

**APPROVED MINUTES
PLANNING COMMISSION MEETING
May 25, 2005
6:00 p.m.**

ATHERTON TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Chair Andrews called the meeting to order at 6:00 p.m.

1. ROLL CALL:

PRESENT: **Bob Andrews**
 Rose Hau
 Marion Oster
 Kristi Waldron
 Jim Dobbie

City Attorney Marc Hynes, Building Official Mike Hood and Deputy Town Planner Lisa Costa Sanders were also present.

2. APPROVAL OF MINUTES

MOTION approval of the April 27, 2005, meeting minutes as amended.

M/S Oster/Dobbie Ayes: 5 Noes: 0 Abstain: 1 (Andrews)

3. PUBLIC COMMENTS

Paul Quinlan, 49 Maple, expressed his concerns with 50 Ashfield, the Subdivision Map Act and, specifically, issuance of a Certificate of Compliance. Mr. Quinlan distributed a packet of information to Commissioners. In response to a question, Mr. Quinlan responded that it is his opinion that 50 Ashfield cannot be processed under subsection (a) of 66499.35.

Patricia Engasser, 34 Ashfield, expressed concern with the Town issuing a Certificate of Compliance without notifying neighbors.

Marc Hynes, City Attorney, is preparing his opinion relating to this item and will distribute it to the Planning Commission and City Council.

4. COMMISSIONER'S REPORTS

Waldron reported that C/CAG has agreed to sponsor a Sustainable Building presentation for Atherton this fall.

5. GENERAL PLAN COMMITTEE REPORTS

None

6. STAFF REPORTS

Lisa Costa Sanders reported that the City Council at its last meeting extended an urgency ordinance requiring a Conditional Use Permit for the moving of any historical artifact within the Town. She further stated that the purchaser has withdrawn his/her Conditional Use Permit request at 42 Flood Circle, and that the seller has taken over the request. This item is tentatively scheduled for the June 22, 2005, Planning Commission meeting.

PUBLIC HEARINGS

7. **Heritage Tree Removal Permit and Negative Declaration – 199 Burns** – Heritage Tree removal request and Negative declaration to allow the removal of 18 heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the request.

Paul Hammack, applicant, noted the improvements they plan to make to the property that conflicts with these trees.

MOTION to find that the Initial Study and Draft Mitigated Negative Declaration prepared for this project are adequate and in conformance with the California Environmental Quality Act. It is further moved that the Planning Commission adopt the Mitigated Negative Declaration for the 199 Burns Avenue Tree Removal project.

M/S Dobbie/Oster Ayes: 5 Noes: 0

MOTION to approve the Heritage Tree Removal permit at 199 Burns Avenue to allow the removal of eighteen heritage trees based on the following finding and subject to the conditions contained in the Heritage Tree Removal Permit.

M/S Dobbie/Waldron 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.

8. **Ordinance Amendment – Special Events Ordinance** - Ordinance Amendment to repeal Atherton Municipal Code Section 8.52 and to amend the requirements and replace with Chapter 17.38 of the Atherton Municipal Code.

Lisa Costa Sanders reviewed the proposed changes to the Special Events requirements.

David McAdoo, Menlo School, expressed concern with the wording in 17.38.060(A); “shall be denied” and suggested it be modified to “may be denied.” He further expressed concern with neighborhood notification prior to the permit issuance and that the input could be lengthy and delay permit issuance.

Carol Smith, 238 Oakgrove, stated that she would like to see a public notice issued prior to issuance of the permit and once a permit is issued, another notice issued 30 days prior to the event. Ms. Smith indicated her support for the revised requirements.

Commissioners requested the following changes to the Ordinance:

- Section 17.38.040(B)(2) add “and garden”.
- Section 17.38.040(C); reference “School Event Guidelines”.
- Add Section 17.38.040(D); to exempt “open house tours for the purpose of selling property under the regular course of a real estate transaction”.
- Section 17.38.050(I) add “number of attendees and”.
- Section 17.38.060(A); strike “there is a possibility that”.
- Section 17.38.070(B); add “at least 10 days prior to issuance of permit”, “pay for the cost associated with the publication of “, and “permit issuance”.

Commissioners requested the following changes to the Guidelines:

- Indoor activities shall cease at 9:00 p.m.

MOTION to recommend the City Council adopt the Ordinance amendment as modified by the Planning Commission based on the following finding:

M/S Hau/Andrews Ayes: 5 Noes: 0

Finding:

1. The ordinance is necessary to achieve the objectives of the Zoning Plan and the General Plan.

9. ADJOURN

The meeting adjourned at 7:42 p.m.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner