

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
January 28, 2015
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

PRESENT: Philip Lively
Mary Beth Widmer
Eric Lane
Paul Tonelli

EXCUSED: William Grindley

Assistant City Attorney Jennifer Larson, Town Planner Lisa Costa Sanders, Town Arborist Sally Bentz, and Senior Planner Laura Russell were present.

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the December 3, 2014 meeting.

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

PUBLIC HEARINGS

4. Conditional Use Permit – 116 Atherton Avenue (APN 070-080-200). Request for a Conditional Use Permit to allow an addition to the main residence with a reduced rear yard setback for accessibility reasons.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Bill Wood, William Wood Architects spoke on behalf of the project.

CLOSE PUBLIC HEARING

MOTION to approve the Conditional Use Permit at 116 Atherton Avenue for the reasons incorporated in the Staff Report, including staff modifications.

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

Findings:

- 1. The housing that is the subject of the request for reasonable accommodation will be used for an individual protected under the Fair Housing Act.*
- 2. The request for reasonable accommodation s necessary to make specific housing available to an individual protected under the Fair Housing Act.*

- 3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the town and does not fundamentally alter town zoning, development standards, policies or procedures.*

Chair Lively advised of the 10-day appeal period.

5. Special Structures Permit – 82 Elena Avenue (APN 070-212-070) Request for a Special Structure Permit to allow a basement to extend beyond the footprint of the main residence.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Steve Borlik, young and Borlik, spoke on behalf of the project.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit at 82 Elena Avenue 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.

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

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 structures permit is consistent with the objectives of the general plan and this title.*

Chair Lively advised of the 10-day appeal period.

6. Special Structures Permit – 255 Atherton Avenue (APN 070-132-140). Request for Special Structure Permit to allow a basement to extend beyond the footprint of the main residence.

Senior Planner Laura Russell presented the item.

OPEN PUBLIC HEARING

Jon Daseking, architect with Pacific Peninsula Group, spoke in support of the project.

Commissioner Tonelli questioned why the project required a Special Structure permit when the architect was working with a “blank slate.” Mr. Daseking responded that there is no discernible outside aesthetic and that there is a big impact on the basement lighting.

Commissioner Lane asked if the porch was designed larger to accommodate a bigger basement. Mr. Daseking responded that the porch was not designed with the basement in mind.

MOTION to approve the Special Structures Permit at 255 Atherton Avenue 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.

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

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 structures permit is consistent with the objectives of the general plan and this title.*

Chair Lively advised of the 10-day appeal period.

7. Special Structures Permit – 97 Santiago Avenue (APN 070-343-100) Request for a Special Structure Permit to allow a basement to extend beyond the footprint of the main residence.

Senior Planner Laura Russell presented the item.

OPEN PUBLIC HEARING

Bob Swatt, Swatt Meier Architects spoke on behalf of the project.

CLOSED PUBLIC HEARING

Senior Planner Laura Russell explained the squaring off of the basement due to an overhang.

Deputy Town Planner Lisa Costa Sanders explained that the basement is much smaller than the code requires.

MOTION to approve the Special Structures Permit at 97 Santiago Avenue based on the findings and for the reason 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.

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

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 structures permit is consistent with the objectives of the general plan and this title.*

Chair Lively advised of the 10-day appeal period.

8. Special Structures Permit – 33 Prado Secoya (APN 070-343-210). Request for a Special Structure Permit to allow an accessory structure up to the front yard setback.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Gary Head of Zak Architecture spoke on behalf of the project.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit to allow an accessory building to be located 103' from the front property line at 33 Prado Secoya subject to the conditions in the draft Special Structure Permit Certificate and based on the findings and for the reasons incorporated in the staff report.

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

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 – 95 Fleur Place (APN 070-343-100). Request for a Special Structure Permit to allow an accessory structure up to the front yard setback.

Senior Planner Laura Russell presented the item.

OPEN PUBLIC COMMENT

Jude Kirik, Pacific Peninsula Group, spoke on behalf of the project, noting that the three large redwood trees on the property influenced the location of the garage.

CLOSE PUBLIC COMMENT

Commissioner Lane asked about the area located in front of the garage. Mr. Kirik answered that the landscape plan is in process.

