

**PLANNING COMMISSION
MINUTES**

**TOWN OF ATHERTON
March 27, 2013
6:00pm
TOWN OF COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

PRESENT: Herman Christensen Jr.
Philip Lively
Mary Beth Widmer
Eric Lane

Paul Quinlan - excused

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

2. APPROVAL OF MINUTES

**MOTION to approve the minutes of the February 27, 2013 meeting.
M/S Lively/Lane Ayes: 4 Noes: 0 Excused: 1 (Quinlan)**

3. PUBLIC COMMENTS - none

4. COMMISSIONERS REPORTS - none

- 5. STAFF REPORTS** – Associate Planner Andrea Mardesich announced that the Environmental Committee is holding an Earth Day celebration in Holbrook Palmer Park on April 22, 2013. The event will include speaker Dr. Larry Costello. Associate Planner Mardesich also announced that the Little League item will not be ready for the April Planning Commission meeting and is tentatively scheduled for the May agenda.

PUBLIC HEARINGS

- 6. Heritage Tree Removal Permit – 163 Almendral Avenue** – Heritage Tree Removal Permit for the removal of three heritage trees. Atherton Municipal Code Section 8.10.

Associate Planner, Andrea Mardesich presented the item. She noted that the residents from 167 Almendral communicated with the Town about the property but only to ask that the ivy between the two properties be removed. They did not express concerns with the tree removal.

Public comment was also received from the house to the left of 163 Almendral which requested that landscape screening be provided for the proposed accessory structures. Associate Planner Mardesich explained that the plans have not yet been submitted but landscape screening will be required for the accessory structures at the time of application.

OPEN PUBLIC COMMENT

Steve Simpson, the architect for the project, gave a brief introduction of the project and made himself available for questions.

Dave Roche, the landscape architect on the project discussed the redwoods proposed for removal. He added that there will be 70 new trees planted as part of the overall project, with 45 of those trees being significant trees.

Commissioner Lively asked if the designer considered having the driveway come in from the left side of the lot. Mr. Roche answered that they had considered that option but that would require the removal of several sycamore trees.

CLOSE PUBLIC COMMENT

Commissioner Lane thinks the request is reasonable and that the design helps frame the Valley Oak in the center of the property.

Commissioner Widmer agrees that the request is reasonable.

Commissioner Lively is concerned with the visual effect of cutting out the trees in the middle of the row.

Chair Christensen expressed concern with the application. He thinks that the design is contrary to the spirit of the Heritage Tree Removal Ordinance. If it were truly a matter of crowding then it would make more sense to remove every other tree rather than three in the middle of the row.

MOTION that the Planning Commission approve Heritage Tree Removal Permit for the removal of three redwood trees, identified on the site plan as trees #7, #8, #9 subject to the conditions listed in the Heritage Tree Removal Certificate based on the reasons incorporated in the Staff Report.

M/S Lane/Widmer Ayes: 2 Noes: 2 Excused : 1 (Quinlan)

The motion resulted in no action.

7. Special Structures Permit – 125 Alta Vista Drive – Special Structures Permit to allow a pool located in the side yard up to the front yard setback. Atherton Municipal Code Sections 17.15 and 17.40.

Associate Planner, Andrea Mardesich, presented the item. She noted that the adjacent neighbor (nearest the pool) is concerned about the location of the pool equipment. The applicant has provided an alternate plan for the pool equipment but the original location is their first choice. The residents at 471 Fletcher submitted a letter in support of the project.

Associate Planner Mardesich noted that the owner of Bear Gulch Reservoir, Cal Water, has been notified of the project and has not provided any comment.

Commissioner Lane clarified that the pool is a lap pool. The architect for the project, Khoi Le, answered in the affirmative.

Chair Christensen asked why this application has come before the Planning Commission since the pool is being put in the buildable area, essentially inside the house.

Associate Planner Mardesich answered that Staff took an conservative given that the code states that pools are viewed as accessory structures.

Commissioner Widmer clarified that the pool is only surrounded by one wall. Mr. Le answered that the only solid wall is the wall of the house so the pool is only surrounded by one wall.

Commissioner Widmer asked where the water will go during maintenance of the pool. Mr. Le answered that it will not go into Bear Gulch Reservoir, but will likely go into the sewer.

Commissioner Lively asked if the fence ordinance, specifically the ordinance for pool fences will still need to be honored. Associate Planner Mardesich answered in the affirmative.

Commissioners Lively and Lane and Chair Christensen expressed concern about noise attenuation. Commissioner Lane is more concerned about attenuation than location of the equipment. His concern is that no matter where the equipment is located on the lot, the sound will carry down the hill.

MOTION that the Planning Commission approve the Special Structures Permit at 125 Alta Vista Drive subject to the conditions listed in the Special Structure Permit with an additional condition, based on the findings and for the reasons enumerated in the staff report.

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

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. (Ord. 582 § 1 (Exh. A) (part), 2009)*

Additional Condition:

1. *Add condition #4; "special attention shall be paid to sound attenuation including possible relocation of pool and HVAC equipment."*

Chair Christensen informed of the 10 day right of appeal.

ADJOURN – The meeting adjourned at 8:00 pm.

Respectfully Submitted:

Lisa Costa Sanders, Deputy Town Planner