

**APPROVED MINUTES
PLANNING COMMISSION MEETING
January 24, 2007
6:00 p.m.**

ATHERTON TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Chair Andrews called the meeting to order at 6:00 p.m.

1. ROLL CALL:

PRESENT: **Bob Andrews**
 Rose Hau
 Jim Dobbie
 Marion Oster
 Kristi Waldron

City Attorney Marc Hynes and Deputy Town Planner Lisa Costa Sanders.

2. APPROVAL OF MINUTES

The December 6, 2006 meeting minutes were continued to the next meeting.

3. PUBLIC COMMENTS - None

4. COMMISSIONER'S REPORTS - Andrews indicated that he was contacted by the Town to present before the Council.

5. GENERAL PLAN COMMITTEE REPORTS – Oster reported that the General Plan Committee met on January 10, 2007 and recommended changes to the basement ordinance and the non-conforming regulations for the Planning Commission's consideration. There will be a joint meeting on the General Plan Committee and Environmental Programs Committee on February 7, 2007 to discuss Green Building.

6. STAFF REPORTS – Lisa Costa Sanders reported that the City Council at their January 17, 2007 meeting; approved an appeal and thereby denied the Major Alteration Permit for the relocation of two urns at 51 Laburnam, and approved an appeal to allow a property owner to rebuild a non-conforming structure at 172 Austin Avenue..

7. NEW BUSINESS - None.

PUBLIC HEARINGS

- 8. Lot Line Redesignation – 15 Cowell Lane** – Lot Line Redesignation request to designate the northwest yard as the front yard. Atherton Municipal Code Section 17.60.050.

Lisa Costa Sanders presented the staff reported and indicated staff support for the front lot line redesignation.

OPEN PUBLIC HEARING

Jon Jang, Architect, noted the limiting factors on the property, including the large creek easement at the rear yard.

CLOSE PUBLIC HEARING

MOTION to approve the Lot Line Redesignation to designate the northeast property line as the front property line at 15 Cowell Lane based on the following finding and subject to the conditions of the Lot Line Redesignation certificate;

M/S Hau/Oster Ayes: 5 Noes: 0

Findings:

1. The proposed lot line redesignation will not be detrimental or injurious to persons, property or improvement in the vicinity and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.
 2. The proposed lot line redesignation for the subject site is consistent with the Town of Atherton General Plan and the purposes of that plan and the Zoning Code.
- 9. Variance – 6 Cowell** – Variance request to allow an accessory structure in the front yard. Atherton Municipal Code Section 17.36.050.

Lisa Costa Sanders presented the staff reported noting that the applicant has slightly modified the proposed location of the detached garage from the previous Variance approval in 1999.

OPEN PUBLIC HEARING

Jude Kirik, Architect, indicated that the proposed garage location will eliminate some paved area and indicated that the yard area is restricted with the creek easement and major heritage trees on site.

CLOSE PUBLIC COMMENT

MOTION to approve the Variance to allow a detached garage in the front yard at 6 Cowell Lane in Atherton based on the following findings and subject to the conditions of the Variance certificate with the following additional condition;

M/S Oster/Dobbie Ayes: 5 Noes: 0

Findings:

1. There are 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 property in the vicinity and under identical classification.
2. The Variance is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. The Variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Additional Condition;

1. Add condition #4 to read as follows; "Final location of garage to be reviewed by the Town Arborist to ensure the health of the Bay tree."

10. ADJOURN

M/S Hau/Dobbie to adjourn the meeting at 6:40 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner