

**PLANNING COMMISSION
APPROVED MINUTES**

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

1. ROLL CALL

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

Town Planner Lisa Costa Sanders, Assistant City Attorney Jennifer Larson and Town Arborist Sally Bentz were present.

2. PUBLIC COMMENTS – none

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the June 22, 2016 meeting as submitted.

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

4. REGULAR AGENDA

- a. Swearing in of newly appointed Planning Commissioners**
Deputy City Clerk Herren issued the oath of office for Commissioner Lane and Lerner.
- b. Selection of Planning Commission Chair and Vice-Chair**
M/S Tonelli/Lamb to nominate Commissioner Lane as Chair. Motion passed 5-0.
M/S Tonelli/Lane to nominate Commissioner Lamb as Vice-Chair. Motion passed 5-0.
- c. Appoint one Planning Commissioner to work with the Tree Committee on revisions to the Atherton Municipal Code Section 8.10 relating to Tree Removals and Tree Protection Requirements.**
Chair Lane appointed Commissioner Tonelli to work with the Tree Committee and Commissioner Sokolov.
- d. Presentation by PG&E on the Pipeline Safety Program**
Bill Chiang, PG&E provided an overview of the Community Pipeline Safety initiative. Commissioner Lane asked if PG&E considers moving the line and not the tree. PG&E staff described the complexities in moving and replacing pipelines. Commissioner Lerner asked about the pipe size and if adjacent property owners are aware of its presence. PG&E staff responded that PG&E has an easement that shows on property disclosures and that the line varies between 8” and 12”. Transmission pipeline has higher pressure. It is estimated that there will be a total of 20 permit tree removal requests in Atherton. Commissioner Lane requested a complete list of trees and addresses. PG&E responded that they cannot provide a list of addresses, but could represent on a map. In response to questions from the

Commission, Town Arborist Bentz responded that most trees being removed are less than heritage size and that she received many calls initially from the public, but very few recently.

5. PUBLIC HEARINGS

A. Heritage Tree Removal Permit – 70 Stern (APN 070-170-050) – Request for a Heritage Tree Removal Permit to allow the removal of three trees. Atherton Municipal; Code Section 8.10.

Town Planner Lisa Costa Sanders presented the staff report.

Town Arborist Bentz stated that the trees are one-sided as they are planted close together. Commissioner Tonelli asked if the presence of Armillaria was tested. Sally Bentz responded that it was not tested. In response to a question from Commissioner Lerner, Bentz responded that Armillaria is common in Atherton.

OPEN PUBLIC HEARING

Chris Merritt, Project Manager, stated that they are proposing 34 new trees on-site and that the property backs up to an Oak woodland. He noted that the existing Cedar trees in the front yard are high branching and do not provide much screening. They are proposing to replace with Ginko trees.

Commissioner Lamb asked how tall the trees would be at the time of planting. Mr. Merritt responded 15' tall. Commissioner Lerner asked if the trees are deciduous and Mr. Merritt responded in the affirmative. Sally Bentz stated that Ginko trees are slow growing, not-native, but nice trees. Commissioner Lamb asked why the client selected Ginko trees. Mr. Merritt responded that the client likes with tree and its fall color. Commissioner Sockolov suggested the applicant test for Armillaria. Commissioner Lerner suggested an alternate tree for year round screening. Mr. Merritt responded that they could consider other trees.

CLOSE PUBLIC HEARING

Commissioner Lane noted that the trees are not specimen trees. Commissioner Tonelli noted that the trees are high growing and do not offer much screening but would like to see a different replacement plan. Commissioner Sockolov would prefer to have scientific data to support the tree removal.

Commissioner Lane requested the applicant test for armarillo and submit a revised landscape plant for consideration at a future Planning Commission meeting. Commissioner Lamb requested the applicant conduct neighborhood outreach and revised the planting plan to include evergreen trees.

MOTION to continue the public hearing on the item to the August 24, 2016 Planning Commission meeting.

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

B. Appeal – 18 Ralston Avenue (APN 059-292-070) – Appeal of the Construction Time Limit Ordinance fine. Atherton Municipal Code Section 15.40.

Commissioner Lamb recused himself from the meeting.

Town Planner Lisa Costa Sanders presented the staff report. Assistant City Attorney Jen Larson reviewed the code and noted the findings for granting the appeal.

OPEN PUBLIC HEARING

Limin Feng, property owner, indicated that they were aware of the three year time limit, but not aware of the penalty. She stated that they tried their best to complete the project.

The contractor indicated he was not aware of the time limit and that this is the only project they are working on in Town. He stated the project will be completed in January 2017.

Commissioner Lane asked if the contractor reviewed with Town's regulation. The contractor responded that information on the time limit was not in the packet of information from the Town. Limin Feng stated that her architect is familiar with the Town as was not aware of this regulation.

Commissioner Lane asked what caused the delay. Limin Feng responded that there was a factory error on the conservatory that resulted in a delay. The contractor noted that the revised scope required revised plans and additional time.

Commissioner Tonelli asked if the applicant filed a written statement for an extension. The applicant replied in the affirmative and also submission of the required bond.

CLOSE PUBLIC HEARING

Commissioner Lerner noted that the applicant acknowledged the rules but not the penalty. Commissioner Tonelli stated he is familiar with the site and progress, stating many homes in the neighborhood were completed in less time than this one and does not see a reason outside the owner's control to grant the appeal.

MOTION to deny the appeal of the Construction Time Limit Ordinance fine as the delay to the project were not outside of the control of the property owner.

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

6. **COMMISSIONER'S REPORTS** – Commissioner Tonelli provided an update on the Civic Center progress/

7. **STAFF REPORTS** - none

8. **ADJOURN** – The meeting adjourned at 7:26 pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner