

**PLANNING COMMISSION
APPROVED MINUTES**

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

1. ROLL CALL

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

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, as amended, of the February 25, 2015 meeting.
M/S Lane/Widmer Ayes: 5 Noes: 0**

PUBLIC HEARINGS

4. Ordinance – consideration of an Ordinance to Amend Atherton Municipal Code Chapter 17.56 regulating Special Events.

Town Planner Lisa Costa Sanders introduced the item.

City Manager George Rodericks addressed the Commission and explained that the desire is to tighten up the ordinance so that residents are responsible for costs incurred when Police or Public Works services required are beyond normal operations.

The City Manager also noted that while public schools are not subject to Town ordinances, non-school events on school or club property are subject to any restrictions to the school or club by the Town.

Commissioner Grindley asked how well advertised the need for a permit is. Mr. Rodericks answered that the Town started advertising two years ago.

Town Planner Lisa Costa Sanders reiterated that non-school functions can be regulated by the Town.

Commissioner Lane is in favor of changes if the focus stays on the property owner responsible for the event.

Commissioner Widmer asked if the school event hours will change. Mr. Rodericks answered that it is proposed that the hours be extended from the current hours 8am to 7pm to new hours 8am to 8pm.

The Commission discussed the origination of the ordinance and using sunset as an end time for events. Mr. Rodericks noted that using sunset becomes open for interpretation.

Commissioner Grindley asked about the wording in the ordinance that addresses lighting. He expressed concern about restricting lighting when field lighting is not allowed. Mr. Rodericks noted that this language is in the current ordinance and has not been modified.

OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

Commissioner Widmer is not in favor of extending the field hours. She also thinks that real estate open houses should not be called out as exempt in the ordinance. The Commissioners agreed that the field hours should remain 7am to 7pm.

MOTION to recommend the City Council adopt the Ordinance entitled “An Ordinance of the City Council of the Town of Atherton Updating Chapter 17.56 of the Atherton Municipal Code” with the field hours to remain 7am to 7pm.

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

5. Special Structures Permit – 48 Fairview Avenue (APN 070-152-032) Request for a Special Structures Permit for an accessory structure (swimming pool) to be located within the required front yard area.

Senior Planner Stephanie Davis presented the item.

OPEN PUBLIC HEARING

The property owner spoke on behalf of the project. She noted that she spoke on the phone earlier in the day with the concerned adjacent neighbor and assured them of her desire to be a good neighbor.

Commissioner Tonelli asked about the location of the pool equipment. The pool contractor noted that the location of the pool equipment cuts down on utility costs. The equipment will be enclosed and the pumps are sealed. Commissioner Grindley asked if the pool will be chlorine or salt water. The pool contractor noted that it will be salt water.

Commissioner Grindley asked if the property owner had anything in writing from the neighbor in question.

Assistant City Attorney Jennifer Larson reminded the Commission that they must reach all of the findings in order to approve the project.

Commissioner Lane explained the Planning Commission position on neighbor involvement and expressed a desire to continue it.

CLOSE PUBLIC HEARING

MOTION to continue the item to the next regularly scheduled meeting of the Planning Commission.

M/S Grindley/Tonelli Ayes: 5 Noes: 0

6. Heritage Tree Removal Permit – 86 Alejandra Avenue (APN 070-250-080). Request for Heritage Tree Removal Permit to appeal the decision of the Town Arborist who previously denied the application.

Senior Planner Stephanie Davis requested on behalf of the applicant that the Planning Commission continue the item.

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

M/S Tonelli/Grindely Ayes: 5 Noes: 0

7. Variance – 81 Fair Oaks Lane (060-313-060) – Request for a Variance to the required side setback for a ground floor addition to the main residence.

Senior Planner Stephanie Davis presented the item.

OPEN PUBLIC HEARING

The property owner spoke on behalf of the project.

Chair Lively asked if there was any outreach from neighbors. Stephanie Davis noted that none of the neighbors were opposed to the project.

CLOSED PUBLIC HEARING

Commissioner Lane noted that the shape of the property, specifically the curve made it significantly different than most of the rectangular properties in the neighborhood and that have come before the Planning Commission recently.

MOTION to approve the Variance at 81 Fair Oaks Lane based on the findings and for the reasons enumerated in the Staff Report, subject to the conditions listed in the draft Variance Certificate to allow a 91 square foot, ground floor addition to be constructed closer than is allowed to a side property line.

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

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 property owners in the vicinity and under identical land use zoning district classification.*
- 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.*

Chair Lively advised of the 10-day appeal period.

8. NEW BUSINESS

Discuss Atherton Municipal Code Section 17.44 relating to basements

Town Planner Lisa Costa Sanders presented the item and gave suggestions for amendments to the ordinance.

Commissioner Lane noted that he is in favor of lowering the size threshold that triggers the need for Planning Commission approval.

Commissioner Lane asked if staff could look at ordinances from adjacent jurisdictions. Town Planner Lisa Costa Sanders noted that staff will survey Woodside, Los Altos Hills, Hillsborough and Portola Valley.

The Commission requested that Town Planner come back to the Planning Commission with a draft ordinance at the next meeting.

9. COMMISSIONERS' REPORTS

Commissioner Lane attended the Grand Boulevard meeting and was very impressed with the meeting. He noted that it was well attended and was focused on methods of making traffic better.

Commissioner Widmer noted that a Transportation Committee member has suggested right turn lanes on Emilie and Elena onto Valparaiso.

Commissioner Grindley noted that the Town of Atherton has joined a suit against CalTrain on the inadequacy of the electrification EIR.

Chair Lively noted that CCAC will likely hear the EIR at the April meeting. The final EIR should go to City Council in September.

Assistant City Attorney Jennifer Larson commented that Commissioners Lively and Tonelli can attend the CCAC meeting but cannot participate.

10. STAFF REPORTS

Town Planner Lisa Costa Sanders noted that City Council approved the Housing Element and it has been transmitted to the State. Additionally, City Council has approved the tentative parcel map at 49 Tuscaloosa.

11. ADJOURN - The meeting adjourned at 7:21pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner