

**PLANNING COMMISSION
DRAFT MINUTES**

**TOWN OF ATHERTON
April 22, 2015
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Philip Lively
Mary Beth Widmer
Eric Lane
Paul Tonelli
William Grindley**

Assistant City Attorney Jennifer Larson, Town Planner Lisa Costa Sanders, Town Arborist Sally Bentz, and Senior Planner Stephanie Davis were present.

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES

**MOTION to approve the minutes, as amended, of the March 25, 2015 meeting.
M/S Grindley/Lane Ayes: 5 Noes: 0**

PUBLIC HEARINGS

- 4. *Continued from the March 25, 2015 Planning Commission Meeting: Special Structures Permit – 48 Fairview Avenue (APN) 070-152-032) Special Structures Permit for an accessory structure (swimming pool) to be located within the required front yard area.***

Senior Planner Stephanie Davis introduced the item.

Stephanie Davis noted that the neighbors residing at 36 Fairview who had previously expressed concerns about the project at the March hearing have since submitted an email stating that their concerns have been adequately addressed by the property owner.

OPEN PUBLIC HEARING

The homeowner spoke on behalf of the project. Chair Lively thanked the homeowner for her patience with the process.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit at 48 Fairview Avenue based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the Special Structures Permit certificate to allow a pool to be located to the front yard setback.

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

Chair Lively advised of the 10-day appeal period.

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.*

5. Heritage Tree removal Permit – 86 Alejandra Avenue (APN 070-250-080) – Request for a Heritage Tree Removal Permit to appeal the decision of the Town Arborist who previously denied the application.

Senior Planner Stephanie Davis presented the item.

OPEN PUBLIC HEARING

The property owner, John Freund, spoke on behalf of the project. Commissioner Grindley asked the applicant if he likes the replanting plan. The applicant responded that he is very happy with the plan.

Commissioner Tonelli asked about the genesis of the idea for the project. Mr. Freund explained the project timeline.

CLOSE PUBLIC HEARING

MOTION to find that the proposed removal of one heritage tree at 86 Alejandra Avenue in Atherton would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the staff report, and that the Commission approve the tree removal with the conditions stated in the Draft Heritage Tree Removal Certificate and as amended as well as the submitted replanting plan.

M/S Lane/Widmer Ayes: 5 Noes: 0

Findings:

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

Chair Lively advised of the 10-day appeal period.

6. Special Structures Permit – 93 Camino Por Los Arboles (APN 070-310-110). Request for a Special Structures Permit to allow a basement to extend beyond the footprint of the first floor of the main residence and a Special Structure Permit for a basement under an accessory building.

Staff requested on behalf of the applicant that the Planning Commission continue the item to the May 27, 2015 Planning Commission meeting.

MOTION to continue the public hearing to the next regularly scheduled Planning Commission meeting on May 27, 2015.

M/S Lane/Widmer Ayes: 5 Noes: 0

7. Ordinance – Consideration of an Ordinance to Amend Atherton Municipal Code Chapter 17.44 regulating Basements.

Town Planner Lisa Costa Sanders presented the item. She noted that she met with the Builders Roundtable and they are in support of the ordinance amendment. The group conveyed that they would appreciate more certainty in the process.

OPEN PUBLIC HEARING

CLOSED PUBLIC HEARING

Discussion ensued about the specifics of the ordinance and the threshold for approving basements at staff level.

The Commission discussed the portion of the ordinance regarding allowing a garage under an accessory structure. The Commission unanimously decided to leave that section as is.

The Commission requested that staff “clean up” the ordinance and present it at the next meeting for a vote.

MOTION to continue the public hearing on the ordinance with proposed changes at the next regularly scheduled Planning Commission meeting on May 27, 2015.

M/S Lane/Widmer Ayes: 5 Noes: 0

8. COMMISSIONERS’ REPORTS

Chair Lively asked if anyone was familiar with or had attended a Plan Bay Area 2040 meeting. He wondered if the meetings were worth attending. Town Planner Lisa Costa Sanders noted that she has not attended one in the past.

Commissioner Grindley gave an update on High Speed Rail.

9. STAFF REPORTS

Town Planner Lisa Costa Sanders introduced Monica Diaz, the Town Code Enforcement Officer.

10. ADJOURN - The meeting adjourned at 6:50pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner