

**PLANNING COMMISSION
REGULAR MEETING
DRAFT MINUTES**

TOWN OF ATHERTON

July 27, 2022

6:00 pm

This meeting was held virtually and in-person.

1. ROLL CALL

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

Town Planner Lisa Costa Sanders, Associate 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 June 22, 2022 Planning Commission Meeting.

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

MOTION to approve the minutes of the June 23, 2022 Planning Commission Special Meeting.

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

4. PUBLIC HEARING

a. Heritage Tree Removal Permit (HTR) and Tree Protection Zone (TPZ) Exception – 50 Tallwood Court, Atherton (APN 074-130-290) – Request for a Heritage Tree Removal Permit for one liquidambar heritage tree and a Tree Protection Zone (TPZ) Exception to allow for consideration of reduced TPZ distances for seven heritage trees; seven heritage trees; two Coast Live Oaks, one Valley Oak, three Redwoods, and one Chinese Elm. Atherton Municipal Code Chapter 8.10.

Associate Planner Ralph Robinson presented the staff report.

Open Public Hearing.

Project representatives Henry Malmberg and Cristin Franklin introduced themselves and said they had no comments to add.

Caroline Beverstock, resident on Walsh Road, said she is horrified by this proposal and that there's been project after project removing the urban forest.

Commissioner Lamb asked if the applicant had done outreach to neighbors and what the response was.

Mr. Malmberg said he did not believe any additional outreach had been done.

Closed Public Hearing.

Chair Lane asked Town Arborist Sally Bentz-Dalton to provide her perspective on the project.

Town Arborist Bentz-Dalton explained that the applicant originally applied for three tree removals and additional TPZ exceptions. They then worked with Staff to keep two of the trees initially requested for removal in place and to increase the TPZ distances for the other trees. She is recommending them because of the uniqueness of the grade changes in the lot and the limited area available to build in. The tree proposed for removal is not in the best shape.

Commissioner Lamb noted that his main concern with any application is whether they spoke to the neighbor. He has no issues with this application.

Commissioner Narancic thanked Ms. Beverstock for her comments.

Chair Lane said he visited the site and it is covered with trees. The tree proposed for removal is impinging on other trees that may be more important to preserve. Combined with the replanting plan, the overall request makes sense to him.

MOTION to approve the removal of one (1) 17.5-inch (17.5") heritage liquidambar tree, Tree #28, at 50 Tallwood Court for the reasons outlined in the Staff Report and subject to the conditions listed in the draft Heritage Tree Removal Permit.

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

MOTION to approve an Exception to the Tree Protection Zone (TPZ) for seven heritage trees, one 35-inch (35") Coastal Redwood (Tree #9) to 6.2 times (6.2x) the trees diameter, one 32.5" Coastal Redwood (Tree #10) to 7.9x, one 22.5" Coast Live Oak (Tree #14) to 6.73x, one 30" Valley Oak (Tree #15) to 7.8x, one 18" Coast Live Oak (Tree #16) to 7.84x, one 21.5" Chinese Elm (Tree #32) to 6x, and one 37.5" Coastal Redwood (Tree #30) to 6x to allow for construction of a new residence at 50 Tallwood Court for the reasons outlined in the Staff Report and subject to the conditions as listed in the draft TPZ Exception Permit.

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

b. Tree Protection Zone (TPZ) Exception – 78 Alejandra Avenue, Atherton (APN 070-250-070) – Request for a Tree Protection Zone (TPZ) Exception to allow for a reduced TPZ distance for one coast live oak heritage tree. Atherton Municipal Code Chapter 8.10.

Associate Planner Ralph Robinson presented the staff report.

Town Arborist Bentz-Dalton said encroachment beyond what could normally be approved at a staff level was minimal and she had no issues with the application.

Chair Lane asked if there was any plan to do deep root fertilization for the tree. Said he has seen it make a real difference for oaks.

Town Arborist Bentz-Dalton said she was not aware if that was planned.

Open Public Hearing.

Project representative Chris Haas said tree is precious to the homeowners and it is in their interest to keep it in the best health possible. Project is pinned between existing structures and the tree, which dictated the final location.

Kenny Tucker, homeowner, stated importance of tree to him. Has spoken with the neighbor about how to protect the tree.

Closed Public Hearing.

Chair Lane said he likes that the house is not being torn down. Added that they should make sure no heavy trucks drive over the roots during construction.

MOTION to approve an Exception to the Tree Protection Zone (TPZ) for one coast live oak tree, Tree #31, to seven and one-half times (7.5x) the trees diameter to allow for the construction of a new detached garage addition at 78 Alejandra Avenue for the reasons outlined in the Staff Report and subject to the conditions as listed in the draft TPZ Exception Certificate.

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

c. Special Structures Permit (SSP) – 73 Maple Avenue, Atherton (APN 060-323-030) – Request for a Special Structures Permit to allow for an addition to the main residence to continue a legal non-conforming side yard setback. Atherton Municipal Code Chapters 17.15, 17.26, 17.33, 17.38 and 17.40.

Associate Planner Ralph Robinson presented the staff report.

Open Public Hearing.

Project representative Chris Day said they are looking to maintain the existing architecture of the house and just extend the back portion.

Closed Public Hearing.

Chair Lane said he went to the site and is glad the existing house is being kept.

MOTION to approve the Special Structures Permit at 73 Maple Avenue allow an addition to a legal non-conforming main building to go beyond the main building area for the reasons enumerated in the staff report and subject to the conditions listed in the Special Structures Permit certificate.

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

d. Special Structures Permit (SSP) – 401 Fletcher Drive, Atherton (APN 073-202-430) – Request for a Special Structures Permit to exceed the maximum overall building height of 30 feet and sidewall height of 22 feet for the main residence. Atherton Municipal Code Chapters 17.15, 17.32, and 17.42.

Associate Planner Ralph Robinson presented the staff report.

Commissioner Narancic asked if public notices were sent for the item.

Associate Planner Robinson confirmed notices sent to all properties within 500 feet.

Chair Lane asked a clarifying question about the area that exceeds the height requirement relative to the additional setback. He also asked what the requirements for the Commission's review of this item were beyond verifying that the additional setback is sufficient.

Associate Planner Robinson added that the Commission also needs to consider the three findings required relative to impacts on neighbors, conformance with other development standards and consistency with the General Plan.

Chair Lane asked about impacts to redwood trees near the existing residence.

Associate Planner Robinson noted the redwoods are not considered heritage trees because of their location in the main building area.

Town Arborist Bentz-Dalton said the applicants will be retaining most of the redwoods on the property but have the option of removing the ones within the main building area.

Chair Lane asked if removing redwoods would reduce the amount of existing screening for the new residence.

Open Public Hearing.

Project representative Ingrid Kong said that they have an existing tree protection plan which will still need to be reviewed and approved.

Nicholas Tan, homeowner, said there were not as many mature trees on the property as they would like. The footprint of the new house should not exceed where the existing house is. Of three potentially impacted redwoods, two would likely be removed due to impacts to the roots. Plan is to mitigate impact of removing those trees by reorienting location of some existing olive trees on the property as well as adding additional mature trees.

Project representative Tom Klope, landscape architect, said two of the redwoods close to the house are compromised and will likely be removed. Relocating olives and adding additional trees that will be sufficient to screen the house.

Chair Lane asked what is driving the need for the excess height.

Commissioner Konce asked how low the valley the house sits in is and why the applicant needed the additional height.

Ms. Kong said there will be a concealed mechanical well that will prevent equipment from being exposed.

Closed Public Hearing.

Chair Lane added he was not initially in favor of the request until seeing the applicant's presentation.

MOTION to approve the Special Structures Permit to allow for the maximum and vertical sidewall height of the main residence to extend to up to 31' 8.5" for the maximum height and 22' 6.5" for the sidewall for portions of the home at 401 Fletcher Drive for the reasons enumerated in the staff report and subject to the conditions listed in the Special Structures Permit certificate.

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

e. Special Structures Permit (SSP) – 96 Laburnum Road, Atherton (APN 061-184-040) – Request for a Special Structures Permit to allow for construction of a detached accessory structure (swimming pool) to be located within the side yard setback. Atherton Municipal Code Chapters 17.15, 17.32, and 17.40.

Associate Planner Ralph Robinson presented the staff report.

Open Public Hearing.

Clay and Kelly Bavor, homeowners, said they wanted to add a pool for their young children in a location where it would not impact the trees on the property or neighboring properties. They

were able to connect with the adjacent neighbors and had not heard any concerns from them. They like the trees, greenery and quiet of their neighborhood, they want to preserve that, and are confident that the project does that.

Project representative Paul Ip, landscape architect, said property has beautiful heritage oaks and redwoods that constrain where a pool can be built.

Chair Lane asked about another existing accessory structure (clubhouse) and whether that would be staying in place.

Mr. Bavor said they considered that location for the pool as well.

Mrs. Bavor reiterated their goal to preserve the existing condition and greenery on the lot.

Closed Public Hearing.

MOTION to approve the Special Structures Permit at 96 Laburnum Road to allow a detached accessory structure (swimming pool) to have a reduced side yard setback for the reasons enumerated in the Staff Report and with the conditions stated in the Special Structures Permit.

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

f. Special Structures Permit (SSP) – 175 Isabella Avenue, Atherton (APN 070-214-140) – Request for a Special Structures Permit to allow for construction of a detached accessory building (outdoor dining pavilion) to have the same front yard setback as the main residence. Atherton Municipal Code Chapters 17.15, 17.32, and 17.40.

Associate Planner Ralph Robinson presented the staff report.

Open Public Hearing.

Project representative Nandini Ramamurthi, architect, said there are no privacy impacts to the Circus Club and clarified species included in the replanting plan.

Lance and Emily Conn, homeowners, said it is a unique lot and there was a lot of conversation to determine the front setback. They did outreach to the neighbors to address any concerns related to privacy.

Closed Public Hearing.

Chair Lane said he went to the site but was not able to view the location because the driveway is so long, so there will be no impact from the location of the structure on the right-of-way.

MOTION to approve the Special Structures Permit to allow a detached accessory building (pavilion) to have the same front yard setback as the main residence at 175 Isabella Avenue

for the reasons enumerated in the staff report and subject to the conditions listed in the Special Structures Permit certificate.

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

5. STAFF REPORTS

Town Planner Lisa Costa Sanders provided an update on the Draft Housing Element. The Town received over 300 public comments about the Draft. The City Council directed staff to make changes to the Draft on July 20th, including removing the multi-family overlays and pulling back changes to the existing CUPs for the private schools. The Council met again on July 27th and authorized Staff to transmit the draft to the State with some other minor changes. Staff expects to get verbal comments in 60-days and written comments within 90-days. Staff will share the transmitted copy with the Commission.

Chair Lane asked if Staff had seen letter regarding Town's ADU projections. Also asked if Ms. Costa Sanders would continue to work with the Town on the Housing Element.

Town Planner Costa Sanders said that letter and all comments were shared with the Council. She added she made an agreement with the Town to help complete the Housing Element.

Commissioner Konce asked about the plans for the multi-family zone.

Town Planner Costa Sanders said multi-family zones had been removed in the draft, but that additional options will be explored to potentially increase diversity of housing types in the Town.

6. COMMISSIONERS' REPORTS

Nothing to report.

7. ADJOURN

The meeting was adjourned 7:38 PM

Respectfully Submitted:

/s/Ralph Robinson

Ralph Robinson, Associate Planner