

**PLANNING COMMISSION
REGULAR MEETING
DRAFT MINUTES**

**TOWN OF ATHERTON
COUNCIL CHAMBERS
80 FAIR OAKS LANE
ATHERTON, CALIFORNIA
AUGUST 23, 2023
6:00 P.M.**

This meeting was held in-person with the option for staff and the public to join online.

1. ROLL CALL

**PRESENT: Eric Lane, Chair
 Nancy Lerner, Vice Chair
 Thom Bryant
 Bob Polito
 Paul Tonelli**

Senior Planner Radha Hayagreev and Associate Planner Sean Manalo were present.

2. PUBLIC COMMENTS

Richard Schmidt, reported that a surveyor, through Reichers Engineering, is sending letters to residents in Atherton offering to split their lots. The surveyor indicated that he can provide two references from Atherton, and that the process takes nine to 12 months for a lot split under SB-9.

Chair Lane clarified that the surveyor may be referring to the length of time to build the development once the lot split is approved. Chair Lane noted the Planning Commission regularly receives lot split requests, and that they do not take nine to 12 months to come before the Planning Commission. There have also been no issues causing any delays in the lot split requests so far.

Chair Lane reported that challenges with SB-9 include that the resident is required to remain on the property for three years after approval of the final map. As a result, a developer will often purchase a property and then secure a person to purchase that property from them, who will then go through the process of the lot split.

Commissioner Bryant noted that the flyers from the surveyor were raised at the last Planning Commission meeting after Commissioner Bryant personally received a letter. Commissioner Bryant reported a number of inaccurate statements in the letter.

There being no further public comments, Chair Lane closed the public comment period.

3. APPROVAL OF MINUTES

**MOTION to approve the minutes of the July 26, 2023, Planning Commission Meeting.
M/S Polito/Bryant Ayes: 5 Noes: 0 Abstain: 0**

4. PUBLIC HEARING

- a. Request for a Lot Line Redesignation for a proposed new residence with the front facing northwest as opposed to the southeast, at 80 Coghlan Lane, zoned R1-A.
Permit number LLR23-00001 (APN 070-040-600)**

Senior Planner Radha Hayagreev presented the staff report.

Commissioner Polito queried if it is customary to arbitrarily determine the location of the front of a lot.

Senior Planner Radha Hayagreev reported that the Municipal Court specifically designates the lot front as the narrowest portion of the lot facing the public right of way, and this applies to all parcels in Atherton. For the parcel in question, the front setback of 60 feet required is offset from the lot front. The Applicant wishes to reorient and realign the axis, which cannot be approved by the Planning Staff as it would change the lot front, the setbacks, and the development standards.

Chair Lane reported that setbacks were an issue for a few lot splits. Since Atherton is oriented towards single-family homes, the Planning Commission should consider ensuring that single-family home developments are easy to build in Atherton to avoid challenges with dividing lots.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Andrew Skurman, a Principal at Skurman Architects, spoke on behalf of the Applicant. He reported working on 10 houses in Atherton over the years, usually to change the front of the house to another direction, particularly to have the view and the living room face south. Currently, the existing house and the nature of the lot face west.

Changing to the south will allow the Applicant to see the view in the afternoon. This requires changing the front yard and back yard to be 50 feet rather than 60 feet, to make a south-facing house fit on the lot. The house is located at the end of a cul-de-sac. Andrew Skurman emphasized that the reorientation will be better from a solar perspective, an energy perspective, and will provide an overall better house.

Commissioner Bryant noted that addresses are essential for emergency services and queried whether the fire department is required to sign off on the request for lot line redesignation.

Senior Planner Radha Hayagreev confirmed the fire department is not involved at the lot line designation stage because it does not change the axis of the house and only changes the development standards for the inside of the lot. However, the fire department is one of the reviewers at the building permit stage once the project comes into development.

Andrew Skurman confirmed the address will remain the same.

Commissioner Tonelli appreciated the outreach to the neighbors. He noted the neighbors at 90 Coghlan Lane had a request for a change.

Andrew Skurman reported two pickleball courts on the lower right-hand corner of the lot that were originally planned to be parallel to the south property line but were moved to the east property line due to the request made by the neighbors at 90 Coghlan Lane regarding noise concerns. He reported that the neighbors are now satisfied that their request was accommodated.

Commissioner Bryant noted several homes being torn down and rebuilt, and that many of these homes have pools that are being relocated. He suggested using the old pools as a dry well as a way of removing some of the water.

There being no additional comments, Chair Lane closed the public comment period.

Chair Lane noted all aspects are straightforward but wanted to ensure the Planning Commission is not setting a precedence of always having to approve a modified setback.

Senior Planner Radha Hayagreev noted that part of the approval recommendation comes from the neighborhood outreach and the response received, and also looking at the new orientation and the impact of a two-story house with windows looking onto neighbors, and understanding the impact in terms of location and vicinity. It would be an objective review for every applicant.

Commissioner Tonelli agreed with the statement regarding setting a precedent but noted the proposed plan is reasonable as it is increasing the setback from the two closest neighbors as a benefit, and the setback at the back that is reduced to 50 feet has less of an impact because of the open space area.

Chair Lane made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15305 and approve the Lot Line Redesignation for a proposed new residence with the front facing northwest as opposed to the southeast, at 80 Coghlan Lane based on the findings outlined in the discussion of the Planning Commission, and subject to the conditions listed in the certificate.

M/S Chair Lane/Bryant Ayes: 5 Noes: 0 Abstain: 0

5. STAFF REPORTS

Senior Planner Radha Hayagreev reported that the Planning Commission will possibly have to review a TPZ exception, and the Town Planner Brittany Bendix will present a part of the Housing Element.

Chair Lane queried whether the revisions made by Town Council for the Housing Element will be accepted by the state.

Senior Planner Radha Hayagreev reported working on the CEQA site inclusion for additional sites to be included for single-family homes, and that the city manager's office is receiving callbacks from applicants. Applications were received for traditional subdivisions, and an increasing number of SB-9 applications. Senior Planner Radha Hayagreev does not have a timeline for the study but will request that Town Planner Brittany Bendix provide the Planning Commission with a timeline.

6. COMMISSIONERS' REPORTS

Commissioner Polito queried the e-mail received from a resident due to concerns regarding the property at 136 Karen Way.

Senior Planner Radha Hayagreev reported that these items are typically redirected to code enforcement; however, anything sent to the Planning Commission by e-mail is sent from staff Liason to Commissioner Polito to respond to in his capacity as a Commissioner.

The resident had questions regarding the existing fence and tennis court at the property at 136 Karen Way. The code enforcement officer has confirmed that the fence was brought into compliance. There is a planning permit for a pool site development under review for the site, but the tennis court will remain, and the residents of 136 Karen Way are seeking approval for a two-story main house ADU on the lot, which is pending.

The Planning Staff collaborates with code enforcement to work with residents to bring items into compliance to see if staff have the tools to help residents first before bringing concerns to the Planning Commission.

Commissioner Bryant requested clarification that there is currently no legal filing for a builder's remedy project.

Senior Planner Radha Hayagreev confirmed there is currently no builder's remedy project.

7. ADJOURN

M/S Bryant/Polito Ayes: 5 Noes: 0 Abstain: 0

The meeting was adjourned at 6:36 p.m.