

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
March 25, 2009  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL:**

**PRESENT: Philip Lively  
William Grindley  
Herman Christensen Jr.  
Marion Oster  
Kristi Waldron**

Assistant City Attorney Ben Winig, Deputy Town Planner Lisa Costa Sanders, Town Arborist Kathy Hughes- Anderson and Building Official Mike Wasmann were also present.

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the February 25, 2009 meeting as amended.  
M/S Grindley/ Waldron                      Ayes: 5              Noes: 0**

**3. PUBLIC COMMENTS- none**

**4. COMMISSIONERS REPORTS**

Commissioner Lively reported that the Special Events sub-committee, has yet to meet with Sacred Heart Schools but met with Little League this morning and has met with Menlo College twice. He indicated they are making progress and are close to providing a preliminary report to the Commission.

Commissioner Grindley reported that Blue Ribbon Task Force met on March 23, 2009. He believes that the task force will report to the Council in June.

**5. GENERAL PLAN COMMITTEE REPORTS**

Commissioner Christensen reported that the General Plan will meet on April 1, 2009 to continue their discussion on the Housing Element and affordable housing.

**6. STAFF REPORTS**

Deputy Town Planner, Lisa Costa Sanders reported that at the last City Council meeting they discussed the request to initiate rezoning of Parker Avenue. The City Council voted 3-2 to deny the request to initiate rezoning of Parker Avenue. Ms. Costa Sanders

indicated that City Council will be holding a special meeting tomorrow, March 26, 2009 to continue unfinished business from the previous meeting.

## **NEW BUSINESS**

7. **Heritage Tree Removal Permit- 54 Barry Lane-** Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Sections 17.36.140 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support as the removal would be beneficial to the neighboring pine trees and with the replacement planting requirements.

All Commissioners have indicated that they have visited the subject site and viewed the tree.

## **OPEN PUBLIC HEARING**

Peter Blackmoore, proper owner, 50 Barry Lane asked the Commission to deny the removal of the heritage tree as it is a part of a cluster of pines on his property and near the 54 Barry Lane boundary line.

Sandy Ayers, Creative Habitat Inc, indicated that initially in the landscape design they were keeping any mature trees on the property. They looked further at the tree in discussion for removal and noted that the tree is leaning into the cluster of pines on the neighboring property. She further indicated that it is not currently providing any screening to the property and feel with the replacement trees requested of Staff would provide additional screening throughout the property.

Mr. Blackmoore noted that he does not see the lean and does not see any risk to his property.

Commissioner Lively indicated that in Town Arborists report that the neighboring property indicated their support for the removal.

Mr. Blackmoore indicated that no one asked them for approval, that the developer came to the house when his wife was recovering from surgery and did not discuss the tree.

Ms. Ayers questioned if the Commission were to deny the removal of the Heritage tree, would this absolve the owner of any liability going forward if the tree did at some point fall onto the neighboring property.

Ben Winig, Assistant City Attorney, indicated that the Town does not assume liability by denying the application.

## **CLOSE PUBLIC HEARING**

Commissioner Lively indicated he visited the site and would disagree with the percentage of lean and believes if the tree were removed, the cluster of trees on the neighboring property would be bare on the one side. He noted that he would deny the request for the removal of the heritage tree.

Commissioner Grindley indicated he also visited the site and believes that with the replacement trees required with the removal would provide better screening than this one tree and therefore would support the removal of the pine tree.

Commissioner Christensen noted that the reason the tree is requested for removal is at the preference of the property owner, the tree is not in danger. He therefore would not support the removal of the tree in discussion.

Commissioner Waldron indicated that this is a difficult case. The tree is in good health, however can see why it would be compelling to follow through with the removal because of the required replacement planting.

Chair Oster indicated that she visited the site and did not feel the lean would jeopardize the other trees. She further noted that the tree in discussion has been shading the other three pine trees on the neighboring property, and if removed would be extremely bare. She questioned if the removal would impact the neighboring trees.

Town Arborist, Kathy Hughes Anderson indicated that if the tree were removed, they could limit the grounding of the stump to twelve inches, so there would not be a negative impact to the roots of the neighboring trees.

Chair Oster noted that there are very few large trees on the property and the requested replacement trees would do more for screening. She indicated she does not like to remove a heritage tree but does feel that with the four replacement trees, they would give the property more balance.

**MOTION to approve the Heritage Tree Removal Permit for the removal of one heritage tree at 54 Barry Lane based on the following finding and subject to the conditions listed in the Heritage Tree Removal Certificate:**

**M/S Grindley/ No second, Motion dies.**

**MOTION to deny the Heritage Tree Removal Permit for the removal of one heritage tree at 54 Barry Lane based on the finding that the removal of the heritage tree would be contrary to the purpose and intent of the Atherton General Plan as the tree is in good health and is not in conflict with any improvements to the property:**

**M/S Christensen/ Lively                      Ayes: 4                      Noes: 1 (Grindley)**

Chair Oster advised of the 10-day appeal period.

- 8. General Plan and Zoning Plan Amendment- 50 Valparaiso and 98 Leon Way-** Amendment to the Atherton General Plan and Zoning Plan to redesignate parcel 2, 98 Leon Way from Public Facilities and Schools to Low Density Single Family Residential and rezone the parcel from PFS to R1-A and amendment to the Atherton General Plan and Zoning Plan to redesignate the “Legacy” parcel (northeast end of Menlo School Parking Lot adjacent to Valparaiso Avenue) from Low Density Single Family Residential to Public Facilities and School and rezone the parcel from R1-A to PFS. Atherton Municipal Code Section 17.16.020

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated support for the recommendation to City Council for approval.

Commissioner Lively questioned why the parcel is labeled “Legacy” parcel. Ms. Costa Sanders noted that this was designated on tentative parcel map from Menlo Schools.

#### OPEN PUBLIC HEARING

David McAdoo, Director of Operations, Menlo School, indicated that they are here to satisfy the condition of the Tentative Parcel Map and it is essentially just a house keeping item.

#### CLOSE PUBLIC HEARING

Commissioner Waldron noted that this is to tidy things up and therefore would support the recommendation to City Council for adoption.

Commissioner Christensen also indicated his support.

Commissioner Grindley concurred with Commissioner Christensen.

Commissioner Lively expressed his support.

Chair Oster also expressed her support.

**MOTION to recommend City Council adopt the resolution entitled “A Resolution of Planning Commission of the Town of Atherton Recommending City Council Adoption of the General Plan Amendment and Rezoning of Portions of the Menlo School and College Property,” based on the following finding:**

**M/S Lively/ Grindley**

**Ayes: 5**

**Noes: 0**

**Finding:**

1. The proposed zoning ordinance amendment is required to achieve the objectives of the general Plan and the provisions of Atherton Municipal Code Title 17 (the Zoning Title)

Chair Oster advised of the 10-day appeal period.

**9. Ordinance Amendment- Comprehensive Zoning Code Update replacing Title 17.**

**MOTION to continue item to the April 22, 2009 meeting.**  
**M/S Oster/ Christensen                      Ayes:5                      Noes:0**

**10. ADOURN**

M/S Grindley/ Lively to adjourn meeting at 6:45pm. Motion passed.

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner