

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
February 25, 2015  
6:00pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT: Philip Lively  
Mary Beth Widmer  
Eric Lane  
Paul Tonelli  
William Grindley (excused at 6:42pm)**

Assistant City Attorney Jennifer Larson, Town Planner Lisa Costa Sanders, Town Arborist Sally Bentz, Senior Planner Stephanie Davis and Assistant Planner Liz Ruess were present.

**2. PUBLIC COMMENTS - none**

**3. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the January 28, 2015 meeting.**

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

**PUBLIC HEARINGS**

**4. Special Structures Permit – 147 Patricia Lane (APN 059-283-040). Request to allow an accessory structure (pool) at the front yard setback.**

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

David Bogstad, architect from LCA Architects spoke on behalf of the project.

CLOSE PUBLIC HEARING

Commissioner Widmer asked about the noise from the pool equipment. David Bogstad noted that they have hired an acoustical engineer and the project will employ sound dampening measures.

**MOTION to approve the Special Structure Permit for the location of the accessory structure at 147 Patricia Lane subject to the conditions in the Special Structure Permit Certificate and based on the findings and for the reasons incorporated in the Staff Report.**

**M/S Grindley/Lane      Ayes: 5      Noes: 0**

*Findings:*

- 1. The proposed building or structure will not negatively 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.*

Chair Lively advised of the 10-day appeal period.

**5. Special Structures Permit – 30 Belbrook (APN 073-202-810) Request to allow an accessory structure (pool) at the front yard setback.**

Town Planner Lisa Costa Sanders presented the item.

Chair Lively asked how many trees will be removed. Scott Lewis, landscape architect answered that all redwoods and oaks on the property are staying.

OPEN PUBLIC HEARING

Louis Butler, architect, spoke on behalf of the project. He noted that a ridge of rock was discovered during grading that wasn't discovered during soil boring so some of the design was based on necessity.

Commissioner Lane asked why the pool got bigger in the second design. Louis Butler noted that the pool relates to the large room on the lower level of the house and that the size of the pool was a design-based change.

Commissioner Grindley asked where the pool equipment will be housed. Louis Butler answered that it will be southeast of the pool and there will be noise mitigation.

Commissioner Lane asked if anyone spoke with the downhill neighbor. Louis Butler responded that there was no interest from the neighbor in the project.

Commissioner Widmer brought up the subject of storm water drainage. Scott Lewis answered that the water will go into a retention tank and down toward the creek. He noted that the amount of water runoff will not increase.

CLOSE PUBLIC HEARING

The Commissioners discussed the geographical hardship of the site. Commissioner Lane noted that he thinks the project could have been designed differently.

**MOTION to approve the Special Structure Permit for the location of the accessory structure at 30 Belbrook Way subject to the conditions in the Special Structure Permit Certificate and based on findings and for the reasons incorporated in the Staff Report.**

**M/S Tonelli/Widmer Ayes: 4 Noes: 1 (Lane)**

*Findings*

- 1. The proposed building or structure will not negatively 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.*

Chair Lively advised of the 10-day appeal period.

**6. Special Structures Permit – 53 Atherton Avenue (APN 070-230-200). Request for Special Structure Permit to allow a basement under an accessory building.**

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Michael Mosey, Dumican Mosey Architects, spoke on behalf of the project.

CLOSE PUBLIC HEARING

**MOTION to approve the Special Structure Permit at 53 Atherton Avenue based on the findings and for the reasons enumerated in the staff report and subject to the conditions listed in the draft Special Structure Permit to allow a basement under an accessory building.**

**M/S Lane/Lively      Ayes: 5      Noes: 0**

*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 neighboring properties with respect to privacy and view.*
- 3. The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

Chair Lively advised of the 10-day appeal period.

**7. Special Structures Permit – 95 Faxon Road (APN 070-343-100) Request for a Special Structure Permit to allow a basement to extend beyond the footprint of the main residence.**

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

David Ramer, architect, spoke on behalf of the project.

CLOSED PUBLIC HEARING

Commissioner Grindley asked about the exhaust from the pool equipment. David Ramer noted that equipment is being located in the basement to minimize noise and that the exhaust will be pulled out.

**MOTION to approve the Special Structures Permit at 95 Faxon Road based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Special Structure Permit to allow a basement outside of the footprint of the first floor.**

**M/S Grindley/Lane      Ayes: 5      Noes: 0**

*Findings:*

- 1. The proposed building or structure will not negatively 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.*
3. *The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

**MOTION to approve the Special Structure Permit at 95 Faxon Road based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the draft Special Structure Permit to allow a basement under an accessory building.**

**M/S Grindley/Lane                      Ayes: 5                      Noes: 0**

*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 neighboring properties with respect to privacy and view.*
3. *The proposed basement complies 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.*

Chair Lively advised of the 10-day appeal period.

**8. Housing Element – Consideration of a General Plan Amendment for the Housing Element Update.**

Town Planner Lisa Costa Sanders introduced the item. Josh Abrams, consultant, gave an update on the California Department of Housing and Community Development (HCD) feedback.

Chair Lively congratulated Josh Abrams and staff on getting the draft done.

The Commission discussed the scope of the Housing Element and the state’s requirements with regard to compliance and reporting.

OPEN PUBLIC HEARING  
CLOSE PUBLIC HEARING

**MOTION to adopt the Final Housing Element Update with the additions and changes requested by the California Department of Housing and Community Development.**

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

Chair Lively advised of the 10-day appeal period.

**9. Ordinance – Consideration of an Ordinance to Amend Atherton Municipal Code Chapter 17.56 regulating Special Events**

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

**MOTION to continue to the next regularly scheduled Planning Commission meeting.**

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

Chair Lively noted the 10-day appeal period.

**NEW BUSINESS**

**10. Discuss Atherton Municipal Code Sections 17.15 and 17.44 relating to basements under main residences and basements under accessory buildings.**

Town Planner Lisa Costa Sanders presented the item.

The Commission discussed allowing 130% basement to be approved at staff level. Town Planner Lisa Costa Sanders suggested that most submittals fall under this threshold.

Chair Lively requested that Town Planner Lisa Costa Sanders bring back additional suggestions to the Commission.

**11. COMMISSIONERS' REPORTS**

Commissioner Lively gave an update on the CCAC and the Rail Committee.

Commissioner Lane noted that his recent business trip to Bangalor made him notice and appreciate the building standards in the area.

**12. STAFF REPORTS**

Town Planner Lisa Costa Sanders introduced new staff: Stephanie Davis, Senior Planner and Liz Ruess, Assistant Planner.

**13. ADJOURN - The meeting adjourned at pm.**

Respectfully Submitted:

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Lisa Costa Sanders, Town Planner