

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
April 26, 2017
6:00pm
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

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

Senior Planner Stephanie Bertollo-Davis, Assistant City Attorney Jen Larson, and Town Arborist Sally Bentz- Dalton were present.

2. PUBLIC COMMENTS – None.

3. APPROVAL OF MINUTES

Commissioner Lerner corrected the minutes to reflect the vote for item 5D was 4 Ayes and 1 Noe, as opposed to 5 Ayes and 1 Abstain.

MOTION to approve the minutes of the March 22, 2017 meeting as revised.

M/S Lerner/Sockolov Ayes: 4 Noes:0 Excused: 1

4. PUBLIC HEARINGS

a. Continued from the March 22, 2017 Planning Commission meeting.

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.

Senior Planner Davis presented the Staff Report.

OPEN PUBLIC HEARING

Kevin Kielty, the site arborist, presented. He noted that this new plan, which involves flipping the layout of the home, saves the most healthy trees on the lot. He noted that this plan calls for the removal of 2 of the 3 cedar trees, which have long and brittle limbs that have a tendency to break. He said these trees are of poor to fair health, that they suffered from the drought, and that they would require a lot of maintenance to bring back to good health.

Chair Lane asked what trees were cut down already.

Town Arborist Bentz-Dalton said that trees 8a and 8 were approved for removal at the staff level.

Mr. Kielty said that some clearing of plants and bushes was already done on the lot, but to his knowledge no trees have yet been removed.

Chair Lane said it appeared as though trees between #2 and #3 were removed.

Mr. Kielty said those trees were probably not heritage sized.

Town Arborist Bentz-Dalton said she would inspect the site to verify.

Chris Ruffat from Stewart Associates, Architects presented. He described the design process and how the team worked to design the lot around tree preservation.

CLOSE PUBLIC HEARING

Chair Lane asked about the Second Dwelling Unit and asked staff if it complies with the Town's new regulations.

Senior Planner Davis said that the project team hadn't applied for planning review or building permits for the Second Dwelling Unit yet, and that when they applied it would be checked for compliance with the new ADU ordinance if effective at the time of submittal.

MOTION to Approve the Heritage Tree Removal Permit for the removal of two heritage trees.

M/S Lamb/ Sockolov

Ayes: 4

Noes: 0

Excused: 1

5. NEW BUSINESS

a. Discussion of Atherton Municipal Code Heritage Tree Ordinance Revisions

Senior Planner Davis presented the Staff Report.

Commissioner Lerner and Chair Lane expressed concerns with using the diameter as a unit of measurement as opposed to circumference, and suggested that circumference is used in the new regulations.

Town Arborist Bentz-Dalton said that most arborists and surveyors use diameter as the standard unit of measurement for some detail and circumference for other details.

The Commission directed staff to consider the unit of measurement(s) and how best to match industry standards with a unit that is easily understood and measurable by residents.

Commissioner Lerner asked if there would be flexibility in these rules so that each tree would be evaluated on a case-by-case basis

Town Arborist Bentz-Dalton said that she currently reviews trees on a case-by case basis, but that the direction to staff by the Ad-Hoc Committee was to create more definitive regulations. She stated that one reason for the request for a revised Heritage Tree Ordinance was due to the fact that trees are currently dying in the construction process because contractors often do not follow the Town's direction.

Chair Lane said it may not be the regulation that is the problem, but compliance with the current regulations in the actual construction process.

The Commission directed staff to evaluate any potential, recommended changes to the regulations by creating sample “mock up plans” utilizing recently approved developments to see how these regulations would impact previously approved designs.

The Commission directed staff get input from the architectural and building communities on how any potential, recommended changes regulations may impact development in the Town.

The Commission directed staff to keep a detailed, on-going log of trees that have died as a result of the construction process so that staff could assess why the approved tree protection plans did not work.

Chair Lane asked about the proposed requirement that project sites provide monthly tree reports. He asked how many tree reports staff would receive monthly if this became a requirement, and how the Town Arborist would handle them.

Town Arborist Bentz-Dalton said she would review them for issues with tree health and store them in files by project in case issues arose later on. She said this recommendation would ensure that the site arborists are actually monitoring the site.

Chair Lane asked if there were enough sites with tree problems to warrant a monthly report. He said he didn't want to burden sites that are taking care of their trees with added regulations. He suggested that staff reconsider the frequency of these reports

Commissioner Lerner said that the report would signal to the sites that the Town is monitoring the trees, and it may enhance compliance with the Tree Preservation Guidelines.

Town Arborist Bentz-Dalton noted that the site arborist is supposed to be on site any time that work occurs in the Tree Protection Zone, and that this report would be a way of verifying that requirement.

The Commission directed staff to evaluate making the frequency of these reports less regular than monthly (preferably every quarter).

The Commission directed staff to receive input from other municipalities, site arborists, and the development community about this practice.

The Commission directed staff to organize the tree protection guidelines by phase (i.e. pre-planning, construction, etc.) so that the document is easy to understand and comply with.

The Commission directed staff to consider a requirement for a development to submit a monetary “tree bond” that is refundable at the end of the construction process if no trees are harmed as opposed to retroactively issuing fines.

OPEN PUBLIC COMMENT

Kevin Kielty of Kielty Arborist Services spoke. He said that a lot of cities use DBH or as a unit of measurement, and that most arborists do not measure in circumference. He said that he's worked

in cities where tree bonds are required, like Saratoga. He said Saratoga lets the project arborist decide what percentage of the trees will be bonded. He recommended that staff discuss potential regulation changes with the City of Palo Alto. He said that Palo Alto requires monthly inspections by the site arborist, but it is up to the contractor to call the site arborist out to the site for the inspection.

Commissioner Lamb asked Mr. Kielty what incentives there are to deter people from moving or replacing trees.

Mr. Kielty said incentives work less than negative impacts if a tree dies or is illegally removed. He said that making projects submit an appraised value before the project begins is a good idea.

CLOSE PUBLIC COMMENT

Senior Planner Davis said that the next time staff presents potential regulation updates they will bring Tree Protection Ordinances from other municipalities as comparative reference, mocked up site plans of approved projects to see how new, recommended regulations would impact them, and would solicit the input of the architectural community, contractors, and residents.

The Commission requested that staff bring the item forward for another study session.

6. **COMMISSIONERS' REPORT**

Commissioner Lamb asked if the City Council approved the updated ADU ordinance.

Senior Planner Davis said that it was approved by the City Council and that it would become codified in the coming weeks.

Commissioner Lamb brought up the construction time limit for 46 Almendral and noted that there is still construction occurring on the site. He said he thought the Building Department signed off on the project too soon, and that the process should be revised so that the project isn't finalized until landscaping is complete.

Chair Lane reported on Sidewall/Endwall Regulations at the City Council meeting. He noted that the ordinance was approved with a 4-1 vote.

7. **STAFF REPORTS**

Senior Planner Davis reported on the Town's Earth Day event. She noted that staff will work on the General Plan update in the future.

8. **ADJOURN** – The meeting adjourned at 7:27 PM.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner