

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
August 26, 2009  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL:**

**PRESENT: Kristi Waldron  
Herman Christensen  
William Grindley  
Paul Quinlan**

**Excused: Philip Lively**

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

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the July 22, 2009 meeting as corrected.  
M/S Quinlan/ Waldron    Ayes: 3    Noes: 0    Abstain: 1 (Grindley)  
Excused: 1 (Lively)**

**MOTION to approve the minutes of the June 18, 2009 meeting as corrected.  
M/S Grindley/ Quinlan    Ayes: 4    Noes: 0    Excused: 1 (Lively)**

**MOTION to approve the minute of the June 24, 2009 meeting as corrected.  
M/S Grindley/ Waldron    Ayes: 4    Noes: 0    Excused: 1 (Lively)**

**3. PUBLIC COMMENTS- none**

**4. COMMISSIONERS REPORTS**

Commissioner Christensen requested an item be added to the next Planning Commission agenda to discuss the relationship between staff and the Commission and expectations for Staff to carry forward the Commissions' recommendation to the City Council. He also requested discussion at the next meeting regarding protocol when a Commissioner does not agree with the Commissions' recommendation and speaks at a Council meeting. There was Commission consensus to add these items to the next regular agenda

Commissioner Grindley reported that the next Blue Ribbon Task Force meeting is scheduled for September 8, 2009.

**5. GENERAL PLAN COMMITTEE REPORTS**

Commissioner Christensen reported that the General Plan Committee is scheduled to meet on September 2, 2009 to discuss green building.

**6. STAFF REPORTS**

Lisa Costa Sanders reported on the City Council's action on the Zoning Code update and distributed a typed excerpt of the meeting minutes as prepared by the Deputy City Clerk. She stated that the Council referred the requirement for a 20' setback for entry gates to the Planning Commission for consideration with smaller lots. The Council removed the new lighting provisions and removed the provision to allow 8' tall fences. The Council added a new provision for smaller lots in the R1-A district for intrusion of light wells and bay windows.

Commissioner Christensen asked if the Planning Commission could request the City Council reconsider its decision.

Assistant City Attorney, Ben Winig indicated that a Commissioner could request the City Council continue the public hearing on the zoning code until the Planning Commission could meet and review the City Council's action. Lisa Costa Sanders stated that Staff is recommending the City Council continue the public hearing to the October 21, 2009 meeting to provide time for the Commission to review the new provision added to the R1-A zoning district.

**REGULAR AGENDA**

**7. Master Plan Update-1000 El Camino Real-Menlo College Master Plan update for 2009**

Deputy Town Planner, Lisa Costa Sanders introduced Robert Talbot of Menlo College.

**OPEN PUBLIC HEARING**

Mr. Talbot stated that the Master Plan update includes their projected enrollment numbers through 2012 and highlighted the school's accomplishments over the past year.

Chair Waldron noted that the enrollment numbers vary by 20 students from year to year, but are projected to increase by 80 students for the 2010 school year. Mr. Talbot noted that this year the school has 580 students and that they had hoped for 680 students.

Commissioner Grindley asked if they should expect any changes to the 2004 Master Plan. Mr. Talbot responded that he hopes to see some changes soon.

Commissioner Christensen questioned if the school made their tuition goals. Mr. Talbot indicated that because of the economic situation they are pleased with enrollment at 580 students. Commissioner Christensen asked if the current buildings on campus could handle the proposed increase to 720 students by 2012. Mr. Talbot responded in the affirmative.

**CLOSE PUBLIC HEARING**

**MOTION to accept for filing the 2009 annual Master Plan update from Menlo College.**

**M/S Christensen/ Grindley                      Ayes: 4                      Noes: 0                      Excused: 1 (Lively)**

- 8. Lot Line Redesignation and Heritage Tree Removal Permit- 102 Catalpa-** Lot Line Redesignation to designate Acorn Way as the front of the property line and a Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Sections 17.60.050 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff reports and noted staff's recommendation for approval of the lot line designation and denial of the heritage tree removal permit

Commissioner Grindley confirmed that in order to construct Plan B as presented by the Architect, the front property would remain along Catalpa Drive. Ms. Costa Sanders responded in the affirmative.

Commissioner Quinlan requested a clarification on the staff report relating to the tree removal. Ms. Costa Sanders clarified. He further questioned how the redesignation is a consistent pattern of development within the area. Ms. Costa Sanders responded it is not inconsistent.

Commissioner Quinlan questioned the life term expected within the arborist's report for the tree.

Town Arborist, Kathy Hughes Anderson reported that a tree in its native environment can live 400-500 years. It is impossible to determine the life expectancy of a tree given the variables today. She further noted that with care, trees not in their native environment could be expected to live 50-100 years.

**OPEN PUBLIC HEARING**

Jude Kirik, Architect Pacific Peninsula Group, reviewed the project details. He indicated that the removal of the one tree would be beneficial to all and without the tree removal they do not need the lot line redesignation. He stated that they have no issues with the proposed replacement trees and would go above and beyond with landscaping

Commissioner Christensen confirmed that if the heritage tree removal was not granted, that the other trees on the lot would not suffer, and assumed that the owners would maintain all the trees on the property.

Mr. Kirik indicated that there have been suggestions to shorten the tennis court the owners are proposing to build and unfortunately this is not an option.

Matt Johnson, property owner, provided a brief background on his family's reasoning for the lot line redesignation and the tree removal, noting that his children are competitive tennis players.

Commissioner Quinlan asked if Mr. Johnson had spoken with the neighbors. Mr. Johnson replied that they have written acknowledgement and support from their neighbors at 84 Greenoaks. He has spoken with other neighbors but does not have anything in writing.

Steve Hoffmann, 96 Greenoaks, stated he has reviewed both proposed site plan options A and B and noted he would greatly prefer option A. He questioned what sort of lighting would be used.

Chair Waldron responded there would be no lights on the tennis court.

Mr. Hoffmann also noted that he'd like to make sure that the air conditioning unit is not near the property line.

Chair Waldron indicated that there would be a screening plan in place with the new construction.

Commissioner Christensen also indicated that the HVAC equipment should be placed towards the inside of the property.

Mr. Johnson also stated that he would work with his neighbor when the plans for the property are more fully developed.

#### CLOSE PUBLIC HEARING

Commissioner Quinlan stated that he visited the property and feels as though the tree is in reasonable shape however looking at the shape of the lot, if the only feasible place to put the pool and tennis court is as discussed, he would support the tree removal and lot line redesignation.

Commissioner Christensen stated he also visited the site and does not think that this specific lot is set up to have a tennis court, pool, guesthouse and main house. He expressed his support for retaining the tree and support for the lot line redesignation.

Commissioner Grindley expressed his support for retaining the tree and support for approving the lot line redesignation.

Chair Waldron noted this is a fairly difficult case; there are not many trees on the lot. She further noted that because of what the General Plan has set forth, she would support retaining the tree and does not have any issues with approving the lot line redesignation.

Commissioner Quinlan expressed his concern with the correlation between the heritage tree preservation ordinance and the General Plan. Assistant City Attorney, Ben Winig indicated that the Zoning Ordinance and the General Plan need to be read together.

**MOTION to deny the Heritage Tree Removal Permit for the removal of one heritage tree at 102 Catalpa, based on the finding that the removal of the tree would be contrary to the purpose and intent of the general plan.**

**M/S Christensen/ Grindley      Ayes: 3      Noes: 1 (Quinlan)      Excused : 1 (Lively)**

**MOTION to approve the Lot Line Redesignation to designate Acorn Way as the front property line at 102 Catalpa, based on the following findings and for the reasons incorporated in the staff report and subject to the conditions listed in the Draft Lot Line Redesignation Certificate.**

**M/S Waldron/Grindley      Ayes: 4      Noes: 0      Excused : 1 (Lively)**

**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.

Chair Waldron advised of the 10-day appeal period.

- 9.      Excessive Height Permit and Heritage Tree Removal Permit- 98 Stevenson Lane-** Excessive Height Permit for a new residence at a height of 32' with sidewalls at a height of 23' and a Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code Sections 17.20.040 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the Staff report and indicated staff support for the excessive height permit and for the removal of trees #33 and #26.

Commissioner Christensen questioned the condition of tree #26. Town Arborist, Kathy Hughes Anderson indicated that #26 appears to be drought stressed and co-dominant at the top, however she did feel that it would be able to thrive. Commissioner Christensen clarified that if the tree were cared for it would be ok? Ms. Hughes Anderson responded in the affirmative.

**OPEN PUBLIC HEARING**

Charlie Barnett, project Architect reviewed the proposed plans and explained why they are requesting the excessive height permit and the heritage tree removal.

Commissioner Quinlan questioned how close tree #32 is to the new residence. Mr. Barnett responded that it would be 6 feet from the foundation and although they could build the foundation around the tree, it would be easier to remove the tree.

Peter Weck, 90 Stevenson Lane, stated that his primary concern is the screening because of the excessive height with the new residence. He further stated that he is also in agreement to not have trees #27 and #28 removed.

Commissioner Quinlan questioned if Mr. Weck had a position on the other trees that are proposed to be removed. Mr. Weck, indicated that they may see some impact with the removal of the redwood but they are not too concerned.

Commissioner Grindley asked if they had seen the proposed plans for the site. Mr. Weck responded that he has looked over them. He further stated that he had requested that the replacement trees be at least 20' in height.

Ms. Hughes-Anderson indicated that they might be able to get something that is 20', depending on the species and would work with the neighbor, property owner and landscape architect to determine what they can do. She further noted that screening is required to be at full growth within 5 years of completion of the project and have recommended that they begin their planting now.

Catherine Strausbery, 97 Stevenson Lane, stated that the homes are not very visible in this area and feels this proposal would impact the property values.

#### CLOSE PUBLIC HEARING

Commissioner Grindley noted that he visited the site and walked the property. He further noted that he has no issues with the removal of trees #26, #32 and #34 and would support the excessive height permit as well.

Commissioner Christensen noted he also visited the site but would disagree with his colleague and believes tree #32 and #26 should be retained. He expressed his support for the removal of tree #34 and the excessive height permit.

Commissioner Quinlan expressed his support for the excessive height permit, and would support the removal of trees #26 and #34 and for the retention of tree #32.

Chair Waldron indicated she did not visit the site. She expressed her support for the excessive height and support for the removal of trees #26, #34 and #32, however would suggest that the applicant try to keep tree #32.

**MOTION to approve the Excessive Height Permit for the new residence at 98 Stevenson Lane based on the following findings and for the reason enumerated in the staff report and subject to the conditions listed in the Excessive Height Permit.**  
**M/S Waldron/ Quinlan                      Ayes: 4              Noes: 0              Excused: 1 (Lively)**

#### **Findings:**

1. The proposed height exception/residence would be appropriate under the general plan of the town as outlined in this report.
2. The proposed height exception/residence at the proposed location will not be detrimental or injurious to persons, property or improvements in the vicinity and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

**MOTION to approve the Heritage Tree Removal for the removal of tree #34 based on the following finding and subject to the Heritage Tree Removal certificate.**

**M/S Christensen/Grindley                      Ayes: 4                      Noes: 0                      Excused: 1 (Lively)**

**Finding**

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

**MOTION to approve the Heritage Tree Removal for the removal of tree #26 based on the following finding and subject to the Heritage Tree Removal certificate with the following additional condition.**

**M/S Waldron/Quinlan                      Ayes: 3                      Noes: 1 (Christensen)                      Excused: 1 (Lively)**

**Finding**

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

**Additional Condition**

1. Add condition #5 to “Require additional planting of eight (8) large crowning trees and 16- 24” or 36” box size trees to the satisfaction of the Town Arborist”.

**MOTION to approve the Heritage Tree Removal for the removal of tree #32 based on the following finding and subject to the Heritage Tree Removal certificate.**

**M/S Grindley Waldron                      Ayes: 2                      Noes: 2 (Christensen, Quinlan)                      Excused: 1 (Lively)                      MOTION FAILED**

Chair Waldron advised of 10-day appeal period.

- 10. Heritage Tree Removal Permit- 36 Irving-** Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Sections 8.10

Deputy Town Planner, Lisa Costa Sanders presented the Staff report and indicated staff support.

Chair Waldron questioned if tree #11 would be impacted with the removal of the cedar.

Town Arborist, Kathy Hughes-Anderson stated that the cedar could be removed without damaging the canopy or roots of the other tree.

**OPEN PUBLIC HEARING**

David Wilkinson, property owner, made himself available for Commissioner questions.

Commissioner Quinlan asked if they granted the removal of the two heritage trees, could the applicant come back at a separate time and request the removal of additional trees.

Ms. Costa Sanders responded that the applicant could potentially come back after five years without having to do a mitigated negative declaration.

Shelia Girouard, 41 Irving, thanked the applicant for buying the property and stated that she is looking forward to the property being taken care of.

#### CLOSE PUBLIC HEARING

Commissioner Christensen noted he visited the site and expressed his support for the removal of the two heritage trees.

Commissioner Quinlan noted he also visited the site and would support the removal of the two trees.

Commissioner Grindley agreed with his colleagues and would support the tree removal.

Chair Waldron noted she also visited the site and would support the removal.

**MOTION to approve the Heritage Tree Removal permit for the removal of two heritage trees at 36 Irving Avenue based on the following finding and for the reasons outlined in the staff report and subject to the Heritage Tree Removal Certificate.**

**M/S Christensen/ Quinlan                      Ayes: 4                      Noes: 0                      Excused: 1 (Lively)**

#### **Finding**

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

Chair Waldron advised of the 10-day appeal period.

#### **11.      ADOURN**

**MOTION to adjourn the Planning Commission meeting at 7:45 p.m.**

**M/S Quinlan/Waldron                      Ayes: 4                      Noes: 0                      Excused: 1 (Lively)**

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner