

**PLANNING COMMISSION  
DRAFT MINUTES**

**TOWN OF ATHERTON  
May 28, 2014  
6:00 pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT:** Philip Lively  
Eric Lane  
Paul Tonelli  
Mary Beth Widmer

**EXCUSED:** William Grindley

Assistant City Attorney Jennifer Larson, Deputy Town Planner Lisa Costa Sanders, Associate Planner Andrea Mardesich were present.

**2. APPROVAL OF MINUTES**

**MOTION to approve, as amended, the minutes of the April 23, 2014 meeting.**

**M/S Tonelli/Lane Ayes: 3 Noes: 0 Abstain: 1 (Widmer) Excused: 1 (Grindley)**

**3. PUBLIC COMMENTS - none**

**4. COMMISSIONERS' REPORTS**

Commissioner Widmer requested a meeting with staff to continue discussing the changes to the Heritage Tree Ordinance.

**5. STAFF REPORTS**

Deputy Town Planner Lisa Costa Sanders updated the Commission on the recent City Council meeting.

Council introduced ordinances amending code sections 17.40 and 17.60 of the Atherton Municipal Code. They will be up for adoption at the next Council meeting and go into effect 30 days after adoption. Additionally, Council introduced the ordinance amending the Density Bonus code section as recommended by the Planning Commission.

Council also discussed options for Parker Avenue. Staff was directed to survey residents and will report back to Council.

Council authorized the release of an RFP for CEQA analysis and geotechnical services for the Civic Center Master Plan.

Menlo Atherton Little League submitted the 35% design submittal to staff for review.

**NEW BUSINESS**

**6. Sacred Heart Schools Annual Master Plan Update for 2014 and TDM Report – 150 Valparaiso Avenue**

Deputy Town Planner Lisa Costa Sanders introduced the item. She noted that Gary Black from Hexagon was available for questions. Sandy Dubinsky, Sacred Heart Chief Operations Officer, presented the item.

Commissioner Tonelli asked about the days the traffic study was performed and if anything unusual was happening on campus that might skew the results. Sandy Dubinsky answered that Wednesday and Thursday were typical days. Rain on Tuesday may have resulted in slightly more cars than typical.

Commissioner Widmer asked about the enrollment and construction projections. She noted that she would like to see more detailed information on the five-year plan.

**MOTION to accept the report for filing.**

**M/S Lane/Tonelli      Ayes: 4      Noes: 0      Excused: 1 (Grindley)**

**7. Menlo School Annual Master Plan Update for 2014 and TDM Report – 50 Valparaiso Avenue**

Deputy Town Planner Lisa Costa Sanders introduced the item.

David McAdoo, Director of Operations and Construction for Menlo School presented the item.

Commissioner Lane would like the document to make reference to the need to request approval from the Town for proposed projects listed.

Chair Lively asked about the timing of the improvements to the administrative offices. Mr. McAdoo answered that, subject to approval, it could occur within the next few months. Chair Lively asked if the building is historic. Deputy Town Planner Lisa Costa Sanders answered that it is historic and staff has consulted with a historian and a CEQA consultant.

Chair Lively asked what the timing might be for Cartan Field. Mr. McAdoo answered that they hope to get back to neighbors soon with preliminary drawings.

Commissioner Widmer would like to see more detailed information on long-range plans, specifically the Performing Arts Center. Mr. McAdoo answered that they have a fairly clear vision of the project and they will address it soon.

Commissioner Tonelli asked about feedback from the neighbors. Mr. McAdoo answered that several neighbors indicate that they can't hear the school activities, which Menlo considered to be positive feedback.

Chair Lively asked for more detail on the nature of neighbor comments. Mr. McAdoo noted that they ask about hours of use and future development plans. He commented that the neighbors used to comment about parking but it has gotten a lot better.

Chair Lively asked if they continue to see improvements three years after implementing the TDM. Mr. McAdoo answered that they are getting to the point where many families don't know how it used to be and continue to see good participation.

**MOTION to accept the report for filing.**

**M/S Lane/Tonelli      Ayes: 4      Noes: 0      Excused: 1 (Grindley)**

**PUBLIC HEARINGS**

- 8. Lot Line Redesignation, Special Structures Permits, Variance – 397 Atherton Avenue (APN 073-202-650) Lot Line Redesignation to designate the North property line as the front, a Special Structures Permit to allow a basement under a guest house, a Special Structures Permit to allow a retaining wall greater than 6’ in height, and a Variance to allow a detached guest house/accessory building be located closer than is allowed to the front property line.**

Associate Planner Andrea Mardesich presented the item.

**OPEN PUBLIC COMMENT**

Property Owner Kurt Hogan spoke about the history of the property and the reasoning behind the request.

**CLOSE PUBLIC COMMENT**

Commissioners discussed and were in agreement that they were not in favor of increasing the non-conformity of the residence by approving the lot line redesignation.

**MOTION to deny the Lot Line Redesignation at 397 Atherton Avenue as the required findings cannot be met for the reasons incorporated in the Staff Report.**

**M/S Lane/Widmer      Ayes: 4      Noes: 0      Excused: 1 (Grindley)**

The Commission discussed the Special Structures Permit for the basement. Commissioner Lane and Chair Lively agreed that it is a good use of space.

Commissioner Widmer expressed concern about increasing drainage to the creek. Associate Planner Andrea Mardesich responded that the project cannot create more runoff than is already there and it will be addressed by the Building Department and Public Works Department.

**MOTION to approve the Special Structures Permit at 397 Atherton 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 to allow a basement under a detached accessory building.**

**M/S Tonelli/Lane      Ayes: 4      Noes: 0      Excused: 1 (Grindley)**

*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 the neighboring properties with respect to privacy and view.*
- 3. The proposed basement compiles 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.*

The Commission discussed the Special Structures Permit for the retaining wall. Commissioners were in agreement that a retaining wall might help stabilize the hillside.

**MOTION to approve the Special Structures Permit at 397 Atherton 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 to allow the construction of a retaining wall greater than 6' in height at the rear of the yard.**

**M/S Lane/Tonelli                      Ayes: 4              Noes: 0              Excused: 1 (Grindley)**

*Findings:*

1. *The proposed building or structure will not negative impact neighboring properties with respect to privacy and view.*
2. *The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening; and*
3. *The granting of the special structure permit is consistent with the objectives of the general plan and this title. (Ord. 582 §1 (Exh. A) (part), 2009)*

Commissioners discussed the Variance for the yoga studio and determined that it was not necessary due to the denial of the lot line redesignation. Staff advised that the Variance should be denied for a clean record.

**MOTION to deny the Variance at 397 Atherton Avenue as the required finding cannot be met for the reasons incorporated in the Staff report.**

**M/S Lane/Tonelli                      Ayes: 4              Noes: 0              Excused: 1 (Grindley)**

Chair Lively advised of the 10-day appeal period.

- 9. Variance – 95 Mount Vernon Lane (APN 060-210-130) –** Variance to allow a detached garage to be located closer to the front property line than is allowed by the Atherton Municipal Code.

Associate Planner Andrea Mardesich presented the item.

Commissioners agreed that there is nothing unusual about the lot that would require a variance. They agreed that the project should be designed within the existing setbacks.

**MOTION to deny the Variance at 95 Mount Vernon Lane as the required findings cannot be met for the reasons incorporated in the staff report.**

**M/S Lane/Tonelli                      Ayes: 4              Noes: 0              Excused: 1 (Grindley)**

Chair Lively advised of the 10-day appeal period.

**10. Ordinance Amending Atherton Municipal Code Chapter 17.40 Accessory Buildings and Structures**

Deputy Town Planner Lisa Costa Sanders introduced the item. Associate Planner Andrea Mardesich presented the Commission with several visual examples of the 8' separation causing design difficulties.

Commissioner Widmer asked for clarification about fireplaces. Deputy Town Planner answered that new homes are not allowed to have interior wood-burning fireplaces. However, wood-burning fireplaces are allowed outside and there is no restriction on quantity.

Joe Comartin, Polhemus Road, addressed the Commission and reiterated the design challenges and unintended consequences caused by the restriction.

Carol Flaherty, Camino Por Los Arboles, addressed the Commission and brought pictures to help visualize the types of problems that arise due to the 8' setback. She also noted that she feels that air conditioning units should be allowed in the setback.

The Commission thanked staff and residents for providing visual examples.

Commissioner Lane thinks the proposed change would be a good one.

Commissioner Widmer is fine with it if firepits are restricted. She doesn't think a firepit should be near the pool.

Commissioner Lane noted that he is less comfortable with the results of people overdesigning to get around the setback.

Chair Lively thinks that firepits should remain restricted to the 8' separation.

Associate Planner Andrea Mardesich noted that leaving the ordinance as is may result in people trying to work the numbers to get around the separation requirement. She added that it is very rare that people propose a firepit right next to the pool.

**MOTION to continue the item to the next meeting where staff will bring back the original proposed ordinance wording as well as wording excluding open fire pits and including fireplace seating within the setback.**

M/S Lively/Widmer                      Ayes: 4              Noes: 0              Excused: 1 (Grindley)

**11. General Plan consistency determination for the Capital Improvement Program Fiscal Years 2014/2015 through 2018/2019**

Deputy Town Planner Lisa Costa Sanders presented the item.

The Commission came up with a list of concerns they wished to pass along to Council regarding the Capital Improvement Program:

- No new streetlights
- No new sidewalks and gutters
- Gateway sign concern
- Bicycle lane and requirements for hardscape

**MOTION to find that the Capital Improvement Program revised for Fiscal Year 2014/2015 through 2018/2019 and the project included in that program are generally consistent with the Atherton General Plan for the reasons noted in the staff report and request that staff work with the Planning Chair to provide comments and concerns to City Council.**

M/S Lane/Lively                      Ayes: 4              Noes: 0              Excused: 1 (Grindley)

9. **ADJOURN** – The meeting adjourned at 8:24 pm.

Respectfully Submitted:

Planning Commission Meeting Minutes, May 28, 2014

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Lisa Costa Sanders, Deputy Town Planner