

**APPROVED MINUTES
PLANNING COMMISSION MEETING
May 24, 2006
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
Kristi Waldron**

EXCUSED **Jim Dobbie
Marion Oster**

City Attorney Marc Hynes, Building Official Mike Hood, and Deputy Town Planner Lisa Costa Sanders were also present.

2. APPROVAL OF MINUTES

MOTION approval of the April 26, 2006 meeting minutes as submitted.

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

3. PUBLIC COMMENTS - None

4. COMMISSIONER'S REPORTS - None

5. GENERAL PLAN COMMITTEE REPORTS – The next meeting is scheduled for June 7, 2006.

6. STAFF REPORTS - Lisa Costa Sanders provided an update on recent City Council action.

7. NEW BUSINESS - None

PUBLIC HEARINGS

8. Variance – 22 Rittenhouse Avenue – Variance request to construct an accessory structure in the front setback. Atherton Municipal Code Section 17.56.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to deny the Variance request.

PUBLIC COMMENT

Lisa Cianfichi, property owner, indicated that she would like to have the carport for her children's safety.

Paul Cianfichi, Architect, reviewed the proposed plans and noted the site constraints. The applicant submitted a plan showing possible location of a garage in the rear yard which would require the removal of heritage Oak trees and a plan showing the garage door at the front of the home. Mr. Cianfichi also submitted copies of staff report for 6 Cowell Lane and minutes for the meeting regarding 2 Stern Lane and 11 Michaels. The applicant indicated that the shape of the lot and the heritage trees as the basis for granting a variance.

John Sisson, 26 Belleau, indicated that he is not supportive of the Variance request.

Tom Hayes, 34 Wilburn Avenue, stated that he has five heritage trees on his property and was able to design a home and pool that preserved the heritage trees and meet all City code requirements.

Steve Hayes, 18 Belleau, expressed concern with the Variance request.

Lias Ciafichi, indicated her primary safety concern due to special medical needs of her twin children.

CLOSED PUBLIC HEARING

MOTION to deny the Variance request at 22 Rittenhouse Avenue based on the following findings;

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

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 property in the vicinity and under identical classification.

- 9. Ordinance Amendment** – Ordinance amending Atherton Municipal Code Section 17.36.190 regulating basements.

Lisa Costa Sanders presented the Staff report and reviewed the proposed changes to the basement regulations.

Commissioner Hau suggested wording be added to exempt the proposed regulations from school properties to allow schools to construct an underground garage or deeper basement with the issuance of a conditional use permit. Commissioners discussed adding; "Except for properties within the PFS zoning district" to the Ordinance.

PUBLIC COMMENT

Paul Wise, noted reasons to prohibit garages in basements; to limit the overall size of a home above grade, preserve heritage trees and the visual impact.

Linda Liebes, 98 Monte Vista, expressed support for the Ordinance with the additional language suggested by the Commissioners.

Melissa Draper, 228 Park Lane and 128 Elena, stated that she would like to see options to allow garages in basements rather than prohibiting them.

Marsha Wise, 256 Park, stated that there cannot be adequate landscape screening for underground garages.

CLOSE PUBLIC COMMENT

MOTION to recommend the City Council adopt the Ordinance amending Atherton Municipal Code Section 17.36.190 regulating basements with the additional language to exempt properties within the PFS zoning district based on the following finding;

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

Finding:

1. The proposed amendment is required to achieve the objectives of the Zoning Code and the General Plan on the basis that underground garages have visual impacts with the retaining walls and increased impact to heritage trees..

Commissioner Hau expressed her reservation for voting in favor of recommending the Ordinance, indicating that she would prefer to allow underground garages with additional setbacks and additional landscape screening to screen the driveway approaches.

10. ADJOURN

M/S Waldron/Andrews to adjourn the meeting at 8:10 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner