

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
December 5, 2007
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

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

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

2. APPROVAL OF MINUTES

**MOTION to approve the minutes of the October 24, 2007 meeting as amended.
M/S Dobbie/Lively Ayes: 4 Noes: 0 Abstain: 1 (Waldron)**

3. PUBLIC COMMENTS

None.

4. COMMISSIONER'S REPORTS

None.

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Dobbie reported that at the last meeting of November 13, the Committee reviewed the draft zoning code update. Committee members are submitting comments to staff for review at the December 12 meeting. A public outreach meeting is scheduled for February 6, 2008. PMC is preparing a revised scope of services to include the additional public outreach.

6. NEW BUSINESS

**MOTION to approve the meeting schedule for 2008.
M/S Dobbie/Christensen Ayes: 5 Noes: 0**

7. STAFF REPORTS

City Attorney Marc Hynes reported that the Judge continued the hearing on M/A High School to January 28 and the School District is currently reviewing the Town's revised Agreement.

Historic Artifact Ordinance is scheduled for review by the City Council at its January meeting, staff is working on outreach materials to the Lindenwood neighborhood.

Mike Wasmann reported that the illegal shed at 224 Atherton Avenue has been removed.

Commissioner Christensen asked about the status of the appeal at 44 Tuscaloosa. Lisa Costa Sanders responded that the item is scheduled for review at the December 19, 2007 City Council meeting.

PUBLIC HEARINGS

- 8. Conditional Use Permit, Heritage Tree Removal Permit and Negative Declaration- 50 Valparaiso-** Conditional Use Permit for the Athletic Center, Performing Arts and Creative Arts Building Project and a Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code Sections 17.32 and 8.10.

David McAdoo, Menlo School, stated that the School needs more time to meet with the College and requested a continuance.

In response from a question from Commission Dobbie, Marc Hynes stated that he has received information from the School, but has not received the documents as requested from the College. He noted that he did receive a letter from the College indicating that the documents would be provided.

MOTION to continue this item to the January 23, 2008 Planning Commission Meeting.

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

- 9. Conditional Use Permit and Negative Declaration- 150 Valparaiso-** Conditional Use Permit for Sacred Heart School Science and Student Life Center Building and associated projects. Atherton Municipal Code Sections 17.32 and 8.10.

Staff and the Applicant request this item be continued to the next Planning Commission meeting.

MOTION to continue this item to the January 23, 2008 Planning Commission Meeting.

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

- 10. Heritage Tree Removal Permit -70 Stern-** Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and indicated staff support for the tree removal request.

Commissioner Dobbie expressed concern with the quality of the plan submittal.

Commissioner Christensen asked if removal of the requested tree would help the adjacent tree. Kathy Hughes Anderson responded that the adjacent tree is a young tree and that the removal of this tree could help the adjacent tree.

OPEN PUBLIC COMMENT

Jeff Wise, property owner representative, noted the location of tree #19 on the site plan and its proximity to the front entry. He stated that the trees on-site have been neglected and noted that over 20 heritage trees will remain.

Commissioner Waldron asked what trees are proposed to be planted. Mr. Wise responded that they would like to plant evergreen elms.

CLOSE PUBLIC HEARING

Commissioner Lively expressed support for the request.

Commissioner Christensen stated that the Town should take another look at the heritage tree ordinance and expressed concern with a lack of maintenance on some sites. He further stated that he would like to see new construction design around heritage trees.

Commissioner Dobbie expressed concern with the timing of the application as the house is still in the building permit plan check process.

Commissioner Waldron expressed support for the request.

Commissioner Oster stated that the tree is not in good condition.

MOTION to approve Heritage Tree Removal Permit to allow the 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 condition:

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

Finding:

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

Additional Condition:

1. Building Permit plans for the main residence shall be in substantial compliance with the plans reviewed by the Planning Commission.

Commissioner Oster advised of the 10-day appeal period.

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

Lisa Costa Sanders presented the staff report.

Commission Dobbie expressed concern with soil stability. Mike Wasmann responded that the project requires both a building permit and an encroachment permit from public works and the soil conditions will be evaluated.

OPEN PUBLIC COMMENT

Steve Scates, property owner, stated that the engineering of the bridge results from the soils report, requires installation of 13' deep piers.

Brian Faure, architect, noted the hardship associated with the property and the location of the bridge was previously staked.

CLOSE PUBLIC COMMENT

Commissioner Waldron expressed support for the change in plans.
Commissioner Dobbie stated that the bridge will be an asset to the site.
Commissioners Christensen and Lively stated their support for the revised project.

MOTION to approve a Variance to allow a pedestrian bridge to be build within the required front yard setbacks based on the following findings and subject to the conditions listed in the Variance certificate.

M/S Christensen/Waldron Ayes: 5 Noes: 0

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 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.

11. ADOURN

Commissioner Dobbie stated that he would not be present for the January Planning Commission meeting.

M/S Dobbie/ Waldron to adjourn meeting at 6:40 p.m. Motion passed.

Respectfully submitted,