



Item No. 18 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LISA COSTA SANDERS, TOWN PLANNER

DATE: MARCH 18, 2015

**SUBJECT: TENTATIVE PARCEL MAP CERTIFICATE TO CREATE TWO LOTS AT
49 TUSCALOOSA AVENUE (APNS 070-120-010 & 070-120-020)**

RECOMMENDATION

The Planning Commission and staff recommend 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 is similar to lots within the vicinity. Each lot will have direct access to the road. 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 Both lots will have sufficient access to Tuscaloosa Avenue.
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 structures. If approved, the subdivision requires the renovation or demolition of the existing residence and allows development of one net new residences (on lot 2) The site is located within the single family residential zoning district. The site is suitable for development of two 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.

BACKGROUND

The subject site at 49 Tuscaloosa Avenue consists of two assessor parcels, but based on research of subdivision records, appears to be one legal lot. The existing lot is 2.614 acres in area (113,861 square feet). There is an existing residence onsite with detached structures and a pool. All structures are proposed to be removed.

The applicant is requesting a Tentative Parcel Map to allow the subdivision of one lot into two lots. The applicant would like to create one 1.528 lot (Parcel 1) and one 1.086 acre lot (Parcel 2).

The Planning Commission, at its January 28, 2015 meeting voted to recommend the City Council approve the Tentative Parcel Map.

ANALYSIS

The applicant is proposing to subdivide the property to create two lots. Parcel 1 would contain 1.528 acres and Parcel 2 would contain 1.086 acres. Both parcels have frontage along Tuscaloosa Avenue.

If the subdivision is approved, a small portion of the existing main residence on the newly created Parcel 1 will become non-conforming as it will encroach into the required side yard setback. As a condition of approval, the existing structure on site will need to be modified or demolished to comply with the new setback requirements prior to recordation of the Final Map.

The proposed lots are of sufficient size and shape to allow the construction of one 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. 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 the new residences. However, the subdivision itself does not make it more likely that trees will be removed.

Design- Atherton Municipal Code Section 16.24

The proposed lots comply with the minimum lot size requirements as outlined below:

	Lot area	Width	Depth
Minimum Required	1 acre	175’*	200’
Proposed Parcel 1	1.528 acres		
Proposed Parcel 2	1.086 acres		

**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.

CONCLUSION

In order to approve a Tentative Parcel Map, the City Council would need to make the findings listed in Atherton Municipal Code Section 16.16, and as listed in the Recommendation section of this staff report. Planning Staff, the City Surveyor and City Engineer 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 two new single-family residence and the existing utilities and roadway are in place to support the use.

ALTERNATIVES

The City Council can modify or deny the request.

POLICY ISSUES

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 two new single-family residence and the existing utilities and roadway are in place to support the use. 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 is available.

FISCAL IMPACT

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

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

Notice was also provided pursuant to the Town's Public Hearing provisions.

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 is available.

FORMAL MOTION

I move that the City Council approve the Tentative Parcel Map Certificate allowing the subdivision of one lot into two lots at 49 Tuscaloosa, based on the findings and for the reasons incorporated in the Staff Report.

Attachments:

1. Draft Tentative Parcel Map Certificate
2. Letter of Request, prepared by June Kirik, PPA dated January 16, 2015
3. Tentative Parcel Map prepared by MacLeod and Associates, dated December 10, 2014

draft

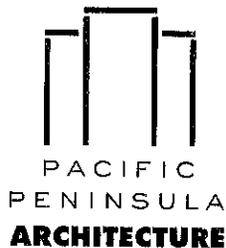
**TOWN OF ATHERTON
CITY COUNCIL
Draft TENTATIVE PARCEL MAP CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on March 18, 2015 did approve a Tentative Parcel Map pursuant to Chapter 16.16 of the Atherton Municipal Code to allow the division of one 2.614 acre parcel into one 1.5428 acre lot (Parcel 1) and one 1.086 acre lot (Parcel 2) at 49 Tuscaloosa Avenue in Atherton (Assessor's Parcel Numbers 070-120-010 and 070-120-020). This approval requires substantial compliance with the map entitled, "Vesting Tentative Parcel Map, 49 Tuscaloosa Avenue, 070-120-010 & 070-120-020" dated December 10, 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 modified removed prior to recordation of a Final Parcel map.
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. All future improvements shall comply with the R1-A Zoning Code Requirements.

Lisa Costa Sanders
Town Planner

Effective Date: _____
Atherton, CA



To: Town of Atherton, Planning Commission
Attn: Lisa Costa Sanders, Deputy Town Planner
Re: Two lot subdivision.
49 Tuscaloosa Avenue, Atherton, CA

January 16, 2015

RECEIVED

JAN 16 2015

**TOWN OF ATHERTON
BUILDING DEPARTMENT**

Dear Lisa & Planning Commission Members,

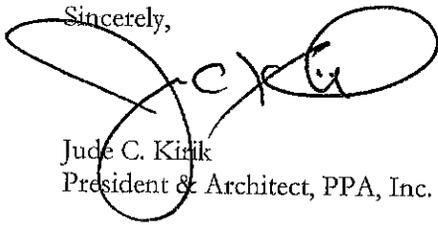
On behalf of Pacific Peninsula Group (PPG), the property owner, Pacific Peninsula Architecture (PPA) would like the Atherton Planning Commission to consider and approve a subdivision of the parcel at 49 Tuscaloosa Avenue into two legal parcels to be renamed 43 Tuscaloosa Avenue and 49 Tuscaloosa Avenue.

The current property at 49 Tuscaloosa is 2.614 net acres (113,861 SF) and has two parcel numbers – APN 070-120-010 & APN 070-120-020. With the subdivision, the two new legal lots would be 47,299 SF (43 Tuscaloosa) and 66,563 SF (49 Tuscaloosa). Both parcels would meet and in some cases exceed the Atherton subdivision requirements for lot width, depth and area. MacLeod and Associates, our civil engineer, has prepared a Vesting Tentative Parcel Map dated 12/10/14 which shows the exact dimensions and other technical information.

Pacific Peninsula believes the subdivision is consistent with other parcels on Tuscaloosa as well as throughout Atherton in general. Upon approval of the subdivision, PPG will be submitting plans for a new home on each parcel which will be in keeping with our high standards in quality of design and construction that Pacific Peninsula has exhibited over the past twenty-five years.

Please let me know if you have any question and thank you in advance for your consideration in this matter. All of us here at Pacific Peninsula look forward to two beautiful homes to be added to the Atherton Community in the near future.

Sincerely,


Jude C. Kirlik
President & Architect, PPA, Inc.

cc: Steve Ackley & Brad Smith, PPG, Owners
Dan MacLeod, MacLeod & Associates, Civil Engineer

DATE: 10-10-14	SCALE: 1" = 40'	DESIGNED BY: DM	DATE: 10-10-14
PROJECT NO: 14-010	DATE: 10-10-14	DATE: 10-10-14	DATE: 10-10-14
SHEET 1 OF 1			

LEGEND

- PROPERTY LINE
- ASPHALT CONCRETE PAVEMENT
- CLEANOUT
- ELECTRIC METER
- EDGE OF PAVEMENT
- FIRE HYDRANT
- JOINT UTILITY POLE
- SANITARY SEWER MANHOLE
- WATER METER
- WATER VALVE
- TREE W/ SIZE
- FENCE

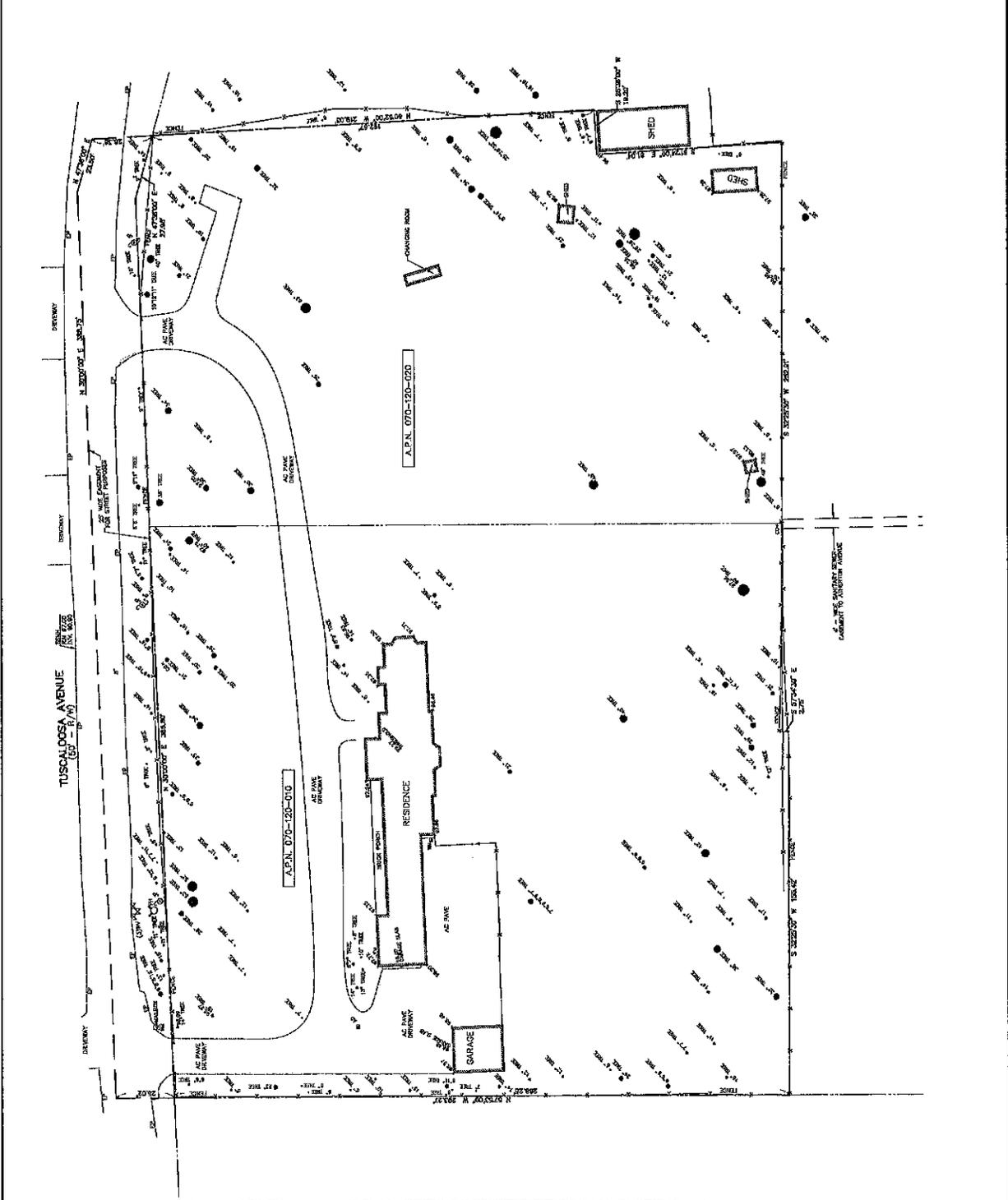
LOT AREA:

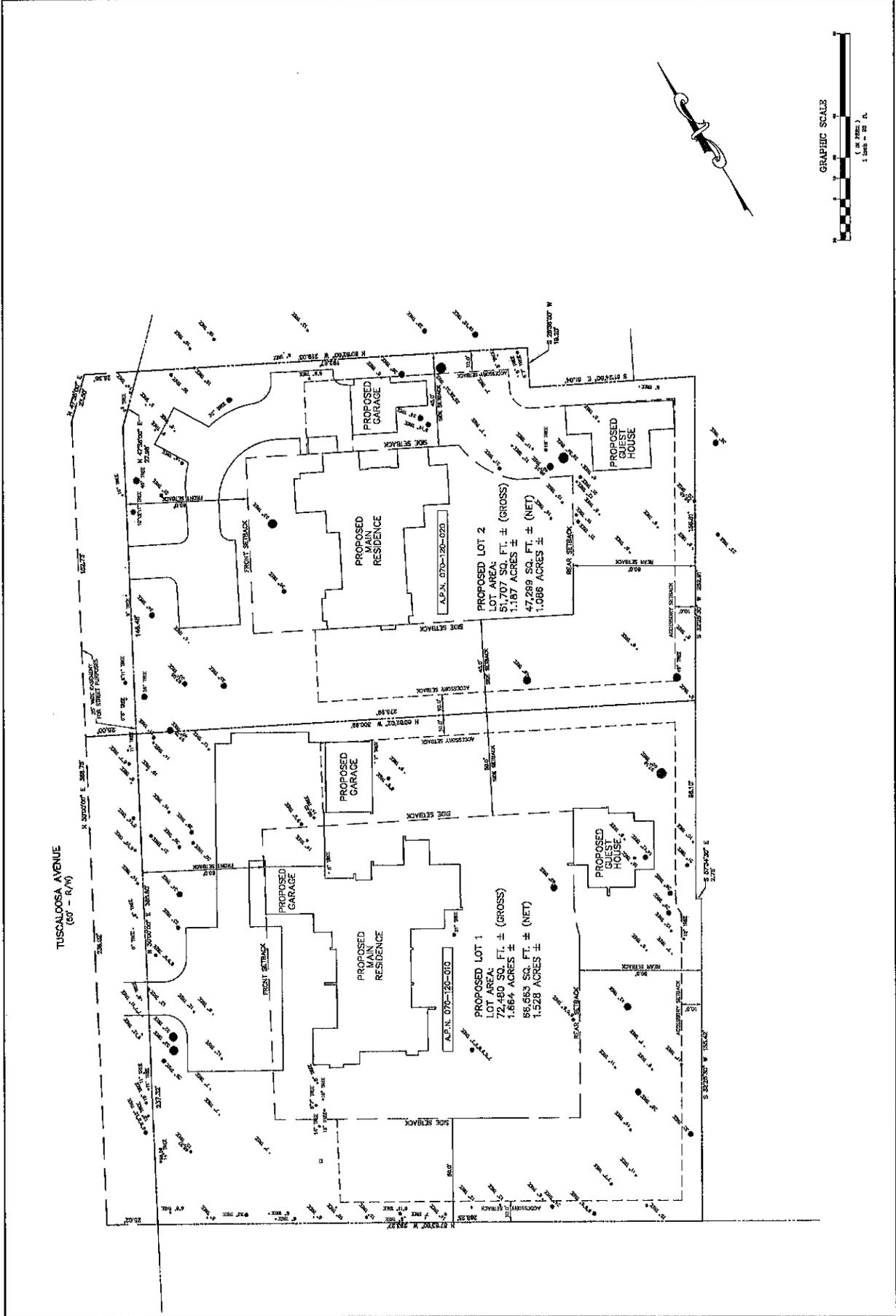
- GRASSY AREA: 2,185 SQ. FT. ±
- LOT: 2,481 ACRES ±
- LOT: 11,181 SQ. FT. ±
- LOT: 2,694 ACRES ±

VICINITY MAP
(NOT TO SCALE)

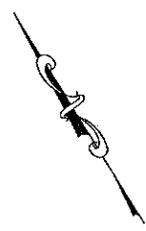
GRAPHIC SCALE

1" = 40' ±





GRAPHIC SCALE



NO.	DESCRIPTION	DATE



MACLEOD AND ASSOCIATES
 CIVIL ENGINEERING - LAND SURVEYING
 965 CENTER STREET, SAN CARLOS, CA 94070 (925) 593-8500

PREPARED FOR:
 PACIFIC PENINSULA GROUP

TOPOGRAPHIC SURVEY PLAN
 49 TUSCALOOSA AVENUE
 070-120-010 & 070-120-020
 SAN MATEO COUNTY
 CALIFORNIA

DRAWN BY: DAK
 CHECKED BY: [Signature]
 SCALE: 1"=20'
 DATE: 10-23-14
 SHEET NO.: 4075-TOP01
 SHEET 1 OF 1

LEGEND

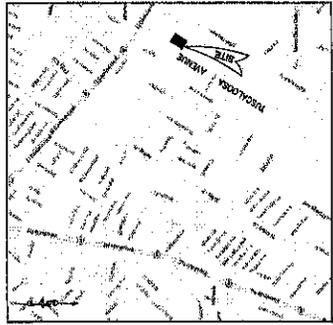
- PROPERTY LINE
- ASPHALT CONCRETE PAVEMENT
- AD PAVE
- C/A/T
- CD
- EM
- EP
- PH
- RY
- INT
- JOINT UTILITY POLE
- SAFETY SEWER MANHOLE
- TOP OF WALL
- WATER METER
- WATER VALVE
- TRIE W/ SIZE
- FENCE
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- OVERHEAD LINE
- SAFETY SEWER LINE

LOT AREA:

- GRASS 24.189 SQ. FT. ±
- 2.831 ACRES ±
- NET 115,840 SQ. FT. ±
- 2.694 ACRES ±

UTILITY NOTE:

THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THE DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE BASED ON RECORD DRAWINGS, FIELD SURVEY, AND THE SURVEYOR'S BEST JUDGMENT. THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION, OR THE UTILITY COMPANY SHOULD BE CONTACTED TO LOCATE THE UTILITIES.



VICINITY MAP
(NOT TO SCALE)

