

**PLANNING COMMISSION
APPROVED MINUTES**

TOWN OF ATHERTON

October 23, 2019

6:00pm

Jennings Pavilion, Holbrook-Palmer Park

150 Watkins Avenue

Atherton, California

1. ROLL CALL

PRESENT: Eric Lane
Nancy Lerner
Randy Lamb
Perry Narancic

EXCUSED: Paul Tonelli

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

2. PUBLIC COMMENTS

No public comment made.

3. APPROVAL OF MINUTES

MOTION to approve the minutes of the August 28, 2019 Planning Commission Meeting.

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

4. PUBLIC HEARING

- a. Special Structures Permit – 53 Magnolia Drive (APN 061-122-040) – Request for a Special Structures Permit (SSP) to allow for a habitable basement to be constructed under a detached accessory building (garage) and to expand the area of the associated basement stairwell. Atherton Municipal Code Chapters 17.15, 17.32, 17.40 and 17.44.**

Senior Planner Davis presented the staff report.

Chair Lane asked if the basement was to be below a new or an existing garage.

Senior Planner Davis indicated that it would be below a newly constructed garage.

Commissioner Lerner asked if proposed project had adequate egress for fire safety.

Senior Planner Davis indicated that the both the Fire Marshall and Building Official commented and verified that the proposed project meets building and fire safety standards.

Vice Chair Lamb asked about lighting on the accessory building and whether it would affect neighboring properties.

Senior Planner Davis indicated that any lighting would be downlit and shielded per Atherton Municipal Code.

Open Public Hearing.

Project Architect, Tim Barber discussed the project and shared that they worked with Town departments in designing the proposed project to meet the zoning requirements.

Project Architect showed designs to the Planning Commission and discussed that the project had minimal impacts and that it would be screened with new landscaping.

Lamb asked if a restroom would be put in in the future and the architect said no and that the basement would not be plumbed.

Close Public Hearing.

MOTION to approve the special structures permit to allow habitable basement below an accessory structure at 53 Magnolia Drive.

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

b. Heritage Tree Removal Permit – 180 Hawthorne Drive (APN 061-162-030) – Request for a Heritage Tree Removal Permit to allow for the removal of one (1) on-site Heritage Cedar Tree. Atherton Municipal Code Chapter 8.10.

Senior Planner Davis presented the staff report.

Open Public Hearing

Chair Lane asked if the two other trees on site are planned to remain.

Town Arborist Bentz Dalton indicated that any other heritage trees on site are to remain.

Assistant City Attorney Larson clarified that if the tree is damaged which results in removal then the Town may be able to link actions to the trees death or impacted health.

Open Public Hearing

Project representative explained which trees are to remain and which are to be removed.

Town Arborist explained that construction near the tree was originally approved at six times away from the tree due to the prior existing structure being in the same location.

Town Arborist also indicated that the future updated Heritage Tree Ordinance would allow for construction to be 10 times away.

Vice Chair Lamb had asked what the replanting plan was for the project.

The project representative narrated the replanting plan using an enlarged set of plans that were included and available in Planning Commission packet.

Assistant City Attorney Larson interjected clarified for the record that the enlarged set were the same as the packet, except that the packet shows an older version of proposed replanting plan and the enlarged plan reflects the most up to date replanting plan of four trees instead of three trees.

Project Superintendent, Geno Murdock described the project in regard to damaging the roots of the heritage tree. He explained that the tree was originally desired to be removed by the homeowner, the home owner then decided to construct around it, and now that the construction that has taken place has damaged the heritage tree, the owner would now like to move forward with tree removal.

Assistant City Attorney Larson explained how damage to heritage trees may be assessed and how the project could be held accountable.

Chair Lane discussed challenges of proximity and the requirement that hand digging be present.

Town Arborist Bentz Dalton indicated that the homeowner and project engineer worked with the Town to design and construct in a manner intended to protect the tree.

Chair Lane and Commissioner Narancic asked what the code enforcement implications are, if the tree is approved for removal.

Assistant City Attorney Larson explained that if the Tree is to be removed then code enforcement would need to collect on the damage made to the heritage tree, that fee would be a base rate of \$3200 and further costs depend on any additional assessed damages.

Planning Commission explored different replanting options as informed by Town Staff.

Chair Lane expressed that a replanting plan approved by the Town Arborists could suffice.

Vice Chair Lamb highlighted that the damage was not done maliciously.

Close Public hearing.

MOTION to approve the Heritage Tree Removal Permit to allow for removal of one heritage deodar cedar on the condition that it will be replaced by four- 24” box oaks.

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

- c. Variance – 6 Cowell Lane (APN 070-270-300) – Request for a Variance to allow for the construction of a detached accessory structure (a playhouse) to be located in the required front yard area. Atherton Municipal Code Chapters 17.16, 17.32, and 17.40.**

Applicant requested that this item be continued to the December 4, 2019 meeting.

Motion to continue the item until the December 4, 2019 Planning Commission meeting.

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

5. NEW BUSINESS

- a. Discussion - Atherton Municipal Code Chapter 17.50 “Landscape Screening”, Regulations Pertaining to Landscape Screening Regulations in the Front of Properties.**

Senior Planner Davis presented the staff report.

Chair Lane asked staff how the Town’s Green Infrastructure (GI) workplan may affect landscaping on site.

Senior Planner Davis indicated that the GI Work Plan is a regulatory document regarding on-site stormwater drain management and may include measurements that could incorporate landscaping treatments.

Vice Chair Lamb asked if the Commission should wait for the Green infrastructure work plan.

Senior Planner Davis indicated that the GI Work Plan would not completely address the issue raised but could affect front landscaping on some projects.

Commissioner Narancic asked if the Commission wanted to consider revising the existing municipal code for landscape screening to the front of properties along the public right-of-way.

Chair Lane highlighted that if the Town required further vegetation at the front of the property then associated maintenance could also be required.

Assistant City Attorney Larson also highlighted that property owners are responsible for keeping their landscaping alive.

Assistant City Attorney Larson indicated that it may be useful to identify whether the intent of such landscape screening is to enforce or prevent certain types of front property facades.

Town Arborist Bentz Dalton indicated that a separate encroachment permit would be necessary for any work in the public right-of-way.

Town Arborist Bentz Dalton also highlighted that any landscape screening requirement without clear expectations may lead to a majority of property owners planting landscape screening that is the most cost efficient and feasible option, such as the English Laurel for example.

Senior Planner Davis clarified that topic is consideration of frontyard landscape screening for properties with front yard fences and/or walls and would not be required for properties without a wall or fence.

Staff requested that Planning Commissioners provide direction to staff.

Assistant City Attorney Larson suggested that staff could present this topic to the City Council and see if they would like to further study it.

Commissioner Narancic expressed it may be worthwhile to look further into this.

Chair Lane concurred that the topic could be brought to the City Council for consideration and policy direction.

Commissioner Lerner expressed her support for further studying Landscape Screening in the front of a property.

6. COMMISSIONERS' REPORTS

7. STAFF REPORTS

Staff updated the Planning Commission on General Plan Update.

Staff updated the Planning Commission on the status of the Heritage Tree Ordinance Update.

Staff highlighted that the next meeting is anticipated for December 4, 2019 due to end of year holidays.

8. ADJOURN

The meeting was adjourned 7:42 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Senior Planner