

**PLANNING COMMISSION  
DRAFT MINUTES**

**TOWN OF ATHERTON  
June 25, 2014  
6:00pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT:** Philip Lively  
Eric Lane  
William Grindley  
Mary Beth Widmer

**EXCUSED:** Paul Tonelli

Assistant City Attorney Jennifer Larson, Town Planner Lisa Costa Sanders, Associate Planner Andrea Mardesich and Town Building Official Brett Hale were present.

**2. APPROVAL OF MINUTES**

**MOTION to approve, as amended, the minutes of the May 28, 2014 meeting.**

**M/S Widmer/Lane Ayes: 3 Noes: 0 Abstain: 1 (Grindley) Excused: 1 (Tonelli)**

**3. PUBLIC COMMENTS - none**

**4. COMMISSIONERS' REPORTS**

Chair Lively reported that the CCAC subcommittee met with the Town Engineer to come up with a short list of program managers for the Civic Center project.

**5. STAFF REPORTS**

Town Planner Lisa Costa Sanders provided an update on the RFP process for environmental and geotechnical services for the Civic Center project. She noted that staff should have a recommendation for both for the August City Council meeting.

**PUBLIC HEARINGS**

**6. Variance – 397 Atherton Avenue (APN 073-202-650) – Variance to allow a detached garage be located closer than is allowed to the front property line.**

Associate Planner Andrea Mardesich presented the item.

OPEN PUBLIC COMMENT

Kurt Hogan, homeowner, spoke briefly and was available for Commission questions.

CLOSE PUBLIC COMMENT

**MOTION to approve the Variance at 397 Atherton Avenue based on the findings and for the reasons enumerated in the Staff Report, subject to the conditions listed in the draft Variance to allow a detached garage be constructed closer than is allowed to a front property line.**

**M/S Lane/Lively      Ayes: 4      Noes: 0      Excused: 1 (Tonelli)**

*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 owner of privileges enjoyed by others. The lot slope is steep, and the lot is bounded on each side by access driveways to other flag lots.*
2. *Granting the Variance does 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. *Granting the Variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the premise in question.*

Chair Lively advised of the 10-day appeal period.

**7. Tentative Parcel Map Certificate – 93 Camino Por Los Arboles (APN 070-310-110) – Tentative Parcel Map Certificate to Create Two Lots at 93 Camino Por Los Arboles.**

Associate Planner Andrea Mardesich introduced the item. Andrea Mardesich noted that one of the neighbors was in contact with staff about the project and is concerned about two homes being built at the same time. The neighbor also expressed concern about the potential removal of heritage trees.

**OPEN PUBLIC COMMENT**

Jack McCarthy, designer for the project, explained the deconstruction process for the existing structure. He also described the neighborhood outreach performed and noted that they did not receive any feedback from neighbors.

**CLOSE PUBLIC COMMENT**

Commissioner Lane commented that with proper landscape screening the project could have minimal visual impact. He urged the applicant to be a good neighbor.

Commissioner Widmer noted that many of the trees are almost to heritage size but she doesn't see obstacles to the project.

**MOTION to recommend the City Council approve the Tentative Parcel Map Certificate allowing the subdivision of one lot into two lots at 93 Camino Por los Arboles, based on the findings and for the reasons incorporated in the staff report.**

**M/S Grindley/Widmer      Ayes: 4      Noes: 0      Excused: 1 (Tonelli)**

*Findings:*

1. *The Tentative Parcel Map is in conformance with the Subdivision Map Act and the Atherton Subdivision Ordinance.*
2. *The size and shape of the proposed subdivision is in general conformance with Town requirements and the general pattern of the neighborhood and will not cause traffic, health or safety hazards.*

3. *The proposed subdivision will have proper and sufficient access to a public street.*
4. *The proposed map and the design or improvement of the proposed subdivision is consistent with the Atherton General Plan.*
5. *The site is physically suitable for the proposed type of development*
6. *The site is physically suitable for the proposed density of development.*
7. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*
8. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*
9. *The design of the subdivision or the types of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, or that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to those previously acquired by the public.*
10. *Discharge of waste from the proposed subdivision will not result in violation of existing water quality requirements prescribed by the regional water quality control board.*

Chair Lively advised of the 10-day appeal period.

- 8. Special Structures Permit – 1 Tallwood Court (APN 074-040-210)** – Special Structures Permit to allow a pool to be located at the front setback for the residence.

Deputy Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC COMMENT

Charles Belser with Pacific Peninsula Group explained the project and the thought behind the design.

CLOSE PUBLIC COMMENT

The Commission agreed that the chosen location is the most feasible option for the project.

**MOTION to approve the Special Structures Permit at One Tallwood Lane based on the findings and for the reasons enumerated in the staff report.**

**M/S Lane/Widmer                      Ayes: 4              Noes: 0              Excused: 1 (Tonelli)**

*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.*
3. *The granting of the special structure permit is consistent with the objectives of the General Plan and this title.*

Chair Lively advised of the 10-day appeal period.

- 9. Special Structures Permit – 81 Somerset – (APN 070-320-220)** – Special Structures Permit to allow a pool to be located at the front setback for the residence.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC COMMENT

Akira Kurihara with Andrew Skurman Architects addressed the Commission and provided clarification.

CLOSE PUBLIC COMMENT

The Commission agreed that the proposal is very straightforward.

**MOTION to approve the Special Structures Permit at 81 Somerset Lane based on the findings and for the reasons enumerated in the staff report.**

**M/S Grindley/Lane                      Ayes: 4              Noes: 0              Excused: 1 (Tonelli)**

*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.*
3. *The granting of the special structure permit is consistent with the objectives of the General Plan and this title.*

Chair Lively advised of the 10-day appeal period.

**10. Variance – 23 Fair Oaks Lane (APN 060-313-120) –** Variance to allow a first-floor addition to the main residence within the required side-yard setback.

Associate Town Planner Andrea Mardesich introduced the item.

OPEN PUBLIC COMMENT

Stephen Shoup, architect, gave the Commission an overview of the project and the reasoning behind many the design decisions.

Alan Dow, homeowner, addressed the Commission and gave an overview of the project.

Roland Mangiantini, Fair Oaks Drive, spoke in opposition to granting a variance.

CLOSE PUBLIC COMMENT

Commissioner Grindley noted that the integrity of the site and existing home would not be altered with the addition of a second story.

Commissioner Widmer found merit in keeping the character of the house intact.

Commissioner Lane noted that the Planning Commission is not a design review body and he had trouble reaching any of the required findings.

Chair Lively commented that allowing the variance would be granting special privileges.

**MOTION to deny the Variance at 23 Fair Oaks Lane as required findings cannot be met for the reasons incorporated in the staff report.**

**M/S Grindley/Lively                      Ayes: 3              Noes: 1 (Widmer)      Excused: 1 (Tonelli)**

Chair Lively advised of the 10-day appeal period.

**11. Special Structures Permit – 40 Isabella Avenue (APN 070-230-100)** – Special Structures Permit to allow a second-story addition to an existing non-conforming main residence within the required side yard setback.

Associate Town Planner Andrea Mardesich presented the item. Andrea Mardesich noted that one neighbor came forward with questions but had no concerns once the project was explained.

OPEN PUBLIC COMMENT

Buck Callan, builder, addressed Commissioner Grindley's question about the possible need for foundation work to support a second story. He noted that it should not be an issue but the corners of the first floor could require some underpinning.

CLOSED PUBLIC COMMENT

**MOTION to approve the Special Structures Permit at 40 Isabella Avenue based on the findings and for the reasons enumerated in the staff reports.**

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

*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.*
- 3. The granting of the special structure permit is consistent with the objectives of the General Plan and this title.*

Chair Lively advised of the 10-day appeal period.

**12. Special Structures Permit – 8 Brittany Meadows (APN 070-250-320)** – Special Structures Permit to allow a basement under a detached accessory building.

Town Planner Lisa Costa Sanders presented the item.

The Commissioners agreed that the proposed project was straightforward.

**MOTION to approve the Special Structures Permit at 8 Brittany Meadows based on the findings and for the reasons enumerated in the staff report and subject to the conditions listed in the draft Special Structures Permit to allow a basement under an accessory building.**

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

*Findings:*

- 1. The proposed basement will not impact heritage trees and the proposed basement lightwells are located on the interior side of the yard.*
- 2. The proposed basement will not negatively impact neighboring properties with respect to privacy and view.*
- 3. The proposed basement complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening.*

Chair Lively advised of the 10-day appeal period.

**13. Ordinance Amending Atherton Municipal Code Chapter 17.40 Accessory Buildings and Structures.**

Deputy Town Planner Lisa Costa Sanders presented the item. Building Official Brett Hale addressed the Commission and provided an overview of the Building Department's Fire/Life Safety process.

Lisa Costa Sanders noted that the building code is updated every three years and that the more restrictive code is followed if questions arise.

MOTION to continue the item and request the staff come back to the Planning Commission with a revised ordinance.

M/S Grindley/Lane      **Ayes: 3**      **Noes: 0**      **Excused: 1 (Tonelli)**

**9. ADJOURN** – The meeting adjourned at 7:25pm.

Respectfully Submitted:

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Lisa Costa Sanders, Deputy Town Planner