

**PLANNING COMMISSION
MINUTES**

**TOWN OF ATHERTON
January 28, 2008
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

**PRESENT: Marion Oster
Kristi Waldron
Philip Lively
Herman Christensen, Jr.**

EXCUSED: Jim Dobbie

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Building Official Mike Wasmann and Town Arborist Kathy Hughes Anderson were also present.

Chair Oster introduced City Manager Jerry Gruber.

2. APPROVAL OF MINUTES

**MOTION to approve the minutes of the December 5, 2007 meeting as amended.
M/S Christensen/Waldron Ayes: 4 Noes: 0 Excused: 1**

3. PUBLIC COMMENTS

None.

4. COMMISSIONER'S REPORTS

Commissioner Christensen asked about the status of the appeal at 44 Tuscaloosa. Lisa Costa Sanders stated that the applicant withdrew their appeal.

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Waldron reported that the General Plan Committee will be hosting public workshops on the zoning code update. The workshops as scheduled for February 6, March 5 and April 2. All workshops will be held at the park pavilion at 7:00 pm.

6. NEW BUSINESS

Staff noted receipt of a letter from Menlo School withdrawing their application.

7. STAFF REPORTS

None.

PUBLIC HEARINGS

Commissioner Christensen recused himself from 150 Valparaiso as his residence is located within 500' of the subject site.

9. Conditional Use Permit and Negative Declaration- 150 Valparaiso- Conditional Use Permit for Sacred Heart School Science and Student Life Center Building and associated projects. Atherton Municipal Code Sections 17.32 and 8.10.

Lisa Costa Sanders presented the staff report.

Sandy Dubinsky provided a brief overview of the project.

Mr. Letty, Architect, reviewed the proposed new building details. He noted they hope to achieve LEED gold rating. In response to a question from Commissioner Lively, Mr. Letty responded that the only signage on the building will be the name of the building.

OPEN PUBLIC COMMENT

Ernst, asked about disabled access to the second floor. The project Architect responded that they will be an elevator.

CLOSE PUBLIC COMMENT

Commissioner Lively requested a condition be added to require Sacred Heart Schools provide an update status of the Morey Building with their Master Plan update. Commissioner Lively also suggested a condition to not allow any construction parking along Park Lane.

Commissioner Waldron expressed her support for the proposal.

Commissioner Oster suggested Commissioner Lively's recommended condition relating to parking be modified to allow parking along one side of Park Lane with school frontage. Commissioners concurred with the revised condition.

MOTION to adopt the Negative Declaration, Sacred Heart Schools Science and Student Life Center Project dated January 2, 2008.

M/S Lively/Waldron Ayes: 3 Noes: 0 Excused: 2

MOTION to approve the Conditional Use Permit for the Science and Student Life Center Building based on the following findings and subject to the conditions listed in the Conditional Use Permit with the following additional conditions.

M/S Oster/Waldron Ayes: 3 Noes: 0 Excused: 2

Findings:

1. The proposed uses at the proposed locations will not be detrimental or injurious to persons, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

2. The proposed uses will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the Zoning Title of the Atherton Municipal Code.

Additional Condition:

1. The school shall report annually the status of the Morey Building with its master plan update.
2. Construction parking along Park Lane shall be limited to the Sacred Heart frontage side of the street only.

Chair Oster advised of the 10-day appeal period. Commissioner Christensen joined the meeting.

10. **Heritage Tree Removal Permit -120 Selby Lane-** Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and indicated staff support for the tree removal request.

OPEN PUBLIC COMMENT

Michael Young, project Arborist, noted the new owner's desire to take care of the landscaping

CLOSE PUBLIC HEARING

Commissioner Waldron expressed support for the removal request due to the condition of the trees.

Commissioner Christensen noted he visited the site and expressed support for the removal request.

Commissioner Lively concurred with other Commissioner's comments.

Commissioner Oster noted the condition of the existing landscape and expressed support for the removal request.

Commissioner Waldron expressed support for the request.

MOTION to approve Heritage Tree Removal Permit to allow the removal of two heritage trees based on the following finding and subject to the conditions of the Heritage Tree Removal Permit

M/S Lively/Christensen

Ayes: 4

Noes: 0

Excused: 1

Finding:

1. The removal of the trees would not be contrary to the purpose and intent of the Atherton General Plan.

Commissioner Oster advised of the 10-day appeal period.

10. Variance – 163 Almendral – Variance to allow a new detached accessory structure (garage) in the front yard. Atherton Municipal Code Section 17.56.050

Lisa Costa Sanders presented the staff report and noted the reasons staff could not support the Variance request.

OPEN PUBLIC COMMENT

Howard Neckowitz, property owner of 163 Almendral, stated that he has owned the property for ten years and distributed copies of plans showing the various options they considered. He also distributed photos of other homes.

CLOSE PUBLIC COMMENT

Commissioner Lively indicated that he understands why the applicant prefers their proposed design, but that the property does not meet the requirements for a variance. Commissioner Christensen stated that he likes the proposed design concept, but is unable to make the findings to grant a variance.

Commissioner Waldron also agreed with the design concept to minimize the view from the street, but stated that the property does not meet the variance criteria.

Commissioner Oster commented that the property is wonderful, but is unable to support the request for the reasons already mentioned.

MOTION to deny the Variance request based on the following findings.

M/S Christensen/Lively Ayes: 4 Noes: 0 Excused: 1

Findings:

1. There are not special circumstances applicable to the property, including size, shape, topography, location or surroundings, where the strict application of the Zoning Title deprives such property of privileges enjoyed by other properties in the vicinity and under identical classification.

Commissioner Oster advised of the 10-day appeal period.

11. ADJOURN

M/S Waldron/Oster to adjourn meeting at 7:00 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner