

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
December 2, 2020  
6:00pm**

*This meeting was held virtually.*

**1. ROLL CALL**

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

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 October 28, 2020 Planning Commission Meeting.**

**M/S Tonelli/ Lerner Ayes: 5 Noes: 0 Absent: 1**

**4. PUBLIC HEARING**

**a. Heritage Tree Removal Permit – 226 Park Lane (APN - 070-330-080) – Request for a Heritage Tree Removal Permit (HTR) to allow for the removal of two Coast Live Oak trees. Atherton Municipal Code Chapter 8.10.**

Associate Planner Jake Garcia presented the staff report to the Planning Commission.

Open public hearing.

Owners Rupa and Pravin Vazirani indicated that the removal of the trees provide them with an opportunity to develop their lot with a similar front to back yard layout as neighboring properties. They further highlighted that given the declined health of the two heritage trees, the property would benefit from the proposed replacement of two healthy Oak trees.

Commissioner Tonelli asked the applicant team why they are requesting the removal of the trees prior to a house design being proposed.

Owner Pravin Vazirani indicated that they worked with their architect to explore general designs and decided that their preferred design would likely result in the removal of the two trees and found that before they committed to a final design they should first determine whether the trees could be removed.

Architect Steve Simpson indicated that the removal of the trees would allow for a better design.

Project representative Crisitn Franklin highlighted that the homeowners have very recently purchased the property and are working to assess feasibility early on.

Project Arborist Robert Weatherill noted that he agreed with the Town Arborist and further highlighted that many of the on-site trees have been neglected for some time. He stated that after the other trees which have already been approved for removal are removed from the site, these two trees would look out of place.

Close public hearing.

Commissioner Tonelli indicated that he was impressed with the size of the trees in the replanting plan and thanked the Town Arborist for her recommendations.

Commissioner Lerner conveyed support for the reasoning provided by staff and the applicants to approve the removal of the trees.

Commissioner Narancic had no further questions or comments.

Chair Lane conveyed support for the removal given the poor form and conditions of the two heritage trees.

**Motion to approve the Heritage Tree Removal Permit at 226 Park Lane based on the findings and for the reasons enumerated in the Staff Report, subject to the conditions listed in the draft Heritage Tree Removal (HTR) Certificate to allow for the removal of the two heritage Coast Live Oak trees - Trees #21 and #22.**

**M/S Tonelli/ Narancic Ayes: 4 Noes: 0 Absent: 1**

**5. NEW BUSINESS**

**a. Amendments to Town’s Heritage Tree Preservation Standards and Specifications related to Planning Commission Tree Protection Zone (TPZ) exception criteria.**

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

Commissioner Narancic thanked Town staff for their work on the proposed amendments and further highlighted his support of the amendments.

Chair Lane asked what the costs were for the Tree Protection Zone exception.

Town Arborist Bentz Dalton indicated that the applicant would pay the established for a staff level TPZ exception and, if denied, would then have to pay an additional fee for the Planning Commission level TPZ exception similar to the fees administered for heritage tree removals.

Commissioner Narancic identified that fee requirements were located within the attachments of the Staff Report.

Chair Lane asked about the use of the word “feasible” within the amendments,

Principal Planner Davis read the referenced proposed amendment 5.e. aloud.

Chair Lane further explained concerns that the word “feasible” can be applied differently based on the circumstances of the project.

Commissioner Narancic indicated that the word “feasible” allows some room for the applicant and Commission to address projects of necessity. He stated that “feasible” seemed to be the best word to be used that allows the Commission the ability to exercise discretion.

Chair Lane shared he was impressed with the work and was happy with the result.

Commissioner Tonelli agreed that the amendments were satisfactory and that its important to consider possible loop holes in the language.

Chair Lane emphasized the importance that the language should not put the Town into a precarious situation because of a discretionary decision and that the basis of “feasible” should not only be plausible but reasonable.

**Motion to approve the proposed language set forth in the documentation provided in the staff report and recommend that the City Council adopt the amendments to the Town’s Heritage Tree Preservation Standards and Specifications.**

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

**b. Approval of the 2021 Planning Commission Meeting Calendar**

**Motion to approve the 2021 Planning Commission Meeting Calendar.**

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

**6. STAFF REPORTS**

Staff updated the council regarding the draft Leaf Blower Ordinance presented to the City Council.

Staff informed the Planning Commission that the Accessory Dwelling Unit Ordinance was adopted by the City Council and is now in effect.

Staff updated the Planning Commission that the City Council sent a letter to the State indicating that the Town does not agree with state mandated based regulations as it pertains to local land use law and zoning implications.

Staff also updated that in 2021 that the Planning Commission will be discussing topics relating to the Housing Element Update.

The next regularly scheduled meeting is set for January 21, 2021

**7. COMMISSIONERS' REPORTS**

**8. ADJOURN**

The meeting was adjourned 6:57 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Principal Planner