

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
January 22, 2014
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Philip Lively
Mary Beth Widmer
Eric Lane
Paul Tonelli (excused)**

Assistant City Attorney Jennifer Larson, Deputy Town Planner Lisa Costa Sanders, Town Arborist Kevin Kielty, and Associate Planner Andrea Mardesich were present.

2. APPROVAL OF MINUTES

**MOTION to approve, as amended, the minutes of the December 4, 2013 meeting.
M/S Lane/Lively Ayes: 3 Noes: 0**

3. PUBLIC COMMENTS - none

4. COMMISSIONERS REPORTS

Commissioner Lively reported that City Council will begin leasing activities in Holbrook Palmer Park. They have selected a vendor and written a contract.

5. STAFF REPORTS

Deputy Town Planner Lisa Costa Sanders reported that the City Council heard the Little League item and provided direction to staff regarding the terms of the Use of Field Agreement. The next step is preparation of detailed working drawings from Menlo Atherton Little League. Commissioner Lively added that the City Council did not reduce the size of the proposed seating. The right field foul pole will be permanent while the left field foul pole will be removable.

PUBLIC HEARINGS

6. Menlo School – 50 Valparaiso Road – Request to Amend the Conditional Use Permit to Eliminate Required Intersection Reconstruction and Revising TDM Program Goals

Deputy Town Planner Lisa Costa presented the item. She explained the process before the Commission.

Steve Ross, Environmental Planner with URS Corporation provided background information on the item and the addendum to the mitigated negative declaration. He explained that the Menlo School TDM program is robust and together with the efforts of Sacred Heart, make the street improvement measures unnecessary.

Commissioner Widmer asked if he contacted the former traffic engineer firm on the discrepancy of the traffic counts. Mr. Ross responded that they did not and that they relied on more recent traffic studies for updated information.

OPEN PUBLIC HEARING

Than Healy, Head of School at Menlo School addressed the Commission. He informed them that the current enrollment is 795 students. He gave an overview of the TDM program and added that it is much more robust than what was required by the Conditional Use Permit. He notified the Commission of the installation of an in-ground car counter and that it provides much more accurate data than the original study.

Commissioner Lively commended Mr. Healy and Menlo School on the Go Menlo program and commented that it is outstanding.

Mark Bowman, Traffic Engineer for Kittelson and Associates, discussed extending the conditional use permit, revising the PM traffic target and changing from point-in-time counting to averages. Mr. Bowman explained that Menlo School would prefer to use averages rather than spot checks for determining the target. He commented that it is not feasible to attain compliance and they would like to use the Institute of Transportation Engineers to revise the target.

Susan Rathbone addressed the Commission on behalf of Sandy Dubinsky of Sacred Heart School in support of Menlo School's TDM program.

CLOSE PUBLIC HEARING

Commissioner Lane noted that the AM number appears to be off also and that it drove the ratio down. He asked if there was an AM maximum. Deputy Town Planner Lisa Costa Sanders answered that there is a trip number for AM identified in the Conditional Use Permit.

Commissioner Widmer suggested that E and F are unacceptable ratings for Level of Service and D should be the target. Commissioner Widmer commented that the bike numbers from Menlo are a concern and that many public schools are doing better. She suggested that many students are well within biking distance of Menlo School.

Commissioner Widmer added that she doesn't see where Menlo School came up with 72% target and that number may not be fair to the Town. Commissioner Widmer would like to clarify the "New Athletic Center" referenced in the conditional use permit to ensure it is not confused with the project at Cartan Field. She also noted that the number of parking spaces should be defined in the CUP.

In response to the question, David McAdoo responded that there are 385 parking spaces on-site.

MOTION that the Planning Commission approve the addendum to the adopted IS/MND.
M/S Lane/Lively Ayes: 2 Noes: 1 (Widmer)

Commissioner Widmer would like to see a compromise in the PM peak traffic numbers.

Commissioner Lane stated that he is in agreement with the maximum threshold request from the school.

Commissioner Lively also indicated his support for the request.

MOTION that the Planning Commission finds, based on substantial evidence that the Intersection Improvements are no longer necessary to mitigate a significant impact and a better alternative exists in the form of the existing TDM program.

M/S Lane/Widmer Ayes: 3 Noes: 0

MOTION that the Planning Commission approve the draft Amended Conditional Use Permit Certificate (Enrollment Increase Project that 1) that revises the PM peak hour trip generation goal, 2) substitutes annual three-day independent traffic monitoring with an annual average of daily counts collected throughout the academic year, using the Menlo School in-pavement counting system, with Town audit, 3) eliminates intersection improvements required as mitigation measures for the original IS/MND, 4) amends the schedule in which the Menlo School would be required to reduce enrollment, if deemed out of compliance with the peak hour thresholds, and 5) retain the independent traffic consultant for three years. The Conditional Use Permit was further amended to reference the Athletic Center as Gym, add a requirement for an independent traffic audit for a period of three years and reference on-site parking as 385 spaces.

M/S Lane/Lively Ayes: 3 Noes: 0

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.*

7. Heritage Tree Removal Permit – 142 Almendral – Heritage Tree Removal Permit request to allow the removal of two heritage trees.

Associate Planner Andrea Mardesich presented the item.

OPEN PUBLIC HEARING

Lisa Gani, property owner reviewed the tree removal request.

Town Arborist Kevin Keilty commented that the trees are well maintained but the roots will destroy the pool house and the surrounding hardscape.

CLOSE PUBLIC COMMENT

MOTION to approve the Heritage Tree Removal Permit to allow the removal of two heritage trees at 142 Almendral.

M/S Lane/Widmer Ayes: 3 Noes: 0

Findings:

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

8. Heritage Tree Removal Permit – 246 Elena – Heritage Tree Removal Permit request to allow the removal of two heritage trees.

Associate Planner Andrea Mardesich presented the item. She provided an overview of the request and noted that oak root fungus is present in the trees.

Commissioner Lively asked of the Town Arborist why redwoods are suggested replacement trees. Town Arborist Kevin Keilty answered that redwoods were already planned and they are also more impervious to oak root fungus than other species.

MOTION to approve the Heritage Tree Removal Permit to allow the removal of two heritage trees at 246 Elena.

M/S Widmer/Lane Ayes: 3 Noes: 0

Findings:

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

9. Variance and Special Structures Permit – 95 Reservoir Road – Variance to allow a tennis court within the side yard and Special Structure Permit for a seven foot-seven inch tall retaining wall.

Associate Planner Andrea Mardesich presented the item. She noted that the retaining wall design has been modified and the applicant has withdrawn the request for the Special Structure Permit. The retaining wall will comply with the six-foot height limit.

Commissioner Lane asked why grading was already happening at the site if the item has not been approved. Associate Planner Andrea Mardesich answered that the grading permit was issued separately and that the area would be used as a level landscaped area if the tennis court is not approved.

Commissioner Lively suggested that saving the oak tree helps meet the findings for the variance.

OPEN PUBLIC HEARING

Lynn Bodell, Reservoir Road, suggested that the project be treated as if it is a corner lot.

Jeff Lee, owner/applicant, spoke on behalf of the project. He commented that the oak is special and should be saved. He suggested that the extra space adjacent to the tennis court is for safety and not necessarily playable space. He noted that he will be improving the landscaping along Reservoir Road.

Roger Kohler, project architect, reviewed the site plan and proposed landscaping.

CLOSE PUBLIC HEARING

Commissioner Widmer expressed support for the project.

Commissioner Lane commented that the court actually fits the lot. He suggested that it is set back nicely and that it feels like it fits comfortably and the lot configuration is unique.

Commissioner Lively commented that the findings of special circumstances can be met in this case since the applicant is saving the oak.

MOTION to approve the variance to allow a tennis court within the side yard at 95 Reservoir Road.

M/S Lively/Widmer Ayes: 3 Noes: 0

Findings:

1. *There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, where the strict application of the Zoning Title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classification.*
2. *Granting the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*
3. *Granting the Variance will not adversely affect the interest of the public or the interest of the residents and property owners in the vicinity of the premise in question.*
4. *The granting of the Variance is consistent with the objectives of the General Plan and the Zoning Code.*

10. Ordinance Adding Atherton Municipal Code Chapter 17.58: Density Bonus and Other Concessions or Incentives

MOTION to continue the item to the February 26, 2014 meeting

M/S Widmer/Lane Ayes: 3 Noes: 0

11. ADJOURN – The meeting adjourned at 7:55pm.

Respectfully Submitted:

Lisa Costa Sanders, Deputy Town Planner