

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
April 27, 2016
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Mary Beth Widmer
Randy Lamb
Joann Byrne-Sockolov
Paul Tonelli**

Town Planner Lisa Costa Sanders, Assistant Planner Haleigh King, Assistant City Attorney Jennifer Larson and Public Works Superintendent Steven Tyler were present.

2. PUBLIC COMMENTS – none

3. APPROVAL OF MINUTES

**MOTION to approve, with corrections, the minutes of the March 23, 2016 meeting.
M/S Widmer/Lamb Ayes: 5 Noes: 0**

4. PUBLIC HEARINGS

**A. Heritage Tree Removal Permit – 555 Middlefield Road – Request for a Heritage Tree
Removal Permit to allow the removal of one tree.**

Lisa Costa Sanders presented the item.

OPEN PUBLIC HEARING

Bill Chiang, PG&E Local Government Liaison introduced himself and made himself available for questions.

Commissioner Widmer asked for an explanation about where exactly the pipe is and if the roots are encroaching on it. Bill Chiang answered that in order to find out, PG&E would have to dig up the street. He added that the request is to aid in accessing the pipe in the event of an emergency.

Commissioner Sockolov asked about details on the specific threat of the tree. Bill Chiang explained the location of the pipe and noted that it is a high pressure gas transmission pipeline.

Darren Klein, PG&E, noted that the removal is mainly for emergency access to the pipe. Clearing the tree and roots could take time and delay emergency work.

Commissioner Sockolov noted that the stop light, telephone pole and tree could all be seen as potential risks. Darren Klein commented that structures and poles have also been evaluated.

Commissioner Sockolov asked why the tree removal is being requested now. Darren Klein noted that PG&E began taking a closer look at these types of issues since the San Bruno pipeline incident.

Commissioner Tonelli asked for more clarity on where the pipeline is and how far down the roots go on a tree like this. Chris Paxson, arborist, noted that the depth of the roots depends on the tree's water source.

Commissioner Lamb requested an explanation of what the transmission line is used for. Bill Chiang commented that a transmission line has 120psi whereas a service or distribution line will have closer to 30psi or in some cases even lower. Bill Chiang emphasized that this is a high pressure transmission line.

CLOSE PUBLIC HEARING

Commissioner Sockolov noted that she is not satisfied and doesn't see the risk of intrusion as a high risk.

Commissioner Tonelli asked who would decide where the replacement trees will be located. Lisa Costa Sanders answered that the school (Menlo Atherton High School) and the Town Arborist Sally Bentz would determine the location of the new trees.

Assistant City Attorney Jennifer Larson noted that the item is not to decide if the tree can be removed as PG&E is regulated under the State Public Utility Commission and are not required to follow Town zoning code. She added that the Commission can weigh in on the mitigation measures. She reiterated that there is not much leeway on the item.

Commissioner Sockolov noted that the presentation was mostly hypothetical and she would like to see more factual information.

Commissioner Tonelli would like the replacement trees located close to the existing wall so the canopy would be near the corner.

Commissioner Widmer commented that the removal of the tree is premature.

Commissioner Lamb noted that it doesn't matter where the roots are, he believes that the tree impedes access to the pipeline.

Chair Lane noted that the tree is in the way of the pipeline and is also not safe as far as traffic management. He appreciated the PG&E outreach.

MOTION that the Planning Commission find that the existing American Elm tree located at the northwest corner of Middlefield Road and Ringwood Avenue in front of Menlo-Atherton High School, 555 Middlefield Road in Atherton constitutes a matter of public safety and that there is a probability of personal injury and/or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services. For the reasons outlined in the Staff Report, the Commission approves the tree removal with the conditions stated in the draft Heritage Tree Removal Certificate.

M/S Lamb/Tonelli Ayes: 4 Noes: 1 (Widmer)

Findings:

1. *There is a probability of personal injury and/or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services.*
- B. Special Structures Permit and Heritage Tree Removal permit – 172 Tuscaloosa Avenue - Request for a Special Structure permit to allow an increase in the sidewall and main building**

height and a Special Structure permit to allow a basement to extend beyond the footprint of the main residence and a Heritage Tree Removal Permit for the removal of two heritage trees.

Commissioner Lamb recused himself from this item.

Lisa Costa Sanders presented the item. She noted that the neighbors appreciated the siting of the building in the center of the property.

Commissioner Widmer asked for clarification on why the request is not a variance. Lisa Costa Sanders answered that a variance would require a hardship associated with the lot.

Commissioner Tonelli received clarification for the dimensions of the basement extension beyond the footprint of the house.

OPEN PUBLIC HEARING

Jude Kirik, PPG architect, introduced himself as the architect liaison since the project architect is Pascal Goujon who resides in Nice, France.

Jude Kirik noted that since the lot is the result of two merged lots, there are trees down the middle of the property that used to be screening for the two separate lots. Because of the previous lot lines some trees will be affected. Jude Kirik commented that there were many neglected trees. Michael Young, project arborist and Sally Bentz have worked together to ensure that the remaining trees will thrive.

Jude Kirik also noted that the house is in the center of the large lot and there will be minimal if any impact to neighbors.

Commissioner Tonelli clarified the dimensions of the sidewalls. He also clarified the patio vs. lightwell definition. Jude Kirik explained that they are designing for light, air and greenery and don't want the space to feel subterranean.

Barry and Martha O'Neill, Tuscaloosa residents, expressed concern about the removal of trees. They further would like to know what basement construction is doing ecologically and seismically. They expressed concern at what is happening to the lot and wish to preserve the neighborhood character.

Michael Young, arborist, described the trees on the lot and noted that five trees out of 106 were removed due to hazard level.

Commissioner Tonelli asked about the golf pavilion and was assured that attention is being paid to acoustics.

CLOSE PUBLIC HEARING

Chair Lane noted that he is comfortable with the approach since the merged lots means less traffic.

Commissioner Sockolov noted that creativity with basement space is outpacing the code. She would like to see a balance between embracing creativity and innovation as well as the character of the neighborhood.

Commissioner Tonelli asked Steve Tyler about the trees on the lot. Steve Tyler explained the Town's position regarding the trees. Commissioner Tonelli noted that he is familiar with the lot and hopes the applicant will work with neighbors with regards to landscape screening.

MOTION to approve the Special Structure Permit for an increase to the sidewall height for the main residence at 172 Tuscaloosa Avenue subject to the conditions contained in the Special Structure Permit Certificate.

M/S Widmer/Sockolov Ayes: 4 Noes: 0 Recused: 1 (Lamb)

Findings:

- 1. The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.*
- 2. The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening.*
- 3. The granting of the special structure permit is consistent with the objectives of the General Plan and this title.*

MOTION to approve the Special Structure Permit to allow a basement to extend beyond the footprint of the main residence to allow the basement extension at the front of the home only at 172 Tuscaloosa Avenue subject to the conditions contained in the Special Structure Permit Certificate.

M/S Widmer/Tonelli Ayes: 4 Noes: 0 Recused: 1 (Lamb)

MOTION to approve the Heritage Tree Removal Permit to allow the removal of two heritage trees at 172 Tuscaloosa Avenue subject to the conditions in the Heritage Tree Removal Permit Certificate and based on the findings and for the reasons incorporated in the Staff Report.

M/S Tonelli/Widmer Ayes: 4 Noes: 0 Recused: 1 (Lamb)

Findings:

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

Commissioner Lamb re-joined the meeting

C. Heritage Tree Removal Permit – 95 Mercedes Lane – Request for a Heritage Tree Removal Permit to remove five heritage trees.

Assistant Planner Haleigh King presented the item.

Commissioner Tonelli clarified which trees are being considered for removal.

OPEN PUBLIC HEARING

Commissioner Lamb asked about the possibility of replanting. Landscape designer Lorissa Kimm noted that it is possible but very costly. She further indicated that she contacted other landscape professionals to see if anyone wanted the trees. Mexican palm trees are less desirable.

CLOSE PUBLIC HEARING

MOTION to find that the proposed removal of five heritage trees at 95 Mercedes Lane in Atherton would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and that the Commission approve the tree removal with the conditions sated in the Draft Heritage Tree Removal Certificate.

M/S Tonelli/Lamb Ayes: 5 Noes: 0

Findings:

1. *The removal of the five palm trees would not be contrary to the purpose and intent of the Atherton General Plan.*
5. **COMMISSIONER'S REPORTS** – Commissioner Lamb asked about the contemporary home discussion. Town Planner Lisa Costa Sanders responded that she will work with the Chair to schedule a study session at the next available Planning Commission meeting.
6. **STAFF REPORTS** – none
7. **ADJOURN** - The meeting adjourned at 7:40pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner