

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
June 23, 2010  
6:00 P.M.  
TOWN COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL:**

**PRESENT: Philip Lively  
Paul Quinlan  
Herman Christensen Jr.  
Kristi Waldron  
William Grindley**

Assistant City Attorney Ben Winig, Town Planner Neal Martin, Deputy Town Planner Lisa Costa Sanders and Town Arborist Kathy Hughes Anderson were also present.

**2. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the May 26, 2010 meeting as submitted.  
M/S Christensen/Lively Ayes: 5 Noes: 0**

**3. PUBLIC COMMENTS- none**

**4. COMMISSIONER'S REPORTS**

Commissioner Lively reported on the status of the Housing Element, noting the State is satisfied that the Element meets State law with the suggested changes. Staff anticipates review of the Housing Element at the July Planning Commission meeting.

Commissioner Grindley reported on High Speed Rail.

**5. GENERAL PLAN COMMITTEE REPORTS**

No updates since the last Planning Commission meeting.

**6. STAFF REPORTS**

Lisa Costa Sanders reported that at the last City Council meeting, the Council approved a Resolution to initiate rezoning of Parker Avenue from R1-A to R1-B.

**REGULAR AGENDA**

**7. Master Plan Update – 50 Valparaiso – Menlo School Master Plan Update for 2010**

Staff and the applicant request this item be continued to the August 25, 2010 Planning Commission meeting. Neal Martin noted an issue arose relating to increased enrollment over what was identified in their Conditional Use Permit.

**MOTION to continue the hearing to the August 25, 2010 Planning Commission meeting.**

**M/S Grindley/Quinlan      Ayes: 5      Noes: 0**

Commissioner Christensen recused himself from the meeting as he owns property within 500' of 150 Valparaiso Avenue.

- 8. Certification of Final Environmental Impact Report and Conditional Use Permits – 150 Valparaiso Avenue** - Certification of Final Environmental Impact Report for Sacred Heart Schools Master plan, Conditional Use Permit for West Fields project and Conditional Use Permit for St. Joseph's School portables. Atherton Municipal Code sections 15.32 and 17.52.

Neal Martin introduced the staff report. He indicated that Christopher A. Joseph & Associates prepared the Final Environmental Impact Report which includes the response to comments and any changes to the Draft Environmental Impact Report. Mr. Martin noted the letter received from Alicia Guerra and that the Planning Commission should accept this letter for the file. He stated that there are not outstanding impacts that cannot be mitigated. The requested action from the Planning Commission is to recommend the City Council certify the Final Environmental Impact Report.

**OPEN PUBLIC HEARING**

Terry Waters, 25 Emilie, commented on the cars being parked along Park Lane and asked how the cue to the parking area works.

**CLOSE PUBLIC HEARING**

Commissioner Lively indicated that he reviewed the Environmental Impact Report and felt it was very comprehensive.

**MOTION to recommend that the City Council certify the Final Environmental Impact Report for the Sacred Heart Schools Master Plan Project as adequate and has been prepared in accordance with the California Environmental Quality Act.**

**M/S Grindley/Quinlan      Ayes: 4      Noes: 0      Excused: 1 (Christensen)**

Neal Martin reviewed the West Field project. He indicated that the field is to be constructed with synthetic turf and that Sacred Heart has designed a storm water detention system. Mr. Martin stated that the project also includes the extension of the Elena parking lot. He noted that no heritage trees would be impacted by this project.

**OPEN PUBLIC HEARING**

Sandy Dubinsky, Sacred Heart Schools, was available for questions.

Commissioner Lively asked about lighting. Ms. Dubinsky responded that all lighting will be shielded and will spill downward.

Commissioner Lively asked about the fence height at the baseball field. He also expressed concern with the location of the batting cages and associated noise.

Brian Bell, Operations Officer for Sacred Heart Schools, clarified the location of the baseball field improvements.

Sandy Dubinsky stated that the fields are available for use from 8:00am until sunset.

Commissioner Quinlan asked if any neighbors commented on the change in field locations. Ms. Dubinsky responded that most of the comments from neighbors related to the new building. She also noted that she met with the Manager of the Circus Club to review the plans and he did not have any concerns.

CLOSE PUBLIC HEARING

**MOTION to recommend the City Council approve the Conditional Use Permit for the West Fields Project, based on the findings and for the reasons incorporated in the Staff Report with the removal of condition #12.**

**M/S Grindley/Quinlan      Ayes: 4      Noes: 0      Excused: 1 (Christensen)**

**Findings:**

1. The proposed uses at the proposed locations 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.
2. The proposed uses 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.
3. The proposal is consistent with the Atherton General plan and the PFS zoning district standards.
4. The proposed project is consistent with the Sacred Heart Schools Master Plan.
5. The Planning Commission reviewed and considered the information contained in the Final EIR prior to recommending approval of the project.

Neal Martin presented the staff report for the Conditional Use Permit request to install three new portable buildings for St. Joseph's School. Mr. Martin noted that there will not be an increase in enrollment as a result of the portables. He stated that the portables are intended to remain for one year at the site.

OPEN PUBLIC HEARING

Commissioner Grindley asked where the other portable buildings will be located. Sandy Dubinsky represented the location on the site plan.

CLOSE PUBLIC HEARING

Commissioner Lively noted he visited the site and is supportive of the request.

**MOTION to approve the Conditional Use Permit for the St. Joseph's 2010-11 Academic Year Portable Classrooms Project, based on the findings and for the reasons incorporated in the Staff Report with the following additional condition.**

**M/S Grindley/Lively            Ayes: 4            Noes: 0            Excused: 1 (Christensen)  
Findings:**

1. The proposed uses at the proposed locations 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.
2. The proposed uses 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.
3. The proposal is consistent with the Atherton General plan and the PFS zoning district standards.
4. The proposed project is consistent with the Sacred Heart Schools Master Plan.
5. The Planning Commission reviewed and considered the information contained in the Final EIR prior to recommending approval of the project.

**Additional Condition:**

1. Add condition #6 to read as follows; "This Conditional Use Permit shall be valid for the academic year of 2010-11. The portable classrooms shall be removed for the site prior to August 31, 2011 unless an application for extension is approved by the Planning Commission".

**Chair Waldron advised of the 10-day appeal period.**

Commissioner Christensen joined the meeting.

Commissioner Lively recused himself from the meeting as he owns property within 500' of 41 Irving Avenue.

**9. Heritage Tree Removal Permit and Mitigated Negative Declaration – 41 Irving Avenue** – Heritage Tree Removal request to allow the removal of seventeen heritage trees. Atherton Municipal Code section 8.10.

Lisa Costa Sanders presented the staff report and reviewed the mitigation measures contained within the Mitigated Negative Declaration.

Commissioner Grindley asked whether when the trees are removed, would you also need to remove the soil. Kathy Hughes Anderson responded that no, they would not need to also remove the soil as the soil is not contaminated.

Commissioner Waldron asked how many trees staff is recommending for replacement. Kathy Hughes Anderson responded that staff recommends eight new trees for replacement if the permit is granted.

Commissioner Christensen asked if Kathy Hughes Anderson agreed with the applicant's statement that replacement planting should be delayed six months to a year due to the condition of the soil. Ms. Hughes Anderson stated that she does not agree with the statement as the soil is not contaminated.

#### OPEN PUBLIC HEARING

Ray Girouard, property owner, discussed his request for smaller tree size at the time of planting as the tree would do better over time. He also stated that he would like to plant five trees as replacement planting.

In response to a question, Kathy Hughes Anderson stated that the Town typically plants 15 gallon or 24" box size trees for its projects.

Ray Girouard stated that he would like the Commission to consider allowing him to plant on the other side of the wall along the drainage ditch at Marsh Road. He also stated that he would like to coordinate with his neighbor's planting to ensure the trees are compatible. In response to a question from the Commission, Mr. Girouard indicated that he would like to plant the replacement trees in early spring or late next winter.

Commissioner Christensen asked the applicant to restate how many trees he would like to plant as replacement. Mr. Girouard stated that he would like to plant five trees for replacement.

Commissioner Quinlan asked the applicant to clarify the location of the replacement planting. Mr. Girouard stated that he is requesting the replacement planting be along the drainage ditch at Marsh Road.

Commissioner Grindley asked the applicant to confirm that his request is to remove seventeen trees and replace with five trees. Mr. Girouard stated that he is requesting the removal of seventeen eucalyptus trees and will replace with five trees along the drainage ditch at Marsh Road and would like to install the replacement planting in March/April, 2011.

Brian Fenske, Arborist stated that 15 gallon trees are appropriate planting size and that smaller trees grow faster and are more adaptable.

Cyrus Safai, Irving Avenue, indicated his support for the removal of the trees. He indicated that he removed trees and replaced with smaller sized oak trees.

Ravi Jacobs, Irving Avenue, indicated his support for the tree removal as requested.

Commissioner Christensen asked about the size of the replacement trees. Kathy Hughes Anderson stated that it is true that smaller trees grow faster than larger trees.

Ray Girouard stated if they were to plant the trees between the drainage ditch and the wall, it would be difficult to plant larger trees due to the limited space.

**CLOSE PUBLIC HEARING**

Lisa Costa Sanders indicated that the larger replacement trees would provide better soil stabilization and more immediate visual relief as discussed in the Mitigated Negative Declaration. She also expressed concern with the timing of the replacement planting as discussed by the applicant. Ms. Costa Sanders indicated that the replacement planting would need to occur on private property and that she is not able to confirm the area the applicant would like to plant on is within his private property.

**MOTION to find that the Initial Study and Draft Mitigated Negative Declaration prepared for this project are adequate and in conformance with the California Environmental Quality Act and that the Planning Commission adopt the Draft Mitigated negative Declaration for the 41 Irving Avenue Tree Removal Project.**

**M/S Christensen/Quinlan                      Ayes: 4                      Noes: 0                      Excused: 1 (Lively)**

Commissioner Quinlan stated that he visited the site and is supportive of the removal request with replacement planting of eight trees to the satisfaction of the Town Arborist. He stated the replacement planting should occur within six months.

Commissioner Christensen stated that he is supportive of the removal of the trees, replacement with eight trees and that the trees be a mix of 24” box size and 15 gallon and that replacement planting occur within 10 months.

Commissioner Grindley indicated his support for the removal request.

Commissioner Waldron stated the replacement planting should include a mix of larger trees, 36” box size, for a visual impact.

**MOTION to approve the Heritage Tree Removal Permit for the removal of seventeen heritage trees at 41 Irving Avenue subject to the conditions in the draft Heritage Tree Removal Permit and based on the findings and for the reasons incorporated in the Staff Report with the following modified conditions.**

**M/S Quinlan/Grindley                      Ayes: 3                      Noes: 1 (Christensen)                      Excused: 1 (Lively)**

**Findings:**

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

**Conditions:**

1. Modify condition #2 to read as follows; “The replacement planting shall be a minimum of eight trees with a mix of size; 36”, 24” and 15 gallon trees to the written satisfaction of the Town Arborist. The species and location of the replacement trees shall be to the written satisfaction of the Town Arborist.
2. Add condition #5 to read as follows; “Replacement planting shall occur within six months of the effective date of this permit.

**Chair Waldron advised of the 10-day appeal period.**

Commissioner Grindley was excused from the meeting.

Commissioner Lively joined the meeting.

**10. Heritage Tree Removal Permit – 463 Selby 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.

Commissioner Quinlan asked why the tree is not doing well. Kathy Hughes Anderson stated that there are many issues contributing to the decline of the tree including root rot and insects.

Commissioner Waldron asked if there are other trees on-site. Kathy Hughes Anderson responded that there are other heritage size trees on the property.

**OPEN PUBLIC COMMENT**

John Daesking, Project Architect, stated that the current owners invested significant effort to try to preserve the tree. David Mooring, property owner, was available to answer any questions.

**CLOSE PUBLIC COMMENT**

Commissioner Christensen indicated that he would prefer replacement planting of two 24" box size trees.

Commissioner Quinlan stated that it is a nice looking tree but not doing well so would be supportive of the removal request.

Commissioner Lively stated that he visited the site and agrees with the removal with additional replacement trees.

Commissioner Waldron noted her agreement to require two trees for replacement planting.

**MOTION to approve the Heritage Tree Removal Permit for the removal of one heritage tree at 463 Selby Lane subject to the conditions in the draft Heritage Tree Removal Permit and based on the findings and for the reasons incorporated in the Staff Report with modification of the following condition:**

**M/S Waldron/Quinlan      Ayes: 4      Noes: 0      Excused: 1 (Grindley)  
Findings:**

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

**Condition:**

1. Modify condition #2 to read as follows; “The replacement planting shall be a minimum of two-24” box size native oak trees, to the written satisfaction of the Town Arborist. The species shall be to the written satisfaction of the Town Arborist.

**Chair Waldron advised of 10-day appeal period.**

**11. ADOURN**

**M/S Quinlan/Lively to adjourn meeting at 7:45pm. Motion passed.**

**Respectfully submitted,**

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Lisa Costa Sanders, Deputy Town Planner