



Item No. 7
Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

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

FROM: RADHA HAYAGREEV, SENIOR PLANNER

DATE: APRIL 19, 2023

SUBJECT: PUBLIC HEARING TO CONSIDER AND APPROVE A TENTATIVE 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) SUB 22-007 & EXC23-0001

CEQA: Approve a Notice of Exemption for a tentative map and conditional exception at 43 Santiago Avenue, Atherton, CA and find them exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 In-fill Development Project Section 15061(b)(3).

RECOMMENDATION:

Atherton Municipal Code section 16.16.090 states that after the filing of the tentative map, the planning commission shall hold a public hearing and recommend approval, conditional approval, or disapproval of said map to the City Council. On March 22, 2023, the Planning Commission held a public hearing and voted 4-1 recommending that the City Council conditionally approval a tentative map and exceptions for 43 Santiago Avenue. Should the City Council concur, staff further recommends that the City Council adopt the Notice of Exemption for the project.

BACKGROUND:

The subject site located at 43 Santiago (APN: 070-343-310) is a 2.502 acre lot with a street frontage of 314.97 ft. and average lot depth of approximately 341 feet along Santiago Avenue, located within the R-1A zoning district. The average site cross slope is 2% and the lot shape is slightly trapezoidal in nature with no right angles. (See, Figure 1).

The applicant is proposing to subdivide the subject lot into two sub-standard lots with non-conforming lot widths. The Town's standard lot width requirements for flat lots is 175 feet. The proposed lots would have a lot area of 1 acre and minimum lot depth of 200 ft. As such, to be approved, the applicant is requesting both a tentative map and a conditional exception for lot width.

The proposed lots will have lot depths that are deeper than standard requirements due to the configuration of the existing 2.5-acre lot. The proposed deeper lot depth seems to be consistent with lots along the north side of Santiago on this block, specifically at 69, 71, 83, and 97 Santiago as seen in the neighborhood context map below.

Figure 1: Context Map



The applicant is requesting a conditional exception for lot widths only. The alternative to this proposal would be for the applicant to file a Senate Bill 9 lot split, which would permits ministerial approval of a housing development or lots split for the creation of up to four housing units in a lot that is typically used for one single-family home. The applicant has chosen not to pursue a SB9 lot split owing to the minimum three-year owner occupancy restriction requirement for at least one of the homes created pursuant to the SB9 lot split.

The Atherton Municipal Code allows a property owner to seek a "conditional exception" when an application does not meet the typical requirements of the Town's code. Section 16.36.010 states in part, "a subdivider may apply for conditional exceptions to any of the requirements and regulations set forth in this title. Such exceptions may be granted only the City Council after recommendation by the Planning Commission.."

The City Council must be able to make the following findings, which the Planning Commission recommends can be made (See, Resolution, attached).

1. There are special circumstances or conditions affecting the property;

2. The 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.

NOTICE:

Notice of this application was mailed to all property owners within 500 ft. of the subject property. At the time of the publication of this report, the Town has not received any public comment or inquiries on the application.

FINDINGS | ANALYSIS:

At the March 22, 2023 Planning Commission meeting, the Commission recommended approval of the Tentative Map and Conditional Exception. (voted 4-1)

The result of the Planning Commission recommendation is documented in the Tentative Map & Conditional Exception Certificate (Attachment 2). This document notes the recommended findings and conditions of approval.

CEQA

The Tentative Map approval would be exempt from the provisions of the California Environmental Quality Act (CEQA) under both the Class 32 (infill) exemption as well as the common-sense exemption.

The project would be exempt under the Class 32 exemption because:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is compatible with the following General Plan Goal and Policy:

Housing Goal 3.710: Facilitate the private development of housing to meet a portion of the above moderate income housing need identified for Atherton.

Housing Policy 3.712 A: Within the limitations of the private housing market the Town shall work with private developers to encourage new housing development.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed project is within city limits. The size of the project is 2.502 acres.

- (c) The project site has no value as habitat for endangered, rare or threatened species. The project site is not located near a creek and is vacant residential lot surrounded by single family homes.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a 2-lot subdivision with both lots having a lot size of over one acre (standard size lot). No significant impacts related to traffic, noise, air quality or water quality will result as the minimum lot size for the area would be maintained.
- (e) The site can be adequately served by all required utilities and public services. Will serve letters for all utilities have been obtained by the applicant.

Furthermore, this Project would be exempt from environmental review under CEQA under Section 15061(b)(3), Title 4 of the California Code of Regulations. Under Section 15061(b)(3), “A Project is exempt from CEQA if: (3) The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Staff finds that this project does not have a potential for causing a significant effect on the environment since the applicant does propose any improvement, modification, or development on the property at this time.

CONCLUSION:

Staff requests that the City Council consider the Tentative Map and Conditional Exception findings and determine if the information provided by the Planning Commission is sufficient to approve of the Tentative Map and Conditional Exception.

ALTERNATIVES:

Alternatively, the City Council can approve the project with modifications to the project and/or conditions. The City Council could also deny the proposed project.

SUGGESTED MOTION FOR APPROVAL:

I move that the City Council determine that the proposed project is exempt from CEQA and **approve** the Tentative Map and Conditional Exception at 43 Santiago based on the findings for the Tentative Map and Conditional Exception outlined by the Planning Commission (subject to the conditions of approval) listed in the Tentative Map and Conditional Exception Certificate to allow the reduced lot widths for the lot split at 43 Santiago.

SUGGESTED MOTION FOR DENIAL:

I move that the City Council **deny** the Tentative Map and Conditional Exception for the lot split at 43 Santiago Avenue as there was insufficient information to make all four Conditional Exception findings and all of the 10 Tentative Map Findings.

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

Attachments:

1. Draft City Council Resolution for Approval
2. Tentative Map and Conditional Exception Certificate (Planning Commission Report)
3. March 22, 2023 Planning Commission Staff Report and Attachments
4. Conditional Exception Tentative Parcel Map dated 03.08.23
5. Supplementary supporting documents for conditional exception