

ACTION NO. 2006-03
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION
FOR 2300 EAST BAYSHORE ROAD/2450 WATSON COURT
VESTING TENTATIVE PARCEL MAP
05PLN-00305 (RICHARD PEERY/JOHN ARRILLAGA, APPLICANT)

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

A. Richard Peery and John Arrillaga have requested the City's approval of a Vesting Tentative Parcel Map to merge two lots, each approximately 3.8 acres and 1.8 acres respectively, into one approximately 5.6 acre lot, for the purpose of the construction of a previously approved new office building.

B. The approximately 5.6 acre parcel is located near the intersection of East Bayshore Road and Embarcadero Road. Approved for construction on the site is a 77,956 square foot office building that received City Council approval on July 25, 2005. This approval included a condition that the two lots comprising the site be merged prior to the issuance of building permit.

C. The Vesting Tentative Parcel Map includes information on the existing parcels and future onsite conditions including the footprint of the future office building, vehicle parking spaces, and site drainage. The map would abandon a 65 foot Public Utility Easement remaining on the site from when Embarcadero Road traversed the site prior to it being relocated to its current position. The proposed Vesting Tentative Parcel Map would also dedicate a five foot public access easement to enable the City to develop a bicycle/pedestrian path from the Highway 101 bicycle/pedestrian overpass to Watson Court. These drawings are in compliance with the applicable provisions of the City's Subdivision Ordinance. These plans contain all information and notations required on a Tentative Map (per PAMC Section 21.12.040).

D. Following Staff review the Planning and Transportation Commission (Commission) reviewed the Project and recommended approval on (Insert Date). The Commission's recommendations are contained in CMR: [Number] and the attachments to it.

SECTION 2. Environmental Review. The City as the lead agency for the Project has determined that it is categorically exempt from the California Environmental Quality Act per section 15315.

SECTION 3. Tentative Map Findings. A legislative body of a city shall deny approval of a Tentative 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 does not lie within a specific plan area and is consistent with the Comprehensive Plan.

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

The site does not lie within a specific plan area and is consistent with the Comprehensive Plan.

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

The site will be improved with a new office building and related site improvements. Physical changes on the site would include the removal of the existing landscaping and vacant buildings. Site improvements to accommodate a new office building and landscaping would be subject to first acquiring a building and grading permit.

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

The site is currently developed with a vacant restaurant and abandoned office buildings. All existing buildings will be removed to allow the construction of a new 77,956 square foot office building. City departments have reviewed the new office building and project site as well as all potential environmental impacts and have determined that the site is appropriate for the new development.

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:*

An Environmental Assessment was prepared for the application to construct the new office building and it was determined that no physical changes are being made to the site that would cause environmental impacts.

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

No physical changes are being made to the site that would cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public*

at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The tentative map will not conflict with pre-existing easements.

SECTION 4. Tentative Map Approval Granted. Tentative Map approval is granted by the City Council under Palo Alto Municipal Code ("PAMC") Sections 21.12.090 and the California Government Code Section 66474, subject to the conditions of approval in Section 6 of this Record.

SECTION 5. Final Map Approval.

The Final Map submitted for review and approval by the City Council of the City of Palo Alto shall be in substantial conformance with the Vesting Tentative Parcel Map prepared by JMH Weiss consisting of 1 page, received March 28, 2006, except as modified to incorporate the conditions of approval in Section 6.

A copy of this map is on file in the Department of Planning and Community Environment, Current Planning Division.

Within two years of the approval date of the Vesting Tentative Parcel Map, the subdivider shall cause the subdivision or any part thereof to be surveyed, and a Final Map, as specified in Chapter 21.08.010, to be prepared in conformance with the Vesting Tentative Parcel Map as conditionally approved, and in compliance with the provisions of the Subdivision Map Act and PAMC Section 21.16.210 and submitted to the City Engineer (PAMC Section 21.16.010[a]).

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. A Final Map, in conformance with the approved Vesting Tentative Parcel Map, all requirements of the Subdivision Ordinance (PAMC Section 21.16), and to the satisfaction of the City Engineer, shall be filed with the Planning Division and the Public Works Engineering Division within two years of the Vesting Tentative Parcel Map approval date (PAMC 21.13.020[c]).

SECTION 7. Term of Approval.

Tentative Map. All conditions of approval of the Vesting Tentative Parcel Map shall be fulfilled prior to approval of a Final Map (PAMC Section 21.16.010[c]).

Unless a Final Map is filed, and all conditions of approval are fulfilled within a two-year period from the date of Vesting Tentative Parcel Map approval, or such extension as may be granted, the Vesting Tentative Parcel Map shall expire and all proceedings shall terminate. Thereafter, no Final Map shall be filed without first processing a Tentative Map (PAMC Section 21.16.010[d]).

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Director of Planning and
Community Environment

APPROVED AS TO FORM:

Senior Deputy City Attorney

PLANS AND DRAWINGS REFERENCED:

Vesting Tentative Parcel Map prepared by JMH Weiss consisting on one page, received March 28, 2006.