

PLANNING COMMISSION
APPROVED MINUTES

TOWN OF ATHERTON
December 5, 2012
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD

1. **ROLL CALL**

PRESENT: Herman Christensen Jr.
Philip Lively
Mary Beth Widmer
Eric Lane

Paul Quinlan - excused

Assistant City Attorney Jennifer Larsen, Deputy Town Planner Lisa Costa Sanders, Town Arborist Kevin Kielty, and Associate Planner Andrea Mardesich were also present.

2. **APPROVAL OF MINUTES**

MOTION to approve, with changes, the minutes of the October 24, 2012.

M/S Lively/Quinlan Ayes: 4 Noes: 0 Excused: 1 (Quinlan)

3. **PUBLIC COMMENTS** – none

4. **COMMISSIONERS REPORTS**

Commissioner Lively reported that the Rail Committee heard a presentation by Marion Lee. The Town Center Task Force also met.

5. **STAFF REPORTS**

Deputy Planner Lisa Costa Sanders noted that the property owner for 32 Maple submitted a landscape plan which is being reviewed by both the Town Arborist and the neighbor who opposed the project.

Ms. Costa Sanders noted that ballot measures passed for the Little League proposal, but did not pass for the library project. She added that Staff will be preparing process memos regarding the Town Center, Little League project, and Library.

Ms. Costa Sanders reported there had been ten new Second Dwelling Units approved in 2012.

Deputy Planner Lisa Costa Sanders stated that the City Council authorized a contract for preparation of an Environmental Impact Report for Cartan field improvements (a joint Menlo School and Menlo College project), and briefly outlined the proposal.

The City Council also authorized a contract for preparation of a Mitigated Negative Declaration for a new gym at Sacred Heart Schools.

PUBLIC HEARINGS

- 6. Special Structure Permit – 62 Lloyd Drive** - Special Structure Permit to allow an addition outside the main building area. Atherton Municipal Code **Section 17.26**

This item was withdrawn by the applicant.

- 7. Special Structure Permits and Heritage Tree Removal Permit – 92 Sutherland Drive** – Special Structure Permit to allow retaining walls with a 3’ 6” safety fence, and closer than 20’ to one another, a Special Structure Permit to allow a carport to be located in the side yard up to the front yard setback, and a Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Sections 17.40 and 17.46 and 8.10.

Associate Planner Andrea Mardesich presented the item.

Commissioner Lively asked where the runoff from the tennis court is going to go. Associate Planner Andrea Mardesich answered that an engineering plan will be required to keep the water on the subject property.

Deputy Town Planner Lisa Costa Sanders clarified that while there is existing runoff from the property down the hill, the proposed project cannot increase the amount of runoff from the property.

Bob Swatt, architect for the project, presented the project details.

Ned Patchett, arborist, presented in favor of removal of trees 1 and 2.

Chair Christensen asked if Mr. Patchett inspected the roots of the two trees. Mr. Patchett replied in the affirmative. In tree number 1, there is a substantial lean that will not correct itself. There is a flaw at the base between the branch attachment. Root health of the first tree is not significant. Tree 2 is surrounded by decking so access to the roots was impeded. According to Mr. Patchett the response of the tree suggests severe root loss.

OPEN PUBLIC COMMENT

John Sanger, attorney for Mr. and Mrs. Mehran, neighbors at 50 Belbrook, stated that his clients have not been approached by the applicants to discuss the project. The Mehrans think that the project is contrary to the Town’s General Plan and that it adversely impacts their property. Mr. Sanger suggested that they have very little documentation about the location of the tennis court and there has been no notice of the heritage tree removal.

Mr. Sanger disputed the suggestion by Mr. Swatt that changes have been made to the plans to assuage the neighbors. The Mehrans are concerned about sound reverberation. They are also concerned that they will have new drainage problems and have already dealt with drainage problems in the past with the previous owners.

Jim Toby, the civil engineer on the project, explained the plan for a retention system underneath the tennis court that will pump water through large retention pipes. The pump rate will be slow and controlled.

Commissioner Lively asked for more specifics on drainage, specifically what happens if there is a power outage during a heavy storm. Jim Toby answered that there will be a battery or generator back up and since the pump is not that big it shouldn't create any disruption.

The property owner for 92 Sutherland spoke in support of the project.

Commissioner Lively requested that trees under application be marked so that Planning Commissioners can identify them when they make site visits. He would also like to request a legible copy of the contour map and would like to know the true elevation of the property.

Mr. Sanger gave an overview of the reasons for opposition to the categorical CEQA exemption, as outlined in his letter to staff, dated October 31, 2012.

CLOSE PUBLIC COMMENT

Commissioner Lively stated that he feels the project is not CEQA exempt.

Commissioner Widmer wished to abstain from comment at this point.

Commissioner Lane concluded the project meets the CEQA exemption. He is worried about drainage and wants to be sure that the drainage issue is addressed.

Chair Christensen feels that the project is exempt from CEQA.

MOTION to find the project categorically exempt under CEQA as outlined in the staff report.

M/S Lane/Christensen Ayes: 2 (Lane, Christensen) Noes: 1 (Lively) Abstain: 1 (Widmer)

Deputy Town Planner Lisa Costa Sanders commented that there were two public notice mailings for the project, both with a 500' radius. The first mailing was October 12, 2012 and the second was November 21, 2012. Deputy Town Planner Lisa Costa Sanders explained that there are strict grading and drainage standards that are very typical as part of the building process, but they are typically not seen at the Planning Commission level.

Commissioner Lively and Chair Christensen both think that more clarification of site work is needed for commission review.

M/S Lively/Lane to continue the item to the next regular Planning Commission meeting on January 23, 2013.

NEW BUSINESS

8. Presentation on Heritage Tree Removal Process

Town Arborist Kevin Kielty presented the staff report on the current Heritage Tree Removal process.

Chair Christensen asked if there was any restriction on the number of trees a resident could remove in a certain number of years. Deputy Town Planner Lisa Costa Sanders answered that there is no prohibition of removal. She added that replacement trees are protected.

Chair Christensen also asked about the current public notification process. Kevin Kielty and Associate Planner Andrea Mardesich explained that there is a binder in the Building Department that holds the current tree removal applications. There is currently no appeal period. Assistant City Attorney Jennifer Larson Connors pointed out that delaying tree removals can create a liability for the Town when dealing with a hazardous tree.

Deputy Town Planner Lisa Costa Sanders suggested a rating scale approach with 9-10 being immediate removal. Town Arborist Kevin Kielty answered that he could use a 12 point rating system to rate trees.

Commissioner Lane suggested that first they should lay out the process, specifically that the application should be the first step. He also suggested that they restate the Town's commitment to protecting trees. Lastly Commissioner Lane suggested that a notification should happen within a 500' radius.

Commissioner Widmer asked what arborists look for in evaluating a tree. Town Arborist answered that they look for large decay, bleeding on the trunk, a thinning canopy, a co-dominant leader with poor crotch formation. Additionally, if there is a heavy lean, there is a chance roots will break. If it is a high profile tree, Town Arborist Kevin Kielty will do his own tests. He also looks for Oak Root Fungus. Commissioner Widmer suggested that there be a checklist in order to create the documentation to substantiate the findings.

Town Arborist Kevin Kielty concluded by saying he takes photos of trees if he thinks they might be problematic. He also remarked that it is important to remove diseased trees so that they don't spread disease to other trees. Commissioner Lane suggested a Town-wide tree count to give people an idea of how many trees the town has and what percentage are removed and/or planted yearly.

ADJOURN – The meeting adjourned at 8:30pm.

Respectfully Submitted:

Lisa Costa Sanders, Deputy Town Planner