

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
March 23, 2016
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Mary Beth Widmer
Randy Lamb
Joann Byrne-Sockolov
Paul Tonelli**

Town Planner Lisa Costa Sanders, Assistant Planner Haleigh King, Assistant City Attorney Jennifer Larson and Town Arborist Sally Bentz were present.

2. PUBLIC COMMENTS – none

3. APPROVAL OF MINUTES

**MOTION to approve, with corrections, the minutes of the February 24, 2016 meeting.
M/S Lamb/Widmer Ayes: 4 Noes: 0 Abstain: 1 (Tonelli)**

4. PUBLIC HEARINGS

A. Heritage Tree Removal Permit – 555 Middlefield Road – Request for a Heritage Tree Removal Permit to allow the removal of one tree.

MOTION to continue the item to the next regularly scheduled Planning Commission meeting.

M/S Lamb/Tonelli Ayes: 5 Noes: 0

B. Special Structures Permit and Heritage Tree Removal permit – 172 Tuscaloosa Avenue - Request for a Special Structure permit to allow an increase in the sidewall and main building height and a Special Structure permit to allow a basement to extend beyond the footprint of the main residence and a Heritage Tree Removal Permit for the removal of six trees.

MOTION to continue the item to the next regularly scheduled Planning Commission meeting.

M/S Lamb/Tonelli Ayes: 5 Noes: 0

C. Special Structures Permit – 55 Camino por los Arboles – Request for a Special Structure Permit to allow basement to extend beyond the footprint of the main residence, a Special Structure permit to allow a basement under an accessory building and a Special Structure permit to allow a pool up to the front yard setback.

Town Planner Lisa Costa Sanders presented the item.

3. *The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

MOTION to approve the Special Structure Permit to allow a basement under an accessory building at 55 Camino por los Arboles subject to the conditions contained in the Special Structure Permit certificate.

M/S Lamb/Tonelli Ayes: 5 Noes: 0

MOTION to approve the Special Structure permit to allow a pool up to the front yard setback at 55 Camino por lost Arboles subject to the conditions in the Special Structure Permit Certificate and based on the findings and for the reasons incorporated in the staff report.

M/S Lamb/Tonelli Ayes: 5 Noes: 0

Chair Lane advised of the 10-day appeal period.

- D. Special Structures Permit and Heritage Tree Removal permit – 89 Tallwood** – Request for a Special Structures permit for retaining walls and a Heritage Tree Removal permit for the removal of one tree.

Town Planner, Lisa Costa Sanders presented the item. She explained the reasoning behind the tree removal and actions that will take place to save the tree.

Commissioner Sockolov asked if the Town Arborist will make scheduled visits to check on the status of the tree. Lisa Costa Sanders answered that the applicant’s arborist will oversee the protection of the tree. Commission Sockolov would like to see scheduled visits from the Town Arborist.

Commission Widmer expressed concern about the lean of tree #16. Town Arborist, Sally Bentz, answered that tree #16 is far enough way from construction and she feels comfortable with the design around that tree. She further explained that three 36” box trees will be required in the event that the tree is required to be removed.

Chair Lane expressed confusion on granting a permit before one is deemed necessary for the status of the tree. Lisa Costa Sanders suggested adding to the Tree Removal Certificate to include visits from the Town Arborist.

OPEN PUBLIC HEARING

Steve Borlick, architect, spoke in favor of the project. He explained the design decisions based on the locations of the trees.

Commissioner Lamb asked Steve Borlick to comment on the retaining walls. Steve Borlick commented that he was trying to maximize flat space in the backyard.

CLOSE PUBLIC HEARING

Commissioner Lamb commented that he’s not concerned about the trees. He fully supports removing the Eucalyptus tree. He also commented that it is a difficult site to build on.

MOTION to approve the Special Structures permit for the retaining walls at 89 Tallwood Court based on the findings listed in the staff report and subject to the conditions listed in the draft Special Structures permit.

M/S Tonelli/Lamb Ayes: 5 Noes: 0

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.*

MOTION to approve the Heritage Tree Removal permit for the removal of one oak tree at 89 Tallwood Court based on the findings listed in the Staff report and subject to the conditions listed in the draft Special Structure permit with the following additional conditions.

M/S Tonelli/Lamb Ayes: 5 Noes: 0

Findings:

1. *The removal of the tree would not be contrary to the purpose and intent of the General Plan.*

Modified/Additional Conditions:

1. *Remove condition #1.*
2. *Add as condition #1: Care shall be taken to preserve tree #20 to the maximum extent feasible. If the tree fails, in the opinion of the Town Arborist, despite best efforts to preserve, it may be removed. The Town Arborist shall inspect the tree and determine if removal is necessary.*

Chair Lane advised of the 10-day appeal period.

E. Special Structures permit – 61 Faxon Road – Request for a Special Structures 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

Gary Kohlsaas, architect, spoke in favor of the project and explained the necessity.

Commissioner Widmer expressed concern over the closets housing mechanical equipment being outside the footprint of the house. Lisa Costa Sanders explained the extensions.

MOTION to approve the Special Structures permit at 61 Faxon Road based on the findings, subject to the conditions listed in the draft Special Structures permit to allow a basement extension as depicted on the project plans.

M/S Lamb/Sokolov Ayes: 4 Noes: 1 (Widmer)

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; and*
3. *The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

Chair Lane advised of the 10-day appeal period.

F. Special Structures Permit – 12 Faxon Forest – Request for a Special Structures permit to allow a basement to extend beyond the footprint of the main residence.

The application for a Special Structures permit for 12 Faxon Forest was withdrawn by the applicant. No action was taken by the Planning Commission.

G. Special Structures Permit – 141 Tuscaloosa Avenue – Request for a Special Structure permit to allow an increase in the sidewall height limit for a main residence.

Town Planner, Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Huiwen Hsiao, architect, explained the design and spoke in favor of the project.

CLOSE PUBLIC HEARING.

Commissioner Lamb confirmed the code about the increased setbacks.

OPEN PUBLIC HEARING

Huiwen Hsiao explained that the height is to accommodate art work while keeping the modern style that the home owners like.

Lisa Costa Sanders explained that the municipal code doesn't work easily with the modern style of architecture and contemporary styles. Specifically, the sidewall regulations are restrictive.

Commissioner Lamb asked how important the tower element is to the design of the project. Huiwen Hsiao explained that the tower makes the aesthetic.

Lisa Costa Sanders explained that the project is not maxing out.

Commissioner Lamb asked about screening in the front of the property. Huiwen Hsiao explained that they will keep the existing landscaping. They may relocate a maple tree.

CLOSE PUBLIC HEARING

Chair Lane confirmed that the highest point of the new project is two feet higher than the current house.

Commissioner Lamb commented that the house will be set way back on the lot.

MOTION to approve the Special Structures permit at 141 Tuscaloosa based on the findings, subject to the conditions listed in the draft Special Structures permit to allow the vertical sidewalls for the main residence on the left and right elevations to exceed the maximum allowable height of 22 feet, up to 25 feet 0 inches, to allow the tower element of the main residence to have a top of roof ridge height of up to 32 feet, and to allow a basement extension as depicted on the project plans.

M/S Widmer/Lamb Ayes: 4 Noes: 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; and*
3. *The granting of the special structure permit is consistent with the objectives of the general plan and this title.*

Chair Lane advised of the 10-day appeal period.

H. Special Structures Permit – 142 Glenwood Avenue – Request for a Special Structure permit to allow an increase in the sidewall height limit for a main residence.

Commissioner Widmer recused herself from the meeting.

Assistant Planner Haleigh King presented the item.

OPEN PUBLIC HEARING

Tobin Dougherty, architect, spoke in favor of the project.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structure permit to allow the vertical sidewalls for the main residence on the front and rear elevations to exceed the maximum allowable height of 22 feet, up to 22 feet 8 inches at 142 Glenwood Avenue as the required findings can be met for the reasons enumerate in the staff report subject to the conditions listed in the draft Special Structure permit.

M/S Lamb/Sokolov Ayes: 4 Noes: 0 Recused: 1 (Widmer)

Chair Lane advised of the 10-day appeal period.

5. NEW BUSINESS

A. Appoint two Planning Commissioners to work with the Tree Committee on revisions to the Atherton Municipal Code Section 8.10 relating to Tree Removals and Tree Protection Requirements.

Town Planner Lisa Costa Sanders explained the background and requirements of the ad hoc Tree Committee.

After Commission discussion, Chair Lane appointed Commissioners Widmer and Sokolov.

6. COMMISSIONER'S REPORTS –

Discussion ensued about the Civic Center plans and the next steps for the project. Commissioner Tonelli noted that the most recent meeting was well attended and he felt there was a large degree of satisfaction. Commission Widmer agreed that the meeting was well attended and the design was readily accepted.

The Commission discussed the trend of applications and construction of modern homes in Atherton. The current code makes modern homes difficult to design. Lisa Costa Sanders noted that the process to change the code could begin with a study session. She also noted that since the Town does not have design review, the code needs to be rewritten objectively.

7. STAFF REPORTS

Town Planner, Lisa Costa Sanders, reported that City Council introduced the revised Chicken Ordinance.

8. ADJOURN – The meeting adjourned at 7:40pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner