



February 24, 2023 (Updated March 3, 2023)

Town of Atherton - Planning Commission & City Council
150 Watkins Avenue Atherton, CA 94027

Re: Application for Subdivision with Conditional Exception (Two Non-Conforming Width Lots)
43 Santiago Avenue Atherton, CA 94027

Dear Planning Staff, Planning Commissioners & City Council -

Thank you for your time in reviewing our request for a subdivision at 43 Santiago Avenue with conditional exception to create two non-conforming lots with respect to lot width – however they meet the density standards at 1.296-acres and 1.206-acres.

The property at 43 Santiago is 2.502-acres with a street frontage of 314.97 feet along Santiago Avenue and an average lot depth of approximately 341 feet. We have studied the lot size and shape to determine how a subdivision would best and most accurately follow the zoning ordinance and general plan guidelines. The existing lot shape is trapezoidal in nature and there are no right angles on the property (see PS-1). The Atherton Municipal Code requires that 'side lot lines' be at right angles to the street in which the lot faces; however, the existing angles are 82.92 degrees and 80.41 degrees. The Western property line is the closest to a right angle, so we have taken the average of 82.92 and 90 degrees to determine the new subdividing property line at 86.5 degrees.

The proposed subdivision will create two side by side lots fronting on Santiago Avenue. The side-by-side orientation allows for both lots to utilize the conforming lot depth of approximately 341 feet where 200 feet is required. The western lot will have an area of 1.296-acres and the eastern lot will have an area of 1.206-acres both well above the minimum lot standard of 1-acre. The remaining standard in accordance with the Zoning Ordinance is lot width.

Due to the trapezoidal shape of the lot, the Western property tapers from front to back and the Eastern lot widens from front to back. The Western lot measures at 176.5 feet at the front property line and narrows to 172.72 feet at the front setback where the lot width is defined. The Eastern lot widens from 138.47 feet at the front property line to 144.93 feet at the front setback (see T-1) Both lots fall short of the Zoning ordinance standard of 175 feet. We believe the aggregate statistics of the lot size, both over 1.2 acres, a lot depth of 170% the Town's standard at 341 feet deep match Town's characteristics for large estate properties.

We have provided a study of approximately 1,378 R-1A lots west of El Camino Real in Atherton to further demonstrate how our proposed subdivision fits in with fabric of the Town. The study is attached on Sheet PS-5 shows the Town of Atherton Zoning Map with an overlay of substandard lot width properties in yellow (this study does not consider substandard lot area or substandard lot depth properties). The overlay study shows the approximately 312 of 1,378 properties, which equates to 22.6% of R-1A lots west of El Camino, that do not meet the minimum lot width standard. There are three substandard width lots in the immediate vicinity / neighborhood, located at 227 Park Lane, 50 Santiago and 98 Santiago, one of which is contiguous to 43 Santiago. (see PS-4 and supplemental substandard property table) Based on the knowledge gained from our study of substandard width lots in Atherton, we strongly believe that the proposed subdivision provides for two new lots which meet or exceed the characteristics of the current property inventory in the Town of Atherton and lots within the immediate vicinity of the property.

Subdivision Conditional Exception findings shown on following pages.



We respectfully ask for your support to move forward with the design and development of a thoughtfully designed subdivision that will be seamlessly integrated into the neighborhood.

Thank you for your consideration,

Rex Finato
Pacific Peninsula Group

Sean Lopes
Pacific Peninsula Architecture

STANDARD SUBDIVISION FINDINGS:

1. Whether the proposed subdivision is in conformity with law and this chapter;
 - The proposed map was created in conformance with the Subdivision Map Act (law) and requests a conditional exception to the Atherton Subdivision Ordinance for a substandard lot width.
 - *Consideration of effect upon housing needs of the region and balancing of those needs against public service needs and balancing of those needs against public service needs of residents and available fiscal and environmental of residents and available fiscal and environmental resources. Govt. Code resources. Govt. Code §§ 66412.366412.3*
2. Whether 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;
 - The design of the proposed lots is similar to other R1-A lots (21.9%) in Atherton, including the contiguous lot at 227 Park Lane and other lots in the immediate vicinity. Both proposed lots will have frontage / direct access to Santiago Avenue. The lots will continue to be in conformance with the general pattern of the neighborhood and will not cause any traffic, health or safety hazards.
3. Whether the proposed lots will have proper and sufficient access to a public street;
 - Both proposed lots will have frontage / direct access to Santiago Avenue.
4. Whether the proposed map and the design or improvement of the proposed subdivision are consistent with applicable general and specific plans;
 - 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 Policy LU-1.5; which includes maintenance of existing neighborhood environments, provision of privacy, and preservation of trees to maximum extent feasible.



STANDARD SUBDIVISION FINDINGS CONTINUED:

5. Whether the site is physically suitable for the type of development;

- The site is currently developed with a single-family residence and detached garage. If approved, the subdivision would allow two residences to be built (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 with additional accessory dwelling units.

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

- Each parcel would be permitted to construct one single family dwelling. The size and shape of the proposed lots would be suitable for one single family dwelling each with additional accessory dwelling units.

7. Whether 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;

- 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. The conceptual location for future buildings and are found to meet the required standards of the Town's adopted "Tree Preservation Guidelines Standards and Specifications." Approval of the subdivision map does not constitute approval of the removal of any Heritage Trees, nor development improvements of any kind.

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

- 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 subdividing 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. Whether 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;

- No easements existing on the existing parcel

10. Whether 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.

- 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.



CONDITIONAL EXCEPTION FINDINGS:

1. There are special circumstances or conditions affecting the property;
 - The parcel has been identified in the proposed Town of Atherton 2023 – 2031 Housing Element Update as an “underutilized parcel” suitable for residential development in regards to “further subdivision” (Housing Element Section 3.410). Per the Subdivision Map Act, “Consideration of effect upon housing needs of the region and balancing of those needs against public service needs and balancing of those needs against public service needs of residents and available fiscal and environmental of residents and available fiscal and environmental resources. (Govt. Code §§ 66412.366412.3) Due to the depth and width of the existing oversized parcel, it is not possible to subdivide the property into two fully conforming parcels without an exception for either width or depth. Granting an exception for substandard lot width is consistent with prior subdivisions West of El Camino and in the immediate vicinity of the property.
2. The exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - Per the Town of Atherton Housing Element Update, a goal is to “facilitate the private development of housing to meet the above moderate income housing need in Atherton”. (3.710 Goal) The exception is necessary to preserve the property rights of the applicant to work with the Town to address Housing Element Objectives for new housing units “to encourage new housing development” “within the limitations of the private housing market” and to avail itself of rights and privileges enjoyed by other similarly sized parcels West of El Camino and in the immediate vicinity of the property. (Section 3.711 Objectives and Section 3.712 Policies)
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;
 - The proposed subdivision is consistent with the neighborhood development pattern and the historical use of the property and other properties in the Town. The subdivision will not cause any public health or safety problems because the action is limited to the subdividing 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 or safety problems.
4. The granting of the exception will not violate the requirements, goals, policies, or spirit of the law.
 - The General Plan designates the site as Low-Density Single Family Residential. The subdivision creates two parcels, approximately 1.3 and 1.2 acres respectively, that meet the Town’s “low density single family residential” designation and characteristics for large estate properties. The proposed subdivision is compatible with the design criteria listed in General Plan Policy LU-1.5, which includes maintenance of existing neighborhood environments, provision of privacy. The proposed subdivision maximizes “preservation of heritage trees and existing trees within a development site to the greatest degree feasible, consistent with the Heritage Tree Ordinance and Tree Preservation Standards and Specifications per General Plan Policy LU-1.8. The conditional exception will also provide for objectives and goals set forth in the Town of Atherton Housing Element Update.