

**PLANNING COMMISSION
DRAFT MINUTES**

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

1. ROLL CALL

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

Senior Planner Stephanie Davis, Assistant Planner Nestor Delgado, Town Arborist Sally Bentz and Assistant City Attorney Jen Larson were present.

Chair Lane requested a change to the agenda to have items 7 and 5A moved before item 4 due to technical difficulties with recording of meeting.

MOTION to approve change in agenda to have items 7 and 5A discussed before item 4.

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

2. PUBLIC COMMENTS – No public comments.

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the October 25, 2017, with corrections made to page 5 changing “is” to “if”

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

7. STAFF REPORTS

Town Attorney Jen Larson and Town Arborist Sally Bentz noted that they have worked with PG&E to commemorate replacement trees associated with prior approved removals.

5. NEW BUSINESS

a) Adopt a 2018 Planning Commission Meeting Schedule.

Motion to approve the 2018 Planning Commission Meeting Schedule

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

6. OLD BUSINESS

a) Continue Discussion on Atherton Municipal Code Heritage Tree Ordinance Revisions

Senior Planner Davis presented the staff report.

Town Arborist Bentz presented photographs of heritage trees in significant decline or approaching “dead” status due to construction impacts.

Commissioner Tonelli asked distance of Ash Tree from main residence.

Town Arborist Bentz responded 10 to 15 feet.

Chair Lane asked if it’s possible to make it a two-stage process with a larger tree protection zone during building and structure construction and a smaller zone during landscaping improvement.

Town Arborist Bentz responded most sites keep old driveways during construction. She mentioned problems and enforcement issues with trucks driving on a site later during landscaping and irrigation stages.

Town Arborist Bentz mentioned the problem of houses encroaching within close proximity to existing trees. She mentioned other factors hurting trees such as drought.

Town Arborist Bentz mentioned the need to design further away from trees.

Commissioner Tonelli asked what distance she would recommend.

Town Arborist Bentz responded that distance is what is being discussed for the Tree Protection Zone (TPZ).

Commissioner Tonelli asked in a specific case with a redwood tree, if the house would need to be moved 5, 10, or 15 feet.

Town Arborist Bentz responded 15 feet since the redwood tree is large.

Town Arborist Bentz mentioned a problem of trees being damaged due to construction of walls.

Town Arborist Bentz mentioned a new proposed standard in the Tree Ordinance that would protect redwood trees in the buildable area.

Town Arborist mentioned previous lack of enforcement and standards being followed.

Senior Planner Davis mentioned Ad-Hoc committee recommendation of unique cases requesting smaller TPZ’s, to be reviewed by Planning Commission.

OPEN PUBLIC COMMENT

Denise Kupperman, Atherton resident and Tree Committee member, mentioned TPZ has not been protected during construction. Ms. Kupperman stated compliance, not just TPZ zone must be looked at, as well as standards for construction around heritage trees.

Jude Kirik with Pacific Peninsula mentioned not having conversations in the past with previous staff about TPZ. He mentioned his work includes talking with the project arborist early on with the Town arborist also joining on the conversation. He stated recent issues have been related to tree protection, and that it can be different for different kinds of trees. He mentioned properties that are full of trees make it difficult to build. He stated residents should also be part of conversation. He pointed out challenges that will arise with construction and may have potential to overload the Planning Commission with requests for smaller TPZ’s.

John McClenahan, Arborist, mentioned the need to think about a TPZ and where it is measured from. He stated landscaping can still be destructive to trees. He pointed out the difficulties of building with a 6x diameter TPZ.

Betsy Colby, Atherton resident, commented on the green aspect of the Town due to tree protection efforts. She mentioned she had a conversation with City Manager George Rodericks regarding the Planning Commission approving every tree removal request over the past year.

Town Attorney Jen Larson responded many trees removal requests are pre-screened by staff and not taken to the Planning Commission.

Betsy Colby, Atherton resident, indicated the root area of the tree includes its drip line, and this must be taken into consideration.

PUBLIC COMMENT CLOSED

Chair Lane requested staff to report on all Planning Commission Heritage Tree requests over the past year.

Commissioner Lerner noted importance of enforcement and compliance during and after a project.

Chair Lane mentioned the possible use of bond for tree protection.

Senior Planner Davis stated request is for Commission to provide staff directional topics to be formalized into a Revised Ordinance and brought back to the Commission for a formal recommendation to the City Council.

Chair Lane requested staff look at trees that have died after Planning Commission approval during past 4 years.

Senior Planner Davis mentioned Ad-Hoc committee recommended increased reporting from a project arborist to further increase tree protection.

Chair Lane asked why the recommendation of a TPZ of 10x diameter was made for all trees.

Sally Bentz responded the Ad-Hoc Committee did not want to add more species on the allowable removal list.

Senior Planner Davis added that the aesthetic value these trees provided was taken into consideration as well as a replacement requirement.

Commissioner Sockolov expressed her concerns with landscaping being damaging to trees.

Commissioner Lerner asked why go from a 12x to a 10x diameter for a TPZ.

Commissioner Tonelli responded it was thought a 10x TPZ would continue to protect trees. Town Arborist Bentz added that other municipalities regulations were also taken into consideration. She stated the TPZ would be enforced at the plan check stage of the project.

OPEN PUBLIC COMMENT

Commissioner Lamb asked John McClenahan in his opinion which municipality has best Tree Protection standards. He asked how it would be implemented when building new fence, wall or basement.

John McClenahan, Arborist, mentioned Town Arborist is preventing some of the tree removal requests from getting to the Commission after consulting with project applicants and arborists. He mentioned architects and engineers measure from center of tree for TPZ. He mentioned measure difficulties in developing with a 10x diameter TPZ.

Ted Hanes, member of Tree Committee and Atherton resident, mentioned the biggest problem has been compliance. He noted difficulty with enforcing a 12x diameter TPZ.

PUBLIC COMMENT CLOSED

Chair Lane summarized recommendations for staff. These included bonds and those as recommended in the staff report and to address.

Senior Planner Davis requested direction on the topic of lowering the size of protected Oak trees in the buildable area to 6 inches.

The Commission discussed the size of Oak trees to be protected. Commissioner Sockolov asked if size should be only factor to be looked at.

Chair Lane requested staff to provide quarterly review of past Heritage Tree projects reviewed by Planning Commission.

Senior Planner Davis noted the next step will be staff bringing proposed changes to the Town Municipal Code and to Tree Development Standards document to the Planning Commission for a formal request to make a recommendation to City Council.

5. NEW BUSINESS

a) Discussion of the Atherton General Plan Update – Process and Schedule and Amendments to the Open Space and Conservation Element

Senior Planner Davis presented the staff report.

Chair Lane asked if non-developed private open space was considered.

Senior Planner Davis mentioned a definition of undeveloped open space on private property would need to be addressed.

Senior Planner Davis mentioned the draft does not propose to re-designate any parcels as Open Space.

6. COMMISSIONERS' REPORTS

Commissioner Lerner asked for update on houses by Almondral and Ralston and if they are accruing any fines.

Senior Planner Davis responded she will check with the Building Official and report back.

The meeting was adjourned 8:03 PM

Respectfully Submitted:

/s/Stephanie Bertollo-Davis

Stephanie Bertollo-Davis, Senior Planner