

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
May 22, 2013
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

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

City Attorney Bill Conners, Deputy Town Planner Lisa Costa Sanders, Associate Planner Andrea Mardesich, and Town Arborist Kevin Kielty were present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the April 24, 2013 meeting.
M/S Lively/Quinlan Ayes: 5 Noes: 0

3. PUBLIC COMMENTS - none

4. COMMISSIONERS REPORTS - none

5. STAFF REPORTS – none

PUBLIC HEARINGS

**6. Heritage Tree Removal Permit and Mitigated Negative Declaration – 153 James Avenue –
Request for a Heritage Tree Removal Permit to allow the removal of four heritage trees. Atherton Municipal Code Section 8.10.**

Associate Planner Andrea Mardesich presented the item. The trees to be removed are trees 1, 2, 3, and 4. To date, staff has received no feedback from neighbors.

OPEN PUBLIC COMMENT

Chair Christensen asked if the applicants agreed to the replacement trees. Town Arborist Kevin Kielty explained that they will plant the same number of required trees but may change the species. Town Arborist Kielty provided a list of species, as did the applicant's arborist.

Commissioner Quinlan asked if the current owners topped the trees. Town Arborist Kevin Kielty answered that the previous owners topped the trees.

Commissioner Lively asked Town Arborist Kevin Kielty to provide additional information on why the trees should come out. Mr. Kielty responded that the aphid is a very difficult pest to control and that the root system of the Diadora Cedar will cause significant damage to the property.

Commissioner Quinlan asked how much the cedar trees are infringing on the oaks. Mr. Kielty responded that they are all growing towards the neighbor's house to get away from the cedars. Commissioner Quinlan asked if the trees will correct themselves. Town Arborist Kevin Keilty answered that the trees can and will start growing right. The trunks won't straighten out but they will correct and get some undergrowth.

CLOSE PUBLIC COMMENT

Commissioner Lane appreciated Town Arborist Kevin Kielty's explanation.

Commissioner Quinlan is undecided. He thinks they look fine but are not ideal specimens.

Commissioner Widmer is convinced after hearing from the Town Arborist that the trees should be removed.

Commissioner Lively would agree to removal based on the Town Arborists' comments.

Chair Christensen thinks these cedars are poor specimens of a good tree and should come down.

MOTION 1 – that the Planning Commission 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 153 James Avenue Tree Removal Project.

M/S Lively/Lane Ayes: 5 Noes: 0

MOTION 2 – that the Planning Commission find that the proposed removal of four heritage trees at 153 James Avenue in Atherton would not be contrary to the purpose and intent of the General Plan and for the reasons outlined in the staff report that the Planning Commission approve the removal with the conditions stated in the revised draft Heritage Removal Certificate.

M/S Lively/Quinlan Ayes: 5 Noes: 0

Findings:

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

- 7. Report on the Transportation Demand Management Monitoring for 2013 – 50 Valparaiso, Menlo School - Report on the annual monitoring of the Menlo School Transportation Demand Management Monitoring Program for Menlo School.**

Deputy Town Planner Lisa Costa Sanders presented the item.

OPEN PUBLIC COMMENT

David McAdoo, Director of Operations & Construction, Menlo School, spoke on behalf of Menlo School.

Commissioner Lane asked about the lower number for the afternoon traffic threshold. Mr. McAdoo answered that the threshold was set on a day that was very unusual for the amount of activities at school.

CLOSE PUBLIC COMMENT

Commissioner Lively asked what the process before the Planning Commission at this time. Deputy Town Planner Lisa Costa Sanders explained that the process is to accept the report for filing.

Commissioner Quinlan asked what the timing was on the Conditional Use Permit if they didn't meet the traffic threshold numbers. Mr. McAdoo answered that it would be for the next admission cycle (the 2014-15 school year.) Commissioner Quinlan asked when it gets triggered. Deputy Town Planner Lisa Costa Sanders answered that it has already been triggered.

Chair Christensen clarified that they will request a revised target. Mr. McAdoo answered in the affirmative.

MOTION to accept the Transportation Demand Management Monitoring for 2013 at Menlo School.

M/S Lively/Lane Ayes: 5 Noes: 0

8. Conditional Use Permit for Improvements by Little League to the Existing Baseball Field at Holbrook Palmer Park - Request for a Conditional Use Permit for improvements to the baseball field including a new building for spectator seating, restrooms and storage.

Deputy Town Planner Lisa Costa Sanders presented the item and explained the role of the Planning Commission for this item.

Deputy Town Planner Lisa Costa Sanders explained the discrepancy between the capacity of 100 persons in the seating intended by Menlo Atherton Little League and the 200 persons specified under the Atherton Building Code.

Deputy Town Planner Lisa Costa Sanders gave a recap and overview of the proposed project.

City Attorney Bill Connors explained the role of the Planning Commission given that the Town has already voted on the project. City Attorney Bill Connors clarified that it is a recommendation to the City Council. He explained that the voters took away a lot of discretion in some areas. City Attorney Bill Connors summarized how the ballot was worded and what the voters really voted on and how it affects the Planning Commission's role in the process. He suggested that the Planning Commission has to be reasonable and cannot just deny the proposal. City Attorney Bill Connors went back to the ballot measure with the for/against statements used as the limits set forth. He reminded the Commission that the proposal falls within the allowable density and mass for the POS district. The Planning Commission can look at the size, shape, color, and orientation on the property.

Commissioner Quinlan asked about the lease and maintenance agreement etc. facility use agreement. City Attorney Connors responded that the City Council will address the use agreement.

Lively asked about maintenance. City Attorney Connors said that the Planning Commission is a land use body and as such should not impose maintenance requirements. This will be decided by the City Council.

Chair Christensen asked if there is case history about the ballot measure guiding the Commission. City Attorney explained that the courts like things challenged pre-election. The arguments against on the ballot didn't dissuade the voters from voting for it.

Commissioner Lane suggested that they go through a normal planning process.

Commissioner Lane asked where the utility meters would go and pointed out that the current location would have them inside the fence of the ball park. Deputy Town Planner Lisa Costa Sanders noted that the applicant will need to address this issue.

OPEN PUBLIC COMMENT

Mike Gardner, Menlo-Atherton Little League, spoke on behalf of the project. He informed the Commission that he and others would present the plan improvements to the Commission. Mr. Gardner introduced Carl Hess, architect and Mark Slichter, landscape architect (Callander Associates).

Deputy Town Planner Lisa Costa Sanders informed the Commission of the noticing process.

Carl Hess, architect, outlined the project details.

Mark Slichter, Callandar Associates, landscape architect for the project, reviewed planting and hardscape. Mr. Slichter spoke about the path and its width (which he described as wide enough for Toro or Cushman). Mr. Slichter explained that the field is two feet higher than the tennis courts. The path has incorporated subtle plantings to help get the path down to the elevation of the tennis courts. Mr. Slichter added that the safety of tennis players will be helped by the hooded backstop. Mr. Slichter also spoke about tree relocation. Mr. Slichter announced that they will hire an arborist to assess moving one of the trees. Mr. Slichter emphasized that the scoreboard will not be visible if it is put along the right field line.

Commissioner Lively asked how it could be described as vertically transparent. Mr. Hess explained the comment as it related to the seating area.

Commissioner Lively asked about the outfield fence. Mike Gardner explained the nylon mesh fence and noted installation details by including subgrade sockets in the grass. Commissioner Lively asked if there is a yellow cap on top and Mr. Gardner answered that there is a yellow streamer across the top of the fence.

Commissioner Lively asserted that attendance is between 20-30 people per game. Mr. Gardner suggested that it was more like 30-50 spectators. Mr. Gardner estimated 80 total last night including players.

Chair Christensen asked if the outfield fence will be removed at the end of the season. Mr. Gardner answered that the idea is to leave the fence up during the season and remove it during the off season. However that could be revised if the fence is damaged due to having it remain in place.

Commissioner Lane asked about the meters on the left field line along the fence line. Commissioner Lane commented that they should be moved and that they should be on the foul side of the fence. Mr. Slichter answered that they are irrigation valves and are easy to move.

Commissioner Lane expressed a desire to not change the character of the park. Commissioner Lane thinks that the foul poles don't need to be there. He also asked about the choice of the benches and whether or not they can they do anything that isn't aluminum. Mr. Gardener answered that aluminum is less expensive and it doesn't hold the heat. Mr. Gardener also suggested that visitors won't see the seats from the park. Commissioner Lane suggested using a composite material consistent with the park.

Commissioner Lane would like to preserve the aesthetic of the park as a meadow and not a ballpark. Commissioner Lane thinks that if it's not baseball season it will still look like a baseball field. Commissioner Lane asked about the height of the backstop. Mr. Gardener answered that it is now 14 feet and it is proposed to be 20 feet. Commissioner Lane asked about color. The applicant responded that this was to be determined and they were open to suggestions.

In addition, Commissioner Lane doesn't like the scoreboard and feels it goes back to making the park look like a baseball field. He feels the project should provide use and maintain the character of the park. At this stage, he feels the project is not balanced for the community.

Commissioner Quinlan is concerned about the safety aspects of the structure and how the back wall will obscure parts of the park. Commissioner Quinlan would like the applicant to talk to the police about the obscuring of the field.

Commissioner Quinlan commented that there isn't a lot of room for circulation between bleachers and tennis courts.

Commissioner Quinlan also asked what is going to happen with the actual field. Mr. Slichter answered that they will go after the spot areas and that they are not going to redo the entire field. Mr. Slichter suggested that there are areas that need work but overall it is not that bad. Mr. Gardner commented that the outfield is the problem and that the infield was already done.

Commissioner Widmer asked about the tennis court resurfacing and asked why they are not redoing the whole field or the courts. City Attorney Bill Connors commented that the Town is doing the courts. Commissioner Widmer also asked why the applicant is taking so much space if it is not needed. If it could be for 100 seats why not make it for 100 seats.

Commissioner Widmer is concerned about the size of the path and does not want people driving on it. She commented that she is not sure why the path needs to be 8 feet across. Commissioner Widmer expressed concern about connecting sewage from the pavilion. Commissioner Widmer asked if it will impact park usage. Mr. Gardner informed the Commission that they will use a tunneling technology and that they do not want to impede other park users. There will not be any digging of trenches. Commissioner Widmer asked if the dugout fences could also be removable during the off-season.

Commissioner Lively asked about lighting. Mr. Gardner answered that there will be lights in the restrooms and peripheral security lighting. He explained that there will be some security lighting. Carl Hess answered that they will be compliant with the code.

Commissioner Lively asked about the tractor and if there will be gasoline/flammable liquids stored there. Mr. Gardener answered in the affirmative.

Commissioner Lively asked if there were plans for a snack shack. The applicant answered that there will not be a snack shack. The applicant clarified that there will be no lights for playing and no night games. Commissioner Lively asked what the other sports in the community think. Mr. Gardener answered that AYSO is happy with the project and would like more improvements. MJ Davy from lacrosse is opposed to the project and she has stated that it will make the park just for boys.

CLOSED PUBLIC COMMENT

Commissioner Lively suggested that each Commissioner submit to Deputy Town Planner Lisa Costa Sanders a list of recommendations and have staff compile a comprehensive list for discussion at the next meeting.

Commissioner Quinlan doesn't agree and feels the decision should not be put off any longer.

City Attorney Bill Connors commented that there are staff members that are not present whose input might be helpful. He also suggested that it is going to be a while before construction and that they would rather have all the staff weigh in on the matter.

MOTION to continue the item to the June 26, 2013 Planning Commission meeting, with Commissioners providing their comments to staff by May 31, 2013

M/S Lively/Widmer Ayes: 3 Noes: 2 (Quinlan, Lane)

Deputy Town Planner Lisa Costa Sanders indicated that staff will compile the comments, provide staff's response and route the comments to MA-LL for its response prior to the next Planning Commissioner Meeting.

ADJOURN – The meeting adjourned at 8:23pm.

Respectfully Submitted:

Lisa Costa Sanders, Deputy Town Planner