

PLANNING COMMISSION  
MINUTES

TOWN OF ATHERTON  
February 27, 2013  
6:00pm  
TOWN OF COUNCIL CHAMBERS  
94 ASHFIELD ROAD

1. **ROLL CALL**

**PRESENT:** Herman Christensen Jr.  
Philip Lively  
Mary Beth Widmer  
Eric Lane  
Paul Quinlan

Assistant City Attorney Jennifer Larsen, Deputy Town Planner Lisa Costa Sanders, Town Arborist Kevin Keilty, and Associate Planner Andrea Mardesich.

2. **APPROVAL OF MINUTES**

**MOTION to approve the minutes of the January 23, 2013.**

**M/S Ayes: 3 Noes: 0 Abstain: 2 (Lively/Lane)**

3. **PUBLIC COMMENTS** - none

4. **COMMISSIONERS REPORTS** - none

5. **STAFF REPORTS** – Deputy Town Planner Lisa Costa Sanders reported that the Little League item, which was scheduled to be heard in March, has moved to the April 27 meeting. Also, work continues on the Menlo School, Cartan Field EIR. Neal Martin is working on the project and plans and a summary memo are forthcoming.

**NEW BUSINESS**

6. **Review the Sacred Heart Schools, 150 Valparaiso Avenue, Annual Master Plan Update for 2013**

*Recommendation: Accept the Report for filing*

Chair Christensen recused himself since he lives within the 500 foot radius. Deputy Town Planner Lisa Costa Sanders introduced the item.

Sandy Dubinski, Chief Operations Officer of Sacred Heart Schools, presented the Master Plan Update.

Commissioner Widmer commented that she would appreciate a look ahead to see what is coming up as far as expansion.

Commissioner Lively asked about enrollment expectations. The maximum number of allowed students is still 1196. For the next academic year they will be at 1156 which, Ms. Dubinsky sees as a good number.

Ms. Dubinski commented that Sacred Heart continues to work with Menlo School for traffic mitigation. The design is complete and they would like to have the project complete by August 2013. The project would impact 19 trees total, many of which are heritage trees.

**MOTION to accept the report for filing.**

**M/S Quinlan/Widmer                      Ayes: 4                      Noes: 0                      Recused : 0 (Christensen)**

**PUBLIC HEARINGS**

**7. Conditional Use Permit – 150 Valparaiso** – Conditional Use Permit and Mitigated Negative Declaration for Construction of a 12,000 square foot Practice Gym at Sacred Heart Schools. Atherton Municipal Code Sections 17.12 and 17.36.

***Recommendation:*** Approve the Mitigated Negative Declaration and Approve the Conditional Use Permit

Deputy Town Planner Lisa Costa Sanders presented the proposed Mitigated Negative Declaration. **Katrina Hart Hollick from URS** explained that the mitigation measures from the 2010 Master Plan carry over to this project.

**MOTION to approve the Mitigated Negative Declaration.**

**M/S Lane/Quinlan                      Ayes: 4                      Noes: 0                      Recused : 0 (Christensen)**

Chair Christensen informed the of the 10 day right of appeal.

Sandy Dubinski presented information regarding the Conditional Use Permit. She briefly explained that the building in question will not be used for new events. The building will accommodate events that are currently already happening elsewhere on campus. The anticipated start date is late April or early May and they hope to be complete by the end of November.

Commissioner Quinlan asked if there had been any feedback submitted by the surrounding neighbors. Ms. Dubinski answered that there had been a neighborhood outreach meeting but no one attended.

Commissioner Lane remarked that the proposal is straightforward.

Commissioner Lively asked where people will park during construction. Ms. Dubinsky answered that much of the construction will be completed during the summer months when school is out. They are, however, prepared to move faculty parking should the need arise. The school has a reciprocal relationship with the Menlo Circus Club should the school require overflow parking.

**OPEN PUBLIC COMMENT**

Rose Hau, 15 Isabella, spoke in favor of the project.

**CLOSE PUBLIC COMMENT**

Commission Quinlan agrees with Commissioner Lane. The proposal is complete and straightforward.

**MOTION to approve the Conditional Use Permit.**

**M/S Lane/Quinlan                      Ayes: 4                      Noes: 0                      Recused : 0 (Christensen)**

Chair Christensen informed the of the 10 day right of appeal.

**8. Special Structures Permits and Heritage Tree Removal Permit – 92 Sutherland Drive – Continued from December 5, 2012 and January 23, 2013** – Special Structures Permit to allow retaining walls closer than 20’ to one another, a Special Structures Permit to allow a carport to be located in the side yard up to the front yard setback, and a Heritage Tree Removal Permit to allow the removal of two heritage trees. Atherton Municipal Code Sections 17.15, 17.40 and 17.46 and 8.10.

**Recommendation:** *Approve the Special Structures Permit and the Heritage Tree Removal Permit*

Associate Planner Andrea Mardesich presented the item.

Architect for the project, Bob Swatt, spoke about the project. He pointed out the 5 degree rotation of the tennis court and emphasized the extensive screening.

Chair Christensen asked about the retaining walls. Mr. Swatt explained that the walls are concrete masonry with substantial sound reduction. Chair Christensen clarified by asking if the walls provided sound absorption and Mr. Swatt responded in the affirmative.

Commissioner Lively asked if the grading takes into account the 48” diameter retention tanks. This was not immediately known.

Commissioner Lively asked where the pump equipment will go. Mr. Swatt answered that it will go under the court but it has not been engineered yet.

Commissioner Lane state his concern if the pump failed. Mr. Swatt explained that there will be a battery powered back-up pump.

**OPEN PUBLIC COMMENT**

**CLOSE PUBLIC COMMENT**

**MOTION to approve the Heritage Tree Removal Permit (tree closest to the house).**

**M/S Lively/Quinlan                      Ayes: 5                      Nays: 0**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

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

**MOTION to approve the Special Structures Permit (carport).**

**M/S Lane/Widmer                      Ayes: 4                      Nays: 1 (Quinlan)**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

1. *The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening*
2. *The granting of the special structures permit is consistent with the objectives of the Atherton General Plan and this title.*

**MOTION to approve the Heritage Tree Removal Permit (leaning tree).**

**M/S Lively/Widmer**

**Ayes: 5**

**Nays: 0**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

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

**MOTION to approve the Special Structures Permit (walls).**

**M/S Lively/Lane**

**Ayes: 5**

**Nays: 0**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

1. *The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.*

**9. Special Structures Permit – 49 McCormick Lane – Special Structures Permit to allow a basement under an accessory structure. Atherton Municipal Code Sections 17.15 and 17.44.**

***Recommendation:* Approve the Special Structures Permit**

Associate Planner Andrea Mardesich presented the item.

Commissioner Lively clarified that the structure is both Second Dwelling and accessory structure? This was verified by Lisa Costa Sanders.

Town Arborist Kevin Keilty reported that the tree in question is in good shape. It will require an arborist's report and a tree protection plan. The basement will encroach into the root zone but within acceptable levels. The tree protection plan will mitigate root disturbance.

Scott Mitchell, 158 Greenoaks, and the project architect, explained the project.

**OPEN PUBLIC COMMENT**

Barron and Regis Anderson, 65 McCormick, spoke in support of the project. They wanted it known that not all neighbors are unanimously opposed to the project.

CLOSE PUBLIC COMMENT

Commissioner Quinlan asked if there were any other comments from the neighbors. Associate Planner Andrea Mardesich answered that there were not.

Commissioner Lane inquired about landscape screening. Deputy Town Planner Lisa Costa Sanders answered that it has been taken care of. Commissioner Lane also asked about protecting the trees. Ms. Costa Sanders answered that a detailed arborist report will be required prior to permitting. Commissioner Lane asked if they are building into the easement. Ms. Costa Sanders answered that they are not.

Commissioner Widmer suggested that the letter be discounted since it is anonymous.

City Attorney Bill Conners explained that the letter can somewhat be discounted since the author cannot be questioned or asked for clarifications within the letter.

Commissioner Lively has screening and fence concerns.

**MOTION to approve the Special Structure Permit.**

**M/S Quinlan/Lively**

**Ayes: 4**

**Nays: 1 (Christensen)**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

1. *The proposed basement will not impact heritage trees and the proposed basement lightwells are located on the interior side of the yard*
2. *The proposed basement will not negatively impact neighboring properties with respect to privacy and view.*
3. *The proposed basement complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening.*
4. *The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

**10. Special Structures Permit – 228 Atherton Avenue** – Special Structures Permit to allow a basement beyond the footprint of the first floor of the main residence. Atherton Municipal Code Sections 17.15 and 17.44.

***Recommendation:*** *Approve the Special Structures Permit*

Associate Planner Andrea Mardesich presented the item.

Commissioner Quinlan asked if there is any more buildable area on the property. Associate Planner Mardesich answered that there is one square foot remaining.

Chair Christensen asked if there is staging plan for construction. The architect for the project answered that it will be part of the application submittal.

Commissioner Quinlan does not think it is in the spirit of the intended code (i.e. the squaring off of the basement). He believes the project circumvents the floor area maximum.

Commissioner Lane commented that there is no adverse impact to the neighborhood and thinks it should be approved.

**MOTION to Approve the Special Structures Permit to allow a basement beyond the footprint of the first floor of the main residence.**

**M/S Quinlan/Lively**

**Ayes: 4**

**Nays: 1 (Quinlan)**

Chair Christensen informed the of the 10 day right of appeal.

*Findings:*

- 1. The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.*
- 2. The granting of the Special Structures Permit is consistent with the objectives of the Atherton General Plan.*

**ADJOURN** – The meeting adjourned at 8:00pm.

Respectfully Submitted:

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Lisa Costa Sanders, Deputy Town Planner