

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
February 24, 2010
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

**PRESENT: Philip Lively
Paul Quinlan
Herman Christensen Jr.
Kristi Waldron
William Grindley**

Assistant City Attorney Ben Winig and Deputy Town Planner Lisa Costa Sanders were also present.

2. APPROVAL OF MINUTES

**MOTION to approve the minutes of the January 27, 2010 meeting as amended.
M/S Lively/ Grindley Ayes: 4 Noes: 0 Abstain: 1 (Waldron)**

3. PUBLIC COMMENTS- none

4. COMMISSIONER'S REPORTS

Commissioner Grindley reported on the Blue Ribbon Task Force for the Town Center.

Commissioner Lively reported that he and Commissioner Quinlan met with Staff and have scheduled another meeting for March 3, 2010 to further review the Housing Element Revisions. He indicated that they anticipate revisions to the Housing Element in response to the State's comments will be presented to City Council at its March meeting.

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Christensen noted that the next General Plan Committee meeting is scheduled for May 5, 2010 to review a Green Building Ordinance.

6. STAFF REPORTS

Lisa Costa Sanders reported on recent Council action.

**7. Heritage Tree Removal Permit and Mitigated Negative Declaration-47 Irving-
Heritage Tree Removal request to allow the removal of thirty-two heritage trees.
Atherton Municipal Code Section 8.10**

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support for the removal of thirty-two heritage trees and adoption of the Mitigated Negative Declaration.

Commissioner Lively indicated that he disagrees with the amount of impact within the Mitigated Negative Declaration.

OPEN PUBLIC HEARING

Ned Patchett, Arborist, reviewed the replacement planting plan that includes; Carolina Cherry trees, Strawberry trees and Oak trees. He noted the size at planting and projected size within 3 years.

Chair Waldron questioned if there are any other heritage trees on the site. Mr. Patchett indicated that there are Valley Oaks behind the house. Chair Waldron questioned if all the trees were surveyed on the site. Mr. Patchett noted his company only surveyed the thirty-two heritage trees being discussed.

Commissioner Lively indicated he visited the site and questioned how the replacement trees would be planted with significant root mass from the Eucalyptus trees. Mr. Patchett noted that the root mass would need to be eradicated by grinding out the stump first and then grinding the feeder roots.

Commissioner Grindley indicated that Eucalyptus oils are an issue and would they need to excavate the soil. Mr. Patchett noted that the oils are mostly at the surface level and they should not need to remove the soil.

Commissioner Lively questioned if wood chips would be left at the site. Mr. Patchett indicated no, that they will remove all debris and bring in fresh soil.

Mr. Patchett noted that on one of the visits by Town Arborist, Kathy Hughes-Anderson, she documented mushrooms at the tree base, fungus that can contribute to the decline of the trees.

Ravi Jacob, property owner, noted that they will work with Ms. Hughes-Anderson to ensure she approves of the replacement planting plan.

Commissioner Quinlan questioned if Mr. Jacob has had a chance to talk with his neighbors. Mr. Jacob indicated that they have and that their neighbors are supportive of the tree removal.

Ray Girouard, 41 Irving, indicated that he successfully removed Eucalyptus trees and discussed the stump removal process. He noted that Eucalyptus trees are unsuitable along residential properties and busy roads and is supportive of the request for removal. He also noted that he would like to recommend that the removal of Eucalyptus trees be exempt from Planning Commission review.

CLOSE PUBLIC HEARING

Commissioner Grindley indicated he had no opposition to the removal of the thirty-two Eucalyptus trees.

Commissioner Christensen indicated his support for the application and noted that there are obvious negative aspects with Eucalyptus trees. He further noted that he approves the list of trees the applicant has submitted would and allow change with the direction of Kathy Hughes-Anderson and the replacement planting to be within 6 months of tree removal.

Commissioner Quinlan indicated he visited the site and noted that it looks like a backyard of telephone polls; these non-native trees do not provide much sound protection or screening and therefore would support the removal and Mitigated Negative Declaration.

Commissioner Lively indicated that he also visited the site but would like Kathy Hughes-Anderson's comments on the replacement planting plan and stump removal process and therefore would prefer to continue this item until she is here.

Chair Waldron noted she agrees with the removal, however would prefer a more detailed replacement planting plan with higher crowning trees along the fence line and therefore would like to see that this item be continued to the next meeting for Town Arborist input.

RE-OPEN PUBLIC HEARING

Ravi Jacob, property owner, requested that the Commission approve the removal and defer the replacement planting plan to Ms. Hughes-Anderson for her approval.

CLOSE PUBLIC HEARING

Ms. Costa Sanders indicated that the Commission could approve the removal and add a condition to the tree removal certification that the final approval of the replacement planting plan be to the written satisfaction of Kathy Hughes Anderson, Town Arborist.

Commissioner Christensen indicated he was prepared to act tonight and defer the landscape plan to Kathy Hughes Anderson.

Assistant City Attorney, Ben Winig confirmed that the Commission has the ability to approve the removal request and could refer the approval of the replacement landscape plan to Staff.

Commissioner Lively reviewed his comments on the Mitigated Negative Declaration. He feels the removal of thirty-two trees along the corridor is a major change.

Chair Waldron indicated that she felt that without Kathy Hughes Anderson present it may be difficult to go through the Negative Declaration.

MOTION to continue the public hearing on the Heritage Tree Removal Permit and Mitigated Negative Declaration to the March Planning Commission meeting.

M/S Lively/ Waldron Ayes: 2 Noes: 3 (Christensen, Grindley, Quinlan)
MOTION FAILS

MOTION to find that the Initial Study and Draft Mitigated Negative Declaration prepared for this project are adequate and in conformance with the California Environmental Quality Act and adopt the Draft Mitigated Negative Declaration for the 47 Irving Avenue tree Removal Project.

M/S Christensen/ Quinlan Ayes: 4 Noes: 1 (Lively)
MOTION PASSED

RE-OPEN PUBLIC HEARING

Ravi Jacobs, property owner, noted that this is not the first time a request has been made before the Planning Commission to remove a significant number of heritage trees. He indicated that the Commission in the past has approved the removal of more trees than his requested thirty-two trees. He noted that they are currently unable to landscape this property with the Eucalyptus trees and are committed to working with the Town in developing a landscape plan. Mr. Jacobs further noted that timing is of importance, as they would like to use their backyard for upcoming festivities for their daughters wedding in six months.

CLOSE PUBLIC HEARING

MOTION to approve the removal of thirty-two heritage trees at 47 Irving Avenue for the reasons outlined in the staff report based upon the following findings and conditions stated in the draft Heritage Tree Removal Permit as amended.

M/S Christensen/ Grindley Ayes: 3 Noes: 2 (Lively/ Waldron)
Findings:

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

Amended conditions:

1. Amend condition #2 to read as follows; "The replacement planting shall be approved in writing by the Town Arborist and shall be at a minimum as indicated on the plan prepared by Ned Patchett dated February 24, 2010. The tree species and size shall be to the written satisfaction of the Town Arborist."
2. Amend condition #3 to read as follows; "The trees shall be inspected and shall not be removed during the nesting season for hawks and owls if any active nests are present."
3. Add condition #5 to read as follows; "Replacement planting shall be completed within six months from the date the first tree is removed."

4. Add condition #6 to read as follows; “The Town Arborist shall approve in writing the method of the stump removal and soil replacement.”

Chair Waldron advised of the 10-day appeal period.

8. **Lot Line Redesignation, Special Structure Permit and Heritage Tree Removal Permit- 162 Isabella-** Lot Line Redesignation request to designate the northern property line as the front property line, Special Structure Permit to allow a garage to be located at the front yard setback and a Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code Section 17.20, 17.15, 17.40 and 8.10.

Deputy Town Planner, Lisa Costa Sanders presented the staff report for all three separate items and indicated staff support.

Commissioner Quinlan clarified that the garage is one long building.

Commissioner Lively questioned the accessibility of a fire truck to be able to go through the garage area. Ms. Costa Sanders indicated that it would not because of the accessory structure height limit. Commissioner Lively then noted that it is not entirely accurate that it is two garages. Ms. Costa Sanders noted that it is really one long garage.

Commissioner Grindley asked for clarification if tree #3 is proposed to be removed. Ms. Costa Sanders indicated that the applicant does not plan to remove this tree.

Commissioner Christensen questioned if Staff has heard from any neighbors residing on Isabella. Ms. Costa Sanders indicated that Staff mailed notice to all property owners within 500' of the site and spoke with the property owner at 99 Edwards Lane.

Commissioner Lively noted that he went to the neighbors himself and left cards and has yet to receive any comments.

OPEN PUBLIC HEARING

Debra Taweel, property owner, introduced her team to the Commission and indicated that they do not entertain and therefore parking is not an issue.

Andrew Skurman, Architect for the project, indicated that the proposed new home is further away from both neighbors than the existing home. He noted that the garage really works to form an auto court and there is a plan for a receiving entrance that will be directed to the side of the house.

Commissioner Grindley questioned if there would be signage. Mr. Skurman indicated there will be some sort of signage.

Commissioner Lively noted that the entry court and new design of the house would now face the home next door.

Ms. Taweel indicated that no one has expressed any issues.

Commissioner Christensen expressed his concern for the entry court's affect on the neighbors.

David, Landscape Architect for the project, reviewed the landscape plan.

Commissioner Quinlan indicated it appears that the new landscape plan will remove many existing trees on the property. David indicated that the plan is to replant those trees in other areas as well, and that they would like to utilize as many of the existing plantings as possible.

Commissioner Grindley questioned if the rhodendrums will be preserved. David responded in the affirmative.

Commissioner Christensen expressed his concern with the amount of lawn and whether there was heavy enough screening in the proposal. David indicated yes there is plenty of screening and they are using a layering approach.

Commissioner Lively asked for clarification if there were plans for any landscape lighting. David indicated there are no plans for landscape lighting.

Ms. Taweel noted that they only plan to add lighting around the front door. Commissioner Lively reiterated there is to be no sport court lighting. Ms. Taweel confirmed there will be no lighting for the sport court.

Michael Young, Arborist, reviewed the trees proposed for removal.

CLOSE PUBLIC HEARING

Lot Line Redesignation-

Commissioner Lively expressed his support for the lot line redesignation.

Commissioner Quinlan also expressed his support.

Commissioner Christensen stated that although he was a bit more hesitant on this item, as long as the screening seems adequate he would support the lot line redesignation.

Commissioner Grindley indicated his support.

Chair Waldron noted that it is a large site and the neighbors don't seem to have a problem with the request and therefore would support.

MOTION to approve the Lot Line Redesignation to designate the northern property line as the front property line at 162 Isabella Avenue subject to the conditions in the draft Lot Line Redesignation Certificate and based on the findings and for the reasons incorporated in the Staff Report with the following additional condition.

M/S Lively/ Quinlan Ayes: 5 Noes: 0

Findings:

1. The proposed 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, or general welfare or movement of vehicles, people and goods in and around the subject property.
2. The proposed redesignation will be in accord with the general plan and the purposes of that plan and the Zoning Code.

Additional Condition:

1. Condition #3 to read as follows; “Improvements to the property shall be consistent with the plans prepared by Andrew Skurman Architects as reviewed by the Planning Commission on February 24, 2010.”

Special Structure Permit-

MOTION to approve the Special Structure Permit to allow a detached garage to be located up to the front yard setback at 162 Isabella Avenue subject to the conditions in the draft Special Structure Permit and based on the findings and for the reasons incorporated in the Staff Report.

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

Findings:

1. The proposed structure will not negatively impact neighboring properties with respect to privacy and view.
2. The proposed structure complies with other development standards, restrictions or limitations for the proposed structure, such as height and landscape screening.
3. The granting of the special structure permit is consistent with the objectives of the general plan and the Zoning Code.

Heritage Tree Removal-

Commissioner Christensen expressed his support for the removal of the three heritage trees.

Commissioner Quinlan indicated his support for the removal of all three trees.

Commissioner Lively also expressed his support.

Chair Waldron indicated that she would support the removal request.

MOTION approve the Heritage Tree Removal Permit for the removal of three heritage trees at 162 Isabella Avenue subject to the conditions in the draft Heritage Tree Removal Permit and based on the findings and for the reasons incorporated in the Staff Report.

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

Findings:

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

Chair Waldron advised of 10-day appeal period.

- 9. ADOURN
M/S Grindley/ Quinlan to adjourn meeting at 7:55pm. Motion passed.**

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner