



Item No. 23
Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: ANDREA MARDESICH, ASSOCIATE PLANNER

DATE: SEPTEMBER 17, 2014

**SUBJECT: REQUEST FOR A TENTATIVE PARCEL MAP CERTIFICATE TO CREATE
TWO LOTS AT 93 CAMINO POR LOS ARBOLES (APN 070-310-110)**

RECOMMENDATION

- 1) Conduct the Public Hearing; and
- 2) If appropriate, approve the Tentative Parcel Map making the findings listed in Atherton Municipal Code Section 16.16, and as listed in the Recommendation section of this staff report.

A formal motion would be as follows: I move that the City Council approve the Tentative Parcel Map Certificate allowing the subdivision of one lot into two lots at 93 Camino Por Los Arboles, based on the findings and for the reasons incorporated in the Staff Report.

BACKGROUND

The subject site at 93 Camino Por Los Arboles consists of one 2.54 acre lot (110,642 square feet). There is an existing residence onsite with a detached garage. Both structures are proposed to be removed. The previous owner began to deconstruct the house but was halted when the house was sold.

The applicant is requesting a Tentative Parcel Map to allow the subdivision of one existing lot into two lots. The applicant would like to create one 1.189 parcel at the front, and one 1.356 acre flag lot at the rear.

On June 25, 2014, the Planning Commission voted (4:0) to recommend the City Council approve the Tentative Map Certificate. There was no public comment during the hearing.

Prior to the Planning Commission hearing, the neighbors at 95 Camino Por Los Arboles (next door) asked for clarification on the project and wanted to ensure they would be notified if any trees were proposed for removal. Staff explained that they would be notified for any Planning Commission level tree removal. After the hearing, staff received a letter from the neighbors at 70 Camino Por Los Arboles expressing concerns with the proposed subdivision. Specifically, the neighbors at 70

Camino Por los Arboles had concerns about increased traffic and pollution as the result of the creation of two new residences. They also expressed concern with construction noise and removal of trees. Staff responded to the neighbors and encouraged the applicant to conduct outreach with the neighbors prior to the City Council hearing.

ANALYSIS

The applicant is proposing to subdivide the property to create two lots. Parcel 1 would contain 1.189 acres and Parcel 2 would contain 1.356 gross acres (1.26 net acres without the access strip).

The applicant is requesting the front property line be designated as the lot line parallel to Camino Por Los Arboles for the rear flag lot. Although this lot line is the longer property line, the Atherton Municipal Code allows the Planning Commission to designate the front property line on a flag lot. The Planning Commission reviewed the front lot line request and concurs with the designation as requested by the applicant.

If the subdivision is approved, a portion of the main residence on Parcel 2 will become non-conforming as it will encroach into the required front yard setback. The detached garage would also be considered non-conforming as it would no longer meet the front setback requirement. As a condition of approval, the existing structures on site will need to be demolished prior to recordation of the Final Map.

The proposed lots are of sufficient size and shape to allow the construction of a new main residence on each lot. The division of the lot into two separate lots will result in a greater number of heritage trees being protected. Under Atherton Municipal Code Section 8.10.020, the Tree Preservation area includes all areas of the lot within the main building area. Trees that are located within the main building area (except oaks of a certain size) are not protected. Since the subdivision will create two lots, area that was previously in one large main building area would be divided into two main building areas with a 120' buffer between the two, created by the rear setback of Parcel 1 and the front setback of Parcel 2. This will, in effect, *reduce* the overall size of the allowable main building area and *increase* the square footage of the Tree Preservation area. Please note that the footprint of the proposed two homes is conceptual, and, it is likely that a few heritage trees would have to be removed in order to accommodate a new residence. However, the subdivision itself does not make it more likely that trees will be removed. Any oak tree within the buildable area that is not dead or dying will need to be reviewed by the Planning Commission as part of a separate Heritage Tree Removal Permit application.

Design- Atherton Municipal Code Section 16.24

The rear parcel contains a 24' wide access strip and both parcels meet the minimum lot size requirements as outlined below:

	Lot area	Width	Depth
Minimum Required	1 acre	175'*	200'
Proposed Parcel 1	1.189 acres	307.6'	205.3'

Proposed Parcel 2	1.18 acres	252.3'	207.8'
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**The lot width is measured at right angles to the lot depth at the front setback.*

The proposed subdivision complies with the minimum R-1A zoning requirements and the residential land use policies contained in the General Plan. Both parcels meet the minimum subdivision design standards established in the Zoning Code and Subdivision Ordinance.

FINDINGS/CONDITIONS AND RECOMMENDATION

For the reasons outlined in this staff report, Planning staff recommends that the City Council approve the Tentative Parcel Map Certificate for the division of one lot into two lots, based on the following findings and subject to the conditions listed in the Draft Tentative Parcel Map Certificate:

1. The Tentative Parcel Map is in conformance with the Subdivision Map Act and the Atherton Subdivision Ordinance.

Basis for finding: The proposed map has been reviewed by the Public Works Department and deemed to be in conformance with the Subdivision Map Act and the Town's Subdivision Ordinance.

2. The size and shape of the proposed subdivision is in general conformance with Town requirements and the general pattern of the neighborhood and will not cause traffic, health or safety hazards.

Basis for finding: The design of the proposed lots are similar to lots within the vicinity. The front lot will have direct access to the road, while the rear lot will be a flag lot. Both proposed lots comply with the Town's requirements and will continue to be in conformance with the general pattern of the neighborhood. The subdivision will not cause any traffic, health or safety hazards.

3. The proposed subdivision will have proper and sufficient access to a public street.

Basis for finding: The proposed subdivision utilizes existing frontage for the front lot which provides immediate access to the street. The rear lot has a 24' wide access strip which allows direct access to Camino Por Los Arboles. The proposed subdivision has been reviewed by Menlo Fire and they have no issues with the width of the access strip.

4. The proposed map and the design or improvement of the proposed subdivision is consistent with the Atherton General Plan.

Basis for finding: The General Plan designates the site as Low Density Single Family Residential. The proposed subdivision is compatible with the design criteria listed in General Plan section 1.335, which includes maintenance of existing neighborhood environments, provision of privacy, and preservation of trees to maximum extent feasible.

5. The site is physically suitable for the proposed type of development.

Basis for finding: The site is currently developed with a single family residence and detached garage. If approved, the subdivision requires the demolition of the existing residence and allows development of two new residences (one on each parcel.) The site is located within the single family residential zoning district. The site is suitable for development of two new single family residences.

6. The site is physically suitable for the proposed density of development.

Basis for finding: Each parcel would be permitted with one single family dwelling. The size and shape of the proposed lots comply with the Municipal Code, General Plan and would be suitable for one single family dwelling each.

7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Basis for finding: The site is currently improved with buildings and structures. The subdivision is consistent with the historical use of the property and any future improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat. Further, no heritage trees are proposed to be removed as a part of the subdivision. Any future Heritage Tree Removal associated with the construction of the new residences would require review by Staff and/or the Planning Commission. Approval of the subdivision map does not constitute approval of the removal of any Heritage Trees.

8. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Basis for finding: The proposed subdivision is consistent with the neighborhood development pattern and the historical use of the property. The subdivision will not cause serious public health problems because the action is limited to the dividing of the property to create two single family lots. The single family residential use will continue on the properties which will not cause any public health problems.

9. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, or that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to those previously acquired by the public.

Basis for finding: There are no easements on either property.

10. Discharge of waste from the proposed subdivision will not result in violation of existing water quality requirements prescribed by the regional water quality control board.

Basis for finding: The existing sewer service will remain for each parcel to adequately discharge of waste. Solid waste is collected weekly by Recology. Any future improvements to the site will be required to comply with regional water quality control board regulations.

Planning Staff, the Public Works Engineer, and Menlo Fire Staff have reviewed the proposed subdivision. Staff believes that the findings can be made for the City Council to approve the Tentative Parcel Map. Specifically, the size and shape of the proposed lots is consistent with the neighborhood development pattern and the historical use of the site. Further, the lots are of sufficient size and shape to support the development of a new single-family residence and continued use of the existing single-family residence. Finally, the site is suitable for the use as two single-family lots as the existing utilities and roadway are in place to support the use.

ALTERNATIVES:

The City Council could modify or deny the request.

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicants.

ENVIRONMENTAL IMPACT:

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15315 Minor Land Division involving four or fewer parcels, when the division is in conformance with the General Plan and zoning, no other variances or exceptions requiring environmental review are required and all required services and access to the proposed parcels to local standards are available.

As indicated above, the division is in conformance with the General Plan and zoning as the size and shape of the proposed lots meets the minimum requirements. Further, no variance or exceptions are required for the proposed subdivision and finally, all services, utilities and roadway access to the proposed lots has been installed and is available.

Attachments:

1. Draft Tentative Parcel Map Certificate
2. Letter of Request, prepared by Jack McCarthy, dated May 31, 2014
3. Tentative Parcel Map prepared by MacLeod and Associates, dated June 2, 2014
4. Letter from property owner at 70 Camino por los Arboles

draft

**TOWN OF ATHERTON
CITY COUNCIL
Draft TENTATIVE PARCEL MAP CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on September 17, 2014 did approve a Tentative Parcel Map pursuant to Chapter 16.16 of the Atherton Municipal Code to allow the division of one 2.54 acre parcel into one 1.189 acre lot and one 1.356 acre flag lot at 93 Camino Por Los Arboles in Atherton (Assessor's Parcel Number 070-310-110). This approval requires substantial compliance with the map entitled, "Tentative Parcel Map, 93 Camino Por Los Arboles, A.P.N. 070-310-110" dated June 17, 2014, prepared by MacLeod and Associates, consisting of five sheets. The application was approved with the following conditions:

1. The Parcel Map and Improvement Plans shall conform to all Town Ordinances, standards and fee requirements.
2. Any and all structures either crossing a new property line or not meeting current setback requirements shall be removed prior to recordation of a Final Parcel map. Specifically, the main residence and detached garage located on Lot 2 shall be removed.
3. Improvement plans, maps and construction shall be to the written satisfaction of the Public Works Director/City Engineer.
4. Any tree removal necessitated by subdivision design or improvement construction shall be done in accordance with the Atherton Tree Ordinance, Municipal Code Chapter 8.10.
5. Per Chapter 16 of the Atherton Municipal Code, the subdividor shall provide preliminary and final drainage reports for the site to the written satisfaction of the Public Works Director/City Engineer, showing a plan for drainage of the lots from the rear to the front.
6. The applicant shall follow all San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) recommended Best Management Practices for Construction and prohibit the occurrence of any non-storm water discharges into the storm drain system.
7. The front property line for Lot 2 is the line most closely parallel to Camino Por Los Arboles, and designated as the front on the Tentative Parcel Map.
8. All future improvements shall comply with the R1-A Zoning Code Requirements.

Lisa Costa Sanders
Deputy Town Planner

Effective Date: _____
Atherton, CA

Jack McCarthy Designer, Inc.

6257 Blauer Lane, San Jose, California 95135, Phone 408 973-0162 Fax 408 465-7368

May 31, 2014

Planning Commission
Town of Atherton
91 Ashfield
Atherton, CA 94027

RE: Subdivision of the property at 93 Camino Por Los Arboles (APN 070-310-110)

Our client is requesting that the Town of Atherton approve the subdivision of the 2.545 acre (110,857 sq. ft.) parcel at 93 Camino Por Los Arboles. The site is presently a very level tree covered lot with a single main residence and one accessory structure that is a garage that are in very poor condition. The existing residence was partially deconstructed by the previous owners without permission on the afternoon of the recordation and was stopped at the demand my client. No other work has been done to the property.

Our proposal is to divide the lot into two parcels. The parcels are similar in size with parcel 1 being 1.189 acre (51,803 sq. ft.) and parcel 2 being 1.356 acre (59,054 sq. ft.) gross and 1.260 acre (54,865 sq. ft.) net. Each parcel is suitable for development of a new single family residence and both parcels are in shapes and sizes that are consistent with the neighboring residences. Access to the sites is in compliance with the town ordinances and there is access to all the utilities required for each new residence. There are no easements of record on the original parcel and therefore there will be no easements on either of the proposed parcels. The layout of the site allows for the vast majority of the trees to be in the protected setback areas. There is ample room within the building pads to design residences that will minimize the removal of and allow for the protection of significant trees. The rear 'flag' lot will have a 25 foot wide access drive width where 20 feet is the minimum. This is done to give ample room for the driveway, the landscaping and the protection of trees on the adjacent parcels. Fire access is easily achieved to the rear parcel with the increase in width of the access-way as you approach the heart of the parcel.

In conclusion we feel that these sites when approved will be consistent with the Town of Atherton zoning ordinances and will allow for the design and construction of two single family homes that will be in keeping with the surrounding properties. We will be happy to answer any questions that you may have about our project.

Regards,

Jack McCarthy

REV.	DESCRIPTION	BY	DATE

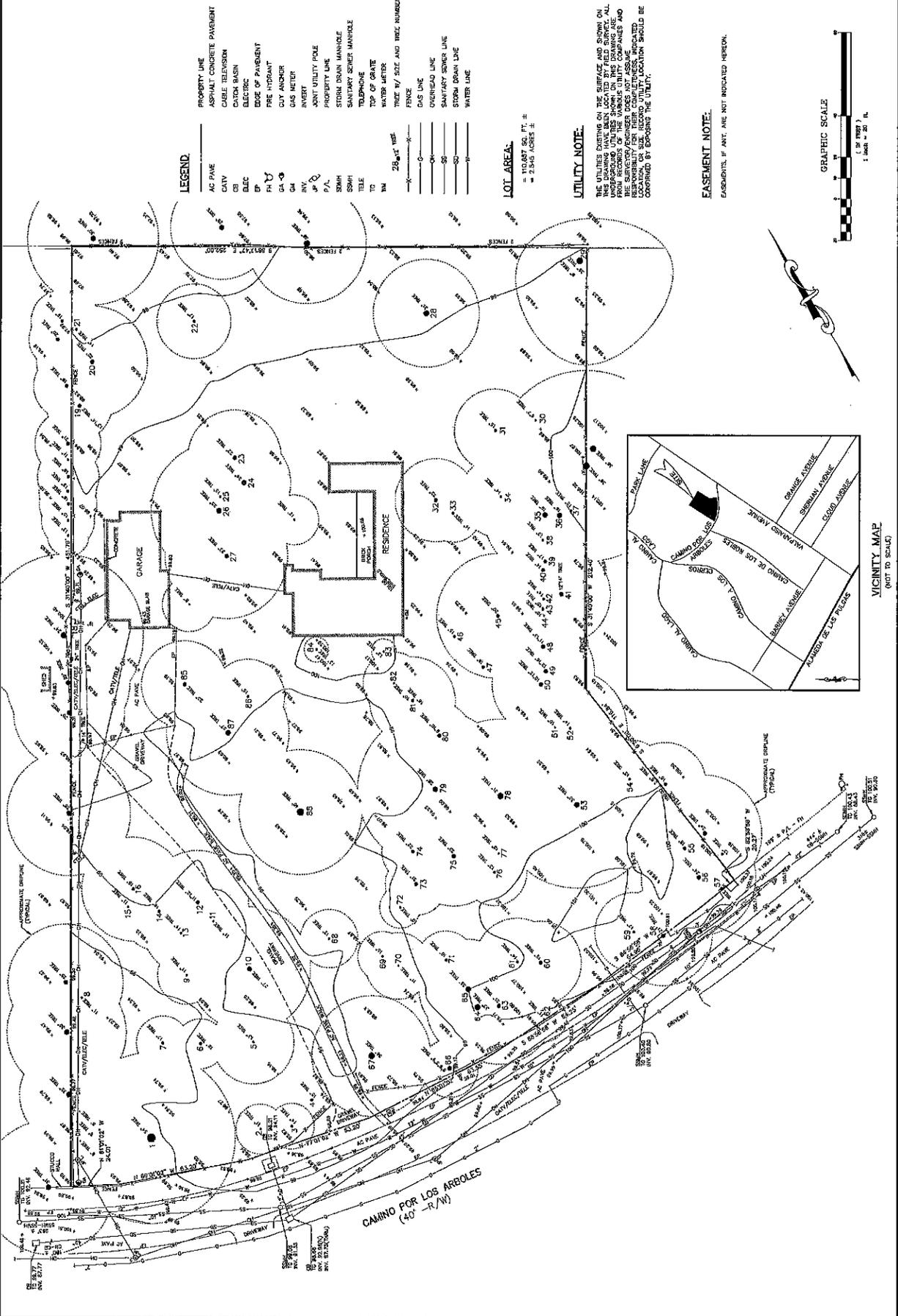


MACLEOD AND ASSOCIATES
 CIVIL ENGINEERING • LAND SURVEYING
 955 CENTER STREET • SAN CARLOS, CA 94070 • (650) 293-6980

PREPARED FOR:
 ALI SAATCHI

BOUNDARY & TOPOGRAPHIC SURVEY PLAN
 93 CAMINO POR LOS ARBOLES
 A.P.N. 070-310-110
 DOC. NO. 2004-240576 & 37 LLS 64
 SAN MATEO COUNTY
 CALIFORNIA

DESIGNED BY:	DKM
CHECKED BY:	DKM
SCALE:	1"=50'
DATE:	06-27-14
DRAWING NO.:	3939-TOPO
SHEET:	1 OF 1



LEGEND

- AC PAVE
- CITY
- ELEC
- EP
- PH
- GA
- GA
- INV.
- AP
- P/A
- SMNH
- SPNH
- TELE
- TO
- WATER METER
- 28"±" WBS
- FENCE
- GAS LINE
- OVERHEAD LINE
- SANITARY SONG LINE
- STORM DRAIN LINE
- WATER LINE

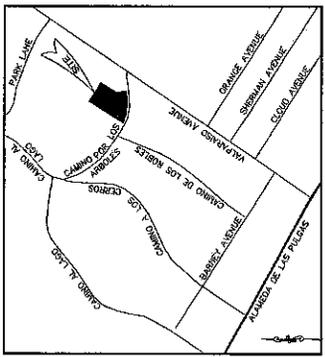
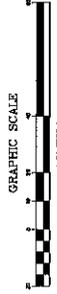
LOT AREA
 = 10,837 SQ. FT. ±
 = 2.545 ACRES ±

UTILITY NOTE:

THE UTILITIES SHOWN ON THE SURFACE ARE SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL INFORMATION ON THIS DRAWING IS THE PROPERTY OF THE SURVEYOR/ENGINEER. THE SURVEYOR/ENGINEER DOES NOT ASSUME RESPONSIBILITY FOR THE LOCATION, DEPTH, SIZE, RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY.

EASEMENT NOTE:

EASEMENTS, IF ANY, ARE NOT INDICATED HEREON.



VICINITY MAP
(NOT TO SCALE)

CAMINO POR LOS ARBOLES
(40' -R/W)

REV.	DESCRIPTION	BY	DATE

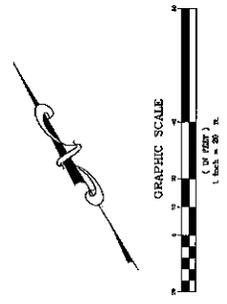
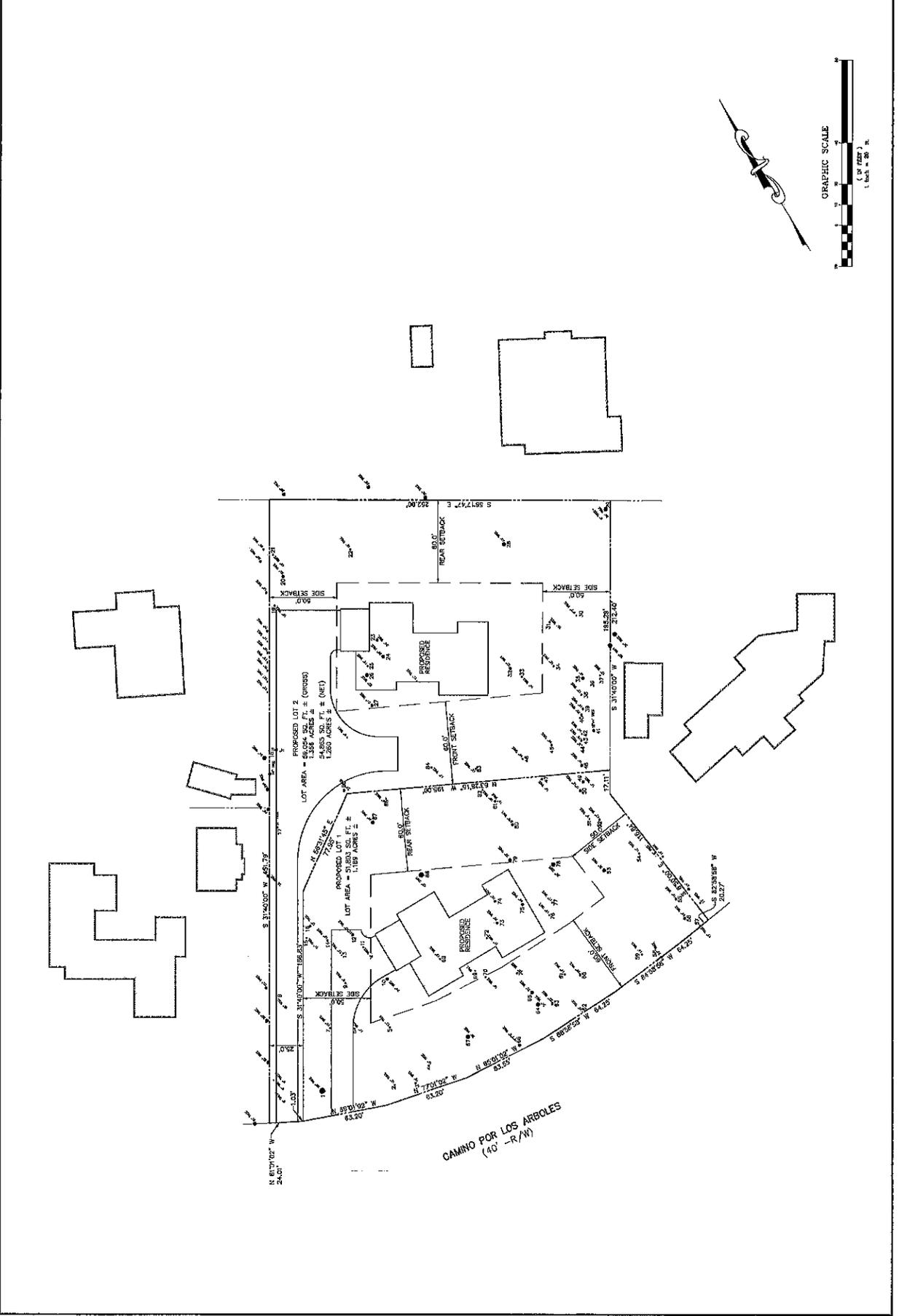


MALLEOD AND ASSOCIATES
 CIVIL ENGINEERING • LAND SURVEYING
 985 CENTER STREET, SAN CARLOS, CA 94070 • (660) 593-8580

PREPARED FOR:
 ALLI SAGEPHI

APPROXIMATE ADJACENT STRUCTURES
 93 CAMINO POR LOS ARBOLES
 A.P.N. 070-010-110
 DOC. NO. 2004-240576 & 27 L.S. 84
 SAN MATEO COUNTY, CALIFORNIA

DRAWN BY: GJM
 CHECKED BY: GJM
 DATE: 06/07/04
 DRAWING NO.: 35-30-13
 SHEET: 1 OF 1



REV.	DESCRIPTION	DATE

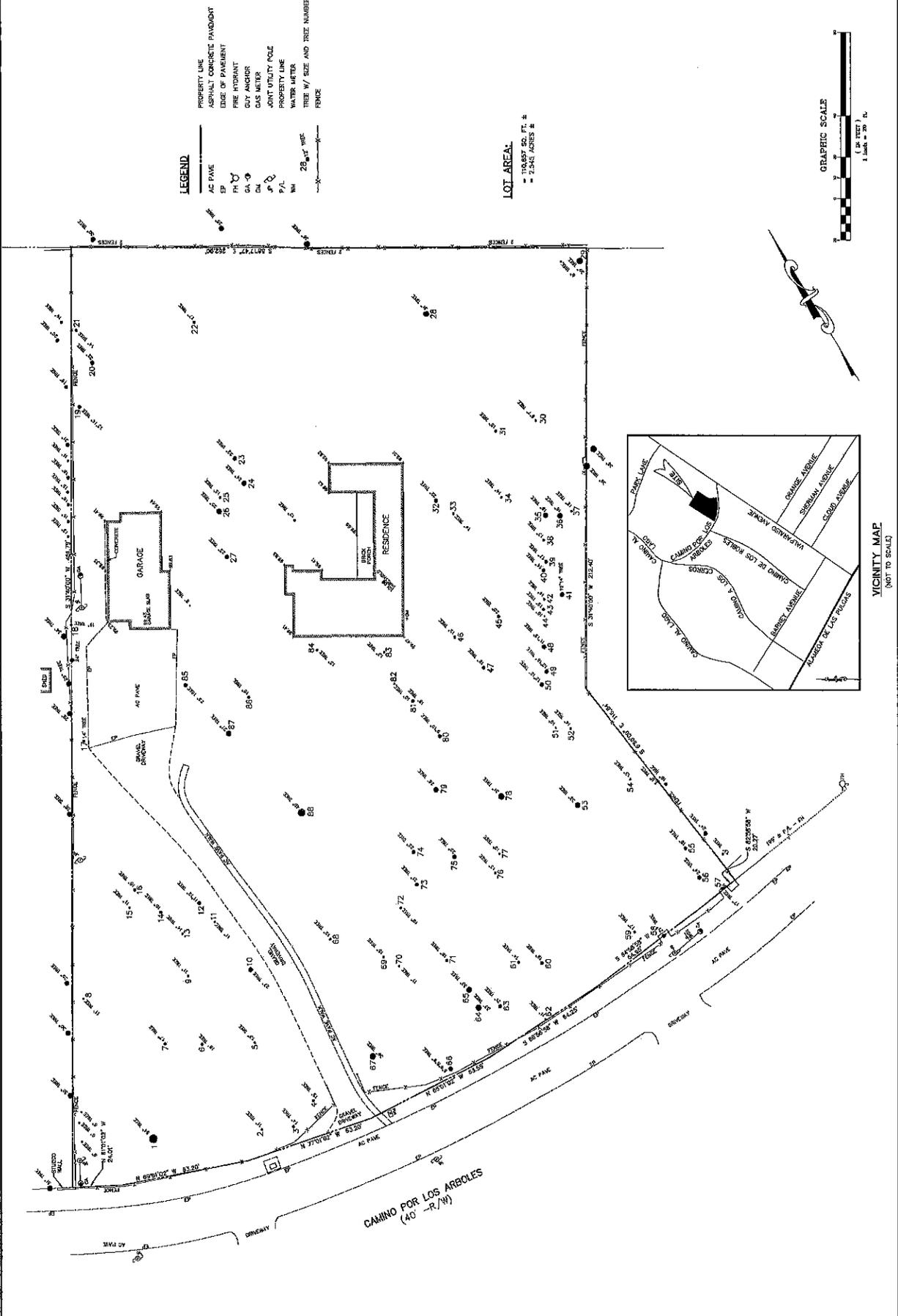


MACLEOD AND ASSOCIATES
 CIVIL ENGINEERING • LAND SURVEYING
 955 CENTER STREET • SAN CARLOS • CA 94070 • (650) 993-0580

PREPARED FOR:
 ALI SADEHI

EXISTING STRUCTURES AND TREES PLAN
 93 CAMINO POR LOS ARBOLES
 A.P.N. 070-310-110
 SAN MATEO COUNTY
 CALIFORNIA

DATE: 08/02/14
 SCALE: 1"=40'
 SHEET: 38339-1-13
 OF 1



NO.	DATE	BY	DESCRIPTION



MACLEOD AND ASSOCIATES
 CIVIL ENGINEERING • LAND SURVEYING
 905 CENTER STREET • SAN CARLOS, CA 94070 • (650) 593-8580

PREPARED FOR:
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PROPOSED STRUCTURES/DRIVEWAYS PLAN
 93 CAMINO POR LOS ARBOLES
 A.P.N. 070-310-110
 SAN MATEO COUNTY
 CALIFORNIA

DRAWN BY: EPM
 DESIGNED BY: ---
 CHECKED BY: SSM
 SCALE: 1"=50'
 DATE: 09/02/14
 DRAWING NO.: 2013-13
 SHEET NO.: 1 OF 1

