

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
May 24, 2017
6:00pm
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Eric Lane
Joann Byrd-Sokolov
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

MOTION to approve the minutes of the April 26, 2017.

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

4. NEW BUSINESS

a. Capital Improvement Plan (CIP) General Plan Consistency Determination

Senior Planner Stephanie Bertollo-Davis provided an overview, noted a consistency determination does include approval of any of the projects listed, and that the Commission recommendation will be presented to the City Council in June.

She presented an overview of the identified Drainage Improvements/Atherton Channel, Streets and Transportation, and Town Building, Park, and Facility projects within the Capital Improvement Plan (CIP).

Chair Lane asked if this correlates to the approved budget. Senior Planner Davis states that most of the CIP projects involve implementation of projects identified previously adopted Town plans and some may be part of next FY budget.

Commissioner Lerner asks whose responsibility it is to ensure that anything proposed is based on quality evidence from previous projects, or how is the Town measuring the effectiveness of the proposed projects.

Senior Planner Davis responds that staff and/or third party contractors will implement the projects once they are given final approval

MOTION to find that the Capital Improvement Program for fiscal year 2017-2018 through fiscal year 2021-2022 and the projects included in that program are consistent with the Atherton General Plan for the reasons included within the Staff report.

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

b. Heritage Tree Removal Permit– 2 Barry Lane (APN 070-191-030) – Request for a Heritage Tree Removal Permit to allow the removal of one tree.

Assistant Planner Dori Ganetsos presented the staff report.

Town Arborist Bentz- Dalton noted that she visited the site and the tree is healthy, but it is only two feet from the house.

Commissioner Byrd-Sockolov asked why significant pruning is less desirable than removing the tree.

Town Arborist Bentz- Dalton explained that best current best practices are to only prune 25% of the tree in one year. She stated that the applicant would need to prune more than 25% which could create decaying and instability in the tree.

OPEN PUBLIC COMMENT

Mr. Eltouky, applicant, states that he wanted to protect as many trees as possible but expressed concern that large branches could fall and notes that the dangers associated with the tree outweigh the benefits. He stated he hoped that the replanting proposal will increase the character that Atherton would like to preserve.

CLOSE PUBLIC COMMENT

The Commission discussed various instances of trees falling on or near homes.

Chair Lane clarified that the Commission today would not approve a home in such close proximity to a tree.

Town Arborist Bentz-Dalton explained that the applicant proposed their own replanting strategy which exceeded the Town's requirements.

Chair Lane advised the applicants to consider the location of utilities when planting future trees.

MOTION to find that the removal of one Heritage Valley Oak tree at 2 Barry Lane would not be contrary to the purposes and intent of the General Plan for the reasons outlined in the staff report and that the commission approve the tree removal.

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

c. 150 Valparaiso Avenue (APN 070-390-010), Sacred Heart Schools – Request for a Conditional Use Permit to allow the temporary placement of seven (7) portable classrooms

Senior Planner Davis presented the staff report.

Commissioner Byrd-Sockolov asked if the use of the portables starts when construction begins or when the application is approved. She notes that students being moved into portables earlier than necessary could be a less favorable condition for a longer period of time.

Senior Planner Davis explained that the Conditional Use Permit allows the portables to be used as academic and office uses during the gym seismic upgrade and could not be installed under building permit issued.

Chair Lane asked why upgrades to the gym would displace students from classrooms.

Senior Planner Davis explained that some space in the gym building is currently used for classroom purposes.

OPEN PUBLIC COMMENT

The applicant, Mike Dwyer, mentioned that the school had an evaluation of seismic stability and found the gym deficient. He clarified the upgrades are not to accommodate more students, but to accommodate present and future needs.

Commissioner Byrd-Sockolov asked what the safety features of the portables are.

Mr. Dwyer, applicant, responded that fire sprinklers are not required. He noted that the usage of heat and smoke detectors would comply with the California Building Code. He stated that the school will meet with the Planning and Building Departments to discuss required safety codes.

Commissioner Byrd-Sockolov asked if emergency vehicles will be able to access the portables.

Mr. Dwyer, applicant, noted that the location was selected because it was accessible to emergency vehicles. He also mentioned that the school has met with the Fire Department twice to review placement.

PUBLIC COMMENT CLOSED

The Commission expressed appreciation of the applicants' concern for student safety and detailed application.

MOTION to approve the Conditional Use Permit for Sacred Heart Schools' proposed location of seven temporary portable buildings on the Morey practice field to accommodate classroom and office functions dislocated during the McGanney Gym seismic retrofit and TI project, with the conditions stated in the draft Conditional Use Permit Certificate.

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

6. COMMISSIONERS' REPORT

Commissioner Lamb asks if Council took action on revisions related to Special Structures Permit process for requests to increase the vertical sidewall heights for main buildings.

Senior Planner Davis confirms they did.

Commissioner Lamb asks if Paul Tonelli will be returning to the Planning Commission.

Senior Planner Davis indicates she believes he will.

Chair Lane mentions that he received a call from a community member following up on the issue of evaluating landscaping and the associated shading it can cause in neighboring yards.

7. STAFF REPORTS

Senior Planner Davis reported on the General Plan Update. She clarified the process of how the update will run. She stated that the process will include study sessions at the Planning Commission meetings.

Senior Planner Davis confirms that the Applicant from 46 Almendral had paid the \$30,000 penalty fee was paid, that the permits for the main residence and accessory buildings have been finalized and that all work being conducted now should be associated with active permits.

Commissioner Lamb asks if staff has seen applications for Accessory Dwelling Units.

Senior Planner Davis states that no formal applications have been received but that staff has received informal inquiries.

Commissioner Lerner asks if there are issues with citizens operating AirBNBs.

Senior Planner Davis notes that some complaints had been received several months ago but that they had been resolved.

City Attorney Larson continues that she is not aware of any problems.

Senior Planner Davis anticipates that Planning would be the first to hear questions and concerns regarding AirBNBs.

Senior Planner Davis mentions staff will be coming back in a study session format regarding discussion on potential revisions pertaining to Heritage Trees.

8. ADJOURN – The meeting adjourned at 7:05

Respectfully Submitted:

Lisa Costa Sanders, Town Planner