MOTION to approve the Special Structure Permit to allow an accessory building to be located 60'-6" from the front property line at 95 Fleur Place subject to the conditions in the draft Special Structure Permit Certificate and based on the findings and for the reasons incorporated in the staff report.

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

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 noted the 10-day appeal period.

10. Lot Line Redesignation and Special Structures Permit – 70 Gresham Lane (APN 059-303-350). Request a Lot Line Redesignation to designate the west property line as the front property line and a Special Structure Permit to allow two accessory structures up to the front yard setback.

Senior Planner Laura Russell presented the item.

The Commissioners asked for clarification about where the front yard is located on the lot. Town Planner Lisa Costa Sanders explained that they did not find any historical support for the orientation of the lot.

OPEN PUBLIC HEARING

Steve Borlik, Young and Borlik spoke on behalf of the project. He outlined the plan for tree protection including monthly inspections and twice monthly irrigation. He also noted that there were letters of support from the north and south properties.

CLOSE PUBLIC HEARING

MOTION to approve the Lot Line Redesignation to designate the west property line as the front property line at 70 Gresham Lane subject to the condition in the draft Lot Line Redesignation Certificate and based on the findings and for the reasons incorporated in the Staff Report.

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

Findings:

- 1. The proposed 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, or general welfare or movement of vehicles, people and goods in and around the subject property.*
- 2. The proposed redesignation will be in accord with the general plan and the purposes of that plan and the Zoning Code.*

MOTION to approve the Special Structure Permit to allow two accessory buildings to be located 83' from the front property line at 70 Gresham Lane subject to the conditions in the draft Special Structure Permit Certificate and based on the findings and for the reasons incorporated in the Staff Report.

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

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 landscape screening.*
- 3. The granting of the special structure permit is consistent with the objectives of the general plan and this title.*

Chair Lively noted the 10-day appeal period.

11. Special Structures Permits and Heritage Tree Removal Permit – 147 Patricia Lane (APN 059-283-040). Request for a Special Structure Permit to allow a basement under the main building, a Special Structure Permit to allow an accessory structure (pool) at the front yard setback, and a Heritage Tree Removal Permit to allow the removal of one heritage redwood tree.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

David Bogstad, LCA Architects, spoke on behalf of the project.

The Commission discussed the removal of the tree. Town Arborist Sally Bentz commented that tree might be more prone to failure given the nearby construction.

Town Planner Lisa Costa Sanders noted that staff did not evaluate the pool project if the tree removal was denied.

MOTION to approve the Special Structure Permit for the basement under the main residence.

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

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 structures permit is consistent with the objectives of the general plan and this title.*

MOTION to deny the Heritage Tree Removal Permit for the removal of one redwood tree at 147 Patricia Lane.

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

MOTION to continue the public hearing for a Special Structures Permit at 147 Patricia Lane to the February 25, 2015 Planning Commission meeting.

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

12. Tentative Parcel Map – 49 Tuscaloosa (APN 070-120-010 and 070-120-020) Request for a Tentative Parcel Map Certificate to create two lots.

Town Planner Lisa Costa Sanders presented the item.

Jude Kirik, Pacific Peninsula Group, spoke on behalf of the project. He noted that no heritage trees are in the path of construction.

MOTION to recommend the City Council approve the Tentative Parcel Map Certificate allowing the subdivision of one lot into two lots at 49 Tuscaloosa, based on the findings and for the reasons incorporated in the Staff Report.

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

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 are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.*

8. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*
9. *The design of the subdivision or the type 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.*

13. Ordinance – Consideration of an Ordinance to Amend Atherton Municipal Code Chapter 17.56 regulating Special Events.

Town Planner Lisa Costa Sanders presented the item.

The Commission unanimously decided that the issue requires more study.

MOTION to continue the item for further study until the next regular meeting.

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

14. COMMISSIONERS' REPORTS

Commissioner Tonelli gave an update on the CCAC process. They are in the process of selecting the architect from the final two qualifiers.

Commissioners requested discussion of Special Structure Permit and Basement regulations at a future meeting.

15. ADJOURN - The meeting adjourned at 7:32pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner