



Director's Hearing Agenda

Regular Meeting Agenda: November 10, 2022

Council Conference Room & Zoom
3:00 PM

<https://zoom.us/join>

Meeting ID: 991 2250 8272

Phone number: 1 669 900 6833

To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate in the meeting from home or attend the meeting in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda or [online here](#). Masks are encouraged if attending in person.

Members of the public may comment by sending an email to pdsdirector@CityofPaloAlto.org or by attending the meeting in person or via Zoom virtual meeting to give live comments. Instructions for the Zoom meeting can be found on the last page of this agenda.

Call to Order

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

Agenda Changes, Additions, and Deletions

The hearing officer may modify the agenda order to improve meeting management.

Action Items

Public Comment is Permitted. Applicants/Appellant Teams: Ten (10) minutes, plus five (5) minutes rebuttal. All others: Three (3) minutes per speaker.^{1,3}

1. PUBLIC HEARING / QUASI-JUDICIAL. 160 Waverley Street [22PLN-00199]: Request for Director's Review of a Preliminary Parcel Map to Facilitate Construction of Three Attached Residential Units and a Detached Accessory Dwelling Unit. Environmental Assessment: Exempt From CEQA in Accordance With Guideline Section 15315 (Minor Land Divisions). Zoning District: RM-20 (Multi-Family Residential). For More Information Contact the Project Planner Emily Foley at Emily.Foley@cityofpaloalto.org

Adjournment

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Hearing Officer, provided that the non-speaking members agree not to speak individually.
 2. The Hearing Officer may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Hearing Officer may reduce the allowed time to speak to two minutes or less to accommodate a larger number of speakers.

Director's Hearings

Director's hearings may be requested for certain applications that the director, or his/her designee, has issued a tentative decision, such as Individual Review applications. A director's hearing is required for Parcel Map applications.

A decision is not rendered at the public hearing. Rather, the director or designee will consider evidence for and against the application or its modification and prepare a written decision approving, approving with conditions, or denying the project application within fourteen days of the hearing.

Notice of the decision will be mailed to the project applicant, the owners and occupants of all adjacent properties, and any person requesting notice of the decision.

The director's decision shall become final fourteen days after the date notice is mailed unless an appeal is filed. The director may, for good cause, specify in writing a longer period for filing an appeal at the time he or she issues the proposed decision.

The applicant or the owner or occupier of an adjacent property may file an appeal of the director's decision by filing a written request with the City Clerk before the date the director's decision becomes final. The written request shall be accompanied by a fee, as set forth in the municipal fee schedule.

Americans with Disability Act (ADA)

It is the policy of the City of Palo Alto to offer its public programs, services and meetings in a manner that is readily accessible to all. Persons with disabilities who require materials in an appropriate alternative format or who require auxiliary aids to access City meetings, programs, or services may contact the City's ADA Coordinator at (650) 329-2550 (voice) or by emailing ada@cityofpaloalto.org. Requests for assistance or accommodations must be submitted at least 24 hours in advance of the meeting, program, or service.

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Public Comment Instructions

Members of the Public may provide public comments to teleconference meetings via email, teleconference, or by phone.

1. **Written public comments** may be submitted by email to the project planner.
2. **Spoken public comments using a computer** will be accepted through the teleconference meeting. To address the Hearing Officer, click on the link below. Please read the following instructions carefully.
 - You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser.
 - You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 - When you wish to speak on an agenda item, click on “raise hand”. The moderator will activate and unmute attendees in turn. Speakers will be notified shortly before they are called to speak. The Zoom application will prompt you to unmute your microphone when it is your turn to speak.
 - When called, please limit your remarks to the time limit allotted.
 - A timer will be shown on the computer to help keep track of your comments.
3. **Spoken public comments using a smart phone** will be accepted through the teleconference meeting. To address the Hearing Officer, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below.
4. **Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. When called please limit your remarks to the agenda item and time limit allotted.

