

**PLANNING COMMISSION  
FINAL MINUTES**

**TOWN OF ATHERTON**

**June 26, 2019**

**6:00pm**

**Jennings Pavilion, Holbrook-Palmer Park**

150 Watkins Avenue,

**1. ROLL CALL**

**PRESENT:** Eric Lane  
Nancy Lerner  
Randy Lamb  
Paul Tonelli (arrived at 6:10 p.m.)

**EXCUSED:** Joann Sockolov

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

**2. PUBLIC COMMENTS**

No public comment made.

Assistant City Attorney Jen Larson presented discretionary information regarding item 4c and noted that the item was pulled from the agenda due to the legal requirements associated with Conditional Use Permits.

**3. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the May 22, 2019 Planning Commission Meeting.  
M/S Lamb/Lerner Ayes: 3 Noes: 0 Absent: 2**

**4. PUBLIC HEARING**

- a) **School Master Plan Update – 50 Valparaiso Avenue, Menlo School (APN 070-360-080) – Request for review of 2019 Annual Master Plan Update. Atherton Municipal Code Section 17.32.050.**

Assistant City Attorney Larson disclosed that she would be unable to provide legal advice for Menlo School due to a conflict of interest.

Senior Planner Davis Presented the staff report.

Open Public Hearing

Loren Arms, Director of Operations and Construction at Menlo School, provided updates on Land Use, Future Plans and Circulation/Parking updates. He mentioned that since the year 2000 much of the school has been rebuilt and recently the school broke ground on the Performing Arts Center set to be completed in August 2020. He noted improvements to Cartan field are in the works, but are working through challenges with neighbors.

Mr. Arms mentioned that the school currently provides affordable housing for teachers, and currently the school has 6 apartments for its teachers and is actively seeking opportunities to improve housing affordability for its teachers.

Mr. Arms mentioned the traffic demand management program is active and is actively being monitored. He mentioned that the school has 4 busses with plans to get one new bus each year for the next four years. He mentioned incentives are given to staff that utilize public transportation and the school has vehicles for staff to use to run errands. Parking remains the same since last year.

Mr. Arms noted that the school recently conducted a neighborhood outreach meeting in May, that five people attended, and comments were overwhelmingly positive.

Chair Lane asked if apartments are going to be implemented on property.

Mr. Arms indicated they are exploring options but are currently focused on funding the Performing Arts Center.

Commissioner Tonelli asked how the school feels about the enrollment remaining the same over the years and if they are looking to expand. Than Healy, Head of School, interjected and says they would like to have more students, and it was mentioned they had many applicants this year.

Commissioner Tonelli mentioned that traffic update is appreciated, and they appear to be doing well.

Chair Lane suggested that focusing on neighbors, traffic and finalizing plans with the Cartan Field improvements would be beneficial to moving forward.

Chair Lane mentioned this report serves as a good example for other schools.

Close Public Hearing.

**MOTION to accept for filing the 2019 Annual Master Plan update from Menlo School.**

**M/S Tonelli/ Lamb      Ayes: 4      Noes: 0      Absent:1**

- b) Heritage Tree Removal Permit -168 Elena (APN 070-180-190) – Request for a Heritage Tree Removal Permit to allow for the removal of one heritage deodar cedar tree. Atherton Municipal Code Section 8.10.**

Senior Planner Davis presented the staff report.

Chair Lane asked if the alternative location would be sufficient if the corresponding cedar were to be removed or would it still significantly impact the oak tree.

Town Arborist Bentz-Dalton responded that it would still be in the root zone of the Oak Tree.

Commissioner Tonelli asked Town Arborist Bentz-Dalton if she was satisfied with the trees selected for planting.

Town Arborists Bentz-Dalton replied she is satisfied with the additional trees being planted and that the new trees proposed to be planted were not only for this application but from previous construction related projects at the site as well.

Open Public Hearing.

Project Architect, Tim Chapelle indicated that the gas meter being installed is large, requires pads, bollards and would be more invasive overall at the alternative location. He clarified that the selected location would have a lessor impact.

Close Public hearing.

**MOTION to approve the Heritage Tree Removal Permit to allow for removal of one heritage deodar cedar.**

**M/S Lamb/Lerner      Ayes: 4      Noes: 0      Absent: 1**

- c) Conditional use Permit- 190 Park Lane (APN 070-214-080)- Request for a Conditional Use Permit to allow production of the Menlo Charity Horse Show. Atherton Municipal Code Sections 17.12 and 17.36.**

Motion to be removed from Agenda.

**M/S Lamb/Lerner      Ayes: 4      Noes: 0      Absent: 1**

- d) Appeal to Construction Time Limit- 2 Adam Way (APN 059-311-140- Request to appeal the decision of the Building Official to impose the construction time limit penalty. Section 15.40 and 17.06.**

Senior Planner Davis presented the staff report.

Vice Chair Lamb asked how many homes were built in the Town during that same time frame.

Senior Planner Davis responded 350 new residences were finalized between June 2012-June 2019. She noted, that since the Ordinance was passed in 2006, 17 total homes did not meet their construction time limit, two of which appealed to the Planning Commission and were denied.

Atherton Building Official, Mike Greenlee, noted PG&E delays commonly delay projects 16-18 plus months and that PG&E is slow to respond. He mentioned that during the time of the project, 5 other projects which were greater in size were able to complete even with the PG&E bankruptcy.

Open Public Hearing.

Homeowner, Mei Liang, spoke how the PG&E bankruptcy affected the timeline of the project as they took one year to generate a contract. She stated the contract revision took about 40 days and that she was in constant contact with PG&E. Ms. Liang noted to cause further delay, PG&E did not pay the Town of Atherton in a timely manner due to the bankruptcy process.

Homeowner, Ms. Liang also mentioned delay was caused by unusual heavy rains for the past two-three years.

Chair Lane noted the mold issues reference appeared the responsibility of the contractor. H highlighted that upon visiting the site, it looked as though the site was still under construction.

Vice Chair Lamb asked the homeowner and contractor if this was the first home they have built in Town. They responded that it was not their first time and the contractor said he built 3 homes including this one in Atherton, but none to the size of the project.

Chair Lane asked when the water damage delayed the project.

Homeowner Liang indicated that the water damage delay occurred in January 2019.

Project Contractor stated that the amount of rain delayed the construction process.

Chair Lane asked the Project Contractor how the project was adjusted halfway through the project timeline in order to meet the deadline.

Project Contractor responded that they tried to expedite efforts towards the end.

Chair Lane asked how PG&E caused a delay on the project.

Project Contractor responded PG&E delayed tests and inspections that were dependent on utility connection in the last 6 months of the project.

Commissioner Tonelli asked if there were any internal delays in the design decisions/changes of the project.

Project Contractor indicated that the homeowner was responsible for some delay in the design process.

Christopher Poda, property owner at 35 Adam Way mailed a public comment prior to the meeting and was present to support the decision to deny the appeal due to impacts of construction on the neighborhood.

Chair Lane asked Building Official Greenlee if there were any delays in PG&E bankruptcy related payments for any other projects.

Building Official Mike Greenlee responded that there were other related delays, however it has not affected their associated construction time limits and has never been brought up for appeal in other projects.

Chair Lane indicated this Ordinance is about being a good neighbor, that construction disrupts the neighborhood and the Ordinance puts a time limit on how long it can affect a neighborhood.

Commissioner Lerner highlighted that the Town should not take the loss here and that the homeowner should hold accountable the party at fault, not the Town.

Commissioner Tonelli supports the staff recommendation to deny the appeal and highlighted the amount of projects successfully completed during the timeline.

Vice Chair Lamb highlighted that all projects are dealing with PG&E and that the circumstances here are not unique. He also clarified the need to define what 36 months meant for the construction time limit ordinance.

**Motion to Deny appeal for Construction Time Limit**

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

**5. COMMISSIONERS' REPORTS**

Vice Chair Lamb talked about adding to a future meeting discussion on the 36-month time window for the Construction Time Limit and the growing issue of rocks, trees and stumps installed in the front of homes to prevent parking.

**6. STAFF REPORTS**

Senior Planner Davis introduced new Town Assistant Planner, Jake Garcia and the 2 new Planning Commissioners Randy Lamb (reappointed), and Perry Narancic, who formerly served on the Town's Park and Recreation Committee. Senior Planner Davis mentioned the next meeting on July 24, 2019 and will be at Holbrook Palmer Park, but that specific building is still to be determined.

Chair Lane asked about upcoming agenda items.

Senior Planner Davis noted that the public request to evaluate landscape screening requirements for front of properties would be presented at the next meeting and provided an update on the 2019 General Plan update.

Chair Lane asked about the status of the Heritage Tree Ordinance update.

Senior Planner Davis responded that an Ad-Hoc subcommittee of 2 City Council members has been appointed to work with staff, and that following their review and comments, the item, will go back to the City Council as a discussion item prior to any formal action requested.

**7. ADJOURN**

The meeting was adjourned 7:25 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Senior Planner