

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
March 26, 2014
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

PRESENT: Philip Lively
Eric Lane (6:10)
Paul Tonelli
William Grindley

EXCUSED: Mary Beth Widmer

Assistant City Attorney Jennifer Larson, Deputy Town Planner Lisa Costa Sanders, Associate Planner Andrea Mardesich, and Town Arborist Kevin Kielty were present.

2. APPROVAL OF MINUTES

**MOTION to approve the minutes of the February 26, 2014 meeting.
M/S Grindley/Tonelli Ayes: 3 Noes: 0**

3. PUBLIC COMMENTS

Joe Comartin, Polhemus Road, addressed the Council regarding the 2009 Zoning Code update. He has designed and built several homes in Atherton and he would like Council to reconsider amending the code section that requires an eight foot setback for accessory structures.

4. NEW BUSINESS - none

5. COMMISSIONERS REPORTS

Chair Lively reported that the City Council accepted the City Center plans as submitted by HMC and the CCAC. He gave a brief overview of the cost of the project and fundraising to date. Chair Lively also reported that the Rail Committee has begun preparing a response to the CalTrain Electrification EIR.

6. STAFF REPORTS - none

PUBLIC HEARING

7. Conditional Use Permit – 190 Park Lane (APM 070-214-080) – Conditional Use Permit to allow construction of a new building and alterations and additions to existing buildings at the Menlo Circus Club.

Deputy Town Planner Lisa Costa Sanders presented the item.

Jim Sunseri, architect, presented the specifications of the project.

Commissioner Lane asked about the anticipated increase in traffic associated with the project. Jim Sunseri responded that there might be a slight increase in traffic during construction. Commissioner Lane is concerned with the ingress and egress of the parking lot and the amount of parking available.

Commissioner Grindley expressed concern about the chlorine being stored in the same structure that houses the children's changing room. Commissioner Grindley also confirmed with staff that both the Atherton Building Department and the San Mateo County Health Department have jurisdiction over the pool.

Chair Lively suggested that the greatest traffic impact will be associated with the pool demolition. He asked about the proposed dirt haul route. Jim Sunseri explained that this is under the purview of the contractor. Deputy Town Planner suggested a condition be added whereby the Building Official has approval over the dirt haul route and it will need to be approved by the building official.

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

Commissioner Lane expressed concern about the parking issue.

Commissioner Tonelli also expressed concern about the parking issue on the site. He agreed with the suggestion by Commissioner Grindley regarding the changing room and its proximity to the storage of chlorine.

Commissioner Grindley suggested that a condition be added that the project must comply with health and safety codes in regards to the proximity of children's changing rooms to chlorine and other pool sanitization operations.

Chair Lively asked if the Planning Commission should consider putting a cap on membership as part of the Conditional Use Permit as has occurred with the private schools. Deputy Town Planner Lisa Costa Sanders explained that the cap on enrollment imposed on the schools was a response to traffic as a mitigation measure. In order to impose a cap on membership, a reason would be needed.

MOTION that the Planning Commission adopt the findings enumerated in the Staff Report for the reasons noted above and approve the Conditional Use Permit to allow for the development of a new building and additions to existing buildings at the Menlo Circus Club at 190 Park Lane subject to the conditions listed in the draft Conditional Use Permit and the additional condition that all health and safety measures are complied with in regards to chlorine and the children's changing area.

M/S Lane/Grindley Ayes: 4 Noes: 0

Findings:

- 1. The proposed use is consistent with the general plan and all applicable zoning code provisions;*
- 2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics) be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the town.;*

Chair Lively noted the 10-day appeal period.

8. **Special Structures Permit – 76 Ridgeview Drive (APN 073-181-450)** – Special Structures Permit to allow retaining walls be taller than 6’ and a Special Structure Permit to allow a basement to be extend beyond the footprint of the first floor of the main residence.

Associate Planner Andrea Mardesich presented the item.

Greg Mottola and Joe DiNapoli, architects, gave an overview of the project.

Commissioner Grindley asked about the geotechnical aspects of the project. Mr. Mottola answered that a full soils report was done and is guiding the foundation work. Commissioner Grindley asked if the cut and fill is balanced and Mr. Mottola answered in the affirmative.

Chair Lively expressed some concerns about the soil.

Commissioner Lane asked about drainage on the site. Mr. DiNapoli answered that there will be multiple retention tanks on the site and they are working with a structural engineer. Commissioner Lane asked where the water will go. Mr. DiNapoli answered that it will percolate back into the soil.

Commissioner Lane expressed concern with how construction trucks will get in and out of the site since the road is steep and narrow. He suggested that there will be a lot of logistics to make the neighborhood comfortable.

Chair Lively asked if the ratio of excavation to fill is one to one. Mr. Mottola is not sure at this point but added that the material to be hauled away will be minimal.

OPEN PUBLIC HEARING

Regina Casper, Ridgeview Road, expressed concern about the construction trucks given the steep and narrow nature of the road. Additionally, she expressed concern that she was not notified about the demolition going on at the site.

CLOSE PUBLIC HEARING

Chair Lively stated that the Town does not have a requirement to notice for demolition or construction. Deputy Town Planner Lisa Costa Sanders confirmed that the requirement to notice for those circumstances is not in the municipal code.

MOTION that the Planning Commission approve the Special Structures Permit at 76 Ridgeview Drive based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Special Structures Permit to allow a basement outside of the footprint of the first floor.

MOTION that the Planning Commission approve the Special Structures Permit at 76 Ridgeview Drive based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Special Structures Permit to allow the construction of a sunken patio with retaining walls greater than 6’ in height at the rear of the yard.

M/S Grindley/Tonelli Ayes: 3 Noes: 1 (Lane)

Findings:

1. *The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.*

2. *The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening.*

Chair Lively noted the 10-day appeal period.

9. Heritage Tree Removal Permit – 228 Atherton Avenue (APN 070-040-410) – Heritage Tree Removal Permit to allow the removal of one Heritage Swamp Cypress Tree.

Associate Planner Andrea Mardesich presented the item.

Town Arborist Kevin Kielty reported on the tree. He noted poor crotch formation of the tree. He also noted that the tree is unique; it is the only one of its species in Atherton. Kevin Kielty recommended cabling the tree.

Commissioner Lane asked if cabling is to prevent the tree from failing. Town Arborist Kevin Kielty answered in the affirmative and added that heavier than normal pruning is recommended.

Chair Lively asked if cabling can lead to failure. Town Arborist Kevin Kielty answered that cabling can last twenty years but it does not guarantee a tree will not fail.

William Mungall, landscape architect for the project, spoke and noted that the applicant has neighborhood support for the removal of the tree. He added that the tree will be replaced with an approximately 108” box olive tree. He added that six major limbs have come down and he sees this as a life and safety issue.

Michael Young, Urban Tree Management, gave his assessment and noted that the tree has a history of failures and has two or three co-dominant limbs.

Commissioner Lane asked Mr. Young his opinion about cabling the tree. Mr. Young answered that it is useful in reducing several limbs that are hazardous but they can't all be cabled. He noted that cabling will reduce but not eliminate the hazard.

Commissioner Tonelli asked for clarification of the two arborists' reports. Both arborists were in agreement on the assessment of the tree.

The property owner spoke and noted his concern about the safety issue of the tree.

Commissioner Grindley found the uncovering of new failures to be suspect. He reiterated the Atherton Municipal Code position on protecting the Town's trees.

Commissioner Tonelli respects the Town's position but would be in favor of removal.

Commissioner Lane is bothered by the safety issue associated with the failures. He is inclined to approve removal. He would like to see it replaced with a tree of similar significance.

Chair Lively would support removal.

MOTION that the Planning Commission find that the proposed removal of one heritage Swamp Cypress tree at 228 Atherton Avenue would not be contrary to the purpose and intent of the General Plan and that the tree be replaced by a significant tree as approved by the Town Arborist.

M/S Lane/Tonelli Ayes: 3 Noes: 1 (Grindley)

10. Variance – 110 Atherton Avenue (APN 070-080-180) – Variance to allow a detached garage to be located closer to the front property line than is allowed by the Atherton Municipal Code.

Associate Planner Andrea Mardesich presented the item.

Commissioner Lane asked for clarification on the portion of the staff report that mentioned the parking requirement. Associate Planner Andrea Mardesich answered that the Town does not have a parking requirement so an alternative to the plan would be to not have a garage.

Wayne Clapper spoke on behalf of the project.

Commissioner Lane asked for clarification on the reasons for a garage. Commissioner Lane noted that there are other options and doesn't see the proposals a special case. Mr. Clapper answered that the design of the house led them to where the garage should go.

Commissioner Tonelli asked what impact there would be to the redwood trees if the garage were within the setback for a flag lot. Town Arborist Kevin KIELTY answered that there would be impacts but the trees would not have to be removed. Commissioner Tonelli noted that the site is not unique and moving the garage would only encroach on a bit of lawn.

Commissioner Grindley noted that there are other options than asphalt for the garage approach.

Commissioner Lively commented that he sees the site the same as the other Commissioners and that there is nothing different about the request.

MOTION that the Planning Commission deny the Variance at 110 Atherton Avenue as the required findings cannot be met for the reasons incorporated in the staff report.

M/S Lane/Tonelli Ayes: 4 Noes: 0

11. Heritage Tree Removal Permit - 96 Ridgeview Drive (APN 073-181-340) – Heritage Tree Removal Permit to allow the removal of five Heritage Trees (including two in the Right of Way).

This item was continued to the April 23, 2014 meeting.

12. ADJOURN – The meeting adjourned at 7:37.

Respectfully Submitted:

Lisa Costa Sanders, Deputy Town Planner