



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

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

**FROM: LISA COSTA SANDERS, TOWN PLANNER
NEAL MARTIN, PLANNING CONSULTANT**

DATE: JANUARY 17, 2018

**SUBJECT: 540, 560 AND 596 FLETCHER DRIVE – GENERAL PLAN DIAGRAM
AND ZONING MAP ERROR**

RECOMMENDATION

Adopt the attached Resolution correcting the General Plan, Land Use and Circulation Diagram clerical error and introduce the attached Zoning Ordinance Amendment correcting the Zoning Map clerical error related to properties located at 540, 560 and 596 Fletcher Drive.

BACKGROUND

In November 2017 Planning Department Staff discovered a clerical error on both the Atherton General Plan Diagram and the Atherton Zoning Map. The error effects the three residential lots located at 540, 560 and 596 Fletcher Drive. The clerical errors are described below:

- The residential lots are erroneously designated “Parks and Open Space” on the General Plan, Land Use and Circulation Diagram; the correct designation is “Low Density Single Family Residential”.
- The residential lots are erroneously zoned POS (Parks and Open Space) District on the Zoning Map; the correct zoning is R-1A (Residential District A) District.

ANALYSIS

The mapping error appears to have occurred several years ago when the General Plan was updated and the Zoning Map transferred to electronic format. Perhaps the lots were mistakenly associated with the adjacent Bear Gulch Reservoir which is designated for Open Space uses. It remained unnoticed, as there apparently was no building or zoning activity related to the lots in question since that time. Planning Staff noticed the discrepancy during the current General Plan update project. The matter was then brought to the attention of the City Manager and City Attorney.

It should be noted that there are single family homes existing on the lots at 540 and 560 Fletcher Drive, and a private recreation facility associated with 539 Fletcher Drive exists on the lot at 596 Fletcher Drive. The lots have been in private ownership for many years and have never been associated with the Bear Gulch Reservoir.

In order to correct the maps, the City Attorney has advised that City Council action is necessary. A City Council Resolution needs to be adopted changing the lots from the erroneously designated “Parks and Open Space” on the General Plan, Land Use and Circulation Diagram to the correct designation of “Low Density Single Family Residential”. In addition, an Ordinance needs to be adopted changing the lots from the erroneously zoned POS (Parks and Open Space) District on the Zoning Map to the correct zoning of R-1A (Residential District A) District. Since these actions are necessary to correct a clerical error, the California Environmental Quality Act (CEQA) does not apply and a public hearing is not required.

It is recommended that the City Council take the actions listed below:

1. Adopt the attached Resolution changing the lots from the erroneously designated “Parks and Open Space” on the General Plan, Land Use and Circulation Diagram to the correct designation of “Low Density Single Family Residential”.
2. Introduce the attached Ordinance changing the lots from the erroneously zoned POS (Parks and Open Space) District on the Zoning Map to the correct zoning of R-1A (Residential District A) District.

POLICY FOCUS

The State of California Government Code Section 65300 requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city. The State of California Government Code Section 65860 requires local zoning ordinances to be consistent with the adopted local General Plan. The subject properties have been general planned and zoned for residential uses for many years prior to the clerical error described above. There are no other outstanding policy issues related to this proposal.

FISCAL IMPACT

All costs associated with this project are paid for by the Town of Atherton from the Contract Planner budget.

ATTACHMENTS

1. Draft Resolution Correcting Clerical Error on Land Use and Circulation Diagram
2. Draft Zoning Ordinance Correcting Clerical Error on Zoning Map
3. Letter sent to affected property owners

RESOLUTION NO. 2018-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
CORRECTING A CLERICAL ERROR ON THE ATHERTON GENERAL PLAN
LAND USE AND CIRCULATION DIAGRAM
ASSOCIATED WITH 540, 560 AND 596 FLETCHER DRIVE**

WHEREAS, the City Council adopted the Atherton General Plan, Land Use and Circulation Elements (herein referenced as “Elements”) by Resolution 2002-1 on November 20, 2002; and

WHEREAS, the adopted “Elements” contains a map entitled “Land Use and Circulation Diagram”; and

WHEREAS, in November 2017 the Atherton Planning Department discovered a clerical error on the “Land Use and Circulation Diagram” erroneously designating the lots at 540, 560 and 596 Fletcher Drive as “Parks and Open Space” when the correct designation should have been “Low Density Single Family Residential”; and

WHEREAS, the Atherton Planning Department conducted research and determined that the lots at 540, 560 and 596 Fletcher Drive have been used for private, residential purposes for years prior to adoption of the “Elements” and were never intended to be designated “Parks and Open Space”; and

WHEREAS, it is desired to correct the clerical error; and

WHEREAS, the California Environmental Quality Act (CEQA) does not apply to the correction of a clerical error.

NOW, THEREFORE, BE IT RESOLVED as follows:

The City Council hereby corrects the cleric error by changing the designation on the adopted Atherton General Plan, Land Use and Circulation diagram for the lots at 540, 560 and 596 Fletcher Drive from the erroneously designated “Parks and Open Space” to the correct designation of “Low Density Single Family Residential” as depicted on Exhibit A, attached and made a part hereof.

This resolution shall take effect immediately upon its adoption.

The foregoing resolution was read, considered, and adopted at a regular meeting of the City Council of the Town of Atherton, State of California, on the 18th day of March, 2015, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Michael Lempres, Mayor

ATTEST:

City Clerk

By: _____
Theresa DellaSanta

ORDINANCE ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING SECTION 17.16.020 OF THE ATHERTON MUNICIPAL CODE
CORRECTING A CLERICAL ERROR RELATED TO LOTS LOCATED AT
540, 560 AND 596 FLETCHER DRIVE**

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Section 17.30.020 of the Atherton Municipal Code, the “Zoning Plan” is hereby amended as follows and as shown on Exhibit A attached and made a part of this Ordinance:

a. The zoning designation of lots located at 540, 560 and 596 Fletcher Drive, erroneously zoned POS (Parks and Open Space) District on the Zoning Map, are corrected to the designation of R-1A (Residential District A) District.

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on April 15, 2009 and was thereafter, at a regular meeting held on _____ passed and adopted by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Mayor

ATTEST:

City Clerk



**Planning Department
Town of Atherton**

**91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212**

< Insert Address >

Dear Property Owner,

Late in 2017 the Atherton Planning Department Staff discovered a clerical error on both the Atherton General Plan Diagram and the Atherton Zoning Map. The error effects the three residential lots located at 540, 560 and 596 Fletcher Drive. The clerical errors are described below:

- The residential lots are erroneously designated “Parks and Open Space” on the General Plan, Land Use and Circulation Diagram; the correct designation is “Low Density Single Family Residential”.
- The residential lots are erroneously zoned POS (Parks and Open Space) District on the Zoning Map; the correct zoning is R-1A (Residential District A) District.

The mapping error appears to have occurred several years ago when the General Plan was updated and the Zoning Map transferred to electronic format.

A Staff Report prepared for the City Council, which contains a more complete analysis, is attached.

In order to correct the error, an item has been placed on the City Council agenda of January 17, 2017 to change the General Plan Diagram and the Zoning Map to the correct designation of “Low Density Single Family Residential” and zoning of R-1A.

We apologize for any inconvenience this might have caused. If you have questions or wish to discuss this further, please contact Neal Martin, Planning Consultant at (650) 752-0544 or at vmartin5@pacbell.net.

Neal Martin
Planning Consultant

Exhibit A

Town of Atherton

General Plan - Land Use and Circulation Diagram

Clerical Error Correction

540, 560, and 596 Fletcher Drive

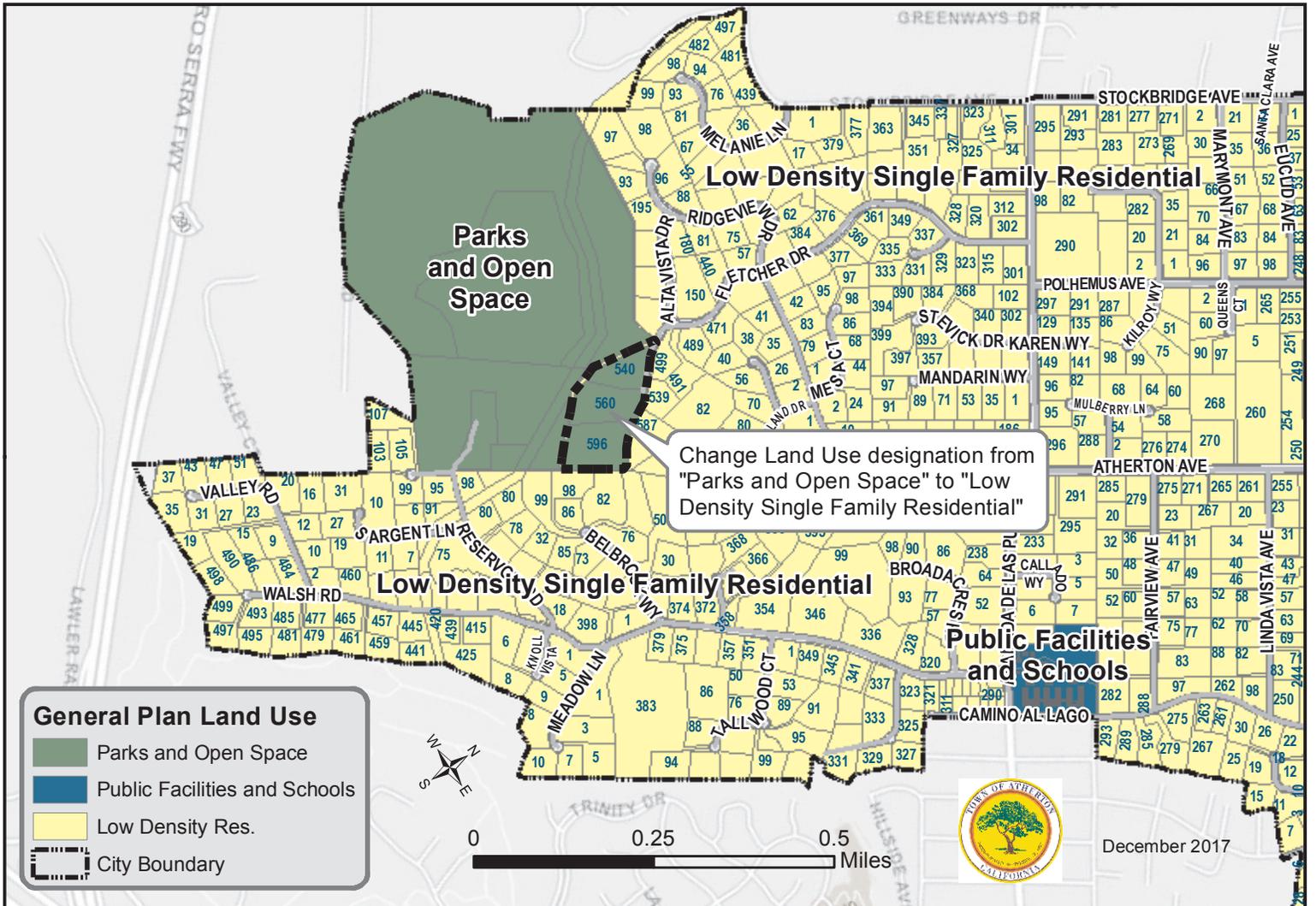
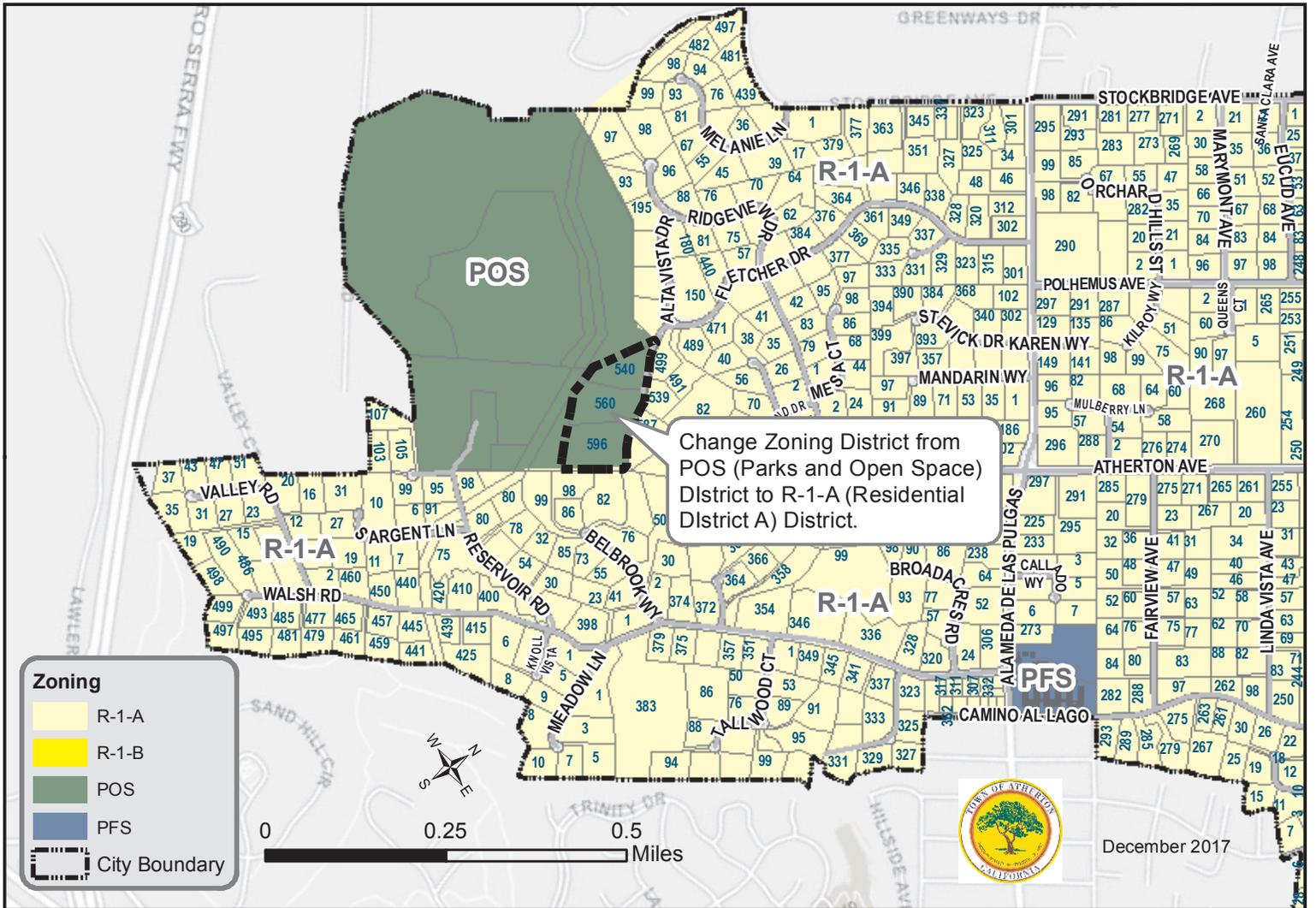


Exhibit A

Town of Atherton

Zoning Map - Clerical Error Correction

540, 560, and 596 Fletcher Drive



Change Zoning District from POS (Parks and Open Space) District to R-1-A (Residential District A) District.