

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
September 23, 2015
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Mary Beth Widmer
JoAnn Byrne Sockolov**

**EXCUSED: Paul Tonelli
Randy Lamb**

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

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES -

MOTION to approve the minutes from the August 26, 2015 meeting.

M/S Widmer/Sockolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

4. REGULAR AGENDA

5. OLD BUSINESS

- a. Discuss Atherton Municipal Code Section 6.04 relating to the keeping of animals.** This item was continued from the July 22, 2015 Planning Commission Meeting.

Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Gerda Ungerman, resident, expressed concern about the noise associated with keeping chickens.

Nancy Lerner, resident, spoke in support of updating the chicken ordinance. She is in favor of a flock of 3-5 chickens, eliminating the lot size requirement and agrees with setback requirements.

Kristina Cataline spoke on behalf of the San Mateo County Public Health Department. She noted that the birds must be contained.

George Manuelian, resident, spoke in support of chickens. He does not think roosters should be allowed on smaller lots. He also is in favor of reduced setbacks with up to ten chickens.

Lynn Olsen, resident, spoke in favor of chickens. She noted that the property adjacent to hers has many chickens and there are no issues.

Linda White, resident, spoke in favor of keeping chickens. She agrees that no roosters should be kept and noted that some breeds are more vocal than others but is in favor of keeping chickens.

Candi Athens, resident, spoke in support of chickens. She noted that a barking dog makes more noise than chickens.

Lloyd Bakan, resident spoke in favor of chickens noting they are a food source. He suggested that there be a maximum of ten chickens allowed per lot.

Samantha Michel, resident, noted that she would prefer a lot size requirement to accommodate R1-B lots.

Kristi Waldron, resident, spoke in support of chickens. She suggested a maximum of 12 chickens and maintaining reasonable setbacks.

Cat Westover, resident, suggested three chickens per family member. She suggested not allowing roosters and using setbacks the same as for other structures.

Ed Cluss, resident, lives on a flag lot and his family is awakened in the morning by the neighbor's chickens. He feels that his concerns with noise could be mitigated by enforcing setbacks.

Russ Moore, resident, noted that chickens are loud and make noise all day long. He finds them annoying and disturbing. He would prefer they be prohibited but at least maintain setbacks.

David Ascott, resident, spoke in favor of chickens. He feels that it is a return to nature and that the chickens make no more noise than any other noise in town.

Mike Grace, resident noted that trains, planes and dogs are all noisy. He doesn't think chickens are noisy. He noted that ten to fifteen seems reasonable per lot. He agrees with setbacks appropriate for the lot size.

CLOSE PUBLIC COMMENT

Commissioner Widmer noted that the Town should follow San Mateo County regulations. She wondered if there could be some sort of registration in case of an issue with the birds. Commissioner Widmer also expressed interest in some regulations to destroy diseased birds. She voiced concern over pollution from cleaning the coop. Commissioner Widmer noted that the Town could regulate the breeds allowed in an attempt to regulate noise.

Commissioner Sockolov expressed concern with the runoff issue. She would like to see some kind of license requirement. Additionally, Commissioner Sockolov would like to find a way to address noise.

Chair Lane agreed with the runoff issue. He has concerns with the noise issue. He thinks there should be a limit of 10-12 chickens per lot. Chair Lane also noted that the setback requirements should be similar to structure setbacks. Chair Lane thinks there should be a permit to keep chickens.

Direction was provided to staff to come back with draft regulations at the next Planning Commission meeting.

6. PUBLIC HEARINGS

- a. Variance – 52 Marianna Lane (APN 060-254-130) – Request for a Variance for an accessory building (detached guest house) to be located within the required front yard area.**

Assistant City Attorney, Jen Larson introduced the reconsideration.

Senior Planner Stephanie Davis presented the staff report.

OPEN PUBLIC HEARING

Julia Yap, property owner, spoke on behalf of the project. She reviewed the existing sewer easement and relocation options.

CLOSE PUBLIC HEARING

Commissioner Sockolov noted her appreciation for the additional information but feels like it is not enough information to make her change the decision made at the previous meeting.

Commissioner Widmer suggested building a sound wall along the railroad tracks to mitigate train noise.

Chair Lane asked the applicants why the original plan didn't have an accessory structure. Julia Yap noted that it was a two-step process and the original thought was a relocation of the sewer line. Additionally, the train noise wasn't as apparent to them when they weren't living on the property.

MOTION to deny the Variance request for a 1,228 square foot, detached garage be constructed closer than is allowed to a front property line at 52 Marianna Lane as the required findings cannot be met for the reasons enumerated in the Staff Report.

M/S Widmer/Sockolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

The following findings could not be reached:

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. *Granting the Variance does 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. *Granting the Variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the premise in question.*
4. *The granting of the Variance is consistent with the objectives of the General Plan and the Zoning Code.*

Chair Lane advised of the 10-day appeal period.

- b. Special Structures Permit – 89 Mercedes (APN 070-230-260) –Request for a Special Structures Permit to allow a swimming pool in the front yard setback area.**

Senior Planner Stephanie Davis presented the staff report.

OPEN PUBLIC HEARING

Christopher Yates, landscape architect reviewed the proposed design.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit at 89 Mercedes Lane.

M/S Sockolov/Widmer Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

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 landscape screening; and*
3. *The granting of the special structure permit is consistent with the objectives of the general plan and this title.*

Chair Lane advised of the 10-day appeal period.

- c. **Heritage Tree Removal Permit – 397 Fletcher (APN 0736-183-010)** –Request for a Heritage Tree Removal Permit.

Senior Planner Stephanie Davis presented the staff report.

Commissioner Widmer suggested that the trees are very close to the front of the garage and she is not sure why the permit was issued in the first place.

Town Arborist Sally Bentz responded that while the tree was in the driveway she noted that there are several homes in Atherton with trees in their driveways. The applicants had noted that they would drive around the tree to access the garage.

Commissioner Sockolov asked Sally Bentz if she was on site when/if any roots were cut. Sally Bentz clarified that the project arborist must be present when roots are cut and must report to the Town Arborist. Sally Bentz noted that the roots were not cut on this project.

OPEN PUBLIC HEARING

T.R. Thirucote, property owner, spoke on behalf of the project. He noted that they have worked very closely with the Town. They worked to mitigate the impacts to the trees. He also noted that there are many other existing trees around the property.

Joe Sabel, designer, commented that they worked to design the project around the trees.

CLOSE PUBLIC HEARING

Commissioner Sockolov is concerned that the Town was not notified when the roots on the tree were cut. She is further concerned that proper care was not taken during construction.

Chair Lane asked if the Commission has to allow the removal.

Town Arborist Sally Bentz expressed concern that the trees could become a dangerous hazard over time or die.

MOTION to find that the proposed removal of two heritage trees at 397 Fletcher Drive in Atherton would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the staff report, and that the Commission approve the tree removals with the conditions stated in the Draft Heritage Tree Removal certificate.

M/S Widmer/Sockolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

Finding:

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

Chair Lane advised of the 10-day appeal period.

d. Special Structures Permit and Interpretation – 142 Britton Avenue (APN 070-213-030).

Request for a Special Structures Permit to allow for increased height of the vertical sidewalls for a main residence or interpretation of sidewall height requirement.

Town Planner, Lisa Costa Sanders, presented the item.

OPEN PUBLIC HEARING

Jason Alden, architect, gave an overview of the property and the project. He then reviewed the design concept and noted the roadway easement. He also noted the heritage trees on the property. Mr. Alden described the proposal as a traditional California farm house style and thinks the design is a reasonable interpretation of the Town's code for individual building elements.

Kaitlin Godfrey, property owner, presented reasons to support the project. She noted that she and her husband would like to see a written record of all historical code interpretations made available to the public. Ms. Godfrey, cited several examples found in the Town that seem to not qualify for tower and dormer exceptions.

Ms. Godfrey offered their project for the Town's use in a case study for further interpretation of the code. She noted that they do not want to be held accountable retroactively for a new code interpretations.

Commissioner Widmer noted that the property is the first she has seen that is bound on two sides by the same street. Commissioner Widmer sees this as an unusual set of circumstances. Commissioner Widmer does not want to reinterpret the code on the fly. She suggested considering a variance due to the unique configuration and presence of heritage trees relative to the buildable area of the lot.

Town Planner Lisa Costa Sanders noted that the proposal requires a Special Structures Permit and the Commission could consider a Variance from the setback regulations due to the unique configuration of the property, substantial heritage trees and hardship imposed with additional setbacks for sidewall height increase.

Chair Lane remarked that the project is one building and not three as suggested by the property owner and he is hesitant to reinterpret the code. He also noted that more and more applicants are coming before the Commission asking for one or two more inches and he would like to avoid that.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit and a Variance from the setback requirements at 142 Britton Avenue as the property configuration is unique.

M/S Widmer/Sokolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

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 the zoning title.*

Chair Lane advised of the 10-day appeal period.

- e. **Special Structures Permit – 22 Lane Place (APN 061-330-030).** Request for a Special Structures Permit to allow for increased height of the vertical sidewalls for a main residence.

Senior Planner Stephanie Davis presented the staff report. It was noted that the proposal did not fully implement increased setbacks at all four elevations of the home as required for increased vertical sidewall height as required by the Zoning Ordinance.

OPEN PUBLIC COMMENT

Steve Berger, architect for the project reviewed the design details.

Amir Wain, property owner, spoke in favor of the project.

MOTION to continue the item to the next Planning Commission meeting of October 28, 2015.

M/S Widmer/Sokolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

- f. **General Plan Update** - Staff to present to the Commission an outline of a proposed work plan to update the Atherton General Plan.

MOTION to continue the item to the next Planning Commission meeting of October 28, 2015.

M/S Widmer/Sokolov Ayes: 3 Noes: 0 Excused: 2 (Tonelli, Lamb)

7. **COMMISSIONERS' REPORTS** - none
8. **STAFF REPORTS** – none
9. **ADJOURN** – The meeting adjourned at 9:00pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner