



## Town of Atherton

Planning Department  
80 Fair Oaks Lane  
Atherton, California 94027  
Phone: (650) 752-0544

---

**TOWN OF ATHERTON  
PLANNING COMMISSION  
*DRAFT* CONDITIONAL EXCEPTION CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on March 22, 2023 **recommends that the City Council deny** the Conditional Exception application to Sean Lopez – Pacific Peninsula Architecture, applicant, on behalf of property owners 43 Santiago Atherton, LLC, pursuant to Atherton Municipal Code Title 16 and Title 17 for the proposed project of lot subdivision of a 2.5 acre parcel into two substandard lots of 1.2 and 1.3 acres with substandard lot widths, at 43 Santiago Avenue in Atherton (Assessor's Parcel Number 070-343-310).

1. 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.

\_\_\_\_\_  
Sung Kwon  
Town Planner

Effective Date: \_\_\_\_\_  
Atherton, CA

43 Santiago Conditional Exception  
March 22, 2023



## **Town of Atherton**

**Planning Department  
80 Fair Oaks Lane  
Atherton, California 94027  
Phone: (650) 752-0544**

---

### **TOWN OF ATHERTON PLANNING COMMISSION *DRAFT* CONDITIONAL EXCEPTION CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on March 22, 2023 **recommends that the City Council approve** the Conditional Exception application to Sean Lopez – Pacific Peninsula Architecture, applicant, on behalf of property owners 43 Santiago Atherton, LLC, pursuant to Atherton Municipal Code Title 16 and Title 17 for the proposed project of lot subdivision of a 2.5 acre parcel into two substandard lots of 1.2 and 1.3 acres with substandard lot widths, at 43 Santiago Avenue in Atherton (Assessor's Parcel Number 070-343-310).

The Conditional Exception is recommended to be approved subject to the following conditions:

1. Tentative Parcel Map shall be in substantial compliance with those prepared by Dan MacLeod of MacLeod & Associates, Inc. and as reviewed by the Planning Commission at its March 22, 2023, meeting. Any substantive changes to the plans (see Attachment 3) shall be reviewed by the Planning Commission.
2. The Tentative Parcel Map is limited to the location of the lot line proposal as shown on the plans stated in COA#1
3. Final Map shall be in accordance with the Municipal Code and the Subdivision Map Act of the State of California.
4. Vehicular access gates shall be set back a minimum of 25 feet from the improved roadway.
5. Transformers and other utility structures to be located on each respective property and not constructed within the right-of-way.
6. 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.
7. 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.
8. Install new street survey monuments – replace iron spikes (and install any missing monumentation) in Santiago Avenue in the vicinity of the subdivision with permanent

43 Santiago Conditional Exception  
March 22, 2023

monuments set in concrete and protected by traffic rated boxes prior to issuance of Certificate of Occupancy.

9. 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.
10. 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.
11. 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.
12. All structures and fences to be removed from the right-of-way and located on private property.
13. All new utilities and services shall be constructed underground prior to issuance of certificate of occupancy.
14. The full roadway width of Santiago Avenue shall be resurfaced across the frontage of each lot prior to issuance of certificate of occupancy.
15. 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.
16. Applicant, its contractors, employees, assigns and agents shall comply with all applicable state laws and the Town's Municipal Code.
17. If no action has been taken in one year, this approval will become null and void.
18. 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.

---

Sung Kwon  
Town Planner

Effective Date: \_\_\_\_\_  
Atherton, CA