

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
July 23, 2008  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL:**

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

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Assistant Planner Jamie Bourne, Town Arborist Kathy Hughes Anderson and Building Official Mike Wasmann were also present.

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the June 25, 2008 meeting as amended.  
M/S Grindley/ Christensen                      Ayes: 5                      Noes: 0**

**3. PUBLIC COMMENTS- none**

**4. COMMISSIONER'S REPORTS- none**

**5. GENERAL PLAN COMMITTEE REPORTS**

Commissioner Waldron reported that the next General Plan Committee meeting is scheduled for July 30, 2008 to review the zoning code update.

**6. STAFF REPORTS**

Deputy Town Planner, Lisa Costa Sanders reported that the City Council adopted a new Planning fee schedule.

**NEW BUSINESS**

**7. Master Plan Update- 1000 El Camino Real- Menlo College Master Plan Update for 2008.**

Deputy Town Planner Lisa Costa Sanders noted that this item was continued from Planning Commission meeting of June 25, 2008.

**OPEN PUBLIC HEARING**

Bob Talbot, Facility Manager introduced Chop Keenan, Member of the Board of Trustee for Menlo College.

Mr. Keenan stated that there have been no changes to the campus since 2004 and noted ongoing separation discussion with Menlo School. He further stated that fall enrollment is at 620 students which is the same it has been for the last few years.

Commissioner Lively stated that the tables and costs in the master plan should be updated to reflect 2008 figures. Chair Oster noted that the current Master Plan reflects 2001 numbers.

Commissioner Christensen questioned the progression in the discussion between the High School and the College. Mr. Keenan noted that the College is working on a separation with the High School and they should have additional information within the next week. He stated that there has been an outstanding issue with who owns what. Mr. Keenan further noted that the College is only involved only in paint and landscaping and there is no intention for any new buildings for at least another 3-5 years.

Chair Oster noted that she would like to see the items they have done or plan to do in a short report and receive it for the next Planning Commission meeting. Mr. Keenan asked if they could continue to the September Planning Commission meeting.

CLOSE PUBLIC HEARING

**MOTION to continue this item to the September 24, 2008 meeting.**

**M/S Christensen/ Lively      Ayes: 5      Noes: 0**

- 8. Conditional Use Permit- 2 Valley** –Conditional Use Permit to allow a trellis to be located in the front yard. Atherton Municipal Code Section 17.36.165

Assistant Planner, Jamie Bourne presented the Staff Report.

Commissioner Grindley questioned if there is a technical difference between an arbor and a trellis. Ms. Costa Sanders noted there is no distinction within the code between the two.

OPEN PUBLIC HEARING

Carrington Kujawa, Project Designer, stated that the trellis is a very small structure and is not impending to other neighbors. She further noted that the trellis is designed appropriate to the scale of the home and would provide lighting to a rather dark area.

Commissioner Lively stated he would like clarification on the lighting. Ms. Kujawa responded there are no plans for up lighting, just one single lantern light in the center of the structure.

#### CLOSE PUBLIC HEARING

Commissioner Waldron stated that the zoning code should be modified to handle these items at a staff level.

Commissioner Christensen had no comment.

Commissioner Grindley commended the project designer on the design.

Commissioner Lively noted that there should be an additional condition to the use permit that no up lighting be permitted and the light shall be shielded.

Chair Oster agreed with Commissioner Lively, however did note that once the roses grow this would help with the screening of the light.

**MOTION to approve the Conditional Use Permit to allow a trellis to be located in the front yard at 2 Valley Road based on the following findings with the following additional condition;**

**M/S Grindley/ Lively      Ayes: 5      Noes: 0**

#### **Findings:**

1. The proposed structure will be located and conducted in a manner in accord with the general plan.
2. The proposed structure 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.

#### **Additional condition;**

1. Add condition #4 to read as follows: "Lighting shall be shielded and down lit so source of light is not visible from adjacent properties and no up lighting shall be permitted.

Chair Oster advised of the 10-day appeal period.

**9. Heritage Tree Removal Permit- 9 Park Drive-** Heritage Tree Removal Permit to allow the removal of one Heritage Tree. Atherton Municipal Code Section 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support for the request.

Commissioner Waldron questioned the one car garage. Ms. Costa Sanders noted there are no parking requirements within the code.

Commissioner Grindley questioned portions of the lower courtyard and lightwell. Ms. Costa Sanders stated that the Project Architect is in attendance and can respond.

#### OPEN PUBLIC HEARING

John Stewart, Stewart Associates noted that the plans are very preliminary. Commissioner Grindley stated he could not read the plans. Mr. Stewart noted that the heritage trees are shown on the plans.

#### CLOSE PUBLIC HEARING

Commissioner Grindley agreed that the tree is leaning however feels that the tree could be saved with a more creative site design.

Commissioner Lively noted that the tree has a lean and that with the 48" box replacement would be suitable.

Commissioner Christensen stated that he would support the removal of the tree.

Commissioner Waldron expressed her support for the removal of tree #3, expressed concern with tree #4 and would like an arborist to be consulted on the tree with regards to the planned basement excavation.

Chair Oster agreed there should be a condition added for both tree #4 and tree #5 as it is very close to the driveway and fears that the trucks and digging would affect #5.

**MOTION to approve the Heritage Tree Removal Permit to allow the removal of one heritage tree at 9 Park Drive based on the following finding and subject to the conditions listed in the heritage Tree Removal Permit with the following additional conditions;**

**M/S Lively/ Waldron**

**Ayes: 4**

**Noes: 1 (Grindley)**

**Finding:**

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

**Additional Conditions:**

1. Add condition #4 to read as follows; "Arborist shall be consulted for tree #4 in relation to the basement construction. All recommendations of the Arborist shall be followed.
2. Add condition #5 to read as follows; "Tree #1 shall be carefully protected during construction".

Chair Oster advised of the 10-day appeal period.

**10. Heritage Tree Removal Permit- 337 Walsh Road-** Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support for the removal of two trees

Commissioner Lively questioned whether the wording of “minimal grading” is accurate when the lot has a slope. Ms. Costa Sanders responded that the applicant is in attendance and would ask that the applicant respond.

Town Arborist, Kathy Hughes-Anderson stated that PG&E topped the tree.

Commissioner Waldron questioned whether there are tree barricades on the site. Ms. Hughes- Anderson stated most of the trees are barricaded.

**OPEN PUBLIC HEARING**

Jude Kirik, Architect stated that the property was in disrepair when Pacific Peninsula Group purchased the property. He further noted that the lot is unusual in Atherton with its’ upslope and there will be a 6 foot retaining wall on the building plans to provide a small flat backyard off the family room.

Commissioner Lively questioned if there would be grading where the trees are. Mr. Kirik responded that there would be a 6-foot wall.

Commissioner Waldron questioned whether the retaining wall is going to be connected to the main residence. Mr. Kirik responded that the retaining wall would be free standing.

Commissioner Christensen questioned if the permit for the retaining wall is included within the building permit and if so, why was the job on the agenda a month ago stopped. Ms. Costa Sanders responded that the other job was not compliance with the code.

Commissioner Christensen questioned the rear elevation. Mr. Kirik noted that the yard will be multi level. Commissioner Christensen questioned if there would be retaining walls at the other levels. Mr. Kirik responded no.

Commissioner Waldron noted there are a lot of smaller trees towards the back of the property. Mr. Kirik noted that the majority of the smaller trees will remain and are adding four replacement trees as well. Commissioner Waldron stated that in the future she would like to see a submittal of landscaping plans to show the terracing and grading.

Commissioner Grindley expressed concern that according to the plans the retaining wall would be 30 feet from the back the house and would indicate a very steep incline with only a 6-foot retaining wall.

**CLOSE PUBLIC HEARING**

Commissioner Christensen expressed his concern for the retaining wall, but noted this was not the issue before the Commission and would support the removal of the two heritage trees.

Commissioner Grindley agreed with Commissioner Christensen.

Commissioner Lively also stated his support for the removal of the two heritage trees.

Commissioner Waldron expressed support for the removal of the two heritage trees based on their conditions. She further stated she would like to see two more replacement trees added to the condition due to the number of smaller trees being removed.

Ms. Hughes- Anderson stated that the applicant plans on leaving the small Oak trees.

Chair Oster expressed support for the removal of the two heritage trees and after some research she noted that the seeds of the Buckeye are indeed poisonous.

**MOTION to approve Heritage Tree Removal Permit to allow the removal of two heritage trees at 337 Walsh Road based on the following finding with the revised condition of a minimum of 6 - 36 inch box Native Oak replacements.**

**M/S Oster/ Christensen      Ayes: 5      Noes: 0**

**Finding:**

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

Chair Oster advised of the 10-day appeal period.

**11. Heritage Tree Removal Permit and Mitigated Negative Declaration- 55 Shearer Drive-** Heritage Tree Removal Permit and Mitigated Negative Declaration to allow the removal of six heritage trees. Atherton Municipal Code Section 8.10

Deputy Town Planner, Lisa Costa Sanders presented the Staff report and indicated support for the request.

**OPEN PUBLIC HEARING**

Jude Kirik, Architect with Pacific Peninsula Group, noted that the trees they are seeking removal of are not going to affect the new home but are a safety concern.

Commissioner Grindley questioned if the Ginko tree would be preserved. Mr. Kirik responded in the affirmative.

Melinda. Longacker, property owner, stated that she has spoken with her neighbors and they may wish to trim the tree along the property line.

CLOSE PUBLIC HEARING

Commissioner Lively noted that the trees do appear to be a safety hazard and would support the removal of the heritage trees.

Commissioner Grindley agreed with Commissioner Lively and expressed his support for the removal.

Commissioner Christensen requested clarification that trees #7 and #8 are on the other property. Ms. Costa Sanders responded that trees #7 and #8 are on a neighboring property and if the owners requested removal, they would need Planning Commission approval.

Commissioner Waldron noted that it is unfortunate that the trees are so large and are removing 6 of the 7 heritage trees.

Chair Oster noted that the trees in discussion are at the end of their life cycle and the removal would impact the lot and neighboring properties. She suggested there be 6- 24" box and 6- 36" box replacement trees.

**MOTION to approve Mitigated Negative Declaration.**

**M/S Lively/ Grindley                      Ayes: 5              Noes: 0**

**MOTION to approve the removal of six heritage trees at 55 Shearer based on the following finding and subject to the Heritage tree Removal Certificate with the following amended condition:**

**M/S Waldron/ Oster                      Ayes: 5              Noes: 0**

**Finding:**

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

**Amended Condition.**

1. Amend condition #2 to require the replacement planting of 6-24" box size trees and 6-36" size trees.

Chair Oster advised of the 10-day appeal period.

12. **Heritage Tree Removal Permit and Lot Line Redesignation- 118 Selby Lane-** Heritage Tree Removal Permit to allow the removal of two heritage trees and Lot Line Redesignation to designate the northern property line as the front of the property line. Atherton Municipal Code Sections 17.60.050 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated support for the lot line redesignation and tree removal.

Commissioner Grindley questioned what the new address would be. Ms. Costa Sanders noted that the address would not change with the lot line adjustment.

Commissioner Lively questioned if there was a discussion about the width of the access road. Town Arborist, Kathy Hughes Anderson stated that she and the applicant have met with Menlo Fire and have agreed to a 16 feet width for the driveway access and at certain locations narrows to 14 feet in width due to trees.

City Attorney, Marc Hynes noted that normally the Fire Department requests a 20 feet width access strip on flag lots.

Commissioner Waldron noted that because there is not a complete tree survey for the site, she would recommend continue the tree removal request to the next meeting and only address the lot line redesignation tonight. Commissioner Waldron stated that she is concerned with the lack of a tree survey and that other trees could be in danger with the improvements.

Ms. Hughes-Anderson noted that the owners have not had an arborist out there to survey all the heritage trees and it is their intention to do so when they submit for the building permit. She also indicated that all heritage trees are shown on the site plan as required.

#### OPEN PUBLIC HEARING

Eki Tanaka, Architect, stated they have addressed the Fire Departments concerns with 16 feet width for access and there are some points only 14 feet in width. He further addressed his clients desire to use the southern end of the lot as their rear yard to create a courtyard.

Commissioner Grindley questioned why they have not done a complete arborist report.

