



Minutes
Town of Atherton
City Council/
Atherton Channel Drainage District
October 3, 2018
4:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL

Lewis, DeGolia, Lempres, Vice Mayor Widmer, Mayor Wiest

Lewis was excused.

Council Member Lempres announced that he recently moved homes, still within Atherton, but that he is relatively close to the civic center project and that he may have to recuse himself from all civic center items going forward.

PUBLIC COMMENT – *None.*

SPECIAL SESSION AGENDA

**1. ATHERTON CHANNEL DISTRICT OVERVIEW AND FINANCES –
DISCUSSION AND DIRECTION**

Report: Public Works Director Robert Ovadia

Discussion: *The City Council/Atherton Channel District Board members will receive a report on opportunities to expand the boundaries of the District to include additional properties that may drain to the channel, as well as additional revenue opportunities; and information regarding the policies related to managing runoff generated by development draining to the channel in the various jurisdictions within the drainage basin. City Council will discuss and provide direction regarding district financing options*

Public Works Director Ovadia summarized his report.

There was discussion on properties that currently make up the District and who and how properties would be added into the District. Ovadia explained.

Council discussion included benefits of being included in the District, revenue opportunities, and taxation issues, properties that drain to the channel, prop 218 notices and JPA formation. Rodericks explained that there is a lot of time and commitment that goes into putting this together.

Council would like to hear from someone knowledgeable that represents existing assessment districts and has been involved in forming one.

2. RECEIVE A PRESENTATION ON POWER PURCHASE AGREEMENTS AND PROVIDE STAFF WITH FEEDBACK AND DIRECTION REGARDING THE SAME WITH RESPECT TO THE CIVIC CENTER

Report: City Manager George Rodericks

Discussion: *The City Council will hear a presentation regarding Power Purchase Agreements. The Council will discuss how such agreements can be used as part of the Civic Center Project if the Town adds photovoltaic to the project. The Council will also discuss timing of such Agreements and how that relates to the Civic Center Project. Staff anticipates that the Council will provide feedback on the merits of such Agreements and provide direction to staff on whether to continue to investigate the potential for such Agreements in relation to the Civic Center Project.*

Sven Thesen, Peninsula Clean Energy, provided the Council with a presentation on Power Purchase Agreements.

The Council discussed how such agreements can be used as part of the Civic Center Project if the Town adds photovoltaic (PV) to the project. The Council discussed timing of such an Agreement and how that relates to the Civic Center Project.

It was noted in the presentation, the primary benefits of a PPA, which is a multi-year agreement between a Host (Town) and Provider (which owns and maintains the system) are:

- No Upfront Capital Costs for Town
- Fixed Electricity Costs for Life of Agreement
- System Operation & Maintenance Costs by Provider
- Provider Gets 30% Tax credit & Depreciation and Includes into PPA

Council provided direction to staff to continue to investigate the potential for such Agreements in relation to the Civic Center Project.

ADJOURN

Mayor Wiest adjourned the meeting at 5:28 p.m.

Respectfully submitted,

Theresa N. DellaSanta, City Clerk



MINUTES
Town of Atherton
Joint Meeting of the City Council/ Planning Commission
October 10, 2018
6:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL

Lewis, DeGolia, Lempres, Vice Mayor Widmer, Mayor Wiest
Lamb, Lerner, Sockolov, Tonelli, Chair Lane

Widmer was excused.

Planning Commission Chair Eric Lane will teleconference from:

- Comfort Inn, 3600 W Broadway Blvd, Sedalia, MO 65301

PUBLIC COMMENT – *For items on the agenda.*

SPECIAL SESSION AGENDA

1. DISCUSSION AND DIRECTION ON AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 8.10 “REMOVAL OF AND DAMAGE TO HERITAGE TREES”, INCLUDING AMENDING THE TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS

Report: City Manager George Rodericks

Recommendation: It is recommended that the City Council and Planning Commission receive a report from staff on amendments to the Town’s Municipal Code Chapter 8.10 “Removal of and Damage to Heritage Trees”, including amendments to the Town’s *Tree Preservation Guidelines, Standards, and Specifications* (“*Guidelines*”), have discussion on each of the proposed amendment topics, and provide direction to staff.

Description: Staff, along with the Tree Committee and Planning Commission are evaluating the existing heritage tree regulations both within the Municipal Code and the *Tree Preservation Guidelines Standards and Specifications* (“*Guidelines*”). The City Council and Planning Commission are reviewing the proposed revisions and will discuss a series of amendments related to removal of trees, types of heritage trees, measurement of trees, property development location, tree protection zones, maintenance and protection obligations of property owners during construction and implementation of the Ordinance and associated Guidelines. The Ordinance and Guidelines will return to the City Council at a future meeting for adoption.

Senior Town Planner Stephanie Davis discussed that staff would like to go through each amendment that Council/Commission has provided this far.

Menlo Park Fire District Fire Marshall Jon Johnston provided some consideration which included requiring Class A rooftops in Atherton to reduce the spread of fire, look into the proper

maintenance and proximity of trees, add Eucalyptus trees to the list of non-heritage, and having the overall goal of making properties more fire-resistant.

Davis reviewed the “other” textual additions/amendment topics of the staff report (item 7).

Mayor Wiest asked if the tree evaluation practice requires more work for staff and how the evaluation report is used once it is done. Arborist Sally Bentz said there is some work with filling out the form but it is beneficial for staff to have as it provides objectivity.

1. Incorporation of American National Standards Institute (ANZI) standards and Best Management Practices (BMPs).

No comments.

2. Revise the current definition of a heritage tree and add redwood trees 15.2” in diameter or greater as an additional protected tree in the buildable area.

Davis reviewed the amendments.

DeGolia questioned the difference between the tree definition lists within the current ordinance. Bentz clarified that one list includes trees you can remove without a permit and the other list includes trees you can remove with a permit but that those trees are not recommended for future planting.

Lane noted that the Commission focused on what a heritage tree is and anything not on the list isn’t heritage. He felt it was worthwhile to have a list of things that shouldn’t be planted because that avoids future issues.

Lane added that the Commission felt redwood trees should be on the list because they are prominent in Atherton and if we allow them to be taken down we are sure to get concerned neighbors.

DeGolia noted that the issue is whether or not to protect redwoods if they are within the buildable area.

Lewis agreed with Lane that allowing removal of redwood trees would severely impact the Town’s street scape.

Davis clarified that staff always tries to work with the developer to redesign around the buildable area to the greatest extent possible and there has been a fair amount of success with that; and if there is no consensus then there is discussion about removal of oak trees. This discussion is whether or not to add redwood trees.

DeGolia recalled that Council had chosen not to add redwoods because they are “water hogs.”

Lane felt it was best to allow the standards to change and to keep people engaged in what is going on around them by adding redwood trees and then evaluating if it works a year from now.

Tonelli noted that he and Sockolov were on a subcommittee to evaluate this and they didn't feel that it was a big concern to add it to the list as a layer for review knowing that chances are the tree would come down; and a positive is that it would allow neighbor input.

Lerner noted that most redwoods exist on the periphery of properties and we would be hard pressed to find one in the buildable area where it is already built upon, making this moot.

Mayor Wiest noted that redwoods are clustered and have aggressive roots and was concerned with dealing with them in the buildable foot print.

PPG representative spoke. Some redwoods are quite large and that's a lot of buildable area that would go away. Eats up a lot of area.

Rodericks asked for direction on whether redwoods are protected within the buildable area or not protected within the buildable area.

It was agreed that in the next iteration of the draft ordinance to include redwood trees 15.2" in diameter or greater as an additional protected tree in the buildable area.

3. Reduce the Tree Protection Zone (TPZ) for heritage trees from the current standard.

Davis reviewed the current TPZ standards and conveyed the Commission's recommendation to reduce the TPZ from 12 times diameter to a 10 times diameter with the exception that it be further reduced to 8 times for specific construction i.e. driveways, fences, and/or walls. Davis noted that Council felt those might be too restrictive and requested staff to further analyze smaller lots.

John McLenahan, Arborist, suggested consistency regarding allowing building of walls too close to a tree. He discussed tree preservation and root systems.

Lamb discussed that the Commission's recommendation came from the standpoint that it would be simple to enforce and not overly restrictive.

Lane noted that he isn't hung up on the TPZ diameter as much as he is with being consistent so he can apply the rules accordingly.

There was a lengthy discussion on the TPZ size. Staff will return to Council and incorporate

4. Provide greater specification of what kind of work is prohibited and permitted within the TPZ.

DeGolia felt it was important to have clarity on what is permitted and what is not.

6. Require a tree inventory with photos and appraisal prior to site demolition permit issuance.

There was discussion about how to determine if a tree has been cut down without a permit. There was discussion about the language. Staff will modify the language to require it to be fair so that neighboring property trees are protected.

DeGolia felt that if the property line is within the tree canopy that would be reasonable.

7. Other textual additions.

Discussion about stronger penalties for heritage tree violations. It was suggested that there be criteria for those who remove trees without permission.

Staff was directed to get information on other jurisdictions penalties and return.

Mayor Wiest requested that Menlo Park Fire District staff work with Town staff to educate residents on fire prevention as it pertains to trees and tree canopies.

ADJOURN

MOTION by DeGolia, second by Lewis to adjourn the meeting.

Mayor Wiest adjourned the meeting at 8:19 p.m.

Respectfully Submitted,

Theresa N. DellaSanta, City Clerk