

**APPROVED MINUTES
PLANNING COMMISSION MEETING
March 28, 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, Mike Wasmann, Building Official, Deputy Town Planner Lisa Costa Sanders and Town Arborist Kathy Hughes Anderson were also present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the February 28, 2007 meeting as submitted.

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

MOTION to approve the minutes of the December 6, 2006 meeting as submitted.

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

3. PUBLIC COMMENTS - None

4. COMMISSIONER'S REPORTS - None. Andrews term expires on April 30. He will not be at the next meeting and wanted to thank Staff and the Commission.

5. GENERAL PLAN COMMITTEE REPORTS – The General Plan Committee has not met. Their next meeting is a joint meeting with the Environmental Committee regarding Green Building on May 2, 2007.

6. STAFF REPORTS – Lisa Costa Sanders reported on the recent City Council action to deny an appeal at 84 Walnut regarding a non-conforming structure.

7. NEW BUSINESS - Annual Master Plan Update, Menlo School, 50 Valparaiso

Jeff Berry, Trustee of Menlo School introduced David McAdoo, Director of Operations and Kevin Hart, Architect.

David McAdoo reviewed the Master Plan. In response to a question, Mr. McAdoo stated that the plan represents approximately 110,000-115,000 new square feet of new buildings with the removal of approximately 28,140 square feet of existing buildings. He stated that the operations offices will be incorporated with the new gym and the existing “sheds” will remain and be improved.

Jeff Berry stated the building phasing is subject to availability of capital and that he hopes to break ground in 2008 on all three buildings.

Mr. McAdoo stated that they held a neighborhood meeting with no significant comments raised.

OPEN PUBLIC HEARING

Ed Goodstein, MacBain stated that issues have been resolved with good solutions and that he hopes to continue dialogue with the school. He added that he understood the school will clean up the shed area. He stated that this has been a positive experience.

Lou Paponis, MacBain, stated that the school had been very cooperative. He added that the school had brought in a specialist to address each issue and commended them for their work.

Stuart Rosenburg, Brittnay Meadows, added that a fine arts center will be an asset to the community and agreed that the school has been very responsive.

CLOSE PUBLIC HEARING

MOTION to accept the Menlo School Master Plan for filing.

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

PUBLIC HEARINGS

8. Conditional Use Permit-163 Britton Avenue– Conditional Use Permit to allow a pool to be located in the front yard setback. Atherton Municipal Code Section 17.36.080.

Lisa Costa Sanders presented the staff reported and indicated staff support for the proposed pool to be located in the front yard setback.

Charles Belser, Architect, responded to Commissioner comments.

OPEN PUBLIC COMMENT

No public comment.

CLOSE PUBLIC COMMENT

MOTION to approve the Condition Use Permit to allow a pool to be located in the front yard setback based on the following findings and subject to the conditions of the Conditional Use Permit.

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

Findings:

1. The proposed pool at the proposed location will not be detrimental or injurious to person, 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 pool will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the zoning code.

- 9. Ordinance Amendment-** Ordinance Amendment amending Atherton Municipal Code Section 17.08.020, defining accessory structure, adding Section 17.08.180 defining accessory building and amending Section 17.36.190 regulating basements.

Lisa Costa Sanders reviewed the changes incorporated in the draft Ordinance based on direction provided at the last Planning Commission meeting.

OPEN PUBLIC COMMENT

Heide Welch, Ralston Road presented alternative language for the ordinance; “ A basement area may extend beyond the main dwelling by no more than 20 percent of the first floor building footprint.”

Steve Ackeley, Pacific Peninsula Group, noted the long process and stated that he supported the ordinance.

Lou Paponis, MacBain, stated he felt that the footprint should be defined.

Carol Flarety, Camino por los Arboles expressed her appreciation to the Commissioners. She added that most basements are used for entertainment, recreation rooms, home theater, wine cellars, etc. She stated she did not see a problem if larger basements were allowed since no one would see them. She discussed the need to consider the practical application and added that basements should be allowed within the buildable area.

Herman Christensen, Park Lane stated that he felt the proposed language was acceptable except that a basement garage should count in floor area and there should be some limit to the light wells from the basement wall. Regarding the wording on light wells, he suggested “...and not extend more than 10’ from basement wall”.

Paul Reyff, Atherton Avenue, expressed support for basements and garages and added that they should be encouraged to be built underground, while leaving green space above ground.

CLOSE PUBLIC HEARING.

Commissioner Dobbie stated support for keeping the basement the same size as the first floor.

Commissioner Hau noted that the issue of light wells was discussed at the General Plan meeting and that the Committee recommended no changes to the current light well requirement

Commissioner Oster suggested the basement could be extended to 120% of the floor area of the first floor with a Conditional Use Permit.

Commissioner Dobbie suggested changing the area of basement required to be under the home to 70% and keep the same square footage of the first floor.

Commissioner Waldron stated that she would not support basement larger than those currently allowed unless it were counted in the floor area.

Chair Andrews suggested allowing basements up to 120% of the first floor area with a Conditional Use Permit and 70% of the basement area must be under the footprint of the main residence. He also proposed the wording for light wells as “deeper than it is wide.”

MOTION to accept the Ordinance as drafted with Section 17.36.190 (A)(1) to read “basement shall not extend beyond the main building area except as defined below.”

M/S Dobbie/Oster Ayes: 3 Noes: 2 (Hau/Andrews)

MOTION to reconsider the last motion.

M/S Oster/Andrews Ayes: 3 Noes: 2 (Dobbie/Waldron)

MOTION to allow a basement of up to 120% of first floor with a Conditional Use Permit and to add to the last line of section 17.36.190(A)(1); “Basement shall not extend beyond the main building area except as defined below.”

M/S Oster/Andrews Ayes: 3 Noes: 2 (Dobbie/Waldron)

10. ADJOURN

M/S Oster/Andrews to adjourn the meeting at 8:20 p.m. Motion passed (5-0).

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner