

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
March 26, 2008
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

**PRESENT: Philip Lively
Herman Christensen, Jr.
James Dobbie
Marion Oster
Kristi Waldron**

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Assistant Planner Andrea Mardesich, 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 27, 2008 meeting.
M/S Christensen/ Dobbie Ayes: 5 Noes: 0**

3. PUBLIC COMMENTS- none

4. COMMISSIONER'S REPORTS- none

5. GENERAL PLAN COMMITTEE REPORTS

Commission Dobbie reported that at the previous Zoning Code Workshop had poor attendance by the Atherton residents. Postcards were mailed earlier for the next workshop, scheduled for April 9, 2008.

6. NEW BUSINESS

Master Plan Update- 50 Valparaiso- Menlo School Master Plan Update for 2008.

Deputy Town Planner Lisa Costa Sanders introduced David Macadoo, Director of Operations for Menlo School.

Mr. Mc Adoo reported that this is an abbreviated update and that the 2007 Menlo School Master Plan is still the operating plan. There have been no changes since 2007. He further noted that Menlo School continues to have ongoing communication with the Menlo College, and if there were any further developments, Menlo School would come back to the Planning Commission.

Commissioner Dobbie noted that the Town has not received the documentation regarding the ownership of land as promised by the attorney for Menlo College.

Commissioner Christensen asked about meetings with the neighborhood. Mr. MacAdoo responded that there is a “neighborhood-working group”, and they have not had their annual meeting yet.

OPEN PUBLIC HEARING

Melinda Kawert- 98 Michaels Way noted that the “neighborhood-working group” did not meet before School requested the Conditional Use Permit. Commissioner Christensen asked how many residents attend these meetings. Ms. Kawert responded that 6-8 families are represented.

CLOSE PUBLIC HEARING

Commission Lively noted the amendment to the agenda from accept to receive the Master Plan.

**MOTION to receive of the Menlo School Master Plan Update for filing.
M/S Lively/ Dobbie Ayes: 5 Noes: 0**

PUBLIC HEARINGS

- 7. Heritage Tree Removal Permit- 101 Hawthorne Drive**-Heritage Tree Removal Permit to all the removal of one heritage tree. Atherton Municipal Code Section 8.10

Assistant Planner Andrea Mardesich presented the staff report and indicated Staff support for the removal of one Modesto Ash heritage tree. Ms. Mardesich noted that the pool house is 13 feet from the proposed tree and 8 feet from the garage. In addition, Ms. Mardesich noted that the applicant did submit plans for the structures today.

Commission Lively noted that the plans are not stamped by any one from the town and there are no signatures.

Deputy Town Planner, Lisa Costa Sanders clarified that Staff has not completed the review of the plans relating to other zoning code items. She further suggested condition four be added to require issuance of a building permit prior to the heritage tree removal..

OPEN PUBLIC HEARING

Dan Thompson, Designer for the applicant introduced himself and noted that the home was demolished and all fees were paid.

Chair Oster questioned how the plans for the new residence differ from what the Planning Commission currently has. Mr. Thompson responded locations of the structures are identical.

Commissioner Lively noted that on his site review he found a stump, and noticed that trees #21, 22 and #24 had been removed. Mr. Thompson responded that the only tree he is aware of that has been removed is #24. Town Arborist Kathy Hughes-Anderson clarified that trees #20 and #21 are under heritage tree size and #20 is a peach tree; tree #24 was growing horizontally under the canopy of tree #22.

Commissioner Lively responded that this is different from what the neighbor is saying. Ms. Hughes- Anderson noted that the 13” stump was not a large crowning tree.

Commissioner Dobbie questioned tree #18. Ms. Hughes- Anderson replied that tree #18 is still there.

Commissioner Lively asked if the applicant will be removing all foliage from the site. Mr. Thompson stated that they will not be removing all the vegetation and, that he and Ms. Hughes- Anderson walked the property and will work on a screening plan. He further noted that the owner does want to thin out some of the foliage.

Commissioner Waldron questioned when the property was transferred.

Ms. Hughes- Anderson noted that the Magnolia tree and some shrubs have suffered.

Commissioner Dobbie noted that the Modesto Ash is a lovely tree with a strange disease. Ms. Hughes- Anderson noted that the tree has been poorly pruned in the past. Commissioner Dobbie questioned whether this strange disease would kill the tree. Ms. Hughes- Anderson responded that this disease will not kill the tree. Commissioner Dobbie questioned if the tree was properly pruned would it make the tree healthier. Ms. Hughes-Anderson noted that with a combination of pruning and spraying, it might be able to reduce the disease.

Commissioner Waldron questioned whether the disease spreads. Ms. Hughes-Anderson replied it does spread by spores.

CLOSE PUBLIC HEARING

Commissioner Waldron expressed frustration with the proposed removal of the heritage tree and is sad to see so many of the mature trees gone. However based upon this disease, would support removal of the heritage tree with replacement of 2- 48” box Native Oaks. Commissioner Dobbie expressed his frustration as well since the tree does not affect the building. However, he noted it seems like there is no real way to make the tree healthy. Commissioner Christensen expressed support for the proposed tree removal. However did recommend that there be some way we they can get the residents to take care of the trees so that this doesn’t happen in the future.

Commissioner Lively noted that Modesto Ash trees are strong drought resistant trees, and that every tree has something wrong with it. He further noted that this property needed every tree possible since it has been cut to the bone.

Chair Oster stated that a Modesto Ash could get up to 70 feet tall and up to 30 feet wide.

She asked if the front of the property is considered along James. Lisa Costa Sanders confirmed that the front of the property is along James. Chair Oster asked if the old house is non-conforming. Ms. Costa Sanders and Ms. Mardesich both responded it does seem to be non-conforming. Chair Oster noted that 19 of the 27 trees on the property are going to be removed. She further stated that the Modesto Ash is not an attractive tree, would hate to remove it; however would support removal with the following conditions; replace with 2- 36" and 1-48" box Native Oaks; applicant shall remove the ivy off the trees before building ; adequate watering of the Magnolia tree and; tree shall not be removed until the Town has issued building permit on the structure.

MOTION to approve Heritage Tree Removal Permit subject to the following additional conditions:

M/S Christensen/ Waldron Ayes: 3 Noes:2

Finding:

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

Additional conditions:

1. Replacement planting shall be a minimum of with 2- 36" box size and 1-48" box size Native Oak trees.
- 1- The applicant shall remove the ivy off the trees before issuance of a building permit.
- 2- The applicant shall adequately water the Magnolia tree
- 3- Tree shall not be removed until the Town has issued building permit on the structure.

8. **Tentative Parcel Map, Excessive Height Permit, Heritage Tree Removal Permit and Negative Declaration- 383 Walsh Road-** Tentative Parcel map to allow the subdivision from one parcel to two parcels, Excessive Height Permit to allow 28' tall sidewalls and a Heritage Tree Removal Permit to allow the removal of 13 heritage trees. Atherton Municipal Code Sections 17.32, 16.16 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report. Regarding the Tentative Parcel Map: Ms. Costa Sanders noted Parcel A is the flag lot. Parcel B gives access to Parcel A and has the utilities easement. She further noted that both parcels exceed the minimum requirement for a subdivision.

Commissioner Lively questioned where the front / rear and sides are. Ms. Costa Sanders replied that the front of A is north and the rear is closest to 94 Tallwood. She further noted that Parcel B front is Walsh Road.

Commissioner Lively asked about the access strip being improvement. Ms. Costa Sanders noted that the access strip meets the technical code requirement for Lot A, although the strip does not need to be improved, as was confirmed with the City Engineer.

Commissioner Dobbie questioned whether there is a direct connection of Parcel A. He noted from a safety point people from Parcel A would want some easy access to Tallwood. Ms. Costa Sanders stated that the property owners are in conversations with 94 Tallwood for direct pedestrian access.

Relating to the Excessive Height Permit request, Ms. Costa Sanders noted that proposed residence is within the main building height and the excessive height permit is for the sidewall. She further stated that the proposed residence meets and exceeds the increased setback requirements for the excessive height. She further noted that the story poles were installed in response to neighbors request.

Relating to the Heritage Tree Removal request, Ms. Costa Sanders reported that there are 134 Heritage Trees on the site, 57 of which are Oaks. The owners are requesting removal of 13 heritage trees and have indicated most are Eucalyptus trees and the Oak Trees located in very close proximity to the former residence.

Action respond to the Mitigated Negative Declaration can act on them together or individually

OPEN PUBLIC HEARING

Mark Heising and Liz Simons, owners of 383 Walsh Road, introduced themselves to the Commission.

Richard Beard, Senior Designer with BAR Architects; introduced himself to the Commission and reviewed the proposed home design in detail.

Eric and Sylvian Blazen, Blazen Landscape Architects reviewed the proposed landscape plan for the site, noting that they are retaining many of the existing landscape features..

Commissioner Dobbie questioned how many kilowatts the solar panels would generate.

Commissioner Christensen expressed concern with the proposed subdivision and questioned why they are requesting the subdivision. Liz Simons replied that they had originally planned to building a new 3,000 home for Mark's parents. At this time they have decided against building the home, however since they were so far along in the process that they would continue to move forward with the proposed subdivision. Commissioner Christensen noted if the Planning Commission was to approve everything but the subdivision would they reconsider. Owners, Mark and Liz replied that they would be willing to reconsider the subdivision plan.

Commissioner Lively questioned the screening. Mr. Blazen, Landscape Architect stated that the existing screening would not be touched, if anything they would be adding to the existing screening.

Commissioner Dobbie expressed concern that he would like to see a restriction that foliage be maintained.

Chair Oster noted that it is within the owner's best interest as well to maintain foliage.

OPEN PUBLIC HEARING

Amy Delson, 5 Knoll Vista, commended everyone that they have worked with. She further noted that her only request is that there be more trees planted for screening from the Knoll Vista view.

Wayne Zouzounis, 1175 Trinity Drive, stated that this property is to the east of proposed Parcel B. He noted that he had submitted a list of concerns to the Town and expressed that he has no objection to what is being submitted other than the possibilities with the subdivision. He further noted that Parcel B is uniformly a steep lot, with virtually no flat areas. He noted that in 1979 the Planning Commission rejected the same request. He expressed his concern is not necessarily with the current owner, but with the next buyer. Mr. Beard requested that all future grading and construction be up for review and approval from the Planning Commission.

Commissioner Lively questioned what would they be doing with the 2800 cubic yards of dirt that is being removed. Mr. Tincher, contractor for the project responded that they are going to try to balance the site if at all possible. Some of the dirt will likely be trucked to other sites.

Mr. Blazen, Landscape Architect note that they would be using some of the dirt fill for terracing and by the pool.

Chair Oster expressed concern with the ability to get the large trucks up the driveway to the property. Mr. Tincher confirmed that the trucks are able to get to the site, and they used the larger trucks for the deconstruction.

CLOSE PUBLIC HEARING

Commissioner Dobbie commended the owners on a beautiful residence. He noted concern with the proposed subdivision: finds it hard to see why anyone would buy Parcel B. He further expressed support for the vineyard and feels there is really no reason for a subdivision. He asked about the possibility of proposing a deed that all present vegetation not be allowed to be removed. He also expressed the need for access to Tallwood for pedestrians

City Attorney, Marc Hynes stated that if the trees of concern are not within our control now, they couldn't impose further restrictions. He indicated that the Commission could impose screening requirements of the residence.

Commissioner Dobbie noted that from the neighbors' perspective, if the proposed residence is lit up at night it would be extremely visible. He further recommended that all outside lighting be shielded. He further expressed the importance of an access road to Tallwood.

MOTION to approve Heritage Tree Removal Permit to allow the removal of thirteen heritage trees based on the following finding and subject to the contains contained in the Heritage Tree Removal Permit with the following conditions:

M/S Christensen/Oster

Ayes: 5

Noes: 0

Finding:

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

Additional Conditions:

Additional condition 3 to require tree protection and pruning recommendations contained in the Arborist report prepared by Kevin Keilty shall be followed in all respects.

9. ADOURN

M/S Dobbie/ Waldron to adjourn the meeting at 7:58 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner