

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
October 26, 2016
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Joann Byrd-Sockolov
Nancy Lerner
Paul Tonelli
Randy Lamb**

Senior Planner Stephanie Bertollo-Davis, Town Arborist Sally Bentz, Assistant Planner Doris Ganetsos, and Assistant City Attorney Jennifer Larson were present.

2. PUBLIC COMMENTS –None

3. APPROVAL OF MINUTES

Commissioner Lerner corrected page 4 of the draft minutes to amend the word “lighting” to “lightning” and to clarify a portion of the conversation that could be taken out of context.

**MOTION to approve the minutes of the September 29, 2016 meeting as corrected
M/S Lerner/ Byrd-Sockolov Ayes: 4 Noes: 0 Abstain: Lamb**

4. PUBLIC HEARINGS

A. Heritage Tree Removal Permit – 56 Holbrook Lane (APN 060-172-120) – Request for a Heritage Tree Removal Permit to allow the removal of one tree. Atherton Municipal Code Sections 8.10.

Senior Planner Stephanie Bertollo-Davis Presented the Staff Report.

OPEN PUBLIC HEARING

Lloyd Ho, the applicant, presented. He purchased the home with his wife, and they were told that the tree would significantly reduce the amount of area they are able to build on. The Ho’s worked with their architect to try come up with a plan that would save the tree, but they found there is not much they could do due to the nature of the lot.

Scott Stotler of Stotler Design Group, the applicant’s architect, presented. He noted that when the Ho’s first purchased the property they wanted to do a remodel. After doing some initial work, they found that the current conditions of the home and lot more easily lent themselves to a rebuild rather than remodeling. When they began designing, they found that the existing oak severely

limited what they could do with the property. He mentioned the applicant's plans to replace the tree with two new, 48" box, trees that would be an asset to the community.

CLOSE PUBLIC HEARING

Commissioner Lamb asked if the replacement trees outlined in the applicants plan would become a Condition of Approval.

Senior Planner Stephanie Bertollo-Davis said yes, the Tree Removal Certificate would outline the replacement plan as a Condition of Approval.

Commissioner Lane noted that planting this tree in this location was probably a good idea 40 or 30 years ago, but is not practical today. He asked if the neighbors were notified about this potential tree removal.

Senior Planner Stephanie Bertollo-Davis said the neighbors were notified and staff has not received any inquiries on this property.

MOTION to Approve the Heritage Tree Removal permit for the removal of one heritage tree.

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

B. Heritage Tree Removal Permit – 167 Stockbridge Avenue (APN 059-292-010) – Request for a Heritage Tree Removal Permit to allow the removal of two trees. Atherton Municipal Code Sections 8.10.

Senior Planner Stephanie Bertollo-Davis presented the Staff Report and stated that the application was recommended for approval with conditions on a revised location per recommendation of the Town Arborist.

Commissioner Lane asked how the garage can be built without a slab.

Senior Planner Stephanie Bertollo-Davis said the project architect could clarify their proposed construction type details.

Commissioner Tonelli asked if moving the garage back would impact the location of the pool house.

Senior Planner Stephanie Bertollo-Davis said shifting the garage back a minimum of 16' from the tree wouldn't impact any other structures on the lot.

Commissioner Tonelli asked if tree #9 would be saved by moving the garage back. Senior Planner Stephanie Bertollo-Davis said yes.

Commissioner Sokolov asked if the changed location of the garage was the applicant's idea or the recommendation of the Town. Stephanie Bertollo-Davis said it was a recommendation of the Town.

OPEN PUBLIC HEARING

Yossi Zinger, from TRG Architects presented. He said there were very few other proposed locations for the garage on the property. He said the two trees in question for removal have a very heavy lean, and are getting less and less viable as time goes on. He said the project arborist recommended the removal of these trees before they had plans to put the garage there and noted that they would like to move the garage back as little as they can so that they can maintain a planting area between the two structures, rather than just having paving. He said they worked with both their arborist and structural engineer to find a solution to saving tree #9 without having to move the garage back too much. He said since the soil on this location is good, the garage will not need a grade beam. It just needs a slab that goes down 4" below grade, and the rest is above ground level. He asked that the Planning Commission allow them to move the garage only 14' or 15' away from the tree, rather than the full 16', with this new type of slab.

Commissioner Lane asked about the "modified slab" and the reduced distance.

Yossi Zinger, Architect clarified that they actually want to move the garage 12' away from the tree, not 14' or 15' as was mentioned in his opening statement.

Commissioner Lamb asked what the code is, what they're proposing, and what the Town staff recommends.

Senior Planner Stephanie Bertollo-Davis said that staff recommends that the garage to be 16' away from the tree, with a pier and grade type foundation. She noted that it would be up to the Town Arborist, to process any new information and determine whether or not these amended plans would compromise the health of the tree.

Commissioner Lamb said he did not prefer that the Commission receive any new information at the meeting; that it should all be submitted prior to the meeting.

Senior Planner Stephanie Bertollo-Davis said that this is also new information to staff.

Yossi Zinger, Architect said the proposed construction type for the garage would actually be better for the overall health tree than the pier and grading foundation.

Kevin Kielty from Kielty Arborist presented. He said that tree #9 is a fairly nice oak tree and noted that only the corner of the garage poses a threat to the tree, not the entire garage. He said this corner would only impact 10% of the root zone of the tree, and that the shallow foundation type that they are proposing would have a lesser impact to the tree roots. He said moving the garage back a bit further from the tree would be a good margin of safety, but he doesn't see a problem with the location of the tree as it is. He said that in the past, the town approved full basements that distance from a tree, and the trees were not negatively impacted.

CLOSE PUBLIC HEARING

Commissioner Lane asked staff to clarify what they thought about the new information, especially in regards to condition #2, as it relates to the distance reduction.

Town Arborist, Sally Bentz, said that this proposed type of construction, with only 4" below grade, is much better than the proposed 3'-4' depth. She said that while just the corner of the garage is in question, the Town is trying to do better and set a better precedent for the future protection of the trees. Ms. Bentz said if they do move it back 2' and propose a new type of construction, it may be an acceptable method to protect the tree.

City Attorney Jennifer Larson said that ideally all information is presented to prior to the start of the meeting and that if the Commission feels as though they would like more time to process this new information and/or request further detail, they may choose to continue this item to a future hearing.

Commissioner Lane asked why the architect came in with new information at this meeting, and didn't bring it up before.

OPEN PUBLIC HEARING

Yossi Zinger, Architect said the foundation was submitted to the Town a while ago, and since this new type was an improvement to the proposed foundation, they didn't see the need to modify the plans.

Commissioner Lane asked why this new information wasn't included in the Staff Report.

Senior Planner Stephanie Bertollo-Davis said staff published and distributed the Staff Report well ahead of the meeting date, and told the Applicant's team to contact staff with any modifications or questions, and none were received.

Yossi Zinger, Architect asked why the Tree Removal Permit couldn't be secured at this meeting, regardless of the location of the garage.

Commissioner Lane clarified that the only way the Commission could consider approval for the removal of these Heritage Trees was to evaluate the basis upon the removal request.

Yossi Zinger, Architect said he would be willing to continue the hearing to December 7, 2016.

CLOSE PUBLIC HEARING

Senior Planner Stephanie Bertollo-Davis said the applicant should come back with all of the proposed revisions brought up at this meeting, in writing, for both Planning and the Town Arborist's review.

MOTION to continue the discussion to the December 7th meeting.

M/S Lamb/ Sockolov

Ayes: 5

Noes: 0

C. Tentative Map and Lot Line Redesignation – 10 Sargent Lane (APN 073-261-030) – Request for a Tentative Map and Lot Line Redesignation to subdivide the parcel in to two lots and to designate the property line along the southwest side of the proposed new lot B as the front property line. Atherton Municipal code Sections 16.16, 17.20, and 17.32.

Senior Planner Stephanie Bertollo-Davis presented the staff report and noted a typographical error in the lot size noted in the staff report and tentative map. Parcel A is actually proposed at 1.377 Acres, not 1.216 Acres. She noted that numerous neighbors called and asked for clarification on this project. She noted that neighbors had concerns about the removal of non-heritage trees on the property and stated that although the Town cannot regulate the removal of non-heritage trees, the neighbors would like to see as many of them as possible remain. Ms. Bertollo-Davis noted a typo in the “Formal Motions” of the Staff Report. Noted that any references to “Selby Lane” should actually be “Sargent Lane”, and that “458 Selby Lane” should be “10 Sargent Lane”. She stated staff is able to make all of the required findings for both a Tentative Parcel Map and Lot Line Redesignation. She noted that the applicants worked with staff to alter plans to allow for the greatest amount of tree retention.

Commissioner Lamb noted that the tentative parcel map met all 10 findings listed in the Municipal Code.

Commissioner Tonelli said there are 4 trees, not 3, that could be positively affected by the new lot configurations.

Ms. Sally Bentz, Town Arborist said the applicant had many designs, and the one presented to Planning Commission is the one that proposed to save the most trees. She said she’s comfortable with this plan as long as the applicants work with her throughout the construction process to ensure the trees stay protected.

Commissioner Lamb said the Commission should condition the approval so that the applicants work with the Town Arborist to preserve the trees throughout the construction process. He asked Planning Staff how this could be conditioned in to the approval.

Senior Planner Stephanie Bertollo-Davis said that condition #3 already prohibited the applicants adding a basement that would negatively impact the trees.

Commissioner Lane questioned the Tentative Map. He said that the actual lot is not part of a rounded cul-de-sac, it’s more rectangular. Due to this difference, the access way would be different than the one shown on the actual map.

Senior Planner Stephanie Bertollo-Davis said there may be roadway improvements that the Town will require, associated with the plans. She noted that the applicant worked both with Menlo Fire and the Town’s Public Works department in the process of designing these maps.

OPEN PUBLIC HEARING

The property owner, David Chan, presented. He said their original plan was to keep the property as a whole and simply remodel the existing house, but they soon realized that the house would need a significant amount of work, so they decided to divide the lots and build a new residence. He said they have been working with the town, both Town Arborist Sally Bentz and Senior Planner Stephanie Bertollo-Davis, throughout the process in order to save as many trees as possible in their conceptual designs. He said that this plan will save the most trees, which he is happy about because the trees are an asset to the lot.

Commissioner Lamb asked if the applicant talked to his neighbors prior to coming to Planning Commission.

Property owner, David Chan said they contacted the neighbors directly adjacent to them, in addition to the public notice, and to the prior owner of the property.

CLOSE PUBLIC HEARING

Commissioner Tonelli said he was impressed by the amount of work that seems to have gone in to these plans, both on part of the Town Staff and the property owners. He thanked the staff for their effort and the residents by their compromise in designing the lots.

Commissioner Sockolov thanked the property owners for their compromise in this process, and for working collaboratively with all parties.

MOTION to recommend that the City Council approve the Tentative Parcel Map certificate. And that the Planning Commission approve the Lot Line Redesignation.

M/S Tonelli/ Lamb

Ayes: 5

Noes: 0

5. COMMISSIONERS' REPORT -

Commissioner Lane asked if staff had any information on the CalTrain plans.

Senior Planner Stephanie Bertollo-Davis said they did not.

Commissioner Lane asked about the Civic Center Process

Commissioner Tonelli said the process is moving slowly as the Town modifies its plans.

6. STAFF REPORTS

Senior Planner Stephanie Bertollo-Davis noted that the December 7th meeting will take place in the Jennings Pavilion due to scheduling conflicts with the City Council meeting.

Senior Planner Stephanie Bertollo-Davis said that she has worked closely with the Ad Hoc tree committee meeting to evaluate the Town's Tree Preservation Guidelines. She noted that the implementation of this document may have created some conflicts between zoning regulations and the tree preservation standards, but staff is working on revisions to these documents to ensure consistency.

Commissioner Lamb said they Commission has not seen as many tree removal cases in this past year, so staff must be either screening these cases, or discouraging the removal of Heritage Trees.

Senior Planner Stephanie Bertollo-Davis said staff tries to discourage designs that might lead to tree removal.

Commissioner Lane said he has seen less of a tendency for developers to assume Planning Commission will approve a tree removal, and that there has been less of a conflict.

Commissioner Sockolov said the Town has been more proactive about enforcement of all tree related regulations, also noting fines, up to tens of thousands of dollars, for illegal tree removals.

Town Arborist Sally Bentz recently issued an \$83,000 fine for an illegal removal.

Commissioner Lamb said that tree removal case should be published, to show that the Town is serious about protecting the trees.

7. **ADJOURN** – The meeting adjourned at 7:03 PM.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner