

**APPROVED MINUTES
PLANNING COMMISSION MEETING
October 25, 2006
6:00 p.m.**

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

REGULAR MEETING

Chair Andrews called the meeting to order at 6:00 p.m.

1. ROLL CALL:

PRESENT: **Bob Andrews
Rose Hau
Jim Dobbie
Marion Oster
Kristi Waldron**

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

2. APPROVAL OF MINUTES

MOTION approval of the September 27, 2006 meeting minutes as corrected.

M/S Oster/Dobbie Ayes: 5 Noes: 0

3. PUBLIC COMMENTS - None

4. COMMISSIONER'S REPORTS - None.

5. GENERAL PLAN COMMITTEE REPORTS – The next meeting is scheduled for January 10, 2007.

6. STAFF REPORTS - None.

7. NEW BUSINESS - None

PUBLIC HEARINGS

8. Heritage Tree Removal Permit – 196 and 198 Fair Oaks Lane – Heritage Tree Removal Permit request to allow the removal of four heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff reported and indicated staff support for the removal of one Oak tree on the 198 Fair Oaks property.

Kathy Hughes Anderson responded to Commissioners questions.

OPEN PUBLIC HEARING

Catherine Greer, landscape designer, noted that the applicant is concerned with limb interference with tree #13 and the usability of the sport court.

Tom Stephenson, property owner, stated that tree #13 will interfere with the functionality of the sport court and that they could leave tree #14. He stated that preserving tree #3 would create a functional problem of turning into the new driveway. Mr. Stephenson stated that there are approximately 25 oak trees on the 196 Fair Oaks property.

Catherine Greer, responded to other design options that were considered on the site.

CLOSE PUBLIC HEARING

MOTION to approve the Heritage Tree Removal Permit to allow the removal of one heritage tree at 198 Fair Oaks Lane and two heritage trees at 196 Fair Oaks Lane based on the following finding and subject to the conditions of the Heritage Tree Removal Permit;

M/S Oster/Dobbie 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.

Amended conditions:

Amend condition #1 to read as follows; "Heritage tree removal shall be limited to one Oak tree located at 198 Fair Oaks Lane, as shown on the site plan and described in the Arborist Report prepared by McClenahan Consulting, LLC., dated October 5, 2006 and two Oak trees identified as trees #13 and #2 as shown on the site plan and described in the Arborist Report prepared by Mayne Tree Expert Company dated May 3, 2005. Any substantive changes to the plan shall be reviewed by the Planning Commission."

Amend condition #2 to read as follows; "The replacement planting shall be a minimum of two 24" box size trees for each tree removed to the satisfaction of the Town Arborist and Building Official."

- 9. Heritage Tree Removal Permit – 70 Mercedes Lane –** Heritage Tree Removal Permit request to allow the removal of two heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff reported and indicated support for the removal of the Oak tree in the front yard due to its condition and that the Commission should consider safety concerns in their evaluation of the Oak tree in the rear yard.

Kathy Hughes Anderson responded to Commissioners questions on the Arborist report and condition of the trees.

PUBLIC COMMENT

Kim and Mike Guthrie, property owners, indicated that they do not want to remove the two trees but are very concerned with safety. They indicated that tree #2 is supported by a pole, is filled with concrete and had a recent limb failure.

CLOSE PUBLIC COMMENT

MOTION to approve the Heritage Tree Removal Permit to allow the removal of two heritage Oak trees at 70 Mercedes Lane based on the following finding and subject to the conditions of the Heritage Tree Removal Permit;

M/S Dobbie/Hau 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.

- 10. Excessive Height Permit – 327 Stockbridge – Excessive Height Permit for an exception in the main building height for a new residence. Atherton Municipal Code Section 17.20.040.**

Lisa Costa Sanders presented the staff reported and indicated support for the height exception noting a licensed surveyor verified the increased setbacks.

PUBLIC COMMENT

Jack McCarthy, designer, indicated that the increased height was due to an engineering design change during construction.

CLOSE PUBLIC COMMENT

MOTION to approve the Excessive Height Permit to allow the main building height exception at 327 Stockbridge based on the following findings and subject to the conditions of the Excessive Height Permit;

M/S Andrews/Hau Ayes: 5 Noes: 0

Findings:

1. The proposed height exception/residence would be appropriate under the general plan of the town as outlined in the staff 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.

11. Lot Line Redesignation – 362 Selby Lane – Lot Line Redesignation request to change the designation of the front lot line. Atherton Municipal Code Section 17.60.050.

Lisa Costa Sanders presented the staff reported, reviewed the history of previous lot line redesignations and indicated support for the request.

PUBLIC COMMENT

Lenore Horowitz, property owner, noted her desire to remove the existing detached garage, reduce the paved driveway area and construct a new detached garage with more direct access to the cul de sac.

CLOSE PUBLIC COMMENT

MOTION to approve the Lot Line redesignation request to designate the property line along the cul de sac as the front property line at 362 Selby Lane based on the following findings and subject to the conditions of the Lot Line Redesignation Certificate;

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

Findings:

1. The proposed lot line redesignation 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.
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.

Additional condition;

Add condition #4 to read as follows; “Require a minimum 30’ setback for accessory structures along the north property line having a length of 174.15’.”

12. ADJOURN

M/S Oster/Dobbie to adjourn the meeting at 7:45 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner