

**APPROVED MINUTES
PLANNING COMMISSION MEETING
December 7, 2005
6:00 p.m.**

ATHERTON TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Chair Andrews called the meeting to order at 6:00 p.m.

1. ROLL CALL:

PRESENT: **Bob Andrews**
 Jim Dobbie
 Rose Hau
 Kristi Waldron
 Marion Oster

City Attorney Marc Hynes, Building Official Mike Hood, Deputy Town Planner Lisa Costa Sanders and Town Arborist Kathy Hughes Anderson were also present.

2. APPROVAL OF MINUTES

MOTION approval of the October 26, 2005 meeting minutes with the following amendment:

- Item #3 (Public Comment): change “mess with water” to “mess with neighbors uphill over watering.”

M/S Oster/Hau Ayes: 4 Noes: 0 Abstain: 1 (Dobbie)

3. PUBLIC COMMENTS

None.

4. COMMISSIONER’S REPORTS

Commissioner Oster requested that the submitted plans be more complete.

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Oster stated that the General Plan Committee met on December 1, 2005 and discussed the topic of Construction parking. The committee requested more information from the City Attorney to remedy length of construction projects. The committee further requested options from the City Attorney and decided not to change the construction hours.

The next General Plan Committee meeting is scheduled for January 11, 2006.

6. NEW BUSINESS

Set the Planning Commission Calendar for the year 2006.

M/S Hau/Oster to accept the Planning Commission calendar as submitted. Motion passed.

7. STAFF REPORTS

None.

PUBLIC HEARINGS

8. Heritage Tree Removal Permit – 284 Greenoaks Drive– Heritage tree removal request to allow the removal of one heritage tree. Atherton Municipal Code section 8.10.

This item has been withdrawn.

9. Heritage Tree Removal Permit – 375 Lloyd Park Lane – Heritage Tree removal request to allow the removal of one heritage tree. Atherton Municipal code section 8.10.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to deny the removal of the heritage tree.

Kathy Hughes Anderson stated that the heritage tree has been at present location prior to the construction of the main house. Ms. Anderson further stated that there was no report documenting damage to the structure.

Paul Cacal, property owner indicated that there are cracks in driveway and soil has risen. He stated that repair was done to the house wall in 2000 prior to his purchasing the property. He wants to remove the tree as it is too close to the house and is willing to replace with new trees.

Dimitri Dimitrelis, 76 Rittenhouse Avenue, encourage the tree to be preserved and submitted photos for commissioners to review.

CLOSED PUBLIC HEARING

Commissioner Dobbie indicated that the tree is healthy and driveway cracks are not justification to remove the tree.

Commissioner Hau stated that the heritage tree is a prominent tree.

Commissioner Oster expressed favor for preserving the tree and further stated that the cracks in the wall could be due to other factors.

Commissioner Waldron stated that the cracks in the walls could be due to expansive soil. The tree is a neighborhood tree and is the only large tree on-site.

MOTION to deny the removal of the heritage tree at 375 Lloyd Park Lane based on the following finding:

M/S Oster/Waldron Ayes: 5 Noes: 0 Excused: 0

Finding:

1. The removal of the tree would be contrary to the purpose and intent of the Atherton General Plan.

10. Conditional Use Permit – 199 Burns – Conditional Use Permit request to allow occupancy of an accessory structure during remodel of the main residence. Atherton Municipal code section 17.36.055(D).

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the occupancy of the accessory structure during construction work on the main residence.

Paul Hammack, 199 Burns, stated that the pool house is 70% complete and should be ready by the end of January. He stated that they intend to live in the pool house and hope to meet their aggressive construction schedule.

CLOSED PUBLIC HEARING

MOTION to approve the Conditional Use Permit to allow the occupancy of an accessory structure during remodel of the main residence at 199 Burns based on the following findings and subject to the three conditions contained in the Conditional Use Permit.

M/S Dobbie/Oster Ayes: 5 Noes: 0 Excused: 0

Findings:

1. The proposed occupancy of the accessory structure would be appropriate under the General Plan of the Town as outlined in this report.
2. The proposed occupancy of the accessory structure at the proposed location will not be detrimental or injurious to persons, property or improvements in the vicinity and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

11. Conditional Use Permit – 150 Valparaiso Avenue – Conditional Use Permit request to construct a new field house and bleacher seating for the football field at Sacred Heart School. Atherton Municipal code section 17.32.030(A).

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the construction of a new field house and bleacher seating for the football field at Sacred Heart School.

Joe Ciangalini, Director of Schools, that they would like to replace the existing bleachers and that the field house and bleachers will serve their existing sports program. He stated that

funds have been raised and that they are ready to construct. He further stated that there are currently no restrooms for spectators/guests and the building will act as a gather place for emergency. Mr. Ciangalini indicated that they conducted a neighborhood meeting on the item.

Dwight Long, architect, stated their goal of a quality long lasting design.

Sandy Dubinsky, Sacred Hear Schools stated that the current bleachers not tall enough to see over players and have a seating capacity of approximately ± 200 . She stated that currently 300-400 people attend a game and that Oakwood is aware of the proposal.

In response to a question, Mr Ciangalini indicated that they will screen the new building with plantings.

In response to a question, Dwight Long stated that an elevator will provide accessible seating at two levels of the bleacher seating.

Commissioner Oster asked about the noise from a sound system. Joe Ciangalini indicated that the noise would mostly project to Valparaiso (church). He further stated that speakers will be at the Valparaiso side pushing noise back to campus with acoustic design prepared by an Acoustical Engineer.

Commissioner Dobbie stated that the plan shows seating for 1,100 people. He would like to see parking plan and a plan for noise control. Dobbie suggested the item be continued for this information. Mr. Ciangalini indicated that large events are during non-school hours and they will be able to accommodate parking. They have 450 on-site parking spaces and also have permission to use the Church parking across the street and Circus Club.

CLOSE PUBLIC HEARING

MOTION to approve the approve the Conditional Use Permit for the construction of a new field house and bleachers on the property located at 150 Valparaiso Avenue (Sacred Heart School) based on the following finding and subject to the three conditions contained in the Conditional Use Permit with the following additional conditions:

M/S Andrews/Hau Ayes: 5 Noes: 0 Excused: 0

Finding:

2. The proposed use at the proposed location will not be detrimental or injurious to persons, property or improvements in the vicinity, and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.
3. The proposed use will be located and conducted in a manner in accord with the general plan and the purposes of that plan and the Zoning Title of the Atherton Municipal Code.

Additional Conditions:

- Add condition #4 as follows; **“Sound from amplified equipment shall be directed inward, away from Valparaiso to the satisfaction of the Building Official.”**

- Add condition #5 as follows; **“Parking shall be managed so as to minimize impact to the surrounding neighborhood.”**

12. Heritage Tree Removal Permit – 247 Atherton Avenue – Heritage Tree removal request to allow the removal of one heritage tree. Atherton Municipal code section 8.10.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to deny the removal of the one heritage tree.

Kathy Hughes Anderson stated that this tree will survive construction and that it looked this way when tree #1 was removed. She stated that the two trees looked much better together. Ms. Hughes Anderson indicated that the tree will not grow limbs in missing area.

Irving Tamura, designer, expressed concern with the close proximity of the tree to the house and potential limb failure. He also stated that it is not an aesthetic tree.

Tey Mourian stated that they will be adding 65 trees to the property of 24-36” box size. He stated that the owners experienced a tree falling on their other property in Town and are concern as it this tree is so close to the house.

CLOSE PUBLIC HEARING

Commissioner Waldron said that the large tree is in scale with the house and in good condition – should be preserved.

The applicant agreed to mitigation with one 48” native Oak tree.

MOTION to approve the Heritage Tree Removal Permit based on the following finding and the replacement requirement planting.

M/S Andrews/Hau Ayes: 5 Noes: 0 Excused: 0

Finding:

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

13. Excessive Height Permit – 76 Reservoir Road – Excessive Height Permit request to allow an exception to the main building sidewall height limit for a new residence. Atherton Municipal code section 17.20.040(A)(c).

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to approve the Excessive Height permit.

Michelle Swenson, property owner was present to answer any questions.

MOTION to approve the Draft Excessive Height Permit to allow the sidewall height exception at 76 Reservoir Road based on the following findings and subject to the conditions contained in the Draft Excessive Height Permit with the following amended condition:

M/S Dobbie/Oster Ayes: 5 Noes: 0 Excused: 0

Findings:

1. The proposed height exception/residence would be appropriate under the general plan of the town as outlined in this report.
2. The proposed height exception/residence at the proposed location will not be detrimental or injurious to persons, property or improvements in the vicinity and will not be detrimental to the public health, peace, safety, comfort, general welfare or convenience.

Amended Condition:

- Amend condition #3 as follows; “... shall be installed prior to occupancy permit.”

14. ADJOURN

M/S Dobbie/Oster to adjourn the meeting at 8:13 p.m.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner