



RESOLUTION NO. 23-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING THE PROPOSAL FOR FINAL PARCEL MAP TO ALLOW THE SUBDIVISION OF A 2.5 ACRES LOT INTO TWO LOTS WITH NON- CONFORMING LOT WIDTHS (LESS THAN REQUIRED 175 FT.) AT 43 SANTIAGO AVENUE. (APN 070-343-310)

WHEREAS, the City Council finds that the proposal has been determined to be exempt from the provisions of California Environmental Quality Act (CEQA) to CEQA Section 15332 In-fill Development Project and under Section 15061(b)(3); and

WHEREAS, the City Council conditionally approved the Tentative Parcel Map with conditional exception on 19th April, 2023, resolution 2023-05; and

WHEREAS, the City Council approves the Conditional Exception based on the Findings below;

1. There are no special circumstances of conditions that are currently affecting the property.
2. Granting the Conditional Exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.
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 located.
4. The granting of the exception will not violate the requirements, goals, policies, or spirit of the law; and

WHEREAS, the City Council recommends approval of the proposed Final Parcel Map with lot width exception to allow the subdivision of a 2.5-acre lot into two substandard lots in the R1-A zoning district, with a conditional exception for lot widths at **43 Santiago Avenue** (APN 070-343-310/ Permit SUB23-00004 /EXC23-00001), based on the Subdivision findings below;

1. The proposed subdivision is in conformity with law and this chapter;
2. The size and shape of the proposed lots are in general conformance to town requirements and the general pattern of the neighborhood and will not cause traffic, health or safety hazards;
3. The proposed lots will have proper and sufficient access to a public street;
4. The proposed map and the design or improvement of the proposed subdivision are consistent with applicable general and specific plans;
5. The site is physically suitable for the type of development;
6. The site is physically suitable for the proposed density of development;
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;



8. The design of the subdivision or the type of improvements is not likely to cause serious 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. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.
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; and

WHEREAS, the City Council recommends approval based on the Conditions of Approval listed in the Final Map Certificate; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve the proposal for Final Map and Conditional Exception to allow the subdivision of a 2.5 acre lot into two lots with non-conforming lot widths (less than required 175 ft) at 43 Santiago avenue (APN 070-343-310) subject to the findings and conditions of approval in Exhibit A Final Map Certificate

Exhibit A attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 19th day of April 2023 by the following vote:

AYES: Council members:
NOES: Council members:
ABSENT: Council members:

Bill Widmer, MAYOR
Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney



EXHIBIT A

TOWN OF ATHERTON CITY COUNCIL FINAL MAP & CONDITIONAL EXCEPTION CERTIFICATE

THIS IS TO CERTIFY THAT the **Atherton City Council** at a regular meeting thereof, held on July 19, 2023 *recommended approval* of the Final Map and Conditional Exception application at 43 Santiago Avenue (APN: 070-343-310) pursuant to Atherton Municipal Code Title 16 for the proposed lot subdivision of a 2.5 acre parcel into two lots (1.2 and 1.3 acres in size) with substandard lot widths.

Conditions of Approval

1. Vehicular access gates shall be set back a minimum of 25 feet from the improved roadway.
2. Transformers and other utility structures to be located on each respective property and not constructed within the right-of-way.
3. All existing trees within the project area shall be preserved, except where specifically approved for removal pursuant to the Town's Heritage Tree protection Ordinance. All construction shall comply with standard Tree Protection Zone requirements, without variance.
4. Best Management practices shall be used for erosion and sediment control during construction to prevent tracking or discharge of materials into the right-of-way.
5. Install new street survey monuments – replace iron spikes (and install any missing monumentation) in Santiago Avenue in the vicinity of the subdivision with permanent monuments set in concrete and protected by traffic rated boxes prior to issuance of Certificate of Occupancy.
6. The lot-split is a Regulated Project under the SF Bay Regional Water Quality Control Board Municipal Regional Stormwater permit. As such, all runoff associated with impervious areas created or replaced shall be treated on-site prior to discharge into the public right-of-way. Frontage run-off shall also be treated. The property owner shall enter into a stormwater maintenance agreement with the Town to guarantee maintenance of stormwater treatment measures, which shall be recorded prior to issuance of the certificate of occupancy.
7. All development shall comply with town's grading and drainage requirements including stormwater detention and treatment. Development of the subdivision lots shall comply with the requirements for "full site residential development project" outlined in the Town's Grading and Drainage checklist.
8. There shall be no parking of construction equipment or construction worker's vehicles on residential streets at any time; all vehicles shall be maintained on-site.
9. All structures and fences to be removed from the right-of-way and located on private property.



10. All new utilities and services shall be constructed underground prior to issuance of certificate of occupancy.
11. The full roadway width of Santiago Avenue shall be resurfaced across the frontage of each lot prior to issuance of certificate of occupancy.
12. A separate formal application for any future site improvements shall be submitted to the Planning Department. This and all other present and future improvements to the property shall comply with R1-A zoning provisions and other applicable ordinances.
13. Applicant, its contractors, employees, assigns and agents shall comply with all applicable state laws and the Town's Municipal Code.
14. If no action has been taken in one year, this approval will become null and void.
15. Applicant shall defend, indemnify, and hold harmless the Town of Atherton and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or City Council concerning this project.