Mr. Tanaka stated that the two heritage trees requesting removal are holding up the design of the house and they intend to do a full arborist report at a later date, but there are no other trees that would obstruct the building.

Chair Oster noted that Eucalyptus trees appeared to be topped and questioned if they are plans for these trees to be removed. Ms. Hughes Anderson stated that two neighbors want the Eucalyptus removed and one neighbor does not want them removed. Mr. Tanaka stated they do not plan to remove the eucalyptus trees at this time.

#### CLOSE PUBLIC HEARING

Commissioner Christensen expressed his support for the lot line adjustment.

Commissioner Grindley agreed with Commission Christensen.

Commissioner Lively also agreed with the other Commissioners.



Commissioner Waldron expressed her support for the lot line adjustment.

Chair Oster concurred with Commissioner Waldron.

**MOTION to approve Lot Line Redesignation to designate the northern property line as the front property line based on the following findings and subject to the Lot Line Redesignation Certificate:**

**M/S Lively/ Grindley                      Ayes: 5              Noes: 0**

**Findings:**

1. The proposed lot line 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, general welfare or convenience.
2. The proposed lot line redesignation for the subject site is consistent with the Town of Atherton General Plan and the purposes of that plan and the Zoning Code.

Commissioner Lively agrees with Commissioner Waldron to postpone the approval of the removal of the two heritage trees until the applicant has submitted a complete arborist report.

**MOTION to continue the request for a Heritage Tree Removal Permit to the Planning Commission meeting of August 27, 2008**

**M/S Lively/ Waldron                      Ayes: 4              Noes: 1 (Christensen)**

Chair Oster advised of the 10-day appeal period.

- 13. Exception Review- 57 Maple Avenue-** Exception Review to allow a first and second story addition to the main residence. Atherton Municipal Code Section 17.24.040 (F)

Assistant Planner, Jamie Bourne presented the staff report and indicated staff support for the exception.

**OPEN PUBLIC HEARING**

Chris Kummerer, Architect, introduced and was available for questions.

**CLOSE PUBLIC HEARING**

Commissioner Lively noted he visited the site and would approve the exception.

Commissioner Grindley agreed with Commissioner Lively.

Commissioner Christensen also expressed his support for the exception.

Commissioner Waldron concurred with the other Commissioners.

Chair Oster expressed her support for the exception and thanked the applicant for saving such a charming home.

**MOTION to approve Exception Review to allow a first and second story addition to the main residence based on the following findings and subject to the Exception Certificate:**

**M/S Oster/ Lively                      Ayes: 5                      Noes: 0**

**Findings:**

1. The exception requested is compatible with the surrounding neighborhoods visual character.
2. The landscaping and exception sought will not substantially decrease the privacy of the neighbors.
3. The applicant shall not increase the degree of nonconformity as defined in section 17.44.050.
4. The exception requested is consistent with the General Plan, the purposes of that Plan and the Zoning Code.

Chair Oster advised of 10-day appeal period.

**14. Exception Review- 34 Lloyd Drive-** Exception Review for a first floor addition to the main residence. Atherton Municipal Code 17.24.040 (F)

Assistant Planner Jamie Bourne presented the staff report and indicated staff support for the exception.

**OPEN PUBLIC HEARING**

Don Morris, property owner of 34 Lloyd Drive, distributed a new letter he just received from his neighbors.

**CLOSE PUBLIC HEARING**

Commissioner Waldron noted that seeing how it was approved in the past, she does not see any reason not to approve now.

Commissioner Christensen expressed his support for the exception.

Commissioner Grindley also expressed his support for the exception however, he made note that the concrete needs to be repaired as it is in bad shape. Mr. Morris stated that a 75-foot Oak Tree fell and the concrete has yet to be repaired but intended to do so.

Chair Oster noted that the neighbor whom submitted the previous letter on behalf of the property owners has since passed away. Mr. Morris noted and confirmed that the new letter he has passed out to the Commission is from the new neighbors.

**MOTION to approve Exception Review to allow a first floor addition to the main residence based on the following findings and subject to the Exception Certificate:**

**M/S Christensen/ Oster                      Ayes: 5              Noes: 0**

**Findings:**

1. The exception requested is compatible with the surrounding neighborhood visual character.
2. The landscaping and exception sought will not substantially decrease the privacy of neighbors.
3. The applicant shall not increase the degree of nonconformity as defined in section 17.44.050
4. The exception requested is consistent with the general plan, the purposes of that plan and the zoning c.

Chair Oster advised of the 10-day appeal period.

- 15. Exception Review- 65 Winchester Drive-** Exception Review to allow a first and second story addition to the main residence. Atherton Municipal Code 17.24.040 (F)

Assistant Planner, Jamie Bourne presented the staff report and indicated staff support for the exception.

Commissioner Lively commented to Staff that the certificate says June 9, 2008 and the plans are dated July 1<sup>st</sup>.

Commissioner Grindley questioned whether item #3 in the certificate could be fully demolished. Ms. Bourne noted that 84 square feet could be demolished or be a covered patio.

Chair Oster questioned how tall the attic space is and whether this amount is included in the FAR. Ms. Bourne stated that it is not included in the FAR if less than 7'-6" in height and is not considered habitable space.

Commissioner Grindley questioned whether the applicant is stripping the entire roof. Ms. Bourne noted that applicant is present and could respond.

**OPEN PUBLIC HEARING**

Ed Goodstein, Owner of 65 Winchester Drive noted that the Architect and Contractor are also available for questions. He stated that it is their intention to keep the house very close to the way it is and a porch area would be a nice at the rear.

Eric Dowd, Architect, was available for questions.

Commissioner Grindley questioned whether they are planning on removing the entire roof. Mr. Dowd responded that they are maintaining as much of the roof as possible and only a portion is being removed. Commissioner Grindley questioned whether the foundation could support a second story. Mr. Dowd noted that they have had an engineer to the property and the foundation can handle a second story.

Chair Oster questioned whether the space over the kitchen is open. Mr. Dowd noted that this space is open to the back study. Chair Oster questioned if there are skylights in the study. Mr. Dowd noted they have included the skylights to bring in natural light. Chair Oster questioned how high the uninhabitable storage area is. Mr. Dowd stated about 6'-4". Ms. Costa Sanders noted there appears to be a staircase on the plans. Mr. Dowd confirmed it is an alternating step stair, which is allowed for non-habitable space.

Commissioner Lively commented that there are stairs from the study. Mr. Dowd noted the stairs are like a ships ladder and their intention is to make it accessible.

Commissioner Christensen requested clarification on whether the Commission is taking action to remove or keep the roof. Mr. Dowd noted that in his professional opinion the house would look considerably better with the changes.

#### CLOSE PUBLIC HEARING

Commissioner Waldron questioned Staff if the garage and study are non-conforming. Ms. Costa Sanders replied in the affirmative.

Commissioner Grindley expressed his support.

Commissioner Lively indicated he doesn't have a problem pushing the FAR at this site.

Commissioner Christensen agreed with Commissioner Lively.

Commissioner Waldron questioned if it is counted in square footage if it is open on two sides, however is ok with leaving the roofline at the rear porch area. Ms. Bourne confirmed if open on 2 sides it is counted within the 500 square feet exemption to floor area.

Chair Oster noted that the applicant is only allowed an additional eight square feet, and is concerned that some of the uninhabitable space will be habitual but will let the Building Department address this.

**MOTION to approve Exception Review to allow a first and second story addition at 65 Winchester based on the following findings and subject to the Exception Certificate as corrected:**

**M/S Christensen/ Oster**

**Ayes: 5**

**Noes: 0**

**Findings:**

1. The exception requested is compatible with the surrounding neighborhood visual character.
2. The landscaping and exception sought will not substantially decrease the privacy of neighbors.
3. The application shall not increase the degree of nonconformity as defined in section 17.44.050.
4. The exception requested is consistent with the general plan, the purposes of that plan and the zoning code.

Chair Oster advised of the 10-day appeal period.

**16. Variance- 78 Winchester Drive-** Variance to allow encroachment into the side yard setback. Atherton Municipal Code 17.56.050

Deputy Town Planner, Lisa Costa Sanders presented the staff report and recommended the Commission deny the variance.

Commissioner Grindley asked for clarification between a variance and an exception review. Ms. Costa Sanders noted that with a variance the Commission has to find that there is something unique about the property.

**OPEN PUBLIC HEARING**

Robert. Loarie, owner of 78 Winchester read a statement he prepared for the Commission.

Commissioner Grindley questioned why the property owners need this space. Mr. Loarie responded that he and his wife have lived there for 29 years and this area is a wonderful place to sit and enclosing this area would make it enjoyable for them in the morning and evening all year round.

Commissioner Lively noted there is a discrepancy on calculation of square footage. Mr. Loarie noted that they are well within the buildable area. Commissioner Lively noted that the difference is the FAR is very minimal. Mr. Loarie accepted Commissioner Lively's point.

**CLOSE PUBLIC HEARING**

Commissioner Lively noted that variance requirements are very strict and feels that the Planning Commission should be able to use their discretion on smaller projects such as this one. He further stated that there have not been many variances in the past that have been approved, however would approve this request for a variance.

Commissioner Grindley expressed support for the variance.

Commissioner Christensen noted there are three items that would make this property “special.” He noted that this property is a double lot in the zoning of R-1B and is therefore deprived of many of the privileges of a R1-B single lot. In addition to the double lot, Commissioner Christensen noted that the proposed addition would be 73 feet from the home on Isabella and that the heritage trees do limit the buildability. He concluded that he would express support for the variance.

Commissioner Waldron agreed with the Commissioners and expressed her support for the variance.

Chair Oster noted that Staff did a great job and understood their reasoning for recommending denial of the variance. She stated that the property does have special circumstances and therefore would support the variance.

**MOTION to approve the variance to allow encroachment into the side yard setback for an addition at 78 Winchester based on the following finding and subject to the Variance Certificate:**

**M/S Lively/ Christensen      Ayes: 5      Noes: 0**

**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 of privileges enjoyed by other property in the vicinity and under identical classification.
2. The Variance is subject to such conditions as will assure that the adjustment thereby authorized shall 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. The Variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Chair Oster advised of the 10-day appeal period.

**17. Conditional Use Permit- 150 Valparaiso Avenue-** Conditional Use Permit for a new infant toddler center. Atherton Municipal Code Section 17.52

Commissioner Christensen excused himself due to the proximity of his residence to the subject site.

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support.

OPEN PUBLIC HEARING

Sandy Dubinsky, representative for Sacred Heart Schools, noted that the proposed infant toddler center is right in the middle of the campus and is only for Sacred Heart School Faculty and Staff and does not feel there would be an impact to traffic.

Commissioner Lively indicated that the campus is beautiful and the proposed building is not very attractive.

Commissioner Grindley questioned where the air conditioning units would go. Ms. Dubinsky noted that the air conditioning units would be on the end. She further noted that the building would be finished with a stucco exterior.

#### CLOSE PUBLIC HEARING

Commissioner Waldron stated that she understands the need for the new building and therefore would approve.

Chair Oster agreed with Commissioner Waldron.

Commissioner Grindley expressed support for the project.

Commissioner Lively also expressed support.

#### **MOTION Conditional Use Permit for a new infant toddler center building at 150 Valparaiso based on the following findings and subject to the Conditional Use Permit:**

**M/S Waldron/ Oster                      Ayes: 4                      Noes: 0                      Abstain: 1 (Christensen)**

#### **Findings:**

1. The proposed use at the proposed location will not be detrimental or injurious to persons, 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 use will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the Zoning Title of the Atherton Municipal Code.

Chair Oster advised of the 10-day appeal period.

#### **17. Ordinance Amendment- Special Events Ordinance-** Ordinance amending the special events ordinance. Atherton Municipal Code Section 17.38

City Attorney Marc Hynes addressed the Commissioners questions. The Commission and Mr. Hynes agreed that he will bring back revisions to the Planning Commission meeting on August 27, 2008.

**MOTION to continue to the next meeting on August 27, 2008.**

**M/S Christensen/ Lively                      Ayes: 5                      Noes: 0**

**18.      ADOURN**

M/S Waldron/ Grindley to adjourn meeting at 9:30 p.m. Motion passed.

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner