

**PLANNING COMMISSION  
MINUTES**

**TOWN OF ATHERTON  
January 25, 2017  
6:00pm  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

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

**EXCUSED:**   Randy Lamb

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

Chair Lane noted that item 5A would be continued to the February 22, 2017 meeting due to an error in the agenda language.

**2. PUBLIC COMMENTS** – None.

**3. APPROVAL OF MINUTES**

Commissioner Sockolov asked to clarify and contextualize a statement that she was quoted as saying on page four of the minutes regarding creating “equality for all designs”.

**MOTION to approve the minutes of the December 7, 2016 meeting as revised.**

**M/S Lamb/Lerner      Ayes: 4            Noes:0            Abstain: 0**

**4. PUBLIC HEARINGS**

**A. Special Structures Permit – 97 Michaels Way (070-355-130) – Request for a Special Structures Permit to allow the construction of a detached garage with the front yard setback of the main residence. Atherton Municipal Code Sections 17.15, 17.32, and 17.40**

Assistant Planner Dori Ganetsos presented the staff report.

**OPEN PUBLIC HEARING**

Chris Kummerer, the project architect, presented. He noted that the garage is proposed be located 67’ back from the front property line, as opposed to 60’ behind the front property line which this type of Special Structures Permit would allow for, in order to maintain design consistency and minimize any detrimental views from the public right of way.

Keith Wollenberg, the property owner, presented. He noted that the adjacent neighbor has a similar lot design with the garage at the front line of the main residence. He noted that the garage would be over 120’ away from the garage of his adjacent neighbor, and that the garage would be

screened so that it would not be visible from the neighboring properties. He stated that a neighbor at 85 Michaels, David Wollenburg, was in attendance at the meeting in support of the proposal.

#### CLOSE PUBLIC HEARING

Commissioner Lerner said the applicant did a great job of describing the project and consulting with neighboring properties. She stated that the applicant considered all existing heritage trees on the lot, and that she was confident no trees would be negatively impacted by this project.

Commissioner Sockolov said she agreed with Commissioner Lerner. She said the aerial photos were extremely helpful in helping the Commission understand the scope of the project, and that the applicant did an excellent job in describing all tree protection measures and a detailed proposal.

Commissioner Tonelli agreed. He noted that great measures were taken to justify the proposed location of the garage and to delineate why alternative locations on the lot would not be optimal. He appreciated the fact that the applicant considered adding additional screening.

Chair Lane said he visited the site and that the proposed location would not result in negative visual impacts from the public right-of-way. He noted that the aerial shot supported that the proposed location would not negatively impact neighbors.

**MOTION to Approve the Special Structures Permit for a reduced front yard setback for a garage on a flag lot.**

**M/S Tonelli/ Sockolov      Ayes: 4      Noes: 0**

#### **5. NEW BUSINESS**

**A. School Master Plan Update – 150 Valparaiso Avenue, Menlo School – Request for review of the 2016 Annual Master Plan Update. Atherton Municipal Code Section 17.32.050.**

**MOTION to continue the review of the 2016 Annual Master Plan Update to the February 22, 2017 meeting.**

**M/S Sockolov/ Tonelli      Ayes: 4      Noes: 0**

**B. Consideration of studying the Landscape Screening Ordinance to evaluate establishing regulations to protect sunlight access on adjoining properties.**

Senior Planner Stephanie Bertollo-Davis presented the memorandum. She noted that the memorandum posted on the website was an incorrect version, and that the correct version, which included additional detail, was distributed to all Commissioners via email prior to the meeting and copies available to public.

Commissioner Lerner said Atherton is known as a tree city, and that the many residents covet their trees. She noted that while trees on neighboring properties can get very tall, the lots in Atherton are large, typically over an acre, and have large setbacks. She said restricting the planting of trees seems contrary to what Atherton is all about. She noted that neighbors should be prudent and considerate of neighboring properties when planting new trees, but that cases like the one presented were few and far between.

Commissioner Sockolov agreed with Commissioner Lerner. She said she does not like things that limit personal choice. Commissioner Lerner asked Town Arborist Sally Bentz how often Redwood trees are chosen for landscape screening purposes.

Town Arborist Sally Bentz said that in the years she has worked in Atherton, Redwood trees have been selected approximately 10 times. She noted that the people who have complained about the lack of sunlight typically have larger, mature, heritage size Redwood trees surrounding their property which cannot be removed. She said she does not recommend the types of screening when Landscape Screening plans are submitted, but she can begin to recommend that applicants are more considerate of their neighbors.

Commissioner Tonelli said that this request is difficult to quantify due to the various lot sizes throughout the Town, and that shade could be more of an issue on the East side of town where lots are smaller and shade is more impactful. He said that shade may be difficult to quantify.

Chair Lane said that this is an issue of the definition of property. He said that while people should be considerate of their neighbors and make good faith efforts to ensure their plantings aren't negatively impacting neighboring properties, the owner of the property has a right to plant on their property, as long as health and safety issues are considered. He noted that a solution to this problem would be allowing residents to top trees, which is poor for the health of the trees. He said there is no clear or easy solution to this problem as lot sizes vary and it is too hard to quantify shade.

Commissioner Sockolov noted that the shade would fall in different locations in neighboring properties throughout the year, and that different plantings produce different amounts of shade, further complicating this request.

Chair Lane asked if staff would like the Commission to request staff look in to this request further, given the frequency of these complaints.

Senior Planner Davis said this issue is not presented to staff on a frequent enough basis and that staff presented this topic to the Commission due to a formal request on behalf of a resident.

Chair Lane said this should not be a Town regulated topic, but is rather a good neighbor and communication issue.

Town Arborist Bentz said that on the occasions she has received complaints, she always suggests that residents submit a written request to the Planning Commission or City Council, and to date only one such letter has been submitted.

Chair Lane said that there is a legitimate element of this that has to do with plantings related to new development.

Town Arborist Bentz noted that there are currently a lot of Monterey Pines around the perimeters of properties in the Town, which produce a lot of shade and are dying out.

Chair Lane said the staff could consider recommending screening that will not produce excess amounts of shade in neighboring properties when Landscape Screening plans for new developments are submitted, but that the property rights of residents to plant on their own properties should be respected and the Town should not impose explicit regulations regarding sunlight access.

The Commission stated they did not believe this is an issue that should be addressed in the Town's Municipal Code, and did not direct staff to study the matter further.

**6. COMMISSIONERS' REPORT**

Commissioner Tonelli said that the Civic Center Advisory Committee has a few months left prior to presenting to City Council for approval. At the last meeting, the Committee discussed signage, the landscape plan, and further details regarding the center. He noted the Committee is looking at different financing options for the new Center, outside of Atherton Now donations, as Council decided not to pursue Measure L. He said the Advisory Committee duties are coming to a close, and should be done in a few months. He shared photos of the proposed landscape plan and signage with the other Commissioners.

Commissioner Sockolov said that Tree Committee work is going along well and would be concluding with recommendations soon.

**7. STAFF REPORTS**

Senior Planner Davis said that the Tree Committee will be presenting a clean, revised, version of the Town's Tree Preservation Guidelines, along with some changes to the Town's municipal code in order to ensure that the documents are internally consistent. She said there were probably one to two remaining Committee meetings after the regularly scheduled February meeting, and that the meetings have been quite productive.

**8. ADJOURN** – The meeting adjourned at 6:36 PM.

Respectfully Submitted:

*Lisa Costa Sanders*, Town Planner