

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
September 24, 2008  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL:**

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

**EXCUSED: William Grindley**

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Assistant Planner Andrea Mardesich and Building Official Mike Wasmann were also present.

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the August 27, 2008 meeting as amended.  
M/S Christensen/ Waldron Ayes: 3 Noes: 0 Abstain: 1 (Lively) Excused: 1**

**3. PUBLIC COMMENTS- none**

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

**5. GENERAL PLAN COMMITTEE REPORTS**

Chair Oster reported that a joint meeting with the Town Council, General Plan Committee and Planning Commission was held on September 23, 2008 to review State requirements for the Housing Element Update.

**6. STAFF REPORTS**

**Interpretation- 67 Marymont Avenue-** Interpretation of Atherton Municipal Code Section 17.36.190 regarding the location of a light well associated with a basement under an accessory structure. The Planning Commission at its August 27, 2008 meeting approved the Conditional Use Permit to allow a basement under an accessory structure with the condition that the lightwell be relocated.

Deputy Town Planner, Lisa Costa Sanders reported that the property owner at 67 Marymont submitted an appeal of the condition to require the light well to be located towards the interior portion of the property. The property owner has submitted an alternate design and Staff is requesting Planning Commission interpretation to determine if the new wing wall would satisfy the condition.

Commissioner Lively noted that he had read the previous meetings minutes and would accept the interpretation based upon the size of the lightwell and proposed wing wall.

#### OPEN PUBLIC HEARING

John Venverloh, property owner, explained why the condition represented a challenge with the design of the proposed Cabana and Basement and their request to have the Commission interpret their revised proposal.

#### CLOSE PUBLIC HEARING

Commissioner Waldron stated that adding the wing wall still did not create an interior lightwell. She expressed concern in granting the Conditional Use Permit as designed with future applications. She further stated that she does not feel the Commission can override the code.

Commissioner Christensen expressed his support for the design as currently presented.

Chair Oster stated that she does not usually like to make exceptions to the code, however based upon the size, distance from property line and newly added wing wall, she would support the design and accept the interpretation.

**MOTION to provide direction to Staff that the new wing wall satisfies the condition to locate the lightwell towards the interior portion of the property for a basement under an accessory structure as proposed by the applicant at 67 Marymont Avenue.**

**M/S Oster/Christensen                      Ayes: 3                      Noes: 1 (Waldron)   Excused: 1**

Chair Oster advised of the 10-day appeal period.

#### NEW BUSINESS

- 7. Heritage Tree Removal Permit- 2 Cowell Lane-** Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10.

This item has been withdrawn.

- 8. Conditional Use Permit- 242 Oak Grove**—Conditional Use Permit to allow a basement under an accessory structure (guest house). Atherton Municipal Code Section 17.36.190 and Section 17.52.

Assistant Planner, Andrea Mardesich presented the staff report and indicated staff support for the proposal

Commissioner Lively questioned why the plans indicate three bathrooms when the code is clear there is only one bathroom allowed. Ms. Mardesich replied there had been a

miscommunication with the applicant and the set of plans early on. She further noted that design has not changed and the applicant is present to address any other questions.

Commissioner Christensen stated that building department would address this as part of the permit. Commissioner Christensen further questioned where the construction parking would be.

Commissioner Waldron stated that all of the parking would need to be on the property.

#### OPEN PUBLIC HEARING

Farhad Ashrafi, Stewart Associates explained that when the Town contacted them, it was their understanding that the issue with the multiple bathrooms could be addressed in the Conditional Use Permit.

Commissioner Waldron questioned the use of the proposed structure. Mr. Ashrafi indicated that the main purpose is as a guesthouse, but will also be used as a game and exercise room. He further stated that there is no bathroom for the existing pool.

Chair Oster asked for clarification as to how far the lightwell is from the accessory structure. Mr. Ashrafi indicated the lightwell is 22 feet from the accessory structure. Chair Oster further stated that there are an exceptional amount of beautiful, healthy trees on the property and questioned how they intend to get the equipment on the property without harming these trees. Mr. Ashrafi indicated that one possibility is on the left side of the property, which is owned by Sequoia Union High School District and with their permission they would access through this side area. He further stated that he and the Town Arborist would meet to discuss recommendations to protect the trees.

Commissioner Lively noted that the rear elevation abuts the fire road and exterior lights are not permitted in accessory structures. Mr. Ashrafi noted that the easement is not a direct property, and if the Commission requests that the skylight be removed, they have no problem but would rather keep it as it provides a source of natural light to the pool bathroom.

Jeff Housenbold, property owner stated that the primary reasoning for purchasing the property was the landscaping and trees, and are fully intending on protecting the landscape.

Chair Oster questioned if they have spoken with the School District regarding accessing from the side area. Mr. Housenbold replied that they have not been in contact with the district as it is pending on this evening's discussion.

Greg Shultz, property owner across from the fire road, expressed his concern with the potential noise the basement could cause.

#### CLOSE PUBLIC HEARING

