

**PLANNING COMMISSION  
DRAFT MINUTES**

**TOWN OF ATHERTON  
March 28, 2018  
6:00pm  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT: Eric Lane  
Nancy Lerner  
Paul Tonelli  
Joann Byrne-Sockolov  
Randy Lamb**

Senior Planner Stephanie Davis, Assistant Planner Nestor Delgado, Town Arborist Sally Bentz-Dalton and Assistant City Attorney Jen Larson were present.

**2. PUBLIC COMMENTS**

None

**3. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the February 28, 2018.  
M/S Lamb/Lerner Ayes: 5 Noes:0**

**4. PUBLIC HEARINGS**

- a) Heritage Tree Removal Permit– 28 Selby Lane (APN 059-153-090) – Request for a Heritage Tree Removal Permit to allow the removal of one heritage cedar tree. Atherton Municipal Code Section 8.10.**

Senior Planner Davis presented the staff report.

**OPEN PUBLIC COMMENT**

John Merten, from Studio Green mentioned the habitat in Atherton is not typical for this tree. He presented a map showing the distribution of trees in the lot, and pointed out the narrowness of the lot and required setbacks leading to a limited space to work with. He also mentioned the tree is lean and thinning.

Chair Lane asked what changed from the initial plan submitted to the plan submitted for review at the Planning Commission.

John Merten responded they initially thought the tree would be able to be approved for removal at the staff level.

Sally Bentz, Town Arborist, mentioned she walked the site one year ago and let the applicants know the tree would not be able to be approved at the staff level.

Scott Stottler, project architect, noted traffic on Selby lane and mentioned the purpose of expanding the width of garage would be to create a noise barrier. He noted they would be willing to replace the tree with two, new oak trees. He mentioned meeting with the Town Arborist and moving the proposed house and garage back 2 feet to create more distance from the tree. He mentioned current distance from the garage to the tree is 8 feet, with the Tree Protection Zone (TPZ) requiring 13' of distance due to the tree's diameter.

Commissioner Sockolov asked if any other mitigation efforts were considered.

Scott mentioned masonry walls had been considered.

Sharone Zevahi, homeowner noted the idea of the design is to keep more green space, along with the idea of making the Town feel more like a park. He also noted the tree is tilting and leaning.

#### CLOSE PUBLIC COMMENT

Commissioner Sockolov asked about the TPZ diameter.

Sally Bentz, Town Arborist, responded no final amendments have been made to the Heritage Tree Ordinance, but the most updated recommendation being considered is a TPZ of 8 to 10 times the tree diameter. She noted tree protection should be currently be installed on-site given other construction is already underway.

Commissioner Sockolov mentioned it did not appear tree protection was installed to that standard when she made a site visit.

Commissioner Lerner noted replacement trees would exceed the Town requirements.

Chair Lane asked about the health of the tree.

Sally Bentz, Town Arborist responded the tree is neither dead nor dangerous. She noted she finds the tree is in moderate shape.

Commissioner Tonelli asked about the lean of the tree.

Sally Bentz responded there is a slight lean.

Motion to deny the Heritage Tree Removal Permit to allow for the removal of one heritage cedar tree.  
**M/S Sockolov/Lamb    Ayes:    4        Noes:    1**

**b) Tree Removal Permit– 140 Valparaiso (APN 070-390-010) – Request for a Heritage Tree Removal Permit to allow the removal of two heritage oak trees. Atherton Municipal Code Section 8.10.**

Senior Planner Davis presented the staff report.

Chair Lane asked about the condition of the trees.

Sally Bentz, Town Arborist, responded both trees are leaning with one tree also having broken branches and leaf blight.

OPEN PUBLIC COMMENT

Phil Nettle, project architect, mentioned the community is a retirement community and project goal is to make it safer and more convenient for residents. He noted they want to bring the site into compliance with accessibility laws, improve circulation, and enhance overall safety. He mentioned the site is well covered with trees.

Sister Patty Creedon, Director of the Oakwood Retirement Center, mentioned the slope of the current design is an unsafe design for the residents. She also noted how slippery the area around the trees can be.

CLOSE PUBLIC COMMENT

Chair Lane mentioned adding replacement trees for consistency with other Planning Commission decisions.

Motion to approve the tree removal permit to allow for the removal of two oak trees.

**M/S Lamb/Sokolov Ayes: 5 Noes: 0**

**5. NEW BUSINESS**

**a) Discussion of the Atherton General Plan Update –Amendments to the Land Use Element**

Senior Planner Davis presented the staff report.

Chair Lane mentioned the idea of adding more housing density may lead to a path of too much housing for the local community.

Senior Planner Davis Responded that a density issue is more of a housing-related issue since no land use changes are proposed, but the proposed vision is to maintain the small-town, rural, character of the Town.

Commissioner Lamb asked about number of granny units added.

Senior Planner Davis answered she doesn't have a specific number at the moment, but more new units have been built, rather than garages being converted.

**6. COMMISSIONERS' REPORTS**

Chair Lane mentioned the Commission should concentrate on saving trees in conformance with Heritage Tree Ordinance, not due to beauty or other factors.

**7. STAFF REPORT**

Senior Planner Davis gave an update on 222 Camino al Lago. She mentioned the City Council approved the appeal application to remove the tree. She mentioned the potential for tree to cause a substantive hazard and/or risk was the basis for the approval.

Commissioner Lamb asked if it was lawful that new information was provided to the City Council that was not provided to the Planning Commission.

Jen Larsson, Town Attorney, responded that it was lawful, though bringing the item back to the Planning Commission was discussed by City Council.

Senior Planner Davis mentioned a Tree Ordinance study session will be brought to City Council in April.

**8. ADJOURN**

The meeting was adjourned 7:19 PM

Respectfully Submitted:

*/s/Stephanie Bertollo-Davis*  
Stephanie Bertollo-Davis, Senior Planner