

**APPROVED MINUTES
PLANNING COMMISSION MEETING
September 26, 2007
6:00 p.m.**

ATHERTON TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Vice-Chair Dobbie called the meeting to order at 6:00 p.m.

1. ROLL CALL:

PRESENT: **Jim Dobbie**
 Kristi Waldron
 Philip Lively
 Herman Christensen, Jr.

EXCUSED: **Marion Oster**

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, Building Official Mike Wasmann, Town Arborist Kathy Hughes Anderson, and Assistant Planner Andrea Mardesich were also present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the August 22, 2007 meeting as submitted.
M/S Christensen/Waldron Ayes: 3 Noes: 0 Abstain: 1 (Lively) Excused: 1

3. PUBLIC COMMENTS - None

4. COMMISSIONER'S REPORTS - Commissioner Christensen asked about the possible illegal shed at 224 Atherton Avenue. Mike Wasmann responded that it has been referred to Code Enforcement

5. GENERAL PLAN COMMITTEE REPORTS – None.

6. NEW BUSINESS - None.

7. STAFF REPORTS – Lisa Costa Sanders stated that the City Council reviewed but did not approve the proposed drainage guidelines. As the new basement ordinance tracks approval of the drainage ordinance, the new basement regulations are not effective. Ms. Costa Sanders also stated that appeals filed for 94 Tallwood and 44 Tuscaloosa were continued to the next Council meeting at the request of the applicants.

PUBLIC HEARINGS

- 8. Conditional Use Permit, Heritage Tree Removal Permit and Negative Declaration – 50 Valparaiso** – Conditional Use Permit for the Athletic Center, Performing arts and Create Arts Building project and a Heritage Tree Removal Permit to allow the removal of four heritage trees. Atherton Municipal Code Section 17.32 and 8.10

MOTION to continue the item to the October 24, 2007 meeting.

M/S Christensen/Lively Ayes: 4 Noes: 0 Excused: 1

Commissioner Christensen recused himself from the meeting due to his property being located within 500 feet of the 227 Park Lane property.

- 9. Heritage Tree Removal Permit – 227 Park Lane** – Heritage Tree Removal Permit to allow the removal of four heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and indicated staff support for the tree removal request due to the condition of the trees.

OPEN PUBLIC COMMENT

Emery Rogers, Landscape Architect stated that they would like to plant replacement screening material that will fill a lower level. The applicant is requesting removal of the trees due to their condition.

CLOSE PUBLIC COMMENT

Commissioner Lively concurred with the request due to the condition of the trees. Commissioner Waldron stated that one tree is clearly in decline and that the trees do not serve the function of screening the site. Commissioner Dobbie concurred.

MOTION to approve the Heritage Tree Removal Permit to allow removal of four heritage trees based on the following finding and subject to the conditions of the Heritage Tree Removal Permit.

M/S Waldron/Lively Ayes: 3 Noes: 0 Excused: 2

Finding:

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

Vice-Chair Dobbie advised of the 10-day appeal period.

10. Heritage Tree Removal Permit – 198 Fair Oaks– Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10.

Andrea Mardesich presented the staff report and indicated staff support for the removal of two heritage trees.

Kathy Hughes Anderson responded to Commissioners questions citing one tree leans and the other tree is in poor condition. He also noted difficulty located the garage expansion on other portions of the lot.

OPEN PUBLIC COMMENT

Larry Cathey, contractor, noted that other trees on the site are well preserved and cited other options that were considered for the expanded garage including underground.

Barbara Greer, Landscape Architect, also noted other options that were considered for the garage placement and reviewed the trees that have been planted on the site.

Barbara Stephenson, property owner, stated that they have maintained the historic home on the site and recently acquired the adjacent lot. She noted improvements they have already completed and have planned for the site.

CLOSE PUBLIC COMMENT

Commissioner Waldron expressed support for the application noting the property owner that done a good job of caring for the property and other trees on the site.

Commissioner Christensen felt there were mitigating circumstances with lots of trees on the site.

Commissioner Lively stated that the leaning tree should be removed and requested larger tree size for replacement planting.

Commissioner Dobbie concurred with the other Commissioners comments.

MOTION to approve the Heritage Tree Removal Permit to allow removal of four heritage trees based on the following finding and subject to the conditions of the Heritage Tree Removal Permit with the following amended conditions:

M/S Lively/Waldron Ayes: 4 Noes: 0 Excused: 1

Finding:

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 require 2 – 36” box native oaks and two 48” box native oaks to the satisfaction of the Town Arborist and Building Official.
2. Add “and issuance of a permit for the garage” at the end of condition #3.

Vice-Chair Dobbie advised of the 10-day appeal period.

11. Heritage Tree Removal Permit – 133 Atherton Avenue – Heritage Tree Removal Permit to allow the removal of four heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and noted staff support for the removal of four trees.

OPEN PUBLIC COMMENT

Elizabeth Everdale, Landscape designer, distributed a conceptual landscape plan, noting the new driveway plan with formal tree alae. She stated that there are 48 heritage oaks on the site.

Andrew Skurman, Architect, stated that the future residence is designed as an entertaining pavilion and was designed around a redwood tree. He noted that the property owners intend to utilize the site as a garden with the guest home for entertaining.

CLOSE PUBLIC COMMENT

Commissioner Waldron expressed her support for the removal of the palm and oak trees based upon the extensive replanting plan.

Commissioner Lively requested replacement planting of at least four oak trees.

Commissioner Christensen expressed support for the request.

MOTION to approve the Heritage Tree Removal Permit to allow removal of four heritage trees based on the following finding and subject to the conditions of the Heritage Tree Removal Permit with the following amended conditions:

M/S Lively/Waldron Ayes: 4 Noes: 0 Excused: 1

Finding:

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 require replacement planting with four coast live oak trees.

Vice-Chair Dobbie advised of the 10-day appeal period.

12. Major Alteration Permit – Historical Artifact – 133 Atherton Avenue – Major Alteration Permit to allow installation of a new gate adjacent to a historic gate. Atherton Municipal Code Section 8.14.090(B).

Lisa Costa Sanders stated that the applicant has submitted a proposal to construct a new entry gate on direct axis with the location of the current historic gate and leave the historic gate in tact with the gates in the open position. The applicant has also submitted an alternative plan to relocate the historic entry gate and column to the corner of Atherton Avenue and Elena

Avenue. The Town's Historical Consultant, Laura Jones has reviewed both the proposal and the alternative and deemed both to be consistent with the Ordinance and the secretary of the interior standards.

OPEN PUBLIC COMMENT

Andrew Skurman, Architect, reviewed the proposed design. Mr. Skurman submitted a letter from a neighbor citing preference for moving the gate.

Benjamin McGriff, Architect, stated that based on his conversation with Ms. Laura Jones, the gates were part of a larger estate.

Commissioner Lively asked if the lamppost would be operational with either location? The applicant responded in the affirmative.

CLOSE PUBLIC COMMENT

Commissioners expressed support for retaining the gate at its current location.

MOTION to approve the Major Alteration Permit to allow a new entry gate to be located adjacent to the existing historic gate based on the following finding and subject to the conditions of the Major Alteration Permit Removal Permit with the following amended conditions:

M/S Christensen/Lively Ayes: 4 Noes: 0 Excused: 1

Finding:

1. The preservation of the historic gate and column would not be contrary to the purpose and intent of the Atherton General Plan because the treatment of the gates will preserve their historic character recessing new improvements behind the old. The improvements are compatible in size and scale with the historic gate and column and do not obscure the character defining features of these historic items.

Amended condition:

1. Add condition #3 to read as follows; "Existing gate, columns and lanterns to be restored and the lanterns to be in working condition.

Vice-Chair Dobbie advised of the 10-day appeal period

2. **Conditional Use Permit – 80 Logan** – Conditional use Permit to allow a pool to be located in the side yard. Atherton Municipal Code Section 17.36.080.

Andrea Mardesich presented the staff report noting staff support for the location of the pool.

OPEN PUBLIC COMMENT

Michelle bond, landscape architect, noted the existing redwoods on-site and difficulty in placing a pool in the rear yard. She also stated that a new hedge will be planted

Commissioner Lively expressed concern with noise to neighbors with the use of the pool.

Wood Shackleton, property owner, noted the distance the pool is from other residences and stated that the home is occupied by himself and his wife.

CLOSE PUBLIC COMMENT

Commissioners expressed support for the request.

MOTION to approve the Conditional Use Permit to a pool to be located at the front setback, based on the following findings and subject to the conditions of the Conditional Use Permit:

M/S Christensen/Lively Ayes: 4 Noes: 0 Excused: 1

Findings:

1. The proposed pool at the proposed location will not be detrimental or injurious to person, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.
2. The proposed pool will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the zoning code.

13. ADJOURN

M/S Lively/Dobbie to adjourn the meeting at 7:53 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner