

**PLANNING COMMISSION
DRAFT MINUTES**

**TOWN OF ATHERTON
March 22, 2017
6:00pm
TOWN 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, Assistant City Attorney Jennifer Larson, Town Arborist Sally Bentz, and Assistant Planner Dori Ganetsos were present.

2. PUBLIC COMMENTS – None.

3. APPROVAL OF MINUTES

Chair Lane corrected the minutes to change “personelle” to “personal” on page 3.

**MOTION to approve the minutes of the February 22, 2017 meeting as revised.
M/S Lamb/Tonelli Ayes: 5 Noes:0 Abstain: 0**

4. NEW BUSINESS

a. *Continued from the February 22, 2017 Planning Commission meeting.*

School Master Plan Update – 50 Valparaiso Avenue, Menlo School – Request for review of 2016 Annual Master Plan Update. Atherton Municipal Code Section 17.32.050.

Senior Planner Davis presented the staff report.

Than Healy, Menlo School’s Head of School, presented. He noted that his was his fourth year presenting the Master Plan Update (Update) to the Planning Commission and that Menlo School takes this process very seriously.

Chair Lane appreciated that the school’s report has shifted more towards neighborhood awareness over the years. He asked about the “infrequent scheduling” of events that end after 9:00 pm at the school.

Mr. Healey noted that there are one or two events throughout the year that go past 9:00 pm.

Paul Gillick, Menlo School’s Director of Facilities, presented the highlights of the Master Plan Update. He noted that the current projects the school is working on are part of the “Central Campus” project, which aims to keep most improvements, noise, and traffic towards the center of

the campus and away from neighbors. He noted the school's outreach efforts to neighbors throughout the process, as well as the specific efforts of the project's designers to mitigate traffic.

Commissioner Lerner asked about the improvement and expansion of Stent Hall as outlined on page 14 of the Plan.

Mr. Gillick briefly explained the expansions.

Chair Lane noted that this expansion project was previously presented to and approved by the Commission, and that the Commission was not taking any action on this project at the meeting, they were just hearing an update on the approved work.

Commissioner Tonelli asked how far along the Stent Hall Technology Center expansion project was, and if there had been any conflicts with neighbors thus far.

Mr. Gillick provided updates on the construction process and noted a proposed August completion date.

Mr. Healey noted that there have been no complaints from neighbors thus far on any aspects of the project.

Commissioner Tonelli asked about the progress with the baseball field.

Mr. Healy noted they were in the process of obtaining permits for the various baseball field improvements. He noted they were planning on using Nike Grind Synthetic Turf for the infill.

Mr. Healy discussed enrollment numbers for the school, and noted that the school tends to under-enroll and place more applicants on the waitlist in order to keep stable enrollment numbers.

Commissioner Tonelli noted his appreciation of Menlo School's traffic management. He asked if the traffic count was fairly stabilized or if they could expect it to reduce.

Mr. Healy noted that the school made the start time later in the day in order to give students more sleep, so he could not predict future traffic numbers in the designated count windows due to this new schedule. He said he would be better prepared to answer this question next year.

Chair Lane pointed out that Menlo School must be doing a good job with neighbor outreach since there was no additional public comment, compared to previous years.

MOTION to Accept the report on the 2016 Master Plan Update

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

5. PUBLIC HEARINGS

- a. Heritage Tree Removal Permit– 1 Toyon Road (APN 061-220-080) – Request for a Heritage Tree Removal Permit to allow the removal of two trees. Atherton Municipal Code Section 8.10.**

Chair Lane said that the applicant requested to continue the public hearing to the April 26, 2017 Planning Commission Meeting.

MOTION to Continue item 5A to the April 26, 2017 Planning Commission Meeting.

M/S Sockolov/ Lamb

Ayes: 5

Noes: 0

b. Special Structures Permit – 73 Parkwood Drive (061-260-040) – Request for a Special Structures Permit to allow for a swimming pool in the front yard setback area. Atherton Municipal Code Sections 17.15, 17.32 and 17.40.

Assistant Planner Ganetsos presented the Staff Report.

Commissioner Tonelli asked Town Arborist Bentz-Dalton if there was anything she would like to add to the plan in order to further protect the trees.

Town Arborist Bentz-Dalton mentioned she met with the project's landscape architect and thoroughly discussed the tree protection plan. She stated that the applicant went through detailed efforts to protect the surrounding trees.

OPEN PUBLIC HEARING

The Project Landscape Architect Stacy Snowman stated that she was available for any further questions or concerns but that she had nothing to add to what was presented.

Two neighbors asked to see the plans for the proposed pool. They mentioned they had never seen the plans and that they were concerned about the potential visibility of the pool from the public right-of-way. They noted that they attempted to outreach to the applicant to see the plans prior to the public hearing, but that they were not able to contact them.

Assistant Planner Ganetsos showed the plans to the neighbors. She clarified that the project would be sufficiently screened and setback from the front property line.

CLOSE PUBLIC HEARING

Commissioner Lamb expressed frustration with the fact that no neighbor outreach was taken on by the applicant. He suggested that staff requires neighbor outreach as part of the Planning Commission Public Hearing process.

Senior Planner Davis noted that staff does advise all applicants to outreach to all neighbors, but that staff could consider formalizing neighbor outreach as a requirement.

Commissioner Lamb said in the future neighbor outreach should absolutely be required for all neighbors that share a property line.

OPEN PUBLIC HEARING

The neighbors said it would be a good idea for neighbor outreach to be required.

CLOSE PUBLIC HEARING

Commissioner Sockolov said that neighbor outreach should be common courtesy, but if it needed to be formalized then maybe staff should consider this.

Chair Lane asked for clarification on the extent of the remodeling of the existing pool.

Project Landscape Architect Stacy Snowman said that the new pool would be located inside of the old pool shell, but the existing materials would not be reused.

CLOSE PUBLIC HEARING

MOTION to approve the Special Structures Permit to allow for a swimming pool in the front yard setback area.

M/S Lerner/ Sockolov Ayes: 5 Noes: 0

- c. Special Structures Permit and Heritage Tree Removal Certificate – 67 Redwood Drive (060-312-100) – Request for a Special Structures Permit to allow for a swimming pool in the front yard setback area and a Heritage Tree Removal Permit to allow the removal of 1 tree. Atherton Municipal Code Sections 8.10, 17.15, 17.32 and 17.40.**

Assistant Planner Ganetsos presented the Staff Report.

Commissioner Tonelli asked Town Arborist Bentz-Dalton about the proposed location for the two new 60” box Oak trees.

Town Arborist Bentz-Dalton said she recommended the trees be planted in the right-of-way to replace the tree proposed for removal, but that the trees could technically be located anywhere on the lot.

Chair Lane said he felt that redwood trees may be more appropriate in the right-of-way.

Commissioners Tonelli and Sockolov concurred.

Commissioner Sockolov asked Town Arborist Bentz-Dalton how old she thought the Bunya Bunya tree proposed to be removed was.

Town Arborist Bentz-Dalton said the tree may be 120 years old. She said she did not know why that species of tree was planted in the public right-of-way, and that it was never maintained.

Commissioner Sockolov asked the Town Arborist about the cones that fall from the tree and the danger they may pose.

Town Arborist Bentz-Dalton said that the cones can weigh up to 10 pounds, but the main threat they pose is when they fall from such a tall distance.

Commissioner Tonelli asked staff if the neighbors at 1 Barmetta raised any concerns regarding the pool placement.

Senior Planner Davis said no neighbors had any opposition to the project that had been received by staff.

OPEN PUBLIC HEARING

Project architect Malika Junaid presented. She said that the project team reached out to all neighboring properties regarding the project. She also noted that the applicant picked the tree replacement plan of two, 60” box oak trees because they thought that is what the commission would want, but that they are open to other types of trees as well.

Commissioner Lerner asked Town Arborist Bentz-Dalton what she thought the applicants should replace the tree with.

Town Arborist Bentz-Dalton said that since the tree was not an oak tree, they could replace it with any native species. She recommended oak trees as the Town has been losing some throughout Town, but she would also be happy with redwoods.

Ms. Junaid noted that redwood trees grow tall and straight, while oak trees would provide more screening and would pose less of a threat of falling.

CLOSE PUBLIC HEARING

Chair Lane said he did not want to restrict the applicant to Oak trees, but if that was their preference it would be acceptable.

MOTION to Approve the Special Structures Permit for a Swimming Pool in the Front Yard Setback

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

MOTION to Approve a Heritage Tree Removal Permit to Allow the Removal of 1 Bunya Bunya Tree

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

- d. Amendments to the Special Structures Permit, R1-A, and R1-B Ordinances – Consider text amendments to Chapter 17.15 “Special Structures Permit” (SSP), Chapter 17.32, “Residential District R-1A”, and Chapter 17.33 “Residential District R1-B” of the Town’s Municipal Code regarding procedure pertaining to requests for an increased vertical sidewall height for main residences. Atherton Municipal Code Sections 17.15, 17.18, 17.32, and 17.33.**

Senior Planner Davis presented the staff report.

Commissioner Tonelli asked Senior Planner Davis how you define the “offending element” under the new regulations.

Senior Planner Davis said the offending element would be any sidewall taller than 22’ in the R-1A district.

Commissioner Lamb asked if it would be equitable to change the process for the R-1A zone and to make no changes to the R-1B development regulations. He noted that the whole reason why the Commission was considering these changes is to streamline the approval process for staff, not to create more regulations.

Commissioner Tonelli noted it might be self-regulating in the R-1B zone since the lots are typically built out and smaller lots may not want to sacrifice setbacks for height.

Senior Planner Davis noted the feedback received from the architectural community on the difficulties of constructing a 2-story home in the R-1B zone due to the existing height regulations.

Commissioner Lamb said he wanted to be careful not to now incentivize modern homes in the R-1B district via this process.

Commissioner Tonelli noted that because of the smaller lot sizes, allowing homes in the R-1B district to increase their height through this proposed SSP change may raise privacy issues.

Chair Lane said he did not think changes needed to be made to the R-1B district.

Commissioner Sockolov said that these new regulations would lead to perceived flexibility of the existing ordinance in order to address community feedback.

Chair Lane said this could lead to more flexibility in design.

Commissioner Tonelli said he appreciated the process undertaken to evaluate the issue.

OPEN PUBLIC HEARING

Shawn Owen, a local architect, said that he believed this a great response to the input received and a good solution to the problem.

CLOSE PUBLIC HEARING

Commissioner Lerner said she felt that this proposal goes against the General Plan, encourages contemporary and modern design, and could change the streetscape of Atherton. She said that these changes may lead to more “McMansions” throughout the Town.

Chair Lane showed photos of existing modern homes that comply with the current regulations.

Commissioner Lerner said that if the Commission allows the modern homes to get taller, the visual impact will be greater.

Chair Lane explained that the Town already allows for taller sidewall height via the existing regulations, but clarified that the proposed ordinance changes would only apply to the offending (taller) element rather than the whole house.

Commissioner Lerner stated that the whole Commission seemed to have formed their opinions already, and that further discussion would not change her feelings.

Chair Lane noted that the Commission has been studying this topic for 9 months in response to input from the architectural community and staff.

Commissioner Tonelli noted that the “McMansions” that Commissioner Lerner brought up are already currently being built in Atherton, with or without these ordinance changes.

Chair Lane said that the Commission did not need to move forward with the vote at the meeting if Commissioner Lerner still felt uncomfortable about the proposed changes.

Commissioner Lerner maintained that it may be good for the ordinance to move forward to the City Council without a unanimous vote.

Chair Lane said that without any ordinance changes, Atherton will continue to experience more box-like houses. He stated that since Atherton does not have any design review, it is impossible to stop the box-like houses without formal regulation.

Commissioner Lamb said he did not understand why Chair Lane was concerned about whether the Commission voted unanimously on the issue or not. He said that it would be up to staff to accurately present the proposed changes to the City Council.

Assistant City Attorney Jennifer Larson said that the Planning Commission's decision would be presented to the City Council as a recommendation, rather than a detailed count of which members were in support of the ordinance updates and which were opposed to it. She also said it would not be appropriate for individual members of the Commission to speak before the City Council on their individual opinions, but that the Commission could elect one member to speak at the meeting on their behalf as one voice.

Chair Lane said that simplifying the presentation to the City Council would be imperative, and that Staff should clearly detail why these changes are being made to the ordinance.

Commissioner Lamb said that it would not be in the best interest of the public, staff, or the architectural community to not move forward with the process at this meeting.

Commissioner Sockolov said that this ordinance update was making the best out of a not very good situation, and that there is detail in this ordinance in that the SSP would only apply to the sidewall and more control in the process.

Commissioner Lamb asked that Chair Lane attend the City Council meeting on behalf of the Commission.

**MOTION to Recommend City Council approval of amendments to Chapter 17.32
"Residential District R-1A"**

M/S Lamb/ Tonelli Ayes: 4 Noes: 1 Abstain: 0

6. COMMISSIONERS' REPORT

Chair Lane said he was part of the interview process for the new Police Chief, and that the interviews were going well.

7. STAFF REPORTS

Senior Planner Davis noted that the Town is holding an Earth Day event on Saturday, April 22 from 10:00 am – 1:00 pm at the Town center and invited all to attend.

8. ADJOURN – The meeting adjourned at 7:59 PM.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner