

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
February 27, 2008
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

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

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Assistant Planner Andrea Mardesich and Building Official Mike Wasmann were also present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the January 23, 2008 meeting.

M/S Christensen/ Waldron Ayes: 4 Noes: 0 Abstain: 1 (Dobbie)

3. PUBLIC COMMENTS- none

4. COMMISSIONER'S REPORTS- none

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Dobbie expressed his disappointment with the resident turnout for the last zoning code workshop and noted it was mainly developers and builders. He further encouraged that more effort be put towards getting the residents to attend the next committee meeting.

Chair Oster noted that those making suggestions and comments at the workshop should identify themselves as either Atherton residents or non- residents.

6. NEW BUSINESS - None.

7. STAFF REPORTS

City Attorney Marc Hynes reported that the Town went back in front of the court regarding 51 Laburnam and reported on the progress. Mr. Hynes reported that there is a further Court return date of May 2, 2008.

Commissioner Christensen commented that the Almanac reported that the Lamb's have won a case against the Town of Atherton. Commissioner Christensen commented that essentially no one has won. Mr. Hynes agreed with Commission Christensen.

Deputy Town Planner, Lisa Costa Sanders, reported that the City Council authorized a contract with PMC for the historical ordinance and will hold small stakeholder meetings.

Ms. Costa Sanders reported that the City Council denied an appeal at 137 Stockbridge relating to a non-conforming structure..

PUBLIC HEARINGS

8. Lot Line Redesignation-7 Almendral Avenue- LotLline Redesignation to designate the northeast property line as the front property line (El Camino Real) Atherton Municipal Code section 17.60.050

Assistant Planner, Andrea Mardesich presented the staff report and indicated staff support for the line lot redesignation.

Commissioner Lively questioned whether the site plans are accurate.

Ms. Mardesich reported that site plans were verified using previous permits on microfilm. Commissioner Dobbie stated that the distance from house to shed shows 9 feet and in the field it is only 8'-1".

Ms. Mardesich responded that the shed was not on microfilm plans when it was reviewed.

OPEN PUBLIC COMMENT

Thomas Wilson, Attorney for the property owners, stated that Ms. Mardesich has set forth all the facts and that if the Commission had any questions he and the owner were present.

Commissioner Christensen questioned the owner on the potential swimming pool location and noted that with the proposed redesignation he does not see where it could go.

Linda Miles, property owner stated that she understands the setbacks and limitations with the redesignation request and there is not a lot of space for a pool.

Chair Oster noted she also had questions on the pool location.

Commissioner Dobbie mentioned that in the past El Camino Real was the address for the site and it was later changed to Almendral.

CLOSE PUBLIC COMMENT

Commissioner Waldron expressed support for the proposed lot line redesignation with the knowledge that the owner is aware of the potential restrictions with potential placement of a pool.

Commissioner Dobbie agreed and stated the proposed redesignation falls into compliance with the code.

Commissioner Christensen expressed support.

MOTION to approve the lot line redesignation to designate the northeast property line as the front property line (El Camino).

M/S Lively/Waldron Ayes: 5 Noes: 0

Chair Oster advised of the 10-day appeal period.

9. Conditional Use Permit-216 Atherton Avenue- Conditional Use Permit to allow basements under accessory structures. Atherton Municipal Code Section 17.36.190.

Assistant Planner, Andrea Mardesich reviewed the proposed project and clarified that there are two basements being proposed; a 1,300 square foot basement under the detached guesthouse, and a 700 square foot basement under a detached garage. Ms. Mardesich noted that based on a site inspection the over cut necessary for the basement could potentially cause damage to surrounding vegetation but not to any Heritage Trees.

Ms. Mardesich entered a letter from Douglas M. Heller, neighbor to 216 Atherton Avenue. She advised Mr. Heller that the proposed basements were on the opposite side of the property. Mr. Heller asked the letter to be read to the Commission.

Commissioner Christensen asked if permits were issued for the accessory structures. Ms. Mardesich responded that permits were issued for the accessory structures that did not include the basement area. New permits would be required if the request is approved. .

Chair Oster questioned whether the over cut is necessary. Building Official Mike Wasmann responded that a 2-3 foot over cut is normal for this type of construction.

Commissioner Waldron questioned whether the main residence was issued a permit with basement. Ms. Mardesich and Mr. Wasmann replied that the main residence was permitted with the basement.

Commissioner Christensen stated that it looked as though the basement is set 10 feet back from the side property line. Mr. Wasmann noted that Commissioner Christensen is correct. As an option they can do shoring rather than over-cut due to the close proximity to the side property line.

Commissioner Christensen noted that the basement being proposed is for a generator. He further expressed concern with the air circulation. Mr. Wasmann responded that it would be made up of combustion air.

Chair Oster expressed concern with the potential noise level. Mr. Wasmann replied it would comply with the Town's noise ordinance.

OPEN PUBLIC COMMENT

Roger Kohler, Architect, stated he has done 40 or so basements in Palo Alto and confirmed that he used shoring almost all of the time. He further explained the process of

shoring. Mr. Kohler noted that there would virtually be no sound and the basement is solely for equipment.

Commissioner Dobbie questioned what type of gas would serve the generator. Mr. Kohler responded that it would be natural gas.

Commissioner Christensen questioned the construction method for the basement. Mr. Kohler noted that the shoring could encroach into the setback 3-4 feet, and any vegetation loss will be replaced. He further stated that the Landscape Architect was present and also available for questions from the Commission.

Commissioner Dobbie questioned whether shoring had to meet the setbacks. Mr. Wasmann responded that it did not because it is below grade.

Ms. Mardesich clarified that the main residence basement is approximately 4,000 square feet in area.

CLOSE PUBLIC HEARING

Commissioner Lively stated that it was innovative application of the ordinance to connect the lightwells to create a below grade patio.

Commissioner Christensen expressed concern with the general project. He further stated he would approve a 300 square foot equipment basement room provided all equipment would be located there.

Commissioner Dobbie expressed concern with the size of the basement. He further stated that it seems to be stretching the rules but does appear to meet the ordinances and therefore doesn't give the Commission much room to deny.

Commissioner Waldron also expressed conflict with the proposed basements. She further stated that the ordinance as it is currently written does allow for this, however does not feel that this was the ordinances' intent.

Deputy Town Planner, Ms. Lisa Costa Sanders noted there was a lot of discussion on the basement ordinance and light wells was a major concern. She noted Staff is recommending approval as it has met all requirements of the ordinance. Chair Oster noted that light wells should be faced towards the inside of the property. She further questioned how far from the building do the light wells will be.

Commissioner Dobbie replied that if the drawings are to scale it is no more than 8 feet.

Chair Oster expressed concern that even though the proposed does meet all criteria, she feels that the light wells should face interior.

Ms. Mardesich reported that guest house light well is 7 feet and the garage light well is 5 feet going towards the back of the garage.

Ms. Costa Sanders noted that the Commission could suggest the use of additional site screening or they could require modifications to the location of the light well.

Commissioner Christensen agreed with the other Commissioner, however noted that while the ordinance states one thing, they do have a duty to the environment. He further noted that based on Legislative history the Commission does have the right to deny the proposed project.

Commissioner Lively asked for confirmation of lighting.

Ms. Costa Sanders confirmed that lighting is required to be shielded or downlight.

Commissioner Dobbie noted that he does not like the ordinance and voted against it. He further stated that moving the light well would not make any difference.

Ms. Costa Sanders noted that in the next zoning code workshop meeting light wells would be the topic of discussion.

MOTION to deny Conditional Use Permit to allow basements under accessory structures as proposed, with the provision that a basement under the garage or the guesthouse be only 300 square feet for equipment.

**M/S Christensen/Dobbie Ayes: 2 Noes: 3 (Lively, Waldron, Oster)
Motion failed.**

MOTION to approve the Conditional Use Permit to allow basements under accessory structures.

M/S Waldron/ Christensen Ayes: 3 Noes: 2 (Dobbie, Christensen)

Chair Oster advised of the 10-day appeal period.

11. ADOURN

M/S Dobbie/Lively to adjourn the meeting at 6:58 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner