

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
April 22, 2009  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
91 ASHFIELD ROAD**

**1. ROLL CALL:**

**PRESENT: Marion Oster  
Philip Lively  
Herman Christensen Jr.  
Kristi Waldron**

**EXCUSED: William Grindley**

Commissioners expressed their appreciation to Marion Oster for her years of service on the Planning Commission.

Assistant City Attorney Ben Winig, Deputy Town Planner Lisa Costa Sanders, Deputy Town Planner Andrea Mardesich and Building Official Mike Wasmann were also present.

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the March 25, 2009 meeting as amended.  
M/S Christensen/Lively                      Ayes: 4              Noes: 0              Excused: 1**

**3. PUBLIC COMMENTS- none**

**4. COMMISSIONERS REPORTS**

Commissioner Lively reported on the progress of the Special Events sub-committee and that they hope to bring draft recommendations to the Planning Commission in May. Commissioner Lively also noted that he met with Monte Sereno staff regarding their Housing Element.

Commissioner Christensen asked about the Grand Jury report on the Town's Special Events Ordinance. Lisa Costa Sanders responded that the City Attorney is working on a memo regarding the ordinance.

**5. GENERAL PLAN COMMITTEE REPORTS**

Commissioner Christensen reported that the General Plan last met on April 1, 2009 and recommended the Housing Element to the Planning Commission. The next General Plan Committee meeting is scheduled for early July to discuss Green Building.

**6. STAFF REPORTS**

Deputy Town Planner, Lisa Costa Sanders reported that the City Council approved the request of Menlo School and Menlo College for rezoning.

**NEW BUSINESS**

- 7. Conditional Use Permit- 68 Douglass Way** – Conditional Use Permit to allow a pool to be constructed at the front yard setback in the side yard. Atherton Municipal Code Sections 17.36.080 and 17.52

Assistant Town Planner, Andrea Mardesich presented the staff report and indicated staff support for the request.

Commissioner Christensen questioned the setback measurements of the pool. Ms. Mardesich clarified measurements and indicated that setbacks are traditionally measured from the water line of the pool.

Commissioner Lively asked for clarification on the date of the plans stated on the Conditional Use Permit. Ms. Mardesich indicated that there was no date on the plans and therefore the date referenced is the date the Building Department received the plans prepared by the property owner.

Commissioners Lively, Christensen and Chair Oster indicated that they have visited the site.

**OPEN PUBLIC HEARING**

Andrea Luskin, property owner, 68 Douglass Way, stated that the size of the pool equipment will be smaller than indicated on the plans.

**CLOSE PUBLIC HEARING**

Commissioner Christensen indicated support for the application as presented.

Commissioner Lively agreed with Commissioner Christensen.

Commissioner Waldron indicated support for the request.

Chair Oster noted that the proposed location is ideal for a swimming pool, it is not visible from the street and therefore there would be no impact to neighbors.

**MOTION to approve the Conditional Use Permit to allow a pool in the side yard at the front setback at 68 Douglass Way based on the following findings and subject to the conditions listed in the Conditional Use Permit:**

**M/S Lively/Christensen      Ayes: 4      Noes: 0      Excused: 1**

**Finding:**

1. The proposed pool at the proposed location will not be detrimental or injurious to person, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.
2. The proposed pool will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the zoning code.

Chair Oster advised of the 10-day appeal period.

- 8. Conditional Use Permits – 383 Walsh Road** – Conditional Use Permits to allow a basement under an accessory structure and to allow two retaining walls to be constructed closer than 20’ apart. Atherton Municipal Code Sections 17.36.195, 17.36.190 and 17.52

Deputy Town Planner, Lisa Costa Sanders present the staff report and indicated staff support for the Conditional Use Permits.

**OPEN PUBLIC HEARING**

Eric Blassen, Blasen Landscape Architecture, gave an overview of the proposed site improvements and site walls.

Commissioner Lively questioned if there is another way to access the pool other than the stairs. Mr. Blassen indicated that you can also access the pool from the auto court down the driveway or the ramped pathway. Commissioner Lively stated that when he visited the site on the easterly side of the pool house there are non-native/ non-heritage tree, which are not visible to others, however questioned if they would remain. Mr. Blasen indicated that two olive trees are scheduled to go but everything else stays.

Katherine Schwertner, BAR Architects indicated that the request for the basement under the accessory structure is solely for the purpose to house the pool equipment. She noted that the basement is 7 feet high with no windows and no light wells.

Commission Waldron asked for clarification of the square footage. Ms. Schwertner indicated that the proposed basement is approximately 356 square feet.

Chair Oster noted that there appears to be a trellis on the accessory structure. Ms. Schwertner indicated that there is a proposed trellis but it will be constructed at a later date.

**MOTION to approve the Conditional Use Permit to allow two retaining walls to be located closer than 20’ to one another at 383 Walsh Road based on the following findings and subject to the conditions listed in the Conditional Use Permit:**

**M/S Christensen/Lively      Ayes: 4      Noes: 0      Excused: 1**

**Findings:**

1. The proposed walls at the proposed location will not be detrimental or injurious to person, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.
2. The proposed walls will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the zoning code.

**MOTION to approve the Conditional Use Permit to allow a basement to be constructed under an accessory structure at 383 Walsh Road based on the following finding and subject to the conditions listed in the Conditional Use Permit:**

**M/S Christensen/Lively      Ayes: 4      Noes: 0      Excused: 1**

**Finding:**

1. The proposed basement under the accessory structure will not impact heritage trees, provides sufficient room for landscape screening and with light wells located on the interior side of the yard.

Chair Oster advised of the 10-day appeal period

- 9. Tentative Parcel Map – 172 Isabella Avenue** – Tentative Parcel Map to allow the subdivision of one 2.5 acre parcel into two parcels. Atherton Municipal Code Section 16.16.

**MOTION to continue the item to the April 29, 2009 meeting.**

**M/S Waldron/Lively      Ayes: 4      Noes: 0      Excused: 1**

- 10. Ordinance Amendment- Comprehensive Zoning Code Update replacing Title 17.**

**MOTION to continue item to the Special April 29, 2009 meeting.**

**M/S Lively/Waldron      Ayes: 4      Noes:0      Excused: 1**

- 11. ADOURN**  
Meeting adjourned at 6:40 pm

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner