

**APPROVED MINUTES
PLANNING COMMISSION MEETING
July 27, 2005
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
 Marion Oster
 Jim Dobbie

EXCUSED: **Kristi Waldron**

City Attorney Marc Hynes, Building Official Mike Hood and Deputy Town Planner Lisa Costa Sanders and were also present.

2. APPROVAL OF MINUTES

MOTION approval of the May 25, 2005 meeting minutes as amended.

M/S Oster/Hau Ayes: 4 Noes: 0 Excused: 1

3. PUBLIC COMMENTS

None.

4. COMMISSIONER'S REPORTS

None.

5. GENERAL PLAN COMMITTEE REPORTS

The next meeting is scheduled for August 3, 2005.

6. STAFF REPORTS

Lisa Costa Sanders reported that the City Council at their last introduced the Special Events Ordinance as recommended by the Planning Commission and discussed noise concerns at shared athletic field of Menlo College and Menlo School.

PUBLIC HEARINGS

- 7. Exception Review – 40, 50 and 60 Ashfield** – Exception Review request for determination of consistency with Municipal Code guidelines related to neighborhood compatibility for three proposed new houses (assessor parcel numbers 060-323-260, 060-323-210 and 060-323-220). Atherton Municipal Code Section 17.24.040(H) and Chapter 17.54.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the request.

Julie Quinlan, 49 Maple, indicated that the proposed homes are a lot larger than the homes in the neighborhood, citing an average home size of approximately 2,000 square feet. She stated that the proposed homes will overwhelm neighboring homes and that the size should be restricted to 3,500 square feet or utilize the original lot size to calculate the floor area. She also requested the original lot lines be applied for setback purposes. Ms. Quinlan indicated that she retained a landscape consultant and he recommends planting the pittosporum every six feet at 15 gallon size. She indicated that the rear fence adjacent to 50 Ashfield has collapsed and would like the applicant to construct a new fence on his property prior to start of construction.

Amy Torey, 57 Maple, stated that she lives directly behind 60 Ashfield and would like the screening of pittosporum plants to be planted at 15 gallon container size, every six feet. She also indicated that a Maple tree is dying and that she feels the homes are too large for the neighborhood.

Pat Engasser, 34 Ashfield, stated that the proposed homes do not fit in with the character of the neighborhood and that her home directly next door is 1,700 square feet in size. She expressed concern with the removal of landscaping, citing it has caused damage to her landscaping with loss of shade protection. She recommended a certified arborist inspect all remaining trees on the site.

Pat Haines, 80 Ashfield, stated that the Town has done an injustice in granting the lot compliance without hearings.

Virginia Herzer, 49 Ashfield, feels the homes are too large for the neighborhood and that they all look alike.

Arlene Coddington, 72 Ashfield, stated that the proposed development is a gigantic change, the homes are too large for the lot and are not in keeping with the neighborhood.

Warren Jones, 34 Ashfield, stated that three large homes in this small area is not in keeping with the character of the Town.

James Vera 65 Ashfield, stated that he did not receive notification of the hearing regarding the Oak tree removal and that it should have occurred after this Exception review.

Michelle Osen, 73 Ashfield, stated that three homes on small lots does not seem to be in character with the street and that they are too large for the lot. She also requested additional front screening.

Brian Kelly, applicant, indicated that the homes met the required 20' side yard setbacks and that the proposed rear yard setback is greater than the previous home. He noted the house size listed in the staff report includes the garage, and without the garage, the house sizes range from 3,200 square feet to 3,500 square feet. He stated that they set the homes back as far as possible with single story portions. The proposed landscape plan includes 45 new trees and shrubs. Mr. Kelly indicated that the rear fence has been stabilized and that he will be constructing a new fence to secure the property. He indicated that they intend to plant the screening within the next 30 days so they have time to grow.

Patricia Engasser, 34 Ashfield, requested an Arborist look at the remaining Oak trees on the property.

Brian Kelly, indicated that he will have the Arborist take another look at the trees.

Kathy Hughes Anderson, Town Arborist, indicated that the Town has not approved the landscape plan and that she routinely meets with neighbors to review the plan prior to its approval.

Eric Hansen, 57 Maple, indicated receiving a letter from the developer's attorney.

Brian Kelly Sr., applicant, responded that they asked the opinion of their attorney on the same topic as the City Attorney's memo and has provided a copy of their attorney's letter to the City Attorney.

Marc Hynes, City Attorney, noted receipt of a copy of their attorney's letter and stated that it is not relevant in these proceedings.

Close Public Hearing:

Commissioner Dobbie expressed concern with the size of the homes in the neighborhood.

Commissioner Hau requested additional landscape screening.

Commissioner Oster suggested more variation in exterior house colors.

Kathy Hughes Anderson, stated that the replacement requirement from the removed Oak will be planted in an area on 40 Ashfield near the side property line to 34 Ashfield.

Commissioner Andrews addressed the items listed in Mr. Quilinan's letter; indicated that the size of the home is within the allowed floor area requirements based on the lot size, the setback requirement is being met according to the current code, the Commission is providing direction to the Town Arborist for additional landscape screening, and that the developer will be required to install a safety fence around the property.

MOTION to approve the Exception for three new houses at 40, 50 and 60 Ashfield, based on the following findings and for the reasons outlined in the Staff Report with the

conditions stated in the Draft Exception Review Certificate with the following additional conditions;

M/S Andrews/Hau Ayes: 3 Noes: 1 (Dobbie) Excused: 1

Findings:

1. The exception requested is compatible with the surrounding neighborhood visual character.
2. The landscaping and exception sought will not substantially decrease the privacy neighbors.
3. The application shall not increase the degree of nonconformity as defined in Section 17.44.050 of the Atherton Municipal Code
4. The exception requested is consistent with the general plan, the purposes of that plan and the Atherton Municipal Code Zoning Title.

Additional Conditions:

1. Condition 2b shall be amended as follows; “Shrubs shall be a minimum 15 gallon size.”
2. Condition 2c shall be added as follows; “the two transplanted Japanese maples shall be replaced if they do not survive”.
3. Add condition 3 to read as follows; “Landscape screening shall be to the satisfaction of the Town Arborist with the intent of screening to match or exceed existing conditions”.
4. Add condition 4 to read as follows; “Perimeter fencing shall be provided during construction to provide safety for the neighborhood and the site.”
5. Add condition 5 to read as follows; “Fencing shall be installed around all heritage trees during construction”.

- 8. Conditional Use Permit – 150 Valparaiso** – Conditional Use Permit to allow construction of a new ground level 31,000 gallon water tank and expanded parking at Sigall Hall (Assessor’s Parcel Number 070-390-010). Atherton Municipal Code 17.32.030(B) and Chapter 17.52. .

Lisa Costa Sanders presented the staff report and noted that the water tank and expanded parking were both shown in the Master Plan updated that was accepted by the Planning Commission.

Sandy Dubinsky, Sacred Heart Schools, noted the new tank will be screened by buildings and existing landscaping. She stated that the existing pump shed will be removed and a new pump will be located below the existing water tower. The existing water tower structure will remain in place as it houses cell phone antennas.

MOTION to approve the Conditional Use Permit for the construction of a new ground level 31,000 gallon water tank and expanded parking at Sigall Hall on property located at 150 Valparaiso Avenue (Sacred Heart Schools) based on the following findings and subject to the conditions contained in the Conditional Use Permit certificate:

M/S Hau/Oster Ayes: 4 Noes: 0 Excused: 1

Findings:

1. The proposed use 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.
2. The proposed use will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the Zoning Title of the Atherton Municipal Code.

9. Heritage Tree Removal Permit – 2 Mt. Vernon Lane – Heritage Tree removal request to allow the removal of one heritage tree. Atherton Municipal Code 8.10 and Chapter 17.52. .

Lisa Costa Sanders presented the staff report and noted reasons outlined in the report to support the request.

In response to a question from the Commission, Kathy Hughes Anderson indicated that replacement planting could occur in the front of the property.

Michael Althoff, applicant, was present to answer any questions.

MOTION to approve the Heritage Tree removal request for the removal of one heritage tree at 2 Mt. Vernon Lane based on the following finding and subject to the conditions contained in the Heritage Tree Removal certificate:

M/S Oster/Dobbie Ayes: 4 Noes: 0 Excused: 1

Finding:

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

10. Heritage Tree Removal Permit – 2 Cowell Lane – Heritage Tree removal request to allow the removal of one heritage tree. Atherton Municipal Code 8.10 and Chapter 17.52. .

Lisa Costa Sanders presented the staff report indicated that the Planning Commission granted the removal of two trees at this site for a new driveway with the understanding that this tree would be preserved.

Don Araki, certified Arborist, stated that the Architect indicates that the driveway is too steep and will be too close to the top of the roots of this tree. He further stated that tree #14 is a better tree to preserve and would rather move the driveway, remove tree #13 to save the other adjacent trees. Mr. Araki indicated that the removal of this Redwood tree would allow the adjacent Oaks to grow properly.

A woman representing Metropolis Architects responded to questions regarding the layout of the new residence. Commissioners discussed the site plan and options to save the tree with the applicants.

MOTION to approve the Heritage Tree removal request for the removal of one heritage tree at 2 Cowell Lane based on the following finding and subject to the

conditions contained in the Heritage Tree Removal certificate with the following additional condition:

M/S Andrews/Dobbie Ayes: 3 Noes: 1 (Oster) Excused: 1

Finding:

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

Additional Condition:

1. Add condition 4 to read as follows; “The tree shall not be removed until issuance of a building permit for the main residence.”

11. Heritage Tree Removal Permit – 132 Burns Avenue – Heritage Tree removal request to allow the removal of four heritage trees. Atherton Municipal Code 8.10 and Chapter 17.52. .

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the request.

Barry Lewis, property owner, indicated his desire to bring back the original garden design for the property and stated that he planted these trees fifteen years ago and simply planted too many.

MOTION to approve the Heritage Tree removal request for the removal of four heritage trees at 132 Burns Avenue based on the following finding and subject to the conditions contained in the Heritage Tree Removal certificate with the following amended condition:

M/S Dobbie/Oster 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 Condition:

1. Remove condition 2 entirely.
2. Modify condition 3 to replace the word “Incense” with “Evergreen”.1

12. ADJOURN

The meeting adjourned at 8:33 p.m. Bob Andrews indicated that he will not be present at the next meeting.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner