

**PLANNING COMMISSION
APPROVED MINUTES**

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

1. ROLL CALL

PRESENT: Eric Lane
Randy Lamb
JoAnn Byrne Sockolov

EXCUSED: Paul Tonelli
Mary Beth Widmer

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

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES - The approval of the minutes from the May 27, 2015 was continued to the August 26, 2015 meeting.

4. REGULAR AGENDA

- a. Swearing in of newly appointed Planning Commissioners by City Clerk, Theresa DellaSanta.
- b. Selection of the Planning Commission Chair and Vice-Chair was continued to the August 26, 2015.

5. PUBLIC HEARINGS

- a. **Variance – 43 Tuscaloosa Avenue (APN 070-120-020)** – Request for a Variance for an accessory building (detached garage) to be located within the required front yard area. Atherton Municipal Code Chapters 17.15, 17.32, and 17.40.

Town Planner, Lisa Costa Sanders, presented the item.

OPEN PUBLIC HEARING

Jude Kirik, architect, spoke on behalf of the project.

CLOSE PUBLIC HEARING

The Commission agreed that the request was a reasonable one. Commissioner Lane noted that he appreciated the study of the other side of the property.

MOTION to approve the Variance at 43 Tuscaloosa Avenue based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Variance

Certificate to allow a 779 square foot, detached garage be constructed closer than is allowed to a front property line.

M/S Sockolov/Lamb Ayes: 3 Noes: 0 Excused: 2 (Widmer, Tonelli)

Commissioner Lane advised of the 10-day appeal period.

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 owners in the vicinity and under identical land use zoning district classification.*
2. *Granting the Variance does 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. *Granting the Variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the premise in question.*
4. *The granting of the Variance is consistent with the objectives of the General Plan and the Zoning Code.*

- b. Heritage Tree Removal Permit – 119 Atherton Avenue (APN 070-211-140) – Request for a Heritage Tree Removal Permit to remove one pine tree. Municipal Code Section 8.10.**

Town Planner, Lisa Costa Sanders, presented the item.

OPEN PUBLIC HEARING

Bill Segale, landscape contractor, spoke on behalf of the project. Additionally, the project landscape architect gave an overview of the landscape plan and the reasoning for choosing a redwood tree over an oak.

Commissioner Sockolov asked for clarification about how the subject tree is impacting the redwood. The landscape architect noted that the trees are too close together and the redwood needs space.

Commissioner Lamb received an overview of the growth potential of the proposed replacement trees.

CLOSE PUBLIC HEARING

Lisa Costa Sanders noted that the pine may be added to the list of trees that can be removed by right.

Commissioner Sockolov expressed concern about the inconsistencies between the Town Arborist, Bill Segale, and the landscape architect.

Town Arborist Sally Bentz remarked that the tree is not dead or dying. Sally Bentz noted that they are all in agreement that the tree is not the best specimen; the tree is not the best looking for the streetscape; and the pine is not thriving.

Commissioner Sockolov noted that she is supportive of the removal because of the impending decision to remove pine trees from the heritage tree list.

Commissioner Lane is supportive of the removal but feels it is a stretch and is not supportive of the application.

MOTION to find that the proposed removal of one heritage tree at 119 Atherton 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 state in the Draft Heritage Tree Removal Certificate.

M/S Lamb/Sokolov Ayes: 3 Noes: 0 Excused: 2 (Widmer, Tonelli)

Commissioner Lane advised of the 10-day appeal period.

Findings:

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

- c. **Special Structures Permit – 260 Oak Grove Avenue (APN061-232-140)** – Request for a Special Structures Permit to allow a basement under an accessory building. Atherton Municipal Code Section 17.15, 17.32, 17.40 and 17.44.

Town Planner, Lisa Costa Sanders, presented the item.

OPEN PUBLIC HEARING

Judith Mattingly, architect, spoke on behalf of the project.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit at 260 Oak Grove Avenue based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Special Structures Permit Certificate to allow a 1621.5 square foot, detached accessory building to contain a basement with a lightwell facing a side property line.

M/S Sokolov/Lamb Ayes: 3 Noes: 0 Excused: 2 (Widmer, Tonelli)

Commissioner Lane advised of the 10-day appeal period.

Findings:

1. *The proposed basement will not impact heritage trees and the proposed basement lightwells are located on the interior side of the yard.*
2. *The proposed basement will not negatively impact neighboring properties with respect to privacy and view.*
3. *The proposed basement complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening.*
4. *The granting of the special structures permit is consistent with the objectives of the General Plan and this title.*

6. NEW BUSINESS

Consider the request to amend the Atherton Municipal Code Section 6.04.250 relating to the keeping of fowl.

Town Planner, Lisa Costa Sanders, introduced the item and gave background on the request.

The Commission discussed the implications of a change to the municipal code and whether the discussion should be limited to fowl.

OPEN PUBLIC HEARING

Ellen Bacon, resident, spoke in favor of a change to the municipal code regarding the keeping of chickens, specifically hens, for the purpose of egg collection.

Candy Athens, resident, spoke in favor of a change to the municipal code regarding the keeping of chickens. Ms. Athens noted that the noise and smell complaints are over exaggerated. She noted that any noise or smell would be a bigger burden to the homeowner than neighbors.

CLOSE PUBLIC HEARING

Staff suggested that the topic may be something that the City Manager wants to open up to the Town for discussion.

MOTION to direct staff to research the policies of other municipalities similar to Atherton regarding the keeping of animals.

M/S Lamb/Sokolov Ayes: 3 Noes: 0 Excused: 2 (Widmer, Tonelli)

7. **COMMISSIONERS' REPORTS** – none

8. **STAFF REPORTS**

Town Planner Lisa Costa Sanders announced that City Council passed the Basement ordinance recommended by the Planning Commission.

Menlo School will have an application coming forward at the next meeting.

The Planning Commission will review the CCAC Draft EIR in August.

9. **ADJOURN** – The meeting adjourned at 7:10pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner