez: Do you have a question? Yes, Commissioner Alcheck.
8

9 Commissioner Alcheck: This question is for Planning. Is it safe to assume that all of these lots
10 have gone through this sort of subdivision in the last, I don't know, 40 or 50 years? I mean there
11 are so many lots here that are almost identical in size that this lot is clearly an outlier.
12

13 Ms. French: Yes, I can respond to that. My guess it's Barron Park, so it was a County and
14 annexed to the City in 1978 or thereabouts. And so we have a minimum lot size of 60, but the
15 County didn't have that. They probably had 50 feet as a minimum lot size. And just we were
16 speculating probably the lot that their on somebody just had the option to buy two lots and
17 wanted a bigger house and they just did it.
18

19 Chair Martinez: We have two members of the public that wish to speak. Thank you.
20

21 Vice-Chair Michaels: So the first speaker will be Sheila Dunec for three minutes followed by
22 John Dunec.
23

24 Sheila Dunec: Good evening. I must confess that I don't know my neighbor Kriss, nor her
25 husband Samir. And I don't want to, I want to be on the record as not opposing what they are
26 proposing to do with their property, more to speak to our experience of living on Chimalus Drive
27 in a substandard frontage lot. When we lived, when we first moved in the house next door was a
28 very small cottage and our neighbors quadrupled it with a large addition. They had only a five
29 foot setback as the neighbor to the south or to El Camino at 823 does. And my concern is for
30 that neighbor as well as for anyone who would move into a house that could be blocked in terms
31 of the light and the impact of the privacy.
32

33 Because we have a five foot setback and our neighbor who built the very large addition and I can
34 speak to the loss of sunlight since the current, I believe current zoning regulations allow you to
35 push forward with dormers that are not required to conform to the daylight plane. So we have
36 two 9 foot dormers which is 18 feet total that is protruding into the daylight plane which has
37 taken away all of our direct light during the winter. We have no direct sunlight at this, in
38 January, I mean in November and December and part of January. And I've looked at this and
39 thought this could be the same situation for the neighbors at 823, should the lots be divided and
40 the current property owner decide to build a very large house on the subdivision they would
41 block the light just as we have experienced. To say nothing for the privacy, the noise, the
42 bathrooms that were installed in these dormer extensions. So, if it were single story houses it
43 would be different. We've had 16 or 17 tear downs on our street alone with very large built to
44 the max houses and it has really made a difference in the quality of living on Chimalus. Thank
45 you.
46

47 Chair Martinez: Thank you very much.
48

49 Vice-Chair Michael: The next speaker is John Dunec.

1
2 John Dunec: I also wish you the best actually. I'm going to follow on what Sheila's comment.
3 We live at 748, which is a little ways down the street maybe about 8 houses, 10 houses,
4 something like that. Beyond what I think you handed out on paper. What I'm concerned about
5 is the I'm going to say the number of tear downs that we have had and the thought of making a
6 lot substandard so that we could have two houses where there were one I think is in the wrong
7 direction. Looking at the map I can see the logic to it because of the size of the lot, but from our
8 point of view on Chimalus what we see is the frontage. So it's the frontage distance that we are
9 registering rather than the depth of the lot and whether or not it matches Matadero or not has no
10 visual consequence to us. So I'm more concerned about sort of the I'm going to say the slippery
11 slope of allowing people particularly in Barron Park to divide lots in half beyond what the
12 standards are, basically just to double the number of houses. So that is my concern.

13
14 In this case I don't know what the plans look like. I don't know what the house is, but since
15 we've had so darn many tear downs on this street the thought of sort of doubling the houses on a
16 street that has fairly small houses to begin with doesn't seem like the right direction to go.
17 That's my comment.

18
19 Chair Martinez: Thank you. Staff can you comment on the public's concern? Does this
20 substandard width affect setbacks and lot coverage and matters of that?

21
22 Ms. French: No, technically it will not be considered a substandard lot. That has a definite
23 definition in our code that it will not meet. It will be a standard size lot just of substandard
24 width. So it doesn't affect the buildability. Again in Barron Park which was annexed at the time
25 there were five foot minimum setbacks. Our codes require six foot minimum setbacks in the R1.
26 So any new home would have to comply with a larger side setback and would also if it were a
27 two story home have to go through the single family review program and privacy impacts,
28 massing, how it fits into the context of the neighborhood, are all part of that review process. And
29 there's also involvement by neighbors. So immediate neighbors would have the opportunity to
30 appeal and have a good look at the plans before anything was constructed, approved and
31 constructed.

32
33 Ms. Deiglmeier: Can I respond? Am I allowed to respond or not?

34
35 Chair Martinez: Yes, I'll call on you in a minute for your wrap up. Yes, Commissioner Alcheck.

36
37 Commissioner Alcheck: This is for Planning. Assuming this subdivision goes, if we go through
38 with this subdivision, would the ensuing two lots have any, I don't know if that's the right word.
39 Would they have any rights to do anything differently than their seven or eight immediately
40 adjacent neighbors? My impression here is that they are just creating homes that are exactly
41 identical to their neighbors and in theory the issues raised about the daylight plane, all of these
42 individuals would then be on the same playing field is that right?

43
44 Ms. French: Yes that is true. I think right now with the larger lot they could tear down the house
45 and build a really large two story home based on their lot size. So by reducing the lot size the
46 resulting homes will each be, have a smaller floor area and they will have to meet the daylight
47 plane and all the other standard regulations which older homes may not meet.

1 Commissioner Alcheck: And then just the follow up is, let's assume for a second that they didn't
2 subdivide this lot. They still have a side setback of five feet.

3
4 Ms. French: They could add onto their existing building if they had any floor area remaining.
5 We have a rule that allows them to extend a nonconforming five foot setback and that was again
6 written for the Barron Park situation. But yeah, a new home (interrupted)

7
8 Commissioner Alcheck: Assuming they tore this down and built a new home?

9
10 Ms. French: Six foot setback.

11
12 Commissioner Alcheck: A six foot setback?

13
14 Ms. French: Yes.

15
16 Commissioner Alcheck: In this case if we subdivide the setback is?

17
18 Ms. French: Also six feet.

19
20 Commissioner Alcheck: Also six.

21
22 Ms. French: And the side. Yeah.

23
24 Commissioner Alcheck: Ok. Just making sure.

25
26 Chair Martinez: Yes, Vice-Chair Michael.

27
28 Vice-Chair Michael: So after reviewing the application and actually getting on my bicycle and
29 riding through Barron Park and actually around to the Ronald McDonald House too for that
30 matter, I'm inclined to think that this is a valid proposal. However, I've been on the Commission
31 for about a year now and this is the first time we've had a matter that was submitted on behalf of
32 a former member of the Planning Commission. And I think this is appropriate to articulate to the
33 ethical standard that applies and we had a chance to raise this to the City Attorney yesterday.
34 And it's my understanding that an official must recuse himself from participating in a decision
35 that would affect his financial interests. So if Samir Tuma were still a member of the Planning
36 Commission the application would be appropriately lodged but he would simply recuse himself
37 from the decision and the Commission would vote without his participation. So to me it's
38 important to eliminate any appearance of ethical lack of clarity, which I think has been the case
39 here.

40
41 And I'm also pleased that we have experience with the Commission, with the staff in terms of
42 ruling on a similar matter in the same neighborhood in the recent past. And the idea that we
43 would apply our rules consistently with the same set of facts is important and that seems to be
44 the case here. So if the staff would like to clarify that in any way, I think that that was an
45 important issue for me as I went through this.

46
47 Aaron Aknin, Assistant Director: What you said is correct. When we met with the City Attorney
48 beforehand she was, she's ill and was not able to make it tonight, but exactly what you said. If

1 former Commissioner Tuma were there he would simply recuse himself from the item so there
2 would be no conflict of interest.

3
4 Ms. French: And I'll just add that the precedent that we had before actually that was before there
5 was a maximum lot size so today there's even greater findings that can be made in the general
6 direction of conformance then there were back for the other one on Matadero.

7
8 Chair Martinez: Commissioner Keller.

9
10 Commissioner Keller: Yes. Earlier I believe that Mr. Reich suggested that, that he could tell us
11 about the process of 792. The lot division that happened there, but I deferred because that was a
12 time when the applicant was speaking. So now's the appropriate time for Russ to explain the
13 process that went through there so we understand that we're following the same process. Thank
14 you.

15
16 Russ Reich, Senior Planner: Thank you Commissioner Keller. Yeah this application is really
17 following an identical process to 792. As you can see from the image on the screen they divided
18 their lot to be consistent with the other lots around it. It's only slightly nonconforming relative to
19 the width and they are still not, they are standard lots still. They are not considered a
20 nonconforming lot. Due to their slightly narrow width they did require to come through the
21 review process to, due to the subdivision there really wasn't an opposition from the community
22 on that one. It went through relatively smoothly and they followed up by coming through with a
23 single family individual review for their home. And I don't know the status is to whether they
24 sold the adjacent lot. It sounds like it hasn't been built on? I'm not aware of the status of the
25 parcel next door. But the image that you see there, it comes from our GIS and the footprints of
26 the buildings are from 1993 aerial photography and so that's why you see the building straddling
27 the property line. That building isn't there anymore.

28
29 Commissioner Keller: Thank you.

30
31 Chair Martinez: And the applicant if you care to give some closing remarks?

32
33 Ms. Deiglmeier: Yeah, so first of all in terms of kind of the neighbors' concerns I do want to take
34 that into account and really this is a multistep process. And so it's unnecessary to put a lot of
35 money into architecture and deciding what would be built before we have the lot split. And so I
36 just want to A, ensure everybody in the neighborhood we will go through the process that needs
37 to, when we get to that stage around building the houses we will ensure we're following the City
38 codes around what the appropriate setbacks are. And I completely understand about light plane.
39 And so our intent is actually to build a smaller house and the fact is if we keep this double lot, I
40 actually think for the neighborhood it could be potentially worse because we could build a big
41 monstrous house that actually wouldn't align with kind of the feel of the neighborhood. So I just
42 want to alleviate any concerns that they would have and ensure that we will go through that
43 process when we get to that point of building, which if this goes through will be down the road
44 quite a bit. So again, just to reiterate our intent is to have smaller footprint. A smaller house is
45 much more environmentally sustainable than building a huge house.

46
47 Chair Martinez: Thank you. And with that we will close the public hearing. And
48 Commissioners do I have a Motion? Yeah, ok. Vice-Chair Michael.

1 MOTION

2
3 Vice-Chair Michael: I would make a Motion that the Planning and Transportation Commission
4 (PTC) recommend approval of the Preliminary Parcel Map with the exceptions to the City
5 Council based upon the findings and subject to the conditions of approval contained in the draft
6 Record of Land Use Action that was attached to the application that we received.

7
8 SECOND

9
10 Commissioner Keller: Second.

11
12 Chair Martinez: Ok, Motion by Vice-Chair Michael. Second by Commissioner Keller. You
13 want to speak to your Motion?

14
15 Vice-Chair Michael: So I think that the staff report is clear that this is, that the basis for their
16 recommending approval is consistent with the past practice and the guidelines and the rules that
17 are applicable. I just note that the Regional Housing Mandate guidelines for Palo Alto seeks to
18 have us add additional housing units and this will take us one unit closer to that goal. And in the
19 Housing Element of the Comprehensive Plan we talk about preserving the character of existing
20 neighborhoods. My tour of the neighborhood on bicycle today it seems that having the
21 possibility of two smaller houses is very much in the character of what's otherwise a very
22 attractive and heterogeneous street. So I would, that's the basis for my Motion.

23
24 Chair Martinez: And Commissioner Keller?

25
26 Commissioner Keller: I agree with the comments of the maker and also add that at this point and
27 time we are not approving what houses are built on these two lots and that that will go through
28 the normal review process. In particular there is an Individual Review (IR). I think that that's
29 called an Institutional Review, is that right? Individual review, single family individual review
30 that goes on behalf through, that the neighbors can participate in providing input to make sure
31 that this home is compatible particularly the adjacent neighbors in terms of sight lines and views
32 and the like. So I'm confident that the neighbors will have the opportunity to influence the house
33 to correct any problems that might arise, and that's the normal process. So I think this process,
34 this subdivision should proceed as planned. Thank you.

35
36 VOTE

37
38 Chair Martinez: Any further comments? Then let's vote on the Motion. Those in favor raise
39 your hand, say aye (Aye). The Motion passes unanimously. And thank you very much. And I
40 may not have another chance to say this but we want to wish you and your family the best on
41 your excellent adventure. Goodnight.

42 **Commission Action**: Motion to approve staff recommendation by Vice-Chair Michael, second
43 by Commissioner Keller. 6-0

44
45 MOTION PASSED (6-0)