

**PLANNING COMMISSION
DRAFT MINUTES**

**TOWN OF ATHERTON
December 5, 2018
6:00pm
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Nancy Lerner
Paul Tonelli
Jo-Ann Byrne-Sockolov**

ABSENT: Randy Lamb

Senior Planner Stephanie Davis, Assistant Planner Nestor Delgado, and Assistant City Attorney Jen Larson were present.

2. PUBLIC COMMENTS

None

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the August 22, 2018.

M/S Sockolov/Lerner Ayes: 4 Noes: 0 Absent: 1

4. PUBLIC HEARINGS

- a) Special Structures Permit -355 Stevick Drive (APN 106-440-042) – Request for a Special Structures Permit to allow for the construction of a swimming pool/spa to be located closer than 8 feet to the main residence. Atherton Municipal Code Sections 17.15, 17.32 and 17.40.**

Senior Planner Davis presented the staff report. She presented additional images submitted by the applicant after the packets had been distributed.

Commissioner Tonelli asked about the depth of the pool.

Senior Planner Davis responded it is 4'6".

Commissioner Tonelli asked which side is not meeting the setback and if the window in the residence by the pool is fixed.

Senior Planner Davis responded that the pool is encroaching into the 8' required separation from the main residence on the side of the house. She also noted that the window is fixed.

Chair Lane noted that there is no fencing proposed for the pool and if this would be added later.

Senior Planner Davis responded that the fencing is a standard requirement and the Planning Commission is only looking at the location. The fencing component would be added on the Building Permit submittal.

Commissioner Sockolov asked if the 8' required separation from the main residence is applied to all sides of the pool.

Senior Planner Davis responded that is correct. She mentioned this separation of 8' is required for fire access.

Commissioner Sockolov asked about the parameters for fire marshall and if the project had been reviewed to comply with safety code.

Senior Planner Davis responded that Menlo Fire has their own ordinance separate from the Town's Municipal and Building Code. She noted that the structure had already been reviewed for safety code compliance as part of the full site building permit set of plans.

Commissioner Sockolov asked if it would be different if the pool was inside the main residence.

Senior Planner Davis responded that if the pool was inside the residence, the Planning Commission would not have to review it.

Commissioner Tonelli asked if the pool and the main residence share a foundation.

Senior Planner Davis responded that is correct and the applicant is present to provide more detail.

Commissioner Tonelli asked why the Planning Commission is reviewing the item now that it is almost finished.

Senior Planner Davis responded that the initial review by Planning staff did not include the pool. The pool permit was submitted later.

OPEN PUBLIC HEARING

Paul Warner, project architect for Sage Modern, provided more detail on the foundation of the pool and residence and how the project was designed in order to provide more open space.

Chair Lane asked about the sequence of submittals for review.

Mr. Warner responded that the first submittal was general, with the second submittal including more technical details. He mentioned that no initial comments from Planning regarding the pool were received.

Chair Lane asked about the fence around the pool.

Mr. Warner responded that a 4' high mesh fence is proposed.

Chair Lane asked about the distance from the fence to the door or window of the main residence.

Mr. Warner responded the fence is at the edge of the pool.

Chair Lane asked if there was a fence on the side.

Mr. Warner responded yes, along with a walkway.

Commissioner Lerner asked if the cover for the pool is fixed.

Mr. Warner responded that it is an "STM" safety cover that could roll off.

Commissioner Lerner asked if the fence could hamper exiting the pool.

Mr. Warner mentioned that there are steps to the 4' walkway.

Chair Lane mentioned that someone could walk straight into pool on far end, the fence is removable on that end.

Mr. Warner responded that they would contemplate that idea with the client.

CLOSE PUBLIC HEARING

The Planning Commission discussed the safety of the pool and process for the submittal.

Assistant Town Attorney Larson mentioned the Commission can go back through findings.

Chair Lane asked regarding finding number 2.

Senior Planner Davis mentioned that the pool meets all other required setbacks other than the 8' to the main residence.

Commissioner Lerner asked if they could add a caveat referring to the safety of the pool.

Senior Planner Davis responded that they could add safety as conditions to a motion.

Assistant Town Attorney Larson it would be difficult, as the submittal meets minimum building and safety codes.

Motion to approve the Special Structures Permit to allow for the construction of a swimming pool to be located closer than 8 feet to the main residence.
M/S Lane/Lerner Ayes: 2 Noes: 2 Absent: 1

Assistant Town Attorney Larson mentioned the Commission could continue the discussion at a later meeting.

Motion to deny the Special Structures Permit to allow for the construction of a swimming pool to be located closer than 8 feet to the main residence.
M/S Tonelli/Sockolov Ayes: 2 Noes: 2 Absent: 1

Assistant Town Attorney Larson mentioned that the submittal could go to City Council if it is denied by the Planning Commission.

Motion to continue the discussion for the Special Structures Permit to allow for the construction of a swimming pool to be located closer than 8 feet to the main residence.
M/S Lane/Tonelli Ayes: 4 Noes: 0 Absent: 1

- b) Special Structures Permit and Variance – 76 Belbrook Way (APN 073-202-180) - Request for a Special Structures Permit to allow for retaining walls greater than six feet in height and a swimming pool in the front yard setback and a Variance to allow for construction of a detached garage within the front yard setback requirement for an accessory building. Atherton Municipal Code Sections 17.15, 17.16, 17.32, 17.40 and 17.46.**

Senior Planner Davis presented the staff report.

Commissioner Tonelli asked what the linear distance is for retaining walls exceeding maximum height.

Senior Planner Davis responded roughly between 30' and 50'.

Chair Lane asked what the distance is from back out of garage to stairs on plan.

Senior Planner Davis responded roughly 20'.

OPEN PUBLIC HEARING

Project architect, gave an overview of the decisions made that led to the design submitted for review.

CLOSE PUBLIC HEARING

Motion to approve the Variance to allow for the construction of a detached garage within the front yard setback requirement for an accessory building.
M/S Lane/Sockolov Ayes: 4 Noes: 0 Absent: 1

Motion to approve the Special Structures Permit to allow for retaining walls greater than six feet in height and a swimming pool in the front yard setback.
M/S Sockolov/Lerner Ayes: 4 Noes: 0 Absent: 1

5. NEW BUSINESS

a) Discussion of the Atherton General Plan Update –Amendments to the Noise Element

Senior Planner Davis presented the memo.

Chair Lane asked about if any consideration was given to noise factors outside of town that affect the Town.

Senior Planner Davis responded that these would require an environmental document that would include a notification to the Town.

Commissioner Lerner asked about the Fair Oaks quiet zone request.

Assistant Town Attorney Larson responded that it was granted at the local level, but there were superseding regulations due to safety.

b) Discussion of the Atherton General Plan Update –Amendments to the Circulation Element

Senior Planner Davis presented the memo.

Commissioner Lerner asked about a bicycle pedestrian master plan and if the narrowing of El Camino Real was an actual idea.

Senior Planner Davis responded that this is a possibility, but it is in the jurisdiction of Caltrans.

Commissioner Lane asked if there is a connection to the Emergency Plan.

Senior Planner Davis answered this can be added to the Circulation Element.

Chair Lane mentioned school locations and pick-ups and drop offs for students.

Senior Planner Davis mentioned staff can incorporate this into the Element.

Chair Lane mentioned adding the type of streets to level of service numbers. He noted that different sections of the same street might have different level of service numbers.

Senior Planner Davis noted the Town Traffic study might include more of this detail.

Commissioner Tonelli asked if it is a consideration to add statements about monitoring future traffic and safety.

Senior Planner Davis responded these could be added.

Commissioner Sockolov asked if shared systems could be added to the Element.

Senior Planner Davis responded that these could be identified.

c) Adopt a 2019 Planning Commission Meeting Schedule

Motion to approve the 2019 Planning Commission Meeting Schedule.
M/S Tonelli/Sockolov Ayes: 4 Noes: 0 Absent: 1

6. COMMISSIONERS' REPORTS

7. STAFF REPORT

Senior Planner Davis mentioned City Council will be meeting on December 19th for further discussion on the Heritage Tree Ordinance and Tree Preservation Guidelines.

8. ADJOURN

The meeting was adjourned 7:55 PM

Respectfully Submitted:

/s/Stephanie Bertollo-Davis

Stephanie Bertollo-Davis, Senior Planner