

**PLANNING COMMISSION
DRAFT MINUTES**

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

1. ROLL CALL

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

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

2. PUBLIC COMMENTS – No public comments.

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the September 27, 2017, with corrections made to commissioner Byrne-Sockolov's name.

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

4. PUBLIC HEARINGS

a. Special Structures Permit– 385 Fletcher Drive (APN 073-183-020) – Request for a Special Structures Permit to allow for a swimming pool and spa to be located in the required front yard setback. Atherton Municipal Code Sections 17.15 and 17.40

Senior Planner Davis presented the staff report and noted staff had spoken with the applicant about the location of the pool multiple times.

Applicant, Mr Naimy, stated he also took neighbor's input into consideration in order to have pool farther away from the shared property line. Mr. Naimy stated he would add additional landscape screening with vegetation to assist in mitigating potential noise. Staff noted as a condition of approval, a decibel meter will be used to assess noise of pool equipment operation to determine compliance with the Town code.

Commissioner Byrne-Sockolov asked if this was the first the town had seen this application.

Senior Planner Davis answered the original application for the main residence developed was submitted to the Town over 2 years ago and included a proposed swimming pool location that would have stayed at the staff level for review.

Chair Lane asked where the original pool location was.

Senior Planner Davis answered it was located directly behind the house, where there are now retaining walls, and the area noted with erosion issues.

OPEN PUBLIC COMMENT

Applicant, Mr Naimy, mentioned that erosion from rain in the back of the lot raised concerns, and thus it was decided to build walls to support the hill instead. Mr. Naimy mentioned the only flat area for the pool is in its current proposed location.

CLOSE PUBLIC COMMENT

Commissioner Lerner stated the application and location of the pool seemed satisfactory and logical.

Chair Lane stated he toured the property and the proposed looks satisfactory to him, noting the good amount of screening associated.

Commissioner Lamb noted the good communication between the neighbors.

MOTION to approve the Special Structure Permit to allow for a swimming pool to be located in the required front yard setback on 385 Fletcher.

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

b. Request for a Tentative Parcel Map to merge six parcels into one parcel and a Heritage Tree Removal Permit to allow the removal of 18 heritage trees for the Civic Center Project at 91 Ashfield Road and 2 Dinkelspiel Station Lane

Commissioner Tonelli recused himself from discussion due to his involvement with Civic Center Advisory Committee..

Town Attorney Jen Larson explained that zoning is under general police powers of the Town setting its own zoning with City Council direction to have the application to go through due process.

Town Planner Costa Sanders presented the staff report. She noted that the Civic Center project includes merging of parcels, and removal of trees. Maple Road and Ashfield Road would be abandoned, but still maintain a public access easements for the public to traverse these. The San Francisco Public Utilities Commission (SFPUC) easement will also be relocated during the project.

Town Planner Costa Sanders described each tree proposed to be removed, describing the condition of the tree and the reason for the requested removal..

Chair Lane asked why some trees are deemed in good condition but still being recommended for removal.

Town Planner Costa Sanders answered that some trees are in good condition, but with realignment of utility easement, roadways or due to proximity to the new buildings, the trees are in conflict with the site improvements.

Commissioner Lerner asked if any decisions had been made on replacement trees.

Town Planner Costa Sanders answered there is a landscape plan which details replacements.

Commissioner Byrne-Sockolov asked if some healthy trees are being considered for relocation.

Town Planner Costa Sanders answered that they are looking at some of the healthy trees and considering relocation.

Chair Lane clarified the amount of trees being discussed for removal.

Commissioner Lamb mentioned the extra step that is being taken to receive public input, as well as the amount of landscape work being done in order to save as many trees as possible.

Project Landscape Architect mentioned the limitations in design due to easement issues and parking needs. She noted that the civil engineers and architects looked at alternatives with the lowest possible impact on trees. Only one tree is proposed to be removed due to landscape design, tree #92, due to the water line.

Mr. Rick Smetzer, civil engineer from Interwest, mentioned buildings cannot be on easements which creates a constraint. He noted setbacks also need to be taken into consideration, as well as creating connectivity. Buildings and roadways have been moved several times during the design process, and appear limited to be moved much more.

OPEN PUBLIC COMMENT

Ms. Besty Colby, Atherton resident, raised concerns over tree removals. She mentioned the Town can set standard for tree removals. She discussed eight trees she was particularly interested in saving; trees 120, 119, 63, 71, 72, 76, 89, 92. as well as smaller trees. She noted 60 trees in general are being cut down, though only 18 are being considered for a Tree Removal Permit. She noted potentially moving roadway design to save trees and didn't understand the correlation of a water line to remove tree 92.

Commissioner Lamb asked why to pick those specific 8 trees to save.

Ms. Colby answered she believes they look better and have a chance to be saved.

Joan Sanders, Atherton resident and member of the Tree Committee, mentioned she would like to save tree #55 located near the community porch. She mentioned potential for shade created by the tree at the community porch. She mentioned how trees make Atherton such a beautiful town and how buildings and roadways can go around trees.

Mr. Matthew Chen, Atherton resident and neighbor to the Civic Center, was supportive of project, but wanted to raise concern about two trees, #78 and #76. He stated that these two trees are healthy and provide privacy for his home, and requested these trees be reconsidered.

CLOSE PUBLIC COMMENT

Chair Lane clarified the trees that were requested to reconsider for removal; #55, 63, 67, 76, 89, 92, 119, 120, 78.

Chair Lane asked why trees #67 and 92 were up for removal.

Town Planner Costa Sanders answered tree #67 is on the roadway and driveway to the police station and trees #92, like tree #66, is on SFPUC waterline.

City Attorney Jen Larson said discussion with SFPUC has been unclear and negotiations are ongoing.

Town Planner Costa Sanders mentioned some design consideration has been driven by the water line.

Chair Lane asked if tree #78 would go down, would #76 stay up.

Mr. Smelzer, Project Civil Engineer, mentioned they are evaluating #76. He noted tree #78 is on the roadway, while also potentially causing problems with emergency vehicle access to the Civic Center.

Town Planner Costa Sanders mentioned there would be some 2nd story windows, but that activity in that space does not typically take place after 5:00pm.

Chair Lane asked why access has to be by tree #67.

Town Planner Costa Sanders answered it was an issue of room and access.

Chair Lane asked about trees #63, 119, 120.

Town Planner Costa Sanders answered #63 is on the Corporation Yard roadway and #119 and 120 are on Dinkelspiel Lane.

Chair Lane asked about removal of tree #89.

Town Arborist Sally Bentz-Dalton answered it is close to the proposed parking.

Chair Lane asked if the parking can be moved and tree #89 can remain.

Mr. Smelzer, Project Civil Engineer, answered it is a possibility for tree #89 to remain.

Chair Lane asked about removal of tree #55.

Project Landscape Architect answered tree #55 is by the entrance of the new library, porch, and that the new building is higher than existing grade. She stated that the tree is also in the way of accessible circulation to the building which makes the tree hard to save.

Commissioner Lamb asked of the 18, 6 trees are recommended for removal. He asked of the other 12, how many are for emergency or easement reasons.

Mr. Smelzer Project Civil Engineer, answered most of them are for these reasons. He stated that potentially 2 or 3 trees could be saved once stakes are on the ground and construction begins and would keep these in consideration.

Commissioner Lamb asked about the public comment of 60 trees total being removed and if these are smaller trees or smaller brush types.

Town Arborist Sally Bentz-Dalton answered she was not aware of the 60 trees, and only reviewed the 18 as anything under 15” diameter to be removed would not require a permit.

Commissioner Lamb asked about the 15” or less diameter removal and clarification if there were only trees in the way of new construction or all in general.

Town Planner Costa Sanders answered these 15” or less diameter to be removed are all in the way of construction or utility easements.

Commissioner Lamb asked about how long staff and the design team has been working on this project.

Town Planner Costa Sanders answered the project the Town has been working with the Civic Center Advisory Committee for approximately four years on the design concept for the project and the last two to three years of the projects have been spent finalizing the design details.

Chair Lane asked if trees #101 and 102 are actually in the roadway.

Town Planner Costa Sanders answered tree #102 is close to an accessible parking space and curb and that tree #101 is close to the water line.

Project Landscape Architect stated tree #102 is 7’ away from parking and that excavation would affect its roots. She stated Tree #101 is right at parking stall.

Chair Lane provided an inventory of the trees from the discussion and requested that the City Council evaluate the possibility of the following trees be saved: #55, 76, 89 and 92. He stated he would like to make sure that if tree #78 is removed, landscaping be installed for privacy mitigation for the adjacent neighbor.

Commissioner Byrne-Sockolov mentions 3 reasons for removal of tree #55: grade change by the area the tree is located in, the tree could block connectivity between buildings, and the tree would be in the way of new library community porch. And that this tree had the most reasons to remove.

Chair Lane explained the reason was due to the size of the porch by the library.

Town Planner Costa Sanders noted grade for entry to the building and indoor/outdoor space and connectivity was the basis for removal of tree #55.

Project Landscape Architect mentioned her concern is more about the change in grade in regards to removal of tree #55.

Commissioner Lamb mentioned the difficulty faced by the civil engineers after preliminary design and would like to present to the City Council any alternatives in order to potentially save some trees.

Chair Lane expressed concerns over tree #55 removal being design driven.

Chair Lane expressed interest in at least informing the City Council of trees to evaluate trees that can be possibly saved.

Commissioner Byrne-Sockolov expressed evaluating trees #76 and 89 to be feasibly saved during construction.

Chair Lane reiterated desire to concentrate on trees that have highest chance of being saved and expressed concern with double-axis on roads as it can be dangerous.

Commissioner Lerner commented on the nature of the porch by the library, and the size of it.

MOTION to approve Request for a Tentative Parcel Map to merge six parcels into one parcel by Civic Center.

M/S Lane/Byrne-Sockolov Ayes: 4 Noes: 0 Excused: 1

Jen Larson, City Attorney, explained Planning Commission has the option to approve removal of all the trees with conditions, not approve all trees, or the City Council could appeal it to themselves and approve the tree removal.

MOTION to approve Heritage Tree Removal Permit to allow the removal of 14 heritage trees, and 4 additional trees (#55, 76, 89, 92) are approved with the condition that Town staff review them specifically for the possibility of preservation Civic Center Project at 91 Ashfield Road and 2 Dinkelspiel Station Lane.

M/S Lane/Lamb Ayes: 4 Noes: 0 Excused: 1 (Tonelli)

City Attorney Jen Larson explained the Planning Commission decision can be appealed to City Council within 10 days.

5. COMMISSIONERS' REPORT

Commissioner Tonelli re-joined to the Planning Commission meeting.

6. STAFF REPORTS

Senior Planner Davis reminded the Commission that there is not a Planning Commission meeting scheduled in November and that the next meeting is scheduled for December 6, 2017.

She noted the agenda will include discussion on revisions to the Heritage Tree ordinance and discussion on the General Plan Update.

City Attorney Jen Larson mentioned she worked with Town Arborist for an agreement with PG&E to commemorate replacement trees associated with prior approved removals.

7. ADJOURN – The meeting adjourned at 7:35 pm

Respectfully Submitted:

/s/Stephanie Bertollo-Davis
Stephanie Bertollo-Davis, Senior Planner