

**PLANNING COMMISSION
APPROVED MINUTES**

TOWN OF ATHERTON

October 28, 2020

6:00pm

This meeting was held virtually.

1. ROLL CALL

PRESENT: Eric Lane
Nancy Lerner
Randy Lamb
Perry Narancic
Paul Tonelli

Principal Planner Stephanie B. Davis, Associate Planner Jake Garcia, and Town Arborist Sally Bentz Dalton were present.

2. PUBLIC COMMENTS

No public comment made.

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the September 23, 2020 Planning Commission Meeting.

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

4. PUBLIC HEARING

a. School Master Plan Update – 100 El Camino Real, Menlo College (APN - 070-360-100) - Request for a review of the Annual Master Plan Update. Atherton Municipal Code Section 17.36.050.

Principal Planner Stephanie B. Davis presented the staff report to the Planning Commission.

Chair Lane asked if there was a Transportation Management Plan included within the update.

Principal Planner Davis indicated that there was no Transportation Management Plan (TDM) included in the update as Menlo College does not have a TDM requirement. However, the plan does reference relevant impacts to parking and circulation.

Commissioner Narancic asked of previous discussion regarding transportation management with respect to the recently approved Conditional Use Permit (CUP) for the Menlo College Residence Hall.

Open public hearing.

Menlo College President, Steven Weiner responded that the CUP for the recently approved residence hall included a condition to monitor traffic at the Alejandra entrance and updated the Commission that the project is currently going through plan check.

Menlo College President Weiner highlighted that COVID has introduced a high level of uncertainty on planning. He further highlighted the safety precautions being prioritized taken on by the campus as it conducts business.

Commissioner Lamb asked what the timeline was for construction of the dormitory was.

President Weiner indicated the project was in plan check and once approved construction will start shortly after.

Commissioner Lamb commended the Menlo College in all their efforts dealing with the Pandemic.

Close Public Hearing.

Motion to approve the filing the 2020 annual Master Plan update from Menlo College.

M/S Lane/ Lamb Ayes: 5 Noes: 0 Absent: 0

b. Lot Line Re-designation- 333 Atherton (APN 073-220-160) – Request for a Lot Line Re-designation to define the northern property line (parallel to Atherton Avenue) as the front property line and the southern property line as the rear property line. Atherton Municipal Code Chapters 17.20 and 17.32.

Principal Planner Stephanie B. Davis presented the staff report to the Planning Commission.

Open Public Hearing.

Project architect Wei Yu, thanked staff for the presentation and indicated he was available for any questions.

Neighbors at 345 Atherton Avenue, Dan Leemon and Julie Dorsey asked how the project site was to impact heritage trees that are located on their property.

Town Arborist Sally Bentz Dalton indicated that the Heritage Tree Ordinance would be applicable for all trees on site as well as trees on neighboring properties and that any new development may have specific tree protection measures to be implemented depending on the proposed plans. The Town Arborist further highlighted that if any damage to heritage trees happens, the applicant could likely be fined.

Commissioner Tonelli asked if the Tree Protection Zone (TPZ) extends across property lines.

Town Arborist indicated that the TPZ does account for TPZs that cross property lines.

Principal Planner Davis highlighted that no formal submission for development has been submitted.

Chair Lane indicated that if the neighbors are interested that they keep in contact with the applicant and Town staff for updates to any proposed development.

Neighbor Dan Leemon expressed hopes that the project at 333 Atherton is mindful of neighbors in their development.

Project architect highlighted details of the proposed project and ensured they planned to be mindful of neighbors.

Robert White a representative on behalf of 303 Atherton asked about required landscape screening during and after the project.

Town Arborist Bentz Dalton informed that the applicant was responsible for screening any new structures within five years, which typically happens after the project is nearing completed construction.

Closed Public Hearing

Commissioners Tonelli and Lane indicated that the Lot Line Redesignation makes sense and conveyed support for approval.

Motion to approve the Lot Line Redesignation at 333 Atherton Avenue based on the findings and subject to the conditions listed in the draft Lot Line Redesignation Certificate to allow the northern property line, parallel to Atherton Avenue to be the front property line for the reasons enumerated in the Staff Report and with the conditions stated in the Lot Line Redesignation Certificate.

M/S Tonelli/ Lamb Ayes: 5 Noes: 0 Absent: 0

c. Heritage Tree Removal (HTR) Permit - Undeveloped parcel (no Address) located behind 283 Selby Lane in Atherton (Assessor's Parcel Number 059-281-250) - Request for a Heritage Tree Removal (HTR) Permit to allow for the removal of three (3) heritage trees; one (1) Coast Live Oak tree and (2) Redwood trees. Atherton Municipal Code Chapter 8.10.

Principal Planner Stephanie B. Davis presented the staff report to the Planning Commission.

Two public comments were read into the record, both which opposed the application for the Heritage Tree Removal.

Open Public Hearing.

Property owner and applicant Joan Frost presented to the Planning Commission, and detailed the property title research conducted, comments received from Menlo Park Fire District on emergency vehicle access impeded by the trees, and how the HTR would allow for use of the property which would otherwise be not accessible. Property owner also detailed the outreach conducted and responses received from neighbors.

Commissioner Tonelli asked project applicant why she was requesting the HTR now prior to any eminent property exchange or plans for development.

Property owner indicated that the HTR is a demonstration that the trees can be removed otherwise the property would be considered land locked and not accessible for development.

Chair Lane asked the applicant if the intention was to sell the property.

Applicant indicated that the intention is to either sell the property or develop then sell the property.

Commissioner Narancic had asked the applicant why they did not create a contingency for purchase of the parcel, that the trees be removed.

The applicant responded that they did ask the seller for that option, however the seller did not want to wait on the Planning Commission schedule to have trees approved for removal, and the seller was unwilling to sell the parcels individually.

Neighbor at 269 Selby, Joanne Baciocco further expressed that if the applicant wanted to sell the lot or build on the lot that they consider granting access from 283 Selby Lane and that the heritage tree removal is not necessary.

Closed Public Hearing.

Commissioner Tonelli asked about the health of the Oak trees proposed for removal.

Town Arborist Sally Bentz Dalton indicated that the trees were healthy and that even with recommendation from Menlo Fire the Planning Commission would need to grant approval.

Chair lane asked if the trees were located on an easement for the lot.

Principal Planner Stephanie B. Davis clarified that the trees were not located on an easement but within the property itself and iterated that it was the point of access from a public street to the flag lot shaped property.

Chair Lane further clarified that the trees were located on the portion of the property intended for access.

Staff confirmed that it was.

Commissioner Narancic indicated that it is unclear why the applicant would purchase a property knowing that healthy heritage trees would need to be removed from the property to gain access.

He further clarified that he is unable to make the findings for the removal of a healthy heritage tree.

Commissioner Tonelli indicated that he respected the Heritage Tree Ordinance, and the opinion of Menlo Fire. He further indicated that he visited the site and found that the driveway is not useable for access or for underground utilities without the removal of those trees. He further highlighted that he agrees that the timing of the HTR request is not ideal, but inevitable.

Chair Lane agreed with Commissioner Tonelli's statements and further highlighted that the property has always been a flag lot with access from Selby Lane and the trees block that access. He also noted that the applicant attempted to request removal of trees as a contingency to purchase but was denied. He further expressed that this removal was going to happen at some point in the future and that in this case it is further supported by the fire code and having an adequate replanting plan.

Commissioner Tonelli asked if there is any need to expand upon the size of trees proposed in the replanting plan.

Town Arborist indicated that the replanting plan was sufficient and smaller size trees were more suitable for a lot that is not being actively occupied.

Commissioner Tonelli empathized with neighbor concerns but looking at the site found that the surrounding trees will provide some screening, and that the removal of the oaks is necessary for access to the site.

Commissioner Narancic indicated that a removal is permitted where there is necessity and through demonstration of no feasible alternative. He further conveyed that the burden of proof is on the applicant to demonstrate, that there is no feasible alternatives and that he had not heard such demonstration of alternatives and found that the application not be approved until a demonstration has been conveyed. Commissioner Narancic used an example of a possible alternative that the applicant did not demonstrate of a potential easement that could be granted on 283 Selby to the benefit of the un-addressed lot which was considering the removal of the HTR.

Motion to approve the Heritage Tree Removal Permit at an undeveloped lot with no address (APN 059-281-250) located behind 283 Selby Lane based on the findings and subject to the conditions listed in the draft Heritage Tree Removal (HTR) Permit to allow the removal of three heritage trees; Tree #2, a 31-inch Coast Live Oak, Tree #3, a 43-inch Coast Redwood, and Tree # 6, a 29-inch Coast Redwood.

M/S Lane/ Tonelli Ayes: 3 Noes: 1 Absent: 1

5. STAFF REPORTS

6. COMMISSIONERS' REPORTS

Town Staff updated the Planning Commission that the draft ADU ordinance was approved by the City Council at the October 21, 2020 meeting.

Town Staff provided an update on the Ad Hoc Sub Committee progress of amendments to the Tree preservation Guidelines and will provide further update at the December meeting.

The next regularly scheduled meeting is set for December 2, 2020.

7. ADJOURN

The meeting was adjourned 7:29 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Principal Planner