<https://zoom.us/join>

Meeting ID: 991 2250 8272

Phone number: 1 669 900 6833

(you may need to exclude the initial “1” depending on your phone service)

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Director's Hearing Agenda

Staff Report (ID # 14889)

Report Type: Action Items **Meeting Date:** 11/10/2022

Summary Title: 160 Waverley: Preliminary Parcel Map

Title: PUBLIC HEARING / QUASI-JUDICIAL. 160 Waverley Street [22PLN-00199]: Request for Director's Review of a Preliminary Parcel Map to Facilitate Construction of Three Attached Residential Units and a Detached Accessory Dwelling Unit. Environmental Assessment: Exempt From CEQA in Accordance With Guideline Section 15315 (Minor Land Divisions). Zoning District: RM-20 (Multi-Family Residential). For More Information Contact the Project Planner Emily Foley at Emily.Foley@cityofpaloalto.org

From: Jonathan Lait

Recommendation

Staff recommends that the Director take the following action(s):

1. Conduct a public hearing, receive testimony, and render a decision within 14 days consistent with Palo Alto Municipal Code Section 21.12.090(e).

Background

Project Information

Owner: 160-164 Waverley LLC
 Engineer: Vimbainashe Anda
 Representative: N/A

Property Information

Address: 160-164 Waverley
 Neighborhood: Downtown North
 Lot Dimensions & Area: 50 ft wide, 250 ft deep, 12,500 sf
 Housing Inventory Site: No
 Protected/Heritage Trees: No
 Historic Resource(s): No

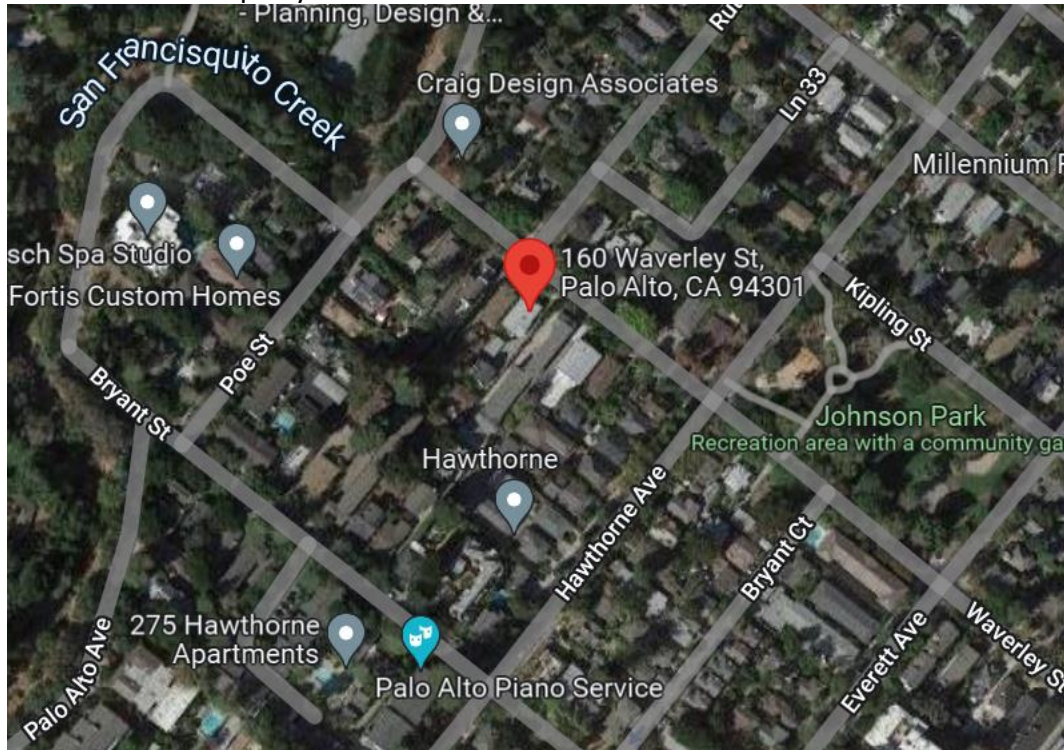
City of Palo Alto
 Planning & Development Services
 250 Hamilton Avenue
 Palo Alto, CA 94301
 (650) 329-2442

Existing Improvement(s): Three detached residences, varies 1 to 2 story; 1912

Existing Land Use(s): Multiple-Family Residential

Adjacent Land Uses & Zoning: North: Single Family Residential (R-1)
West: Multiple Family Residential (R-1)
East: Multiple Family Residential (RM-20)
South: Multiple Family Residential (RM-20)

Aerial View of Property:



Source: Google

Land Use Designation & Applicable Plans

Zoning Designation: RM-20

Comp. Plan Designation: Multiple-Family Residential

Context-Based Design Criteria: N/A

Downtown Urban Design Guide: N/A

South of Forest Avenue Coordinated Area Plan: N/A

Baylands Master Plan: N/A

El Camino Real Design Guidelines (1976 / 2002): N/A

Proximity to Residential Uses or Districts (150'): N/A

Located w/in the Airport: N/A

Influence Area: _____

Prior City Reviews & Action

| | |
|---------------|---|
| City Council: | None |
| PTC: | None |
| HRB: | None |
| ARB: | Major Architectural Review heard at ARB 10/21/21. The ARB recommends approval with a requirement to return to the Ad Hoc Committee. After project changes were submitted 3/24/22 to meet the City's daylight plane requirements the project was approved 06/08/22 |

Project Description

The application is a request to create three condominiums for the future three residential units and one accessory dwelling unit on the parcel. The structures were approved as part of 20PLN-00301. The proposal for condominium ownership requires the approval of a minor subdivision (preliminary parcel map) application per Palo Alto Municipal Code (PAMC) Section 21.04.030.

Requested Entitlements, Findings and Purview:

The following discretionary applications are being requested:

- Preliminary Parcel Map: The process for evaluating this type of application is set forth in Title 21 of the Palo Alto Municipal Code and Government Code Section 66474. Palo Alto Municipal Code Section 21.12.090 requires the Director of Planning to review whether the proposed subdivision complies and is consistent with the Subdivision Map Act (in particular Government Code 66474), Title 21 of the Palo Alto Municipal Code, the Palo Alto Comprehensive Plan, and other applicable provisions of the Palo Alto Municipal Code and State Law. If in the opinion of the Director of Planning, there are issues of major significance associated with the proposed parcel map, the map may be deferred by the Director of Planning to the Planning Commission and the City Council for processing in accordance with the procedures set forth in subsections (c) and (d) of the findings to approve a Subdivision are provided in Attachment B.

Analysis¹

Neighborhood Setting and Character

The neighborhood setting includes a mix of single-family and multi-family houses. The neighborhood character would not be impacted by this project, which facilitates condominium subdivision of proposed units on an existing multi-family lot.

¹ The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Architectural Review Board in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to make alternative findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Zoning Compliance²

Staff performed a detailed review of the proposed project's consistency with applicable zoning standards. The property is considered substandard, since the existing lot is non-conforming for lot width at 50 ft wide. However, this does not impact the subdivision findings or require an exception, because the lot dimensions are not proposed to change. The applicant proposes to convert single ownership of the subject property into a three-unit condominium ("air space") subdivision. The proposed residential project complies with all applicable codes and is consistent with the Zoning Ordinance.

| Regulation | Required | Existing | Proposed |
|----------------------------|----------|-----------|-----------|
| Minimum/Maximum Site Area | 8,500 sf | 12,500 sf | 12,500 sf |
| Minimum/Maximum Site Width | 70 ft | 50 ft | 50 ft |
| Minimum/Maximum Site Depth | 100 ft | 250 ft | 250 ft |

Consistency with Application Findings and Comprehensive Plan

The Draft Findings are available in Attachment B. The project meets all findings. The preliminary parcel map facilitates development that is substantially similar to the existing and is appropriate for the neighborhood.

One of the findings is consistency with the Comprehensive Plan, Area Plans, and Guidelines³. No Area Plans are applicable to this parcel. The map is consistent with the following Comprehensive Plan policies:

- a. Program L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.
- b. Policy L-6.1: Promote high-quality design and site planning that is compatible with surrounding development and public spaces.

The multi-family residential use is also consistent with the Comprehensive Plan land use designation of multi-family. The Multi-Family Land Use Designation calls for the development of three or more units, within the density range of 8-40 dwelling units per acre. The approved development project includes four units (three multi-family and one ADU), and a density of 14 dwelling units per acre.

² The Palo Alto Zoning Code is available online: http://www.amlegal.com/codes/client/palo-alto_ca

³ The Palo Alto Comprehensive Plan is available online: <http://www.cityofpaloalto.org/gov/topics/projects/landuse/compplan.asp>

Environmental Review

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Minor subdivisions are exempt from CEQA under Guideline 15315 Minor Land Divisions.

Public Notification, Outreach & Comments

The Palo Alto Municipal Code requires notice of this public hearing be published in a local paper and mailed to owners and occupants of property within 600 feet of the subject property at least ten days in advance. Notice of a public hearing for this project was published in the *Daily Post* on October 28, 2022. Postcard mailing occurred on October 28, 2022.

Public Comments

As of the writing of this report, no project-related, public comments were received.

Report Author & Contact Information

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emily.foley@cityofpaloalto.org

Program Manager Contact Information

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(650) 329-2575

jodie.gerhardt@cityofpaloalto.org

Attachments:

- Attachment A: Location Map (PDF)
- Attachment B: Draft Findings (DOCX)
- Attachment C: Conditions of Approval (DOCX)
- Attachment D - Project Plans (DOCX)

ATTACHMENT B
PRELIMINARY PARCEL MAP FINDINGS

160 Waverley Street, File No. 22PLN-00199
Preliminary Parcel Map for Condominium Purposes

A legislative body of a city shall deny approval of a Preliminary Parcel Map, if it makes any of the following findings (CGC 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 provisions of the Comprehensive Plan. The map facilitates construction of condominiums that meet the provisions of the Comprehensive Plan.

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

The map is consistent with the following Comprehensive Plan policies:

- a. Program L-1.3: Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.
- b. Policy L-6.1: Promote high quality design and site planning that is compatible with surrounding development and public spaces.

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

The site is well suited for the proposed condominium building because the site currently contains three residential units, and the proposed development will contain three residential units and an accessory dwelling unit. The site is neighbored by multi-family and single-family uses. The condominium map would facilitate compliance of an allowed use in the RM-20 zone district.

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

The proposal for the site is consistent with all zoning regulations including floor area and lot coverage. The proposed density of units is not changing from the existing.

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 minor subdivision will not cause environmental damage or injure fish, wildlife, or their habitat. The project site has been fully urbanized and developed north of downtown. There is no recognized sensitive wildlife or habitat in the project vicinity.

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

Redevelopment of the three residential units on the existing parcel will not cause serious public health problems, as it does not substantially affect the existing conditions and overall function of the property as a site for an approved mixed use development. Accessory dwelling units are allowed on residential properties by State law and are also not considered likely to 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 existing public utility easement on the property will be vacated as a part of the parcel map proposal. The PUE provided utilities only within the site, and the proposed design will not require use of this easement.

**ATTACHMENT C
CONDITIONS OF APPROVAL
22PLN-00199**

Planning Division

1. **PROJECT PLANS.** The Parcel Map submitted for review and approval by the Director shall be in substantial conformance with the Preliminary Parcel Map prepared by Lea & Braze “Preliminary Parcel Map for 3 Unit Condominium Purposes”, consisting of 6 pages, dated October 6, 2022, except as modified to incorporate the conditions of this approval. A copy of this plan is on file in the Department of Planning and Development Services, Current Planning Division.
2. **PARCEL MAP COVER PAGE.** At such time as the Parcel Map is filed, the cover page shall include the name and title of the Director of Planning and Development Services.
3. **CC&Rs.** Section 16.38 of Palo Alto’s Municipal Code provides that all condominium and other “community housing projects” shall submit Covenants, Conditions and Restrictions (CC&R’s) to the City Attorney for approval before issuance of the Parcel Map. The City Attorney has developed the following standard covenants which shall be included in all CC&R’s submitted to the City for approval.
 - a. **PROPERTY SHALL COMPLY WITH CITY ZONING ORDINANCES.** The property, including all common areas, private streets and, parks within the property, shall at all times comply with the City’s Zoning Code and shall not be used for any purpose other than as permitted in the City Zoning Code.
 - b. **MODIFICATIONS TO PROPERTY.** Any alterations, modifications, or other improvements to the property shall comply with all applicable City Codes.
 - c. **MAINTENANCE AND LANDSCAPING OF COMMON AREAS.** The Association is responsible for maintenance and landscaping of all parts of the community housing project which are held in common and such maintenance shall be performed to the standard of maintenance prevalent in the neighborhood. (See PAMC Section 16.38.030(a)).
 - d. **TERMINATION OF MANAGER OR MAINTENANCE CONTRACTS.** The association may terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the association assumes control of the community housing project or any time thereafter. (See PAMC Section 16.38.030(b).)
 - e. **PROTECTION OF STORM WATER FACILITIES.** Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall alter or modify any storm water facilities in any way including but not limited to placing, maintaining, constructing, or planting any improvements, landscaping or other items, including without limitation decks, stairs, walls, irrigation systems, trees, or any vegetation on any storm water facilities.
 - f. **TRASH DISPOSAL AND RECYCLING AREAS SHALL COMPLY WITH CITY ORDINANCES.** All trash disposal and recycling areas shall be kept in a clean and sanitary condition and shall comply with all applicable City Ordinances.
 - g. **PROHIBITION AGAINST AIR AND WATER POLLUTION.** Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall use the property in any way which emits pollution into the atmosphere in excess of environmental standards set forth by City, State, and Federal laws, ordinances, and regulations. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall discharge garbage, trash, waste, or any other substance or materials of any kind into any private or public sewer or waterway on the property in violation of any regulations of any private or public body having jurisdiction over such matters.
 - h. **AMENDMENTS TO ORGANIZATION DOCUMENTS REQUIRE CITY APPROVAL.** Any amendments or modifications to the organizational documents shall be submitted to the city attorney for approval. No amendment or modification to the organizational documents shall be effective without prior written consent of the city attorney.

- i. CITY’S RIGHT TO ENFORCE COVENANTS AND RESTRICTIONS. The City is hereby granted the right, but in no event the duty, to enforce the covenants and restrictions set forth in this section of the organizational documents. The association shall recognize that it has the primary responsibility for enforcement of the organizational documents and unequivocally guarantees to institute and expeditiously prosecute any required legal action to obtain compliance with all provisions set forth in the organizational documents.
 - j. NO WAIVER OF CITY’S RIGHTS. No failure of the City to enforce any of the covenants or restrictions contained in the organizational documents will in any event render them ineffective.
 - k. CITY’S REMEDIES TO CURE A BREACH OR VIOLATION. Remedies available to the City to cure any breach or violation of the organizational documents shall be cumulative to any other provisions of law. The City’s failure to exercise any remedy provided for in the organizational documents shall not, under any circumstances, be construed as a waiver of the remedy.
 - l. SEVERABILITY. Invalidation of any one of the City’s required covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.
4. PARCEL MAP EXPIRATION. A Parcel Map, in conformance with the approved Preliminary 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 (2) years of the Preliminary Parcel Map approval date. The time period for a project may be extended once for an additional year by the Director of Planning if submitted prior to the expiration date. The resultant parcel map must be recorded prior to any building permit issuance.
5. ESTIMATED IMPACT FEE: Since there is no increase in proposed units, no Development Impact Fees are due.
6. INDEMNITY. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

Public Works Engineering

PRIOR TO ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT

7. PUBLIC WORKS APPLICATIONS, FORMS, AND DOCUMENTS: Applicant shall be advised that most forms, applications, and informational documents related to Public Works Engineering conditions can be found at the following link:
<https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>
8. PARCEL MAP: This project is subject to, and contingent upon the approval of a Preliminary Parcel Map map and recordation of a Parcel Map. The submittal, approval and recordation of the Map shall be in accordance with the provisions of the California Subdivision Map Act and Palo Alto Municipal Code Title 21 Subdivision requirements. All existing and proposed property lines, easements, dedications shown on the Preliminary Parcel Map are subject to City’s technical review and staff approval during the map process prior to issuance of any construction permits.
9. MAP THIRD-PARTY REVIEW: The City contracts with a third-party surveyor that will review and provide approval of the map’s technical correctness as the City Surveyor, as permitted by the Subdivision Map Act. The Public Works Department will forward a Scope & Fee Letter from the third-party surveyor and the applicant will be responsible for payment of the fee’s indicated therein, which is based on the complexity of the map.

Attachment D

Project Plans

In order to reduce paper consumption, hard copies are not available for this project. The plans are available to the public, at all hours of the day, via the following online resources.

Directions to review Project plans online:

1. Go to: bit.ly/PApendingprojects
2. Scroll down to find “160 Waverley” and click the address link
3. On this project specific webpage you will find a link to the project plans and other important information