

**PLANNING COMMISSION
APPROVED MINUTES**

TOWN OF ATHERTON

January 22, 2020

6:00pm

Jennings's Pavilion, Holbrook-Palmer Park

150 Watkins Avenue

Atherton, California

1. ROLL CALL

**PRESENT: Eric Lane
Nancy Lerner
Paul Tonelli
Perry Narancic**

Excused: Randy Lamb

Principal Planner Stephanie Davis, Assistant Planner Jake Garcia, Town Arborist Sally Bentz Dalton, Town Attorney Mona Ebrahimi and Deputy Town Attorney Andreas Booher were present.

2. PUBLIC COMMENTS

Public Comment, Atherton Resident, at 96 Sutherland, John Bolger made a comment about construction impacts from neighboring properties. He indicated that neighboring properties have been under construction in culmination of 10 years. He has also indicated that his property has had damages associated with construction from neighbors. He requests that neighbors inform the surrounding properties of the scope of work prior to construction.

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the December 04, 2019 Planning Commission Meeting.

No motion was made due to lack of quorum of Commissioners who were present at the December 04, 2019 meeting. Minutes to be approved at the next regularly scheduled meeting on February 26, 2020.

4. PUBLIC HEARING

a. Heritage Tree Removal Permit – 189 Greenoaks (APN 061-092-030) – Request for a Heritage Tree Removal of one (1) on-site Heritage Canary Island Pine tree. Atherton Municipal Code Chapters 8.10.

Principal Planner Davis presented the staff report.

Commissioner Tonelli asked Town Arborist Bentz Dalton how many trees would be impacted by the project.

Town Arborist Bentz Dalton indicated two to three oak trees, and that under the new ordinance this structure would not be approved.

Open Public Hearing.

Project Architect Ken Linsteadt spoke about the project and request to remove the Heritage Oak Tree. He stated that the new garage is essentially in the same location as the old garage and results in improving impacts to on-site trees.

Close Public Hearing.

Commissioner Tonelli indicated the replanting plan that goes above and beyond the requirements.

Chair Lane, and Commissioner Lerner agreed with Commissioner Tonelli.

MOTION to approve the Heritage Tree Removal permit for one on Site Canary Island Pine Tree.

M/S Tonelli/ Lane Ayes: 4 Noes: 0 Absent:1

b. Special Structures Permit – 50 Belbrook Way (APN 073-202-990) – Request for a Special Structures Permit (SSP) to allow for a retaining wall greater than 6 feet in height. Atherton Municipal Code Chapters 17.15 and 17.46.

Assistant Planner Garcia presented the staff report.

Open Public Hearing

Project Landscape Architect Nadia Alquaddoomi spoke about the proposed design of the retaining wall and that's the purpose is to protect and preserve the heritage redwood tree.

Chair Lane asked how many feet of the wall would exceed 6 feet in height.

Assistant Planner Garcia indicated that 16 lineal feet exceeded the 6-foot height requirement.

Commissioner Narancic asked if the wall was needed due to the slope.

Project Landscape Architect Alquaddoomi confirmed that it was.

Project Arborist David Beckham iterated that the increased retaining wall height is to prevent any further damage to the Heritage redwood tree.

Neighbor at 96 Sutherland, John Bolger indicated that while he is disappointed with other developments on-site, he did not have comments regarding the proposed retaining wall and its purpose of tree protection.

Close Public Hearing.

Chair Lane indicated that the Planning Commission read the comment letter from another neighboring property. He indicated that the letter speaks to problems throughout the site in general. Chair Lane emphasized the importance of being a better neighbor.

Commissioner Tonelli agreed with Chair Lane.

Commissioner Tonelli asked the Town Arborist why the wall needed the extra foot to benefit the tree.

Town Arborist Bentz Dalton indicated that it is needed to prevent erosion at the root level and that an existing retaining wall was located in the same location.

MOTION to approve the Special Structures Permit to allow for a retaining to be greater than 6' in height.

M/S Narancic/Lane Ayes: 4 Noes: 0 Absent: 1

c. Special Structure Permit – 305 Stockbridge Avenue (APN 070-161-060) – Request for a special structure permit to allow for a swimming pool and associated pool equipment to be allowed within the side yard setback. Atherton Municipal Code Chapter 17.15, 17.32 and 17.40.

Assistant Planner Garcia Presented the staff report.

Chair Lane pointed out a clerical error in project address in the section titled “Recommended Formal Motion” in Staff Report.

Commissioner Tonelli asked for Town Arborist’s comment on the proposed project.

Town Arborist Bentz Dalton indicated that location of pool and pool equipment is adequate, and the associated trenching will not impact on site heritage trees.

Open Public Hearing.

Project Architect, Adam Mayberry presented project details as well as plans for the project site at large. He highlighted the on-site stormwater detention system to indicate why the pool location was being requested to be in the side yard setback.

Homeowner of 305 Stockbridge introduced herself to the Planning Commission.

Vice-Chair Lamb asked how many trees were initially removed for the construction of the house.

Commissioner Tonelli indicated his support for the Special Structures Permit based on owner’s willingness to work with staff to reduce impacts, willingness to protect trees and that the proposed project is not likely to impact neighbors.

MOTION to approve the Special Structure Permit for a pool and associated pool equipment in the side yard setback at 305 Stockbridge.

M/S Lerner/Tonelli Ayes: 4 Noes: 0 Absent: 1

d. Heritage Tree Removal Permit – 2 Douglass Way (APN 070-371-090) – Request for to allow for the removal of one (1) on-site Heritage Deodar Cedar Tree. Atherton Municipal Code Chapters 8.10.

Principal Planner Davis presented the staff report.

Chair Lane asked if there was originally a garage on site.

Town Arborist Bentz Dalton indicated that the garage is a new build.

Town Arborist Bentz Dalton iterated reasons for denying the tree as noted in the staff report and that an alternative is a driveway without a turnaround near the tree.

Open Public Hearing.

Project Architect Chris Kummerer presented to the Planning Commission reasons for the heritage removal tree request; including design, and nonnative tree status.

Chair Lane indicated that design is not a criteria for decision-making.

Project Architect Kummerer highlighted that the new Heritage Tree Ordinance recently passed but not in yet in effect, allows for Planning Commission to consider removal of the tree to benefit the site.

Commissioner Tonelli asked what the replanting plan was for the site.

Project Architect explained the replanting plan.

Neighbor Phil Abahamson at 46 Douglass presented to the Commission that removing the tree would adversely impact the character of the neighborhood and indicated that he is representing eleven of the surrounding properties who oppose removal of the heritage tree.

Another neighbor also indicated that he opposes the removal of the tree.

Close public hearing.

Chair Lane indicated that project does not rationalize criteria to allow for removal and that he agrees with the staff recommendation to deny the request.

Commissioner Tonelli appreciated the replanting plan and the effort neighbors put in to express their concerns with the project. He expressed his agreement with staff's recommendation to deny the request.

Commissioner Lerner indicated she agreed with recommendation to deny.

MOTION to deny the Heritage Tree Removal permit for one on Site Canary Island Pine Tree.

M/S Narancic/ Lerner Ayes: 4 Noes: 0 Absent:1

e) Heritage tree Removal Permit– 98 Monte Vista Avenue (APN 070-142-030) – Request for a Heritage Tree Removal Permit to allow for the removal of five (5) on-site Heritage trees; one (1) 41.5-inch Valley Oak, one (1) 20.7 inch Olive and three (3) Coast Live Oak Trees 9 (one 17.9-inch, one 18.5 inch and one 18.9 inch). Atherton Municipal Code 8.10.

Principal Planner Davis presented the staff report.

Town Arborist Bentz Dalton communicated a correction to the Staff report that trees 49 and 17 are not recommended for removal.

Chair Lane asked about the existing conditions.

Town Arborist Bentz Dalton indicated that the site has the highest number of trees in all of Atherton making it a challenging lot to develop on.

Chair Lane asked Town Arborists to speak on the conditions of each of the trees.

Town Arborist Bentz Dalton communicated the health and relevant details of each tree.

Open public hearing.

Homeowner Peter Sousini presented to the Planning Commission the proposed scope of the heritage tree removal permit. He indicated his desire to allow trees to flourish as well as have some flexibility to build a new home on site.

Homeowner Sousini indicated he communicated with neighbors who had no issue with the request.

Chair Lane asked further details about specific trees on site.

Homeowner Sousini responded.

Paul Tonelli asked the homeowner why the tree just outside of the main buildable area is requested for removal.

Homeowner Sousini indicated to allow another tree to flourish and flexibility in building.

Chair Lane outlined criteria for tree removal.

Close public hearing.

Chair Lane highlighted the property's unique shape and unusually high proportion of trees as a basis for allowing removal of all 5 trees.

Commissioner Tonelli agreed and highlighted that the tree removal was well thought out and allows for some flexibility given site conditions.

MOTION to approve the Heritage Removal Permit to allow for the removal of five (5) on-site Heritage trees; one (1) 41.5-inch Valley Oak, one (1) 20.7 inch Olive and three (3) Coast Live Oak Trees 9 (one 17.9-inch, one 18.5 inch and one 18.9 inch).

M/S Lane/Tonelli Ayes: 4 Noes: 0 Absent: 1

5. NEW BUSINESS

None.

6. COMMISSIONERS' REPORTS

Chair Lane introduced and welcomed the New Town Attorney Staff, Mona Ebrahimi and Andreas Booher.

Discussed the impact on neighborhoods due to the volume and extent of construction currently occurring throughout Town and inquired if the Town ever considered limiting the amount of development sites (properties) that could have active permits at any one time.

7. STAFF REPORTS

Staff updated the Planning Commission on the City Council approval of the 2019 General Plan Update.

Staff updated the Planning Commission on the City Council approval of the Heritage Tree Ordinance Update. The Planning Commission asked to be debriefed on the new Heritage Tree Ordinance.

Regarding the public comment at the beginning of meeting, the Planning Commission asked staff to report how many active building permits there are currently.

The next regularly scheduled meeting is set for February 26, 2020.

8. ADJOURN

The meeting was adjourned 7:59 PM

Respectfully Submitted:

/s/Stephanie B. Davis

Stephanie B. Davis, Principal Planner