

**PLANNING COMMISSION
SPECIAL MEETING
APPROVED MINUTES**

**TOWN OF ATHERTON
August 11, 2021
6:00 pm
*This meeting was held virtually.***

1. ROLL CALL

**PRESENT: Randy Lamb
Eric Lane
Nancy Lerner
Perry Narancic**

ABSENT: Gabia Konce

Town Planner Lisa Costa-Sanders, Assistant Planner Ralph Robinson, 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 June 23, 2021 Planning Commission Meeting.

M/S Narancic/Lane Ayes: 3 Noes: 0 Absent: 2

4. PUBLIC HEARING

a. Tree Protection Zone Exception (TPZ) – 400 Selby Lane, Atherton (APN 070-040-220) – Request for a Tree Protection Zone exception associated with one (1) heritage tree from a TPZ of ten times (10x) the trees diameter to three and half times to less than six times (3.5x-5.7x) the trees diameter. Atherton Municipal Code Chapter 8.10.

Town Planner Lisa Costa-Sanders presented the staff report.

Commissioner Narancic asked about criteria within guidelines to reduce TPZ to less than 8x the tree's diameter and whether criteria were referenced in Town Arborist's report on the item.

Town Planner Costa-Sanders clarified additional criteria for granting TPZ exception from Town's Heritage Tree Preservation Standards, section 2.2 B, that were referenced in the Town Arborist's staff report.

Open Public Hearing.

Project Representative Kathleen Liston discussed considerations taken during project design to protect the tree being granted a TPZ exception, including reduction of hardscaping. Stated belief that project will not adversely impact tree and that the project was designed with keeping the existing view of the tree in place.

Closed Public Hearing.

Commissioner Lerner joined the meeting (6:15).

Commissioner Lamb stated comfort with approving the motion.

Commissioner Narancic concurred with Commissioner Lamb.

Chair Lane stated satisfaction with steps taken by applicant to protect the tree.

MOTION to approve a Tree Protection Zone Exception (TPZ) at 400 Selby Lane for one heritage Redwood Tree, tree #13, to 3.6 times (3.6x) the trees diameter to 5.7 times (5.7x) the trees diameter subject to the conditions listed in the draft TPZ Exception Certificate.

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

b. Tree Protection Zone Exception (TPZ) – 267 Greenoaks Drive, Atherton (APN 060-083-030) – Request for a Tree Protection Zone exception associated with one (1) heritage tree from a TPZ of ten times (10x) the trees diameter to six times (6x) the trees diameter. Atherton Municipal Code Chapter 8.10.

Town Planner Lisa Costa-Sanders presented the staff report.

Chair Lane asked Town Arborist Bentz-Dalton about square footage of the encroachment into 6x the trees diameter.

Town Arborist Bentz-Dalton noted total encroachment as 10 percent of root zone or 300 square feet.

Town Planner Costa-Sanders noted criteria for TPZ exception for commission to evaluate.

Open Public Hearing.

Project representative Megan Blaine noted that hand trenching showed no roots in the project area from tree in neighboring yard to be granted TPZ exception.

Project Representative Michael Young discussed work on exploratory hand trench to determine impacts on tree from proposed structure. Noted that trench showed no current impacts on the tree. Town Arborist's concerns, he believes, are related to future root growth. Mr. Young said tree is fairly mature and he does not anticipate vigorous root growth in the area.

Chair Lane asked Mr. Young if he was familiar with town guidelines for TPZ of 8x the tree's diameter.

Mr. Young said he was familiar with that standard and that the town's guidelines informed applicant's decision to dig an exploratory trench.

Chair Lane asked if Town's TPZ standard of 8x the tree's diameter is considered standard by arborists.

Mr. Young said requested diameters differ from city to city. Mentioned previous Town guideline of 6x tree diameter. Other criteria arborists consider is the overall root plate, the area where roots would logically be, or dripline plus. This is a measure of the percentage of root area eradicated by a new structure. Anything under 15-20 percent is generally acceptable. In this case, Mr. Young stated he is not concerned about what will be cut and lost immediately. Reiterated his belief that Town Arborist's concerns are related to future growth.

Chair Lane asked if roots would normally be expected in the area where the exploratory trench was dug.

Mr. Young stated that roots would typically be in that area, but not in this case.

Commissioner Narancic noted Town Arborist's recommendation that applicant go to 8x the diameter. Asked what the impact on the project would be if a TPZ of 8x were maintained.

Project representative Blaine discussed impacts on other oaks on the property from changing location of the project.

Chair Lane asked a follow up question clarifying if project could be located without impacting additional trees on the property.

Project representative Blaine reiterated that moving project would move structure into impact zone for oaks on the property.

Chair Lane asked if the neighbor had been met with and if they were aware of impacts to their tree.

Project Representative Blaine said that applicant had gone to speak to neighbor and take photos and measurements of tree.

Project Representative Juan Solis noted neighbor concern raised related to building an accessory dwelling unit (ADU) in that location.

Commissioner Lamb stated desire to have something in writing from neighbor expressing comfort with potential impacts to tree.

Town Planner Costa Sanders read a public comment into the record from Jeanne McManus, neighbor at 59 Lupin Lane. Letter discussed communication from applicant regarding inspection of tree. A representative from Blaine Architecture came to the house and communicated a date when an arborist would come to the house, but the arborist did not come on the date provided. Ms. McManus stated concern that trees were not inspected by an arborist and issue that neighbor was unaware that the structure would be an ADU.

Project Representative Blaine responded to say there was a miscommunication with the owner regarding visit from arborist and that neighbor was irate and inappropriate with them. Ms. Blaine noted the ADU setback exception was being used to get a more limited setback for a structure that will be used as a pool house.

Closed public hearing.

Commissioner Lamb stated feeling that project is not fully baked. Said he does not feel the commission knows all the facts. Noted concern with impacted tree being on a neighbor's lot. Also reiterated staff recommendation to deny.

Commissioner Narancic asked Town Arborist Bentz-Dalton whether she could support a TPZ of 8x.

Town Arborist said she could provide a staff exception to 8x but is hesitant to support 6x because of need to protect neighbor's trees and uncertainty about what other structures are near the tree in the neighbor's yard.

Commissioner Narancic stated more info is needed on neighbor's property and other structures near tree to be impacted and reiterated utility of applicant revising application to call for staff exception to 8x the diameter.

Commissioner Lerner stated support for Commissioner Lamb and Narancic's comments and that she would not vote to support the exception at this time.

Chair Lane noted concern with use of ADU designation to get an exception for what will amount to a pool house. Stated that commission has not approved any projects at 6x that meet conditions of this project and that applicant has not demonstrated sufficient reasons for granting an exception. Said he supports staff's recommendation to deny.

MOTION to deny a Tree Protection Zone Exception (TPZ) for one heritage valley oak tree, tree #3, to 6x the trees diameter for the reasons outlined in the Staff Report.

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

Chair Lane asked Town Planner Costa-Sanders to clarify next steps for the applicant.

Town Planner Costa-Sanders noted applicant may appeal decision to the City Council within ten days.

5. STAFF REPORTS

No Staff Reports.

6. COMMISSIONERS' REPORTS

No Commissioner Reports.

7. ADJOURN

The meeting was adjourned 6:44 PM

Respectfully Submitted:

/s/Ralph Robinson

Ralph Robinson, Assistant Planner