

**PLANNING COMMISSION
REGULAR MEETING
APPROVED MINUTES**

TOWN OF ATHERTON

September 22, 2021

6:00 pm

This meeting was held virtually.

1. ROLL CALL

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

Principal Planner Stephanie Bertollo-Davis, 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 August 25, 2021 Planning Commission Meeting.

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

4. PUBLIC HEARING

a. Heritage Tree Removal (HTR) – 233 Park Lane, Atherton (APN 070-343-010) – Request for a Heritage Tree Removal (HTR) associated with one (1) heritage tree. Atherton Municipal Code Chapter 8.10.

Principal Planner Stephanie Bertollo-Davis presented the staff report.

Chair Lane asked whether tree was fully within the applicant's property or partially in the right-of-way, and whether the road would be widened as part of this process.

Principal Planner Davis noted the entire trunk is within right-of-way and that there are no current plans to widen the roadway.

Commissioner Lamb noted personal experience with the tree having lived in the neighborhood, and potential hazards posed by the tree blocking part of the right-of-way.

Chair Lane also noted his experience with trying to navigate around the tree.

Commissioner Narancic asked about the replanting plan that proposes a cedar tree, and what authority the Commission has to require a different replanting plan.

Principal Planner Davis responded that the draft permit includes recommended language stipulating that the applicant revise the plan to plant a native tree and that the commission may make a more specific recommendation to replace the existing oak with a new oak tree.

Town Arborist Sally Bentz-Dalton stated her understanding that the applicant did not want an oak tree, but she does not know the specific reason why.

Commissioner Lamb asked whether a new tree would be inside the power line on the applicant's property and stated he was unsure why a cedar was preferred.

Commissioner Konce asked if a cedar was preferred because it may grow faster and noted willingness to keep selection of a tree species open ended for the applicant.

Commissioner Lerner stated her feeling that a bushy species like a cedar would not be appropriate and that an oak species would be preferred.

Open Public Hearing.

Project Representative Nick Gotthardt stated agreement with locating a replacement tree further back from the right-of-way. He noted that a cedar species had been used for other tree replacements on the property, so a cedar was selected to maintain continuity on the lot but that the applicant may be open to a native species, though not an oak because of the possibility of an oak leaning as it grows. Mr. Gotthardt mentioned redwoods and sycamores as possibilities for a native species and stated willingness to work with Town Arborist to select a species.

Commissioner Konce stated support for selecting a redwood species and noted the benefit of cedar wood being usable if the tree is removed later.

Chair Lane mentioned a higher water demand for redwoods as an issue to consider.

Closed Public Hearing.

Commissioner Lamb reiterated need to plant replacement tree well within the property.

Chair Lane also stated the need to place a replacement tree further from the right-of-way for safety reasons and asked staff to confirm that the conditions for the tree removal permit include substituting the proposed cedar with a native species.

MOTION to approve a Heritage Tree Removal Permit at 233 Park Lane associated with one (1) heritage oak tree (Tree #18) subject to the conditions listed in the draft Heritage Tree Removal certificate.

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

b. Special Structures Permit (SSP) – 67 Redwood Way, Atherton (APN 060-312-100) – Request for a Special Structures Permit to allow for a detached accessory structure (swimming pool) to have a reduced front yard setback. Atherton Municipal Code Chapters 17.15, 17.33, 17.40.

Assistant Planner Ralph Robinson presented the staff report.

Assistant Planner Robinson read a public comment from Monica Gentry of 96 Redwood Way concerning length of the existing project and construction impacts on neighboring properties.

Chair Lane asked what original approval date of the previously approved SSP was.

Assistant Planner Robinson noted the previous application was approved in April of 2017.

Open Public Hearing.

Project Representative Kathy Strickland addressed the comment received from Ms. Gentry, speaking to reasons for project delays related to the ongoing pandemic and additional delays caused by the removal of several redwood trees. She stated that the applicant is happy to reimburse Ms. Gentry for damage to tires caused by construction debris and also spoke to the timeframe for completing the pool.

Chair Lane asked clarifying question regarding timeframe to complete pool.

Ms. Strickland noted the pool should be completed in under a year.

Commissioner Konce asked a follow up question on the topography of the lot and the size of the house being built.

Ms. Strickland confirmed the lot is flat and that a two-story house is being constructed.

Closed public hearing.

Commissioner Lerner stated she sympathizes with concerns raised by Ms. Gentry and noted that the project was meant to be completed over a year ago. She stated considering current drought conditions, she is not in favor of approving new pools.

Commissioner Konce also noted the issue of water use from a pool and asked a clarifying question on the size of the pool.

Chair Lane noted the pool is a 57' by 12' lap pool.

Commissioner Lamb agreed with Commissioner Lerner's comment but stated his belief that preventing the construction of new pools is not within the purvey of the Commission.

Chair Lane stated general concern with extent of development on the property and mentioned the issue of dust created by construction and importance of the applicant ensuring dust and other impacts are reduced. He asked the applicant to be firm with contractors and subcontractors about lessening impacts of construction and to maintain better communication with their neighbors.

Commissioner Lerner reiterated her concern with approving new pools during a drought.

Commissioner Narancic said he appreciated Commissioner Lerner's viewpoint on the project, but that he would support the project.

MOTION to approve a Special Structures Permit at 67 Redwood Way to allow for a detached accessory structure (swimming pool) to have the same front yard setback as the main residence subject to the conditions listed in the draft Special Structures Permit certificate.

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

5. STAFF REPORTS

Principal Planner Davis provided an update on the new Town Center and raised the possibility of Commission meeting in the new council chambers before the end of the year.

Principal Planner Davis discussed the passage of SB 9 that allows for the subdivision of single-family lots and that staff is presently developing an official response. She noted that it is likely to be integrated with the Housing Element update scheduled to be completed in early 2022. The Commissioners discussed the new legislation and potential impacts on the Town.

6. COMMISSIONERS' REPORTS

Chair Lane noted there will be two more meetings of the Commission this year on October 27th and December 1st.

7. ADJOURN

The meeting was adjourned 7:00 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Principal Planner