

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
October 24, 2007
6:00 P.M.**

**TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

**PRESENT: Marion Oster
Jim Dobbie
Philip Lively
Herman Christensen, Jr.**

EXCUSED: Kristi Waldron

City Attorney Marc Hynes, Deputy Town Planner Lisa Costa Sanders, and Building Official Mike Wasmann were also present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the September 26, 2007 meeting.

M/S Christensen/ Lively Ayes: 3 Noes: 0 Abstain: 1 (Oster)

Excused: 1

3. PUBLIC COMMENTS

Melinda Tevis, Tallwood, raised a question in relation to the historic ordinance and the special meeting of the City Council to be held on October 29, 2007 at 7pm. She also commended the Planning Commission for its use of the rules for the basis of the Planning Commission's decisions. She distributed documents to the Planning Commissioners.

4. COMMISSIONER'S REPORTS

Commissioner Dobbie attended the City Council Meeting of October 17, 2007 and noted that in relation to 94 Tallwood, the City Council's decision should not be based on substantial compliance.

5. GENERAL PLAN COMMITTEE REPORTS

The next General Plan Committee meeting is scheduled for November 13, 2007.

6. NEW BUSINESS

None

7. STAFF REPORTS

City Attorney Marc Hynes reported there will be a special City Council Meeting on October 29, 2007 at 7pm and reported that 94 Tallwood was granted Conditional Use Permit by the City Council.

The Drainage ordinance had its first reading at the City Council Meeting.

Mike Wasmann reported that the Building Department is working with code enforcement to remove a shed at 244 Atherton Avenue.

Lisa Costa Sanders reported that the City Council has scheduled a study session for October 29, 2007 for their first review of the draft Zoning Code update.

PUBLIC HEARINGS

- 8. Conditional Use Permit, Heritage Tree Removal Permit and Negative Declaration-50 Valparaiso-** Conditional Use Permit for the Athletic Center, Performing Arts and Creative Arts Building Project and a Heritage Tree Removal Permit to allow the removal of five heritage trees. Atherton Municipal Code Sections 17.32 and 8.10.

Lisa Costa Sanders presented the staff report and requested the applicant discuss the project details for the Commission.

OPEN PUBLIC COMMENT

Norm Colb, Head of Menlo School, noted the school is working with neighbors and intend to honor the residents' request for neighbors perimeter planting. Mr. Colb stated that in response to the communication from Menlo College, the schools are separate entities with the property governed by a trust. He stated that neither school may reasonably withhold permission from the other side. The School reviewed the site plan with the President and Chief Financial Officer of the College last Spring, asked for a comments/ reaction and received none. Mr. Colb stated that the College was informed that Douglass Village (faculty homes) would be demolished.

Jeff Bairry, Trustee at Menlo School stated that the School is working extensively with neighbors.

David McAdoo, Director of School Facilities, presented the proposed buildings, the request to remove heritage trees and location of the temporary portable buildings. He noted that they intend to build to LEED certification and that the proposed improvements are consistent with the School's 2007 Master Plan Update. Mr. McAdoo noted the building to be demolished and that the contractor will be required to shuttle workers in to the site. He also reviewed portable building locations and the location of the proposed new buildings. He further reviewed design details of gymnasium with acoustic alterations to block the sound for the neighbors.

Commissioner Christensen questioned whether the school was going to save tree #267. David McAdoo noted that they would save tree #267.

Commissioner Christensen commented on the letter regarding Menlo College's objection and the neighbor notification letter.

Commissioner Lively questioned the location parking buses at the school. David McAdoo responded the larger school buses will move to the loop road and the smaller bus will be parked back in the yard. Commissioner Lively further questioned where the air conditioning machinery would be located. David McAdoo responded the cooling tower would be adjacent to the new Performance Center and further noted the boiler for heating would be in the gymnasium.

Commissioner Lively questioned proximity of the tree that would be saved to the proposed building. Mr. McAdoo stated tree #267 is 15 feet from the buildings.

Mike Vartain, Attorney for Menlo College, stated the applicant (School) does not own the property. He added that the owner is a separate entity and was not given notice of the application. He further stated the College received notice the morning of October 24, 2007 and therefore requested a continuance. He further noted that under the Joint Operating Agreement there must be a written agreement before the school can seek approval from the Town of Atherton.

Mr. Vartain submitted a letter dated October 24, 2007.

Commissioner Dobbie, questioned if the College could provide documents regarding the Supporting Charity Agreement (Joint Operating Agreement). Mr. Vartain responded that the College would provide copies of the agreement. Commissioner Dobbie requested copies of the Agreement to be submitted to the City Attorney.

City Attorney Hynes recommended the hearing be continued; however noted that the Commission could hear public comments as the item had been noticed.

Mike Vartain requested to inspect the file.

Ms. Costa Sanders replied that Staff would send a copy to Mr. Vartain.

Commissioner Dobbie noted that as Mr. McAdoo indicated, there was virtually no one occupying Douglas Village (campus housing).

Commissioner Lively requested the College provide an update to their Master Plan to the Planning Commission. Mr. Vartain indicated that the College would do so.

Ed Goodstein, acknowledged that the school had done a good job of updating the master plan and working with the neighbors. He further noted that most of the issues had been resolved. He acknowledged that some neighbors did not receive public notice, however he did. He further acknowledged there are still some open issues that need to be addressed.

Maria Chioffi, Howard, stated her property is adjacent to the proposed new gym and she is a member of the working group. She noted that communication in the past has been

satisfactory. She further stated that hours of use should be listed within the Conditional Use Permit.

Maelinda Kaewert, Michaels, expressed concern that she was unaware of the bounce wall design. She further stated that she did not receive notification of this meeting. She expressed concern with the hours of operation and requested some long-term assurance about the issues.

Norm Colb acknowledged Menlo School understood the needs of Menlo College He further stated Menlo College received written record that occupancy of Douglass Village (campus housing) will end in April of 2008 with the College's acknowledgement.

Dr. Jim, Provost at Menlo College, expressed concern with the academic plan and the construction adjacent to the College classroom buildings. He further expressed concern with the proposed fire lane down the center of the college quad.

Commissioner Dobbie, stated that he would like a responsible representative from Menlo College present at the next meeting.

CLOSE PUBLIC COMMENT

Marc Hynes noted that Staff will re-notice hearing and the Commission should hear comments from anyone that was not previously noticed at the next hearing. Marc Hynes will review documents provided by the School and College. Commissioner Lively questioned the hours of use. He further questioned whether the School would lease out the theater, and if so, if it would be under the special event ordinance. David McAdoo responded there will be no third party users.

Commissioner Christensen asked whether the Commission could impose conditions regarding hours of use.

Marc Hynes responded that the conditions must relate to impact and recommended that Menlo School meet with the neighbors to discuss use and hours which then could be included in the Conditional Use Permit.

Commissioner Dobbie stated that the proposed use seemed reasonable and should be documented.

Commissioner Oster expressed her opinion that the the schools reputation has not be tarnished. She further stated she wanted a clear statement on hours and usage. She commended the School on the project's design.

MOTION to continue this item to the December 5, 2007 Planning Commission Meeting.

M/S Christensen/ Dobbie Ayes: 4 Noes: 0 Excused: 1

9. Heritage Tree Removal Permit and Negative Declaration-58 Linda Vista- Heritage Tree Removal Permit to allow the removal of six heritage trees. Atherton Municipal Code Section 8.10.

Lisa Costa Sanders presented the staff report and indicated staff support for the tree removal request.

Commissioner Lively expressed concern with the proposed tree removal, citing General Plan policy to preserve Town's character, and that the Tree Ordinance protects certain trees (based on size and location) noting anything smaller can be removed.

Commissioner Dobbie recognized that the trees had not been maintained and noted that the new owner shall maintain all other trees.

OPEN PUBLIC COMMENT

John Daseking, Architect, noted that property has new owners and that the trees they have requested to remove are in a "wooded" portion of the property and where it appears to have been previously over planted. He further stated that the new owners wish to thin out the Redwoods and are intending to plant additional native trees in other areas that need screening.

Gabe Whelan, Linda Vista, noted his property is directly behind the property requesting tree removal. He noted that this home was once a summer home and then rented to Stanford Professors. He stated he received a notice from the Town regarding the application.

Elizabeth Dixon, Linda Vista, expressed concern and did not understand which trees were being requested for removal. She further questioned why they were being removed in the first place. John Daseking responded that there are three Redwoods the new owners were requesting for removal. He noted these three trees are within a group of other trees. He further noted they were requesting the removal so the other surrounding trees can thrive more efficiently.

Don Dixon, Linda Vista, questioned the need for removal, since the trees are not within a building area. Commissioner Lively noted that many small trees are not protected. John Daseking responded that the new owners intent is not to remove all the trees but to save the ones worth keeping. He further noted that the trees they are retaining are mainly along the fence line.

Mr. Whelan noted the need for landscaping at the rear.

CLOSE PUBLIC HEARING

Commissioner Dobbie noted the replacement planting would need to be done prior to the start of construction.

Commissioner Lively noted the need to review the Tree Ordinance, however would vote in favor of the project. He further recommended that the designer to work closely on screening immediately.

Commissioner Christensen stated this was an example of when trees are not taken care of, and they get to the point where they need to be removed.. He recommended that tree #7 be saved with replacement of three- 60-inch box trees and three-48-inch box trees trees. He added that he saw no reason to remove the Redwoods.

Commissioner Oster also stated tree #7 should be saved and further noted there was no reason to remove the redwoods. She expressed support to remove the three cedars but not the Redwoods.

MOTION to adopt the Initial Study and Mitigated Negative Declaration:

M/S Christensen/Lively Ayes: 4 Noes: 0 Excused: 1

MOTION to approve Heritage Tree Removal Permit to allow the removal trees #37, #38 and #39 based on the following finding and subject to the conditions of the Heritage Tree Removal Permit with the following additional condition:

M/S Christensen/ Oster Ayes: 4 Noes: 0 Excused: 1

Finding:

1. The removal of the trees would not be contrary to the purpose and intent of the Atherton General Plan.

Additional Condition:

1. The applicant shall replace the trees with three 60-inch box trees and three 48-inch box trees.

Deleted: ¶

Commissioner Oster advised of the 10-day appeal period.

10. Conditional Use Permit- 150 Valparaiso Avenue- Conditional Use Permit to allow helicopter landing at the Sacred Heart School campus. Atherton Municipal Code Section 12.28

Lisa Costa Sanders presented the staff report and introduced Police Chief Bob Brennan to respond to any questions regarding the proposed event.

Commission Dobbie inquired on insurance/liability. Chief Brennan responded that the Town is a co-sponsor with Federal Government.

Chief Brennan stated that the event will be conducted during a regular school day. He also stated that they will utilize a rescue helicopter (unarmed).

OPEN PUBLIC COMMENT

There was no public comment for this project.
CLOSE PUBLIC COMMENT

MOTION to approve Conditional Use Permit based following finding and subject to the conditions of the Conditional Use Permit:

M/S Dobbie/ Oster Ayes: 4 Noes: 0 Excused: 1

Finding:

1. The landing of a helicopter at 150 Valparaiso (Sacred Heart Schools) in Atherton can be done without endangering the general welfare and safety of the persons at the site and of the surrounding properties and recommend the City Council approve the Conditional Use Permit.

11. ADOURN

M/S Dobbie/ Oster to adjourn meeting at 8:30 p.m. Motion passed.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner