

**APPROVED MINUTES  
PLANNING COMMISSION MEETING  
May 23 2007  
6:00 p.m.**

**ATHERTON TOWN COUNCIL CHAMBERS  
94 Ashfield Road  
Atherton, California**

**REGULAR MEETING**

Deputy Town Planner Lisa Costa Sanders called the meeting to order at 6:04 p.m.

**1. ROLL CALL:**

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

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders and Town Arborist Kathy Hughes Anderson were also present.

**2.     NEW BUSINESS**

**Presentation to Outgoing Commissioners** Commissioner Oster presented appreciation to outgoing Commissioner Bob Andrews

**Selection of Chair and Vice-Chair**

**MOTION to nominate Marion Oster as Chair.**

**M/S Lively/Waldron           Ayes: 5       Noes: 0**

**MOTION to nominate James Dobbie as Vice-Chair.**

**M/S Oster/Lively            Ayes: 5       Noes: 0**

**Selection of General Plan Committee representatives**

**MOTION to appoint James Dobbie and Kristi Waldron as the Planning Commission representative to the General Plan Committee.**

**M/S Oster/Lively            Ayes: 5       Noes: 0**

**3. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the April 25, 2007 meeting as corrected.**

**M/S Dobbie/Lively      Ayes: 3      Noes: 0      Abstain: 2 (Lively, Christensen)**

**MOTION to approve the minutes of the February 28, 2007 meeting as submitted.**

**M/S Dobbie/Waldron      Ayes: 3      Noes: 0      Abstain: 2 (Lively, Christensen)**

4. **PUBLIC COMMENTS** - None
5. **COMMISSIONER'S REPORTS** - None
6. **GENERAL PLAN COMMITTEE REPORTS** – The May 2, 2007 General Plan Committee was cancelled. The next meeting is scheduled for June 6, 2007 at the Green Building Exchange in Redwood City.
7. **STAFF REPORTS** – Marc Hynes reported that he expects a ruling on the 51 Laburnum case by the end of the month. Lisa Costa Sanders reported that the Council continued consideration of the basement ordinance to the next meeting with findings from the drainage study.

#### **PUBLIC HEARINGS**

8. **Heritage Tree Removal Permit – 124 Austin** – Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and stated that due to an error on the public notice and agenda, the Planning Commission should only consider the removal of one heritage tree at this meeting. The applicant will submit an application for consideration at the next meeting for the removal of three additional heritage trees.

Commissioner Lively asked Kathy Hughes Anderson the condition of the other trees. Ms. Hughes Anderson responded that tree #2, the magnolia is in bad health, trees #14 and #15 are in the buildable area and will be removed, tree #10 is a Pine tree that will be removed at staff level due to its condition and that the applicant will be requesting removal of the Birch trees, two of which are heritage size. In response to a question of tree #16, Ms. Hughes Anderson stated that the condition of the tree cannot be reversed. It has a co-dominant leader and was topped.

#### **OPEN PUBLIC COMMENT**

Roy Magruder, property owner, stated that he would like to remove the fir tree due to its proximity with the house and will request removal of the birch and palm trees at the next meeting.

Judith Nevitt, property owner, stated that there is an abundance of trees on-site and that the site is narrow.

#### **CLOSE PUBLIC COMMENT**

Commissioner Waldron expressed support for the removal of the fir tree due to its condition. She expressed overall concern with the amount of trees to be removed on the site.

Commissioner Lively stated that the site is overgrown and asked how screening will be retained and what will happen to the front hedge.

Commissioner Christensen expressed support for removal of the fir tree.

Commissioner Dobbie expressed support for the removal of the fir tree.

Commissioner Oster expressed concern with removal of the pin oak tree as its removal may result in an unsightly appearance of the adjacent tree. She expressed support for the removal of the fir tree.

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

**M/S Dobbie/Waldron Ayes: 5 Noes: 0**

**Finding:**

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

**9. Heritage Tree Removal Permit – 154 Atherton Avenue – Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code Section 8.10.**

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

In response to a question, Kathy Hughes Anderson stated that the area in which the oaks are located was previously neglected. Ms. Hughes Anderson stated support for removal of the cedar tree due to the replanting design.

**OPEN PUBLIC COMMENT**

Peter Rosekrans, landscape architect, stated that the property owner has a passion for oak trees and that oaks are native and well adapted to this area and will have better longevity at this site. They are replacing the removed trees with 23 new specimen trees and other ornamentals. He expressed concern with retaining the Douglas fir due to its height, lean, prone to failure, life expectancy on the decline and some fungus found at the base.

In response to a question, Mr. Rosekrans stated that the three oak trees are poor specimens with poor structure, insect bores and in fair overall condition. When asked why they are requesting removal of the cedar tree, Mr. Rosekrans stated that they would like continuity with oak trees and that there are some health issues with the cedar. He stated that the owner would really like to removal the fir tree and could retain the cedar tree.

In response to a question, Mr. Rosekrans stated that they will preserve oak tree #13 and that the walking path will stop short of this tree.

**CLOSE PUBLIC COMMENT**

Commissioner Dobbie expressed support with the removal of three oak trees, removal of the fir tree and would like to retain the cedar tree. He stated that he is impressed with the new planting plan.

Commissioner Waldron stated support for removal of three oak trees and would like to preserve both the fir and cedar trees.

Commissioner Lively expressed support with removal of three oak trees and would be OK with removal of the fir tree to preserve the cedar tree.

Commissioner Christensen stated support for removal of the oak trees and would like to preserve the cedar tree.

Commissioner Oster expressed support for removal of three oak trees and removal of the fir tree.

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

**M/S Christensen/Lively                    Ayes: 5            Noes: 0**

**Finding:**

1. The removal of Oak trees #10, #11 and #12 would not be contrary to the purpose and intent of the Atherton General Plan

**MOTION to approve the Heritage Tree Removal Permit to allow removal of one cedar heritage tree (tree #14) based on the following finding and subject to the conditions of the Heritage Tree Removal Permit.**

**M/S Christensen                    Ayes: 0            Noes: 0**

**Motion dies due to a lack of a second.**

**MOTION to approve the Heritage Tree Removal Permit to allow removal of one fir heritage tree (tree #9) based on the following finding and subject to the conditions of the Heritage Tree Removal Permit.**

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

**Finding:**

2. The removal of Fir tree #9 would not be contrary to the purpose and intent of the Atherton General Plan

**10. ADJOURN**

M/S Waldron/Dobbie to adjourn the meeting at 7:10 p.m. Motion passed.

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner