

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
July 24, 2013  
6:00pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT: Herman Christensen Jr.  
Philip Lively  
Mary Beth Widmer  
Eric Lane  
Paul Tonelli (excused)**

Assistant City Attorney Jennifer Larsen and Deputy Town Planner Lisa Costa Sanders were present.

**2. APPROVAL OF MINUTES**

**MOTION to approve, as amended, the minutes of the June 26, 2013 meeting.  
M/S Lively/Lane Ayes: 4 Noes: 0 Excused: 1 (Tonelli)**

**3. PUBLIC COMMENTS - none**

**4. COMMISSIONERS REPORTS - none**

**5. STAFF REPORTS- none**

**NEW BUSINESS**

**6. Review of transmittal letter and list of recommendations to the City Council for the proposed Little League improvements to the existing baseball field at Holbrook Palmer Park, 150 Watkins Avenue (APN 061-310-100)**

Chair Christensen introduced the item.

Commissioner Lane asked if the issue of lighting behind the structure should be specified more.

Commissioner Lane also suggested that they reorder the list to place unanimous items first as voted by the Commission.

It was determined that the rear lighting is acceptable as written.

Chair Christensen commented that he is ok with all of the items listed.

**MOTION that the Planning Commission authorize the Chair to sign the letter and transmit the recommendations to the City Council for its consideration with the Use Agreement for the Little League improvements to the baseball field at Holbrook Palmer Park, 150 Watkins Avenue.**

**M/S Lane/Lively Ayes: 3 Abstain: 1 (Widmer) Excused: 1 (Tonelli)**

Deputy Town Planner Lisa Costa Sanders notified the Commissioners that staff will be meeting with the City Manager, Public Works Director and City Attorney to work on the staff report..

Chair Christensen remarked that he would like to turn in the report and attend the City Council meeting.

Deputy Town Planner Lisa Costa Sanders suggested that the Planning Commission authorize the Chair to represent the Commission at the meeting. Assistant City Attorney Jennifer Larson concurred that the Commission should authorize the Chair to attend the meeting on their behalf.

Commissioner Lane asked when the City Council will consider this item. Deputy Town Planner Lisa Costa Sanders responded that the item is currently scheduled for the August 21, 2013 City Council meeting.

**MOTION that the Planning Commission authorize the Chair to speak on its behalf at the City Council meeting at which the Little League presentation is made.**

**M/S Lively/Lane                      Ayes: 3                      Abstain: 1 (Widmer)    Excused: 1 (Tonelli)**

**PUBLIC HEARINGS**

**7. Conditional Use Permit – 4 Heritage Court** – Request for a Conditional Use Permit to allow an addition to the Main Residence be constructed closer than is allowed to the side setback line for accessibility reasons.

Deputy Town Planner Lisa Costa Sanders presented the staff report.

Commissioner Lane asked about the basis for approval. Deputy Town Planner Lisa Costa Sanders reviewed the three findings and the staff position on all three.

**OPEN PUBLIC HEARING**

Martha Renner, 4 Heritage Court, discussed the basis for the proposed design. She noted the 40 heritage trees on the site and noted that none will be removed. The location of the trees left no other place on the property to build. Ms. Renner explained that both property owners are in their 80s with mobility issues. The existing staircase will not accommodate a lift. The property owners have lived in the house for 42 years. The owners require a handicap accessible bedroom and bathroom on the first floor. The room will be soundproofed due to its proximity to a busy street. Ms. Renner reiterated that no trees or landscaping would be removed.

**CLOSE PUBLIC HEARING**

Commissioner Lane asked about past action by the Planning Commission.

Deputy Planner Lisa Costa Sanders answered that there has been no past action by the Planning Commission on accessibility requests.

Commissioner Widmer would like to approve the project but feels it's too far into the setback.

Commissioner Lively visited the site. He could not approve the project as a variance. He noted the code permits second dwelling units with a 20% encroachment into the setback. Commissioner Lively commented that there are other opportunities on the site to build.

Deputy Town Planner suggested that the Commission agree on what encroachment might be allowed so the applicant can work with staff on a redesign.

Chair Christensen commented that there are other places on the site to build (the north side of the family room). The property owner cited the large Redwood trees on that side of the house. Chair Christensen remarked that there is room for some addition.

Chair Christensen can see an alternate plan that would allow the addition of close to 600 square feet. Chair Christensen sees the proposal as a major intrusion into the setback. He is willing to consider a ten foot encroachment or 20% of the side setback.

The architect asked how much of an encroachment would be allowed. Chair Christensen answered that they might consider 20% of the required side yard.

Commissioner Lane clarified that his objective would be to help the homeowners to achieve the desired effect but not to optimize and use as much space as is allowed. Commissioner Lane can see a possible design that will minimize the encroachment.

Ms. Renner noted that she does not want the addition on the other side of the home and cannot convert other rooms. The property owner agreed to continue the item to the next meeting.

**MOTION to continue public hearing for 4 Heritage Court to the next regular Planning Commission meeting.**

**M/S Lively/Widmer Ayes: 4 Noes: 0 Excused: 1 (Tonelli)**

**8. Conditional Use Permit – Sacred Heart Schools, 150 Valparaiso Avenue – Request for CUP13-00003 to amend Conditional Use Permits CUP10-00001 and CUP13-00001 by substituting a Traffic Demand Management (TDM) Program for Required Intersection Reconstruction at Sacred Heart Schools.**

Chair Christensen recused himself from the hearing as he owns property within 500 feet of the subject site.

Deputy Town Planner Lisa Costa Sanders presented the staff report.

Commissioner Lively confirmed that this is to allow the monitoring by the traffic consultant in lieu of the proposed improvements (turn lanes). Commissioner Lively also confirmed that this would be permanent. Deputy Town Planner Lisa Costa Sanders confirmed this. She continued that if such a time occurs where they are not meeting their thresholds then other measures will have to be adopted. The school will have to report to the Town every year on the traffic measures

One change to the Use Permit was to remove a penalty provision as the City Attorney deemed it inappropriate.

**OPEN PUBLIC HEARING**

Sandy Dubinsky, Sacred Heart Schools, commented that when the street widening project was designed, they realized that the project would require the removal of twelve heritage trees. The school worked with staff on an alternative plan. Sacred Heart Schools is committed to implementing TDM measures.

Ms. Dubinsky remarked that Sacred Heart has goals and learning criteria that include teaching students to be stewards of the Earth so the school is trying to take a more sustainable look. The TDM plan already in place has already helped reduce traffic counts to a degree where they are better than the projections of the street widening project.

Mark Spencer, traffic consultant, confirmed the traffic counts are better with the TDM program than if they built the road improvements.

Ms. Dubinsky explained that the school is working on getting families to carpool. When possible they work with Menlo School and have organized a vanpool for the faculty. Ms. Dubinsky commented that the middle school parents are cooperative with biking and walking. They have found that with the high school students biking and walking is a challenge.

Commissioner Widmer asked if there is a parking permit required for the student drivers. Ms. Dubinsky responded that only juniors and seniors are allowed to drive to school and they must register their car with the school.

Ms. Dubinsky referred to engineering, education and enforcement of plans. The school is working on education now. Parents want a safe route to school. The school is working with the Town for further improvements. The next step will be working on better enforcement. They have a plan to deal with people who are in violation.

Commissioner Lively commented that they are doing a good job right now but asked what happens in the future. He also asked how the Town knows the numbers are accurate.

Ms. Dubinsky answered that the TDM program requirement and monitoring is ongoing. If problems arise, they will address them.

Mark Spencer, traffic consultant, commented that the TDM plan controls Sacred Heart's traffic contribution to the local roadways. Mr. Spencer added that his reports do undergo professional review by the Town staff.

Deputy Town Planner, Lisa Costa Sanders commented that the Town will retain the traffic consultant for future reports, funded by the school.

David McAdoo, Director of Operations for Menlo School, spoke in favor of the TDM program. He thinks it is working well at Menlo School. It reduces traffic. There are opportunities for program sharing including vanpools for faculty.

#### CLOSE PUBLIC HEARING

Commissioner Widmer does not feel this is a fair swap. She is not convinced this agreement is enough.

Commissioner Lane appreciates the level of effort. He is comfortable with the approach and with the ongoing monitoring.

Commissioner Lively commended Sacred Heart for their effort. He feels it is still early and wants more experience.

Alicia Guerra, Briscoe, Ivester & Bazel, the attorney for Sacred Heart, remarked that the issue is compliance with the Conditional Use Permit to construct the roadway improvements by August of this year. TDM is a more robust program to substitute. Under CEQA they are allowed to change the mitigation measures. They found the TDM to be more effective than roadway work.

City Attorney, Jennifer Larson, commented that if the Planning Commission wants more time, they could recommend a longer timeline to the City Council.

Commissioner Lane asked if they could implement a portion of the improvement.

Commissioner Lively commented that he is okay with two years and asked if they would be holding requirements for improvements.

Commissioner Lane agreed that two years would be acceptable.

Ms. Dubinsky answered that the school has already posted bond (in the form of cash) for improvements.

Mark Spencer commented about physical improvements. Design alternatives were looked at and are less safe and substandard. TDM achieves core traffic reduction.

The items up for discussion:

1. Suspend the implementation date until August 31, 2015,
2. Continue the TDM program as proposed by Sacred Heart, and
3. Approve the release of the bond currently on deposit with the Town

Ms. Guerra explained that the Town has other remedies if Sacred Heart doesn't achieve their goals for two consecutive years.

Commissioner Lane is concerned with the longer timeline.

Ms. Guerra explained that they are trying to mitigate the impact under CEQA. The mitigation needs to be both enforceable and constitutional. They need to determine if the mitigation is appropriate to the impact. The bond cost is substantial. TDM program is also costly. Essentially, the school is being asked to double-mitigate.

**MOTION for the Planning Commission to suspend the implementation date of the roadway improvements until August 31, 2015, continue the TDM program as proposed by Sacred Heart, and approve the release of a bond currently on deposit with the Town.**

**M/S Widmer/Lane                      Ayes: 3                      Excused: 2 (Christensen, Tonelli)**

*Findings:*

1. *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.*
2. *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.*

**9. ADJOURN** – The meeting adjourned at 7:40pm.

Respectfully Submitted:

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Lisa Costa Sanders, Deputy Town Planner