

**PLANNING COMMISSION
DRAFT MINUTES**

TOWN OF ATHERTON

May 26, 2021

6:00 pm

This meeting was held virtually.

1. ROLL CALL

**PRESENT: Randy Lamb
Eric Lane
Nancy Lerner
Perry Narancic (Late)
Paul Tonelli (Absent)**

Principal Planner Stephanie B. Davis, Associate Planner Jake Garcia, Assistant Planner Ralph Robinson, and Town Arborist Sally Bentz-Dalton were present.

2. PUBLIC COMMENTS

No public comment made.

3. APPROVAL OF MINUTES

Chair Lane commented he wants to be sure Commissioner Lamb gets credit for not voting on item that presented a conflict in last meeting, rather than being marked absent.

MOTION to approve the minutes of the April 28, 2021 Planning Commission Meeting.

M/S Lamb/ Lane Ayes: 3 Noes: 0 Absent: 1 Excused: 1

4. PUBLIC HEARING

a. Heritage Tree Removal Permit (HTR) and Tree Protection Zone Exception (TPZ) – 55 Melanie, Atherton (APN 073-181-150) – Request for a Heritage Tree Removal Permit to allow for the removal of two (2) heritage redwood trees and a Tree Protection Zone exception associated with three (3) heritage trees to remain from a TPZ of 10 times (10x) the trees diameter to three to seven times (3x-7x) times the trees diameter. Atherton Municipal Code Chapter 8.10.

Associate Planner Garcia presented the staff report.

Chair Lane had a clarifying question regarding any new request by applicant and if their alternative request had made it to the agenda. Verified with Associate Planner Garcia that public notices

regarding their updated request was sent to neighbors. He asked a clarifying question on tree protection zone (TPZ) exceptions and what the greatest discrepancy was between the TPZs requested by applicant and recommended by staff. He noted that trees #848 (5.5x vs 8x) and #850 (6.2x vs 8x) had greatest differences and suggested discussion focus on those trees.

Town Arborist Bentz-Dalton confirmed Chair Lane's finding that the recommended TPZ for trees #848 and #850 had the greatest discrepancy between what staff recommended and what the applicant requested.

Open Public Hearing.

Applicant representative Jess Field spoke to existing site conditions, the site's wooded character, and provided additional historic overview about the property. He discussed redwood trees in question and challenges presented by the need to be compliant with firetruck turn around requirements.

Chair Lane asked a question regarding the square footage of the proposed building within the staff recommended TPZ zones.

Applicant representative Field provided figures and detail on existing encroachment into TPZ zones and noted the new building would reduce encroachment into TPZ by 34 square feet.

Chair Lane read a public comment from Rich Tomlinson that project alternatives were not posted to the website.

Associate Planner Garcia noted the alternatives were posted to the Town's website.

Closed public hearing.

Chair Lane commented that proposal would reduce the built area within the recommended TPZ and said he appreciated the thought put into a decision of whether to keep tree #848 or not. He noted he was comfortable with the request and asked the Town Arborist if a reduced TPZ would have impacts.

Town Arborist Bentz-Dalton stated she followed standards in Code and noted such newer standards were in response to construction impacts on trees.

Chair Lane commented on infeasibility of planting trees near retaining walls and other structures, that an informed planting decision at the time would not have done that. He reiterated the issue of existing encroachment into the TPZ and that percentage of TPZ encroached upon by new construction is minimal, and that these were his reasons for supporting approval of the project.

Commissioner Lamb noted he is fine with the proposal by applicant.

Commissioner Lerner noted she has no questions.

Chair Lane noted that a backhoe would not be appropriate to use for this work and that tree protections would be assured while trenches are being dug.

MOTION to approve the Heritage Tree Removal Permit (HTR) at 55 Melanie Lane to allow for the removal of two (2) heritage redwood trees.

M/S Lane/ Lamb Ayes: 3 Noes: 0 Absent: 1 Excused: 1

MOTION to approve a Tree Protection Zone exception at 55 Melanie associated with three (3) heritage trees to remain from a TPZ of 10 times (10x) the trees diameter to three to seven times (3x-7x) times the trees diameter.

M/S Lane/ Lerner Ayes: 3 Noes: 0 Absent: 1 Excused: 1

b. Tree Protection Zone Exception (TPZ) – 133 Burns Avenue, Atherton (APN 060-231-080) – Request for a Tree Protection Zone exception associated with three (3) heritage trees to remain from a TPZ of 10 times (10x) the trees diameter to less than eight times (7.26x-7.56x) the trees diameter. Atherton Municipal Code Chapter 8.10.

Principal Planner Davis presented the staff report.

Open Public Hearing.

Applicant representative LauraMae Sarusi from Pacific Peninsula spoke to communication with Town Arborist and the minimal encroachment on existing trees from the project.

Closed public hearing.

MOTION to approve the Tree Protection Zone Exception for 133 Burns Avenue associated with three (3) heritage trees to remain from a TPZ of 10 times (10x) the trees diameter to less than eight times (7.26x-7.56x) the trees diameter.

M/S Lane / Lamb Ayes: 3 Noes: 0 Absent: 1 Excused: 1

c. Tree Protection Zone Exception (TPZ) – 70 Amador Avenue, Atherton (APN 059-291-100) – Request for a Tree Protection Zone exception associated with one (1) heritage tree to remain from a TPZ of 10 times (10x) the trees diameter to six (6x) times the trees diameter. Atherton Municipal Code Chapter 8.10.

Principal Planner Davis presented the staff report.

Open Public Hearing.

Project representative Sean Lopes spoke to diameter of the tree touching 30% of the buildable area and said his team worked with Town staff to find an alternative that worked.

Closed public hearing.

No comments or questions from commission.

Approved a Tree Protection Zone Exception (TPZ) at 70 Amador Avenue associated with one (1) heritage tree to remain from a TPZ of 10 times (10x) the trees diameter to six (6x) times the trees diameter.

M/S Lamb/ Lerner Ayes: 3 Noes: 0 Absent: 1 Excused: 1

d. School Master Plan – 150 Valparaiso, Atherton/Sacred Heart Schools (APN 070-390-010) – Request for review of the 2021 Annual Master Plan Update. Atherton Municipal Code Section 17.32.050.

Principal Planner Davis presented the staff report.

No questions from the Commission regarding the application.

Open Public Hearing.

Project applicant Michael Dwyer had a point of order question regarding whether they could achieve quorum, as one of the Commissioners must recuse himself from the vote.

Chair Lane commented that they are unable to have a quorum.

Project applicant Michael Dwyer expressed concern with timeline of having to wait longer for approval.

Closed public hearing.

Time was allotted to allow Commissioner Narancic to join meeting.

MOTION to adjust agenda to move to item 5 first and come back to items 4d and 4e.

M/S Lane/ Lerner Ayes: 3 Noes: 0 Absent: 1 Excused: 1

5. NEW BUSINESS

a. General Plan consistency determination for the Capital Improvement Program (CIP) consistency with the General Plan.

Principal Planner Davis presented the staff report.

Open public hearing.

No comments.

Closed public hearing.

MOTION to accept the General Plan consistency determination for the Capital Improvement Program (CIP) for 2021-22 based on the conditions outlined in the staff report.

M/S Lane/ Lerner Ayes: 3 Noes: 0 Absent: 1 Excused: 1

6. STAFF REPORTS

Principal Planner Davis introduced Assistant Planner Robinson.

Assistant Planner Robinson introduced himself further to the commission.

4. PUBLIC HEARING

Commissioner Narancic joined the meeting at 7:38 p.m.

Chair Lane returned the meeting to item 4.

d. School Master Plan – 150 Valparaiso, Atherton/Sacred Heart Schools (APN 070-390-010) – Request for review of the 2021 Annual Master Plan Update. Atherton Municipal Code Section 17.32.050.

Principal Planner Davis overviewed the staff report.

Open Public Hearing.

Project applicant Michael Dwyer thanked the Commission for approval of temporary field lights and support from the Commission and planning department over the years. He presented an overview of the adjustments the school has made this year to serve students through the pandemic and their success with having no community spread of the Covid-19 virus. He discussed the need for additional space for kindergarteners to comply with requirements for social distancing that will be in place in the fall and discussed future enrollment figures and outlook for the school.

Closed public hearing.

No comments from the Commission on the item.

Accepted the report on the 2021 School Master Plan at 150 Valparaiso (Sacred Heart Schools).

MOTION to accept the report on the 2021 Annual Master Plan Update for 150 Valparaiso (Sacred Heart Schools).

M/S Lane/ Lerner Ayes: 3 Noes: 0 Abstain: 1 Excused: 1

e. Conditional Use Permit (CUP) – 150 Valparaiso, Atherton/Sacred Heart Schools (APN 070-390-010) – Request for a Conditional Use Permit associated with the construction of one, new 4,000 square foot modular classroom building. Atherton Municipal Code Chapters 17.12 and 17.36.

Principal Planner Davis presented the staff report.

Open Public Hearing.

Project applicant Michael Dwyer introduced project architect Afsha Ali and made an appeal to the commission in favor of the project. He spoke to the need to quickly move on the project due to class size restrictions and discussed advantages of prefabricated building in reducing costs and lowering construction impacts for the community.

Project architect Afsha Ali provided additional detail on the proposed building.

Chair Lane asked about impacts of construction traffic on Valparaiso.

Project applicant Dwyer mentioned there would be fewer traffic impacts from the use of a prefabricated building.

Project builder Matt Larson provided detail on traffic impacts and traffic mitigation plan.

Chair Lane asked applicant to think through effect on traffic lights, issue of blind turn on Emilie, and possibility of locating a flag person at trouble spots.

Project applicant Dwyer noted additional considerations were made with other construction nearby.

Chair Lane asked applicant to come up with additional plans for turn on Valparaiso. Commented on design of building.

Project applicant Dwyer noted paint will match other buildings on campus.

Closed public hearing.

Chair Lane commented he is more comfortable with the plan after hearing more details about pathways within campus for students to use.

Commissioner Narancic read a public comment from a Mr. Robins about his general concerns about traffic in area. Commissioner Narancic suggested that Mr. Robins be reached out to and invited to participate in future discussions about the project.

Chair Lane also reiterated that project applicant Dwyer should reach out to Mr. Robins.

Project applicant Dwyer commented he would follow up with the individual who made the public comment.

MOTION to approve the Conditional Use Permit (CUP) for 150 Valparaiso (Sacred Heart Schools) associated with the construction of one, new, 4,000 square foot modular classroom building with the conditions as stated in the draft conditional use certificate.

M/S Lane/ Lamb Ayes: 3 Noes: 0 Recused: 1 Excused: 1

7. COMMISSIONERS' REPORTS

Nothing to report.

8. ADJOURN

The meeting was adjourned 8:17 PM

Respectfully Submitted:

/s/Stephanie B.-Davis

Stephanie B. Davis, Principal Planner