

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
January 28, 2009
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

**PRESENT: Philip Lively
William Grindley
Marion Oster
Kristi Waldron (Arrived at 6:10 pm)**

EXCUSED: Herman Christensen Jr.

City Attorney Marc Hynes, 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 October 22, 2008 meeting as amended.
M/S Lively/ Grindley Ayes: 3 Noes: 0
Excused: 1 (Waldron)**

**MOTION to approve the minutes of the December 3, 2008 meeting as amended.
M/S Grindley/ Lively Ayes: 3 Noes: 0
Excused: 1 (Waldron)**

3. PUBLIC COMMENTS- none

4. COMMISSIONERS REPORTS

Commissioner Grindley reported that the Blue Ribbon task force met in early January and he later presented to the ACIL the need for additional space and improved conditions within the Town's Facilities. He further noted that he will be developing one and two story models for the public to view.

Commissioner Lively reported that he attended a meeting with Sacred Heart School to address the renovations with Saint Josephs. He noted that nearby residents asked Sacred Heart representatives what their estimated timeline was for this project and the representatives indicated they did not have a specific timeline. He further noted that he has since spoken with Neal Martin who would discuss timing with Sacred Heart Schools. Commissioner Lively questioned Staff as to where the Town is with the environmental

impact review. Deputy Town Planner, Lisa Costa Sanders indicated that they have begun review.

Commissioner Lively also reported that he attended the meeting involved with the high speed rail and if anyone should contact him if they were interested in the discussion at the meeting.

5. GENERAL PLAN COMMITTEE REPORTS- none

6. STAFF REPORTS

Lisa Costa Sanders reported that City Council did approve the tentative parcel map and the Ordinance Amendment between Menlo School and Menlo College.

NEW BUSINESS

7. Heritage Tree Removal Permit- 63 Camino por los Arboles- Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code 8.10

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

OPEN PUBLIC HEARING

Tom Klope, Project Architect made himself available for Commissioner's questions.

CLOSE PUBLIC HEARING

Commissioner Waldron indicated she had visited the site and noted that the large pine trees in discussion were very large and did not provide the screening they used to and therefore expressed her support for the removal of the five trees.

Commissioner Grindley agreed with Commissioner Waldron.

Commissioner Lively also agreed with his colleagues and stated that the trees are old and should be removed.

Chair Oster stated that she understood the need for removal and therefore would support the request for removal.

MOTION to approve the Heritage Tree Removal Permit for the removal of five heritage trees at 63 Camino por los Arboles based on the following finding and subject to the conditions listing in the Heritage Tree Removal Certificate:

**M/S Grindley/ Waldron
Finding:**

Ayes: 4 Noes: 0

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

Chair Oster advised of the 10-day appeal period.

8. **Heritage Tree Removal Permit- 1 O'Dell Place-** Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code 8.10

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

Commissioner Grindley questioned staff what co-dominant means. Town Arborist, Kathy Hughes-Anderson indicated that it means that there to two trunks.

OPEN PUBLIC HEARING

Commissioner Grindley questioned if the design of the house was done recently. Bret Bottarini, property owner, indicated that with the assistance of a friend who is an architect, they did design the home over the weekend so that the Commission would have some idea as to why it is necessary for the tree removal.

Ms. Costa Sanders indicated that the Commission is to address the heritage tree removal and not the design of the proposed project.

Town Arborist, Kathy Hughes-Anderson noted that there had been some confusion with the owner as to whether they were going to tear down and build new or remodel the existing structure. She further stated that Tree #7 has a very exaggerated lean and regardless of the property owners plans with the property, this tree is a safety issue because of the weight over the structure. She further indicated that Tree #6 would be in the buildable area of any new construction.

Chair Oster noted that Tree #6 would be over the fireplace.

Commissioner Waldron thanked the applicant for submitting the drawing.

Chair Oster questioned how the family room was accessed from the kitchen. Mr. Bottarini indicated that they are still working on this issue. She further questioned where Tree #2 is on the drawings. Mr. Bottarini stated he believed Tree #2 is on El Camino.

Commissioner Lively noted that the heritage tree removal permit needs to be reworded.

Mr. Bottarini asked the commission if the Heritage Tree Removal Permit could be issued upon the demolition permit rather than the building permit. He further asked if the Commission would consider that the types of replacement trees not be limited to just Oaks.

Commissioner Waldron stated that it is important to factor in the condition of the trees in discussion and given their poor condition they should be removed regardless of whether the property owner remodels the existing home or rebuilds.

Commissioner Lively indicated his support for the Heritage Tree Removal Permit to be issued upon the demolition permit.

Denise Kupperman, 74 Atherton Avenue expressed her concern with the replacement trees in discussion. She stated that at the rapid rate they are losing the Native Oaks, she believes that the replacement trees should only be Native Oak.

Elizabeth Lewis, Alejandra stated that additional screening can be used with the replacement Oaks.

Commissioner Grindley noted that he believes there has been flooding issues in the past on this property or nearby. Mr. Bottarini indicated that there has been previous flooding on the street and that it is referred to as "Lake O'Dell". Ms. Hughes- Anderson indicated that Oak trees are fine if wet in the winter but are not fine if wet in the summer. Mr. Bottarini stated he just did not want to be limited to just Oak trees as replacement options.

CLOSE PUBLIC HEARING

Commissioner Grindley stated that he is convinced that Tree #7 presents a danger, however believes with pruning and pushing the proposed structure back, Tree #6 could be saved.

Commissioner Lively expressed support for the removal of Tree #6 and Tree #7 with replacements of 36" box Native Oaks.

Commissioner Waldron concurred that Tree's #6 and #7 are in poor condition and would support the replacement of two Native Oaks and two others that can be decided upon by the Arborist and property owner.

Chair Oster indicated that she doesn't normally like to see the removal of trees but Tree #7 is in poor condition and #6, will still greatly impact if the house is moved back. She also noted that the tree crowds Tree's #5 and #8 and therefore would support the removal of the two heritage trees.

MOTION to approve the Heritage Tree Removal Permit for the removal of two heritage trees at 1 O'Dell Place based on the following finding and subject to the conditions listed in the Heritage Tree Removal Certificate with the following revised conditions:

**M/S Lively/ Oster
Finding:**

Ayes: 3

Noes: 1 (Grindley)

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 #1 to add the following wording “and the site plans dated 1/24/2009.” Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. Amend condition #2 to read as follows: “The trees shall not be removed until demolition permit is issued for the residence at 1 O’Dell Place.”
3. Amend condition #3 to read “The replacement planting shall be a minimum of four 36” box size native oak trees to the satisfaction of the Town Arborist and Building Official.”

9. Ordinance Amendment- Comprehensive Zoning Code update replacing Title 17.

Deputy Town Planner, Lisa Costa Sanders initiated the discussion of the Zoning Code Update.

Chair Oster, Commissioners and Ms. Costa Sanders reviewed each page beginning from Section 3, Page 21 and made noted of changes and/or corrections.

The item was continued to the next Planning Commission meeting, February 25, 2009.

7. ADOURN

M/S Grindley/ Waldron to adjourn meeting at 9:15pm. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner