

**APPROVED MINUTES  
PLANNING COMMISSION MEETING  
August 22, 2007  
6:00 p.m.**

**ATHERTON TOWN COUNCIL CHAMBERS  
94 Ashfield Road  
Atherton, California**

**REGULAR MEETING**

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

**1. ROLL CALL:**

**PRESENT:**       **Marion Oster  
                  Jim Dobbie  
                  Kristi Waldron  
                  Herman Christensen, Jr.**

**EXCUSED:**       **Philip Lively**

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

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the July 25, 2007 meeting as corrected.  
M/S Dobbie/Christensen   Ayes: 3   Noes: 0   Abstain: 1 (Waldron)   Excused: 1**

**3. PUBLIC COMMENTS - None**

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

**5. GENERAL PLAN COMMITTEE REPORTS –** Commissioner Dobbie reported that the General Plan Committee last met on August 1, 2007 to select officers and priorities for next topics. The next Committee meeting is scheduled for November, 2007.

**6. NEW BUSINESS - None.**

**7. STAFF REPORTS –** Marc Hynes reported that the judge remanded the 51 Laburnam matter back to the Town to have the urns evaluated by Laura Jones and confirm the status of Lindenwood as a historic district. Lisa Costa Sanders reported on the zoning code update stating that the Council is scheduled to review the draft document at its October meeting, with General Plan Committee and Planning Commission consideration to follow. Ms. Costa Sanders also stated that appeals have been filed for 94 Tallwood and 44 Tuscaloosa.

## **PUBLIC HEARINGS**

- 8. Variance – 2 Bellbrook** – Variance to allow a new detached accessory structure (pedestrian bridge) in the front yard. Atherton Municipal Code Section 17.36.050 and 17.56.050.

Andrea Mardesich presented the staff report noting neighbor concerns have been worked out and staff support for the request.

### **OPEN PUBLIC COMMENT**

Dan Lind, Walsh Road, stated that his concerns have been addressed. In response to a question from the Commission, Mr. Lind stated that his property has a vehicle bridge for access.

### **CLOSE PUBLIC COMMENT**

Commissioner Waldron expressed support for the request as the neighbors concerns have been addressed.

Commissioner Dobbie wanted to ensure the landscaping is installed and maintain the design of the bridge.

Commissioner Christensen stated that he feels this is a reasonable solution with the conditions of approval.

Commissioner Oster stated that the lot is unusual as it is divided by the creek and easement.

**MOTION to approve the Variance to allow removal of construction of a pedestrian bridge within the required front yard setback at 2 Belbrook Way subject to the conditions of the Variance with the following additional conditions:**

**M/S Dobbie/Waldron                      Ayes: 4              Noes: 0              Excused: 1**

### **Finding:**

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 properties in the vicinity and under identical classification.
2. The Variance is subject to such conditions as will assure that the adjustment thereby authorized shall 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. The Variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

### **Additional Conditions:**

Condition shall be added as follows; “Any permit for a fence shall not be issued until the design is first approved by the Town Arborist.

Chair Oster advised of the 10-day appeal period.

**9. Heritage Tree Removal Permit – 188 Fair Oaks –** Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Section 8.10.

Andrea Mardesich presented the staff report and indicated staff support for the tree removal request.

**OPEN PUBLIC COMMENT**

Michael Young, Arborist, noted the severe lean of the tree and stated that other trees are well maintained on the site.

**CLOSE PUBLIC COMMENT**

Commissioner Christensen stated that the site is heavily wooded and well maintained. He stated that the applicant should not have to install replacement planting.

Commissioner Dobbie stated that the tree looks healthy and expressed concern with the reason for the removal.

Commissioner Waldron stated that pine trees fall more than other species, that this tree appears to be at the end of its life and the property is well tended for.

Commissioner Oster stated that the tree leans toward the house and there are many other trees on the site. She also stated that the tree is near power lines and its removal will not impact privacy of neighbors.

**MOTION to approve the Heritage Tree Removal Permit to allow removal of one heritage tree based on the following finding and subject to the conditions of the Heritage Tree Removal Permit with the following additional conditions.**

**M/S Waldron/Christensen                      Ayes: 4              Noes: 0              Excused: 1**

**MOTION (Christensen) to amend the motion to approve to remove condition #2 from the Heritage Tree Removal Permit. Waldron would not accept the amendment.**

**Finding:**

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

Chair Oster advised of the 10-day appeal period.

**10. Variance – 222 Atherton Avenue –** Variance to allow a spa to encroach into the required rear yard setback. Atherton Municipal Code Sections 17.36.050 and 17.56.050

Lisa Costa Sanders presented the staff report and indicated staff support for the proposed location of the spa.

In response to a procedural question, Mr. Wasmann stated that the Building Department is no longer issuing permits over the counter that require zoning review.

**OPEN PUBLIC COMMENT**

John Nicolson, Atherton Avenue, distributed photos of the spa. Mr. Nicolson stated that the street to the rear of his property provides access to two homes.

**CLOSE PUBLIC COMMENT**

Commissioner Dobbie felt the location of the spa would not impact any neighbors.

Commissioner Christensen stated his support for the request.

Commissioner Waldron expressed her interest in having the code changed to allow this in the future without a variance.

**MOTION to approve the Variance for the construction of a spa in the rear yard setback based on the following finding and subject to the conditions of the Conditional Use Permit with the following amended conditions;**

**M/S Oster/Dobbie            Ayes: 4            Noes: 0**

**Finding:**

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 in the vicinity and under identical classification.
2. The Variance is subject to such conditions as will assure that the adjustment thereby authorized shall 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. The Variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

11. **Heritage Tree Removal Permit– 198 Fair Oaks** – Heritage Tree Removal Permit and Negative Declaration to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10.

**MOTION to continue the item to the September 26, 2007 meeting.**

**M/S Dobbie/Waldron            Ayes: 4            Noes: 0**

**13. ADJOURN**

M/S Christensen/Dobbie to adjourn the meeting at 6:55 p.m. Motion passed.

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner