

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
August 26, 2015
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Randy Lamb
JoAnn Byrne Sockolov
Paul Tonelli
Mary Beth Widmer**

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

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES -

MOTION to approve the minutes from the May 27, 2015 meeting.

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

MOTION to approve the minutes from the July 22, 2015 meeting.

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

4. REGULAR AGENDA

MOTION to elect Commissioner Eric Lane Chair of the Planning Commission.

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

MOTION to elect Commissioner Widmer Vice Chair of the Planning Commission.

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

5. 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.**

Senior Planner Stephanie Davis presented the item.

Commissioner Tonelli asked if this project is new construction. Stephanie Davis answered that the construction of a new residence is just nearing completion and the guest house would be completely new construction and not a remodel.

Chair Lane asked if there was a design alternative that staff was in favor of. Stephanie Davis answered that the alternatives discussed with staff were deemed, by the applicant, to be too close to the CalTrain

tracks that run directly behind the subject property, within the direct line of sight to the main residence given its existing orientation, and within their most existing, usable rear yard area.

Commissioner Sockolov asked for clarification about the easement on the property and the design decisions made by the applicant. Stephanie Davis remarked that the absence of the easement would have allowed more buildable area for the main residence but could not remark on the design decisions made by the applicant.

Chair Lane asked why the applicant needed a variance if they were just completing new construction. Stephanie Davis suggested it could possibly have been a misinterpretation of the zoning code regulations pertaining to accessory structures.

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

The Commission agreed with staff that they were unable to reach all four findings required to grant a Variance.

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 Lamb/Widmer Ayes: 5 Noes: 0

Chair Lane advised of the 10-day appeal period.

- b. Lot Line Redesignation and Heritage Tree Removal Permits – 458 Selby Lane (APN 070-040-270)** –Request for a Lot Line Designation and Heritage Tree Removal Permit. An application to remove five heritage trees.

Senior Planner Stephanie Davis presented the two-part item.

OPEN PUBLIC HEARING

Jim Caldwell, architect, spoke on behalf of the project.

Michael Young, arborist and owner of Urban Tree Management, outlined the tree population on the property and gave an overview of the overall tree maintenance of the site. Mr. Young also outlined the replacement plan. Mr. Young described the site as an oak woodland and noted that the site has been treated as such.

Discussion ensued about the location of the trees and the various impacts that moving and/or building could potentially have on each of them.

Commissioner Lamb asked if trees are allowed to be removed if they are in the buildable area. Town Arborist Sally Bentz answered that oak trees are not permitted to be removed solely for that reason.

Town Arborist Sally Bentz also noted that an appraisal on the tree adjacent to the tennis court should be done in the event that it dies during the move should it be allowed to be relocated.

CLOSE PUBLIC HEARING

MOTION to approve the Lot Line Redesignation to allow the east property line along Selby Lane be the front property line at 458 Selby Lane based on the findings and for the reasons enumerated in the Staff Report and that the Commission approve the Lot Line redesignation with the conditions stated in the Draft Lot Line Redesignation Certificate.

M/S Widmer/Lamb Ayes: 5 Noes: 0

Commissioner Lane advised of the 10-day appeal period.

Findings:

- 1. The proposed lot line redesignation will not be detrimental or injurious to persons, property or improvement in the vicinity and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.*
- 2. The proposed lot line redesignation for the subject site is consistent with the Town of Atherton General Plan and the purposes of that plan and the Zoning Code.*

MOTION to find that the proposed removal of two heritage Palm trees at 458 Selby Lane 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 Tree Removal Certificate.

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

Findings:

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

MOTION to find that the proposed removal of three heritage oak trees at 458 Selby Lane in Atherton would be contrary to the purpose and intent of the General Plan, for the reasons outline in the Staff Report, and that the Commission deny the tree removal.

M/S Widmer/Sokolov Ayes: 5 Noes: 0

- c. Special Structures Permit –33 Walnut Avenue (APN 060-331-110) –Request for a Special Structure Permit to allow an addition beyond the main building area for a legal non-conforming residence.**

Senior Planner Stephanie Davis presented the item. Stephanie Davis noted that there were no neighbor comments.

Commissioner Lane asked about the idea of making the addition wall flush with the existing wall. Stephanie Davis explained that the small “notch” in the property boundary allowed for four more feet at that location.

Scott Lane, property owner, spoke in favor of the project.

Commissioner Widmer received clarification from Mr. Lane about the window sizes.

MOTION to approve the special Structures Permit at 33 Walnut Avenue based on the findings and for the reasons enumerated in the staff report, subject to the conditions listed in the Special Structures permit certificate to allow an addition to a legal non-conforming building to go beyond the main building area.

M/S Widmer/Lamb Ayes: 5 Noes: 0

- d. Annual Master Plan Update and TDM Reporting, Addendum Initial Study/Mitigated Negative Declaration, Conditional Use Permit and Variance – 50 Valparaiso Avenue (APN 070-360-080) Menlo School.** Request for a Conditional Use Permit and Variance for the Central Campus Project.

Town Planner, Lisa Costa Sanders, presented the item.

OPEN PUBLIC HEARING

Than Healy, Menlo School Head of School, provided an overview on the Master Plan, the TDM and the reason for the request for a height variance.

Commissioner Widmer would like to see more bicycle riders and would like to see Menlo School promoting bicycle riding.

Chair Lane commended Menlo School on the results of the execution of their TDM plan.

Chair Lane asked about future planning. Mr. Healy remarked that they are still working on neighborhood outreach and planning for the Cartan Field project. They currently have no significant plans for future construction.

CLOSE PUBLIC HEARING

MOTION to accept for filing the 2015 annual Master Plan and TDM monitoring report from Menlo School.

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

Commissioner Lane advised of the 10-day appeal period.

Town Planner, Lisa Costa Sanders presented the second staff report for the Menlo School item.

OPEN PUBLIC HEARING

Than Healy, Menlo School Head of School, gave an overview of the project and spoke in favor of the request.

Kevin Hart, architect for the project, gave an overview of the project using visual project boards.

Commissioner Sockolov asked where the people are now who are going to be housed in the proposed new offices. Than Healy answered that many people are doubled up in offices and they plan to increase their development staff and reconfigure some of the office spaces.

Commissioner Tonelli asked from clarification from Kevin Hart about the dirt haul route out of campus and where the construction staging would take place.

Commissioner Widmer noted that neighbors don't want the staging near their homes.

Ed Goodstein, 71 MacBain, spoke about the project. He is in favor of allowing the variance but wants the approval to be very specific so it doesn't set a precedent. He also noted that the pile driving noise and

vibration from the last large construction project was intolerable. Mr. Goodstein would like the staging areas as far away from the neighbors as possible.

Liz King, 69 Alejandra, spoke in favor of the project. She commended the school on the neighborhood outreach.

Byron Deeter, resident, spoke in favor of the project. He commended the school for the way they have centralized the noise and energy to the center of campus. He also noted that his experience with the school has been very collaborative.

CLOSE PUBLIC HEARING

The Commission agreed that the feedback from neighbors was critical and felt very positive about the project.

MOTION to adopt the Addendum #2 Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Project.

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

Commissioner Lane advised of the 10-day appeal period.

MOTION to declare that the Commission has considered the Addendum IS/MND and MMRP prior to making a decision on the project.

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

Commissioner Lane advised of the 10-day appeal period.

MOTION to approve the draft Variance Certificate for the Central Campus Project.

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

Commissioner Lane advised of the 10-day appeal period.

e. Final Environmental Impact Report (EIR) for the Civic Center Master Plan

Town Planner, Lisa Costa Sanders presented the item.

Commissioner Widmer expressed concern with the water line mentioned in the final EIR and is worried that no one will step up to find an appropriate solution. Gordon Siebert, Town Engineer, noted that the Public Utilities Commission owns the line and the Town is awaiting documents from them. Atherton has no responsibility.

Chair Lane noted that the point of the document is to identify problems.

Commissioner Lamb asked if this is a public safety issue right now. Gordon Siebert answered that there is no public safety issue right now. The line has been there since the 1930s.

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

MOTION to recommend the City Council approve the Civic Center Master Plan Final Environmental Impact Report.

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

6. **COMMISSIONERS' REPORTS** - none
7. **STAFF REPORTS** – none
8. **ADJOURN** – The meeting adjourned at 8:38pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner