

**PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
May 27, 2015
6:00pm
COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL

**PRESENT: Philip Lively
Mary Beth Widmer
Eric Lane (arrived at 6:15pm)
Paul Tonelli
William Grindley (departed at 7:10pm)**

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

2. PUBLIC COMMENTS - none

3. APPROVAL OF MINUTES -

MOTION to approve the minutes of the April 22, 2015 meeting.

M/S Tonelli/Grindley Ayes: 4 Noes: 0 Excused: 1 (Lane)

MOTION to approve the minutes, as amended, of the May 13, 2015 special meeting.

**M/S Grindley/Tonelli
Ayes: 3 Noes: 0 Abstain: 1 (Widmer) Excused: 1 (Lane)**

The Commission changed the order of the agenda

NEW BUSINESS

7. Annual Master Plan Update and Report on TDM Monitoring for 2015 – Sacred Heart Schools, 150 Valparaiso

Town Planner Lisa Costa Sanders introduced the item.

Sandy Dubinsky, Chief Operations Officer, Sacred Heart Schools, presented the master plan update. Ms. Dubinsky fielded questions about the Traffic Demand Management results and the expanded usage of Park Lane.

MOTION to accept for filing the 2015 annual Master Plan update and TDM Monitoring report from Sacred Heart Schools.

M/S Grindley/Widmer Ayes: 4 Noes: 0 Abstain: 1(Lane)

PUBLIC HEARINGS

Commissioner Widmer excused herself from the meeting at this time.

4. Conditional Use Permit – 30 Alejandra Avenue (APN 070-250-190) – Request from Menlo School and Menlo College for a Conditional Use Permit (NO. CUP 2015-00001) Amendment Authorizing Limited Sunday Use for Cartan Field.

Town Planner Lisa Costa Sanders presented the item. She noted that Menlo College has amended their request to only ask for an exception to complete rained-out or timed-out baseball games.

OPEN PUBLIC HEARING

Chop Keenan, Board of Trustees, presented in favor of the request. He noted that the league that Menlo College plays baseball in has approved their request to not schedule Sunday games. He noted that many times games are cancelled due to inclement weather.

Chop Keenan noted that the College held a follow-up neighborhood outreach meeting and none of the neighbors participated. He reiterated the request and noted that during the summer the field will be operated within the constraints of the Conditional Use Permit.

Commissioner Grindley asked if major disasters (such as earthquakes) would be considered for make-up games. Chop Keenan responded that the request only includes rainouts.

Commissioner Tonelli asked why the neighbors didn't attend the meeting. Chop Keenan did not know the reason for the lack of attendance.

Commissioner Tonelli asked about the summer schedule that was requested by the Planning Commission. Chop Keenan noted that it was not submitted since it is not relevant as the College will be in complete compliance during the summer.

Chair Lively asked what types of activities are happening on the field during the summer. Chop Keenan answered that there is a soccer camp on the football field with some spillover to the baseball field.

The discussion moved to the field use on Memorial Day weekend. Chop Keenan explained that an organization that Menlo College is contracted with used the field in an unauthorized way. Commissioner Lane commented that if the College is in contract then the College is an agent for the organization and should take responsibility.

Commissioner Lane noted that he would like some assurance that the rainout games do not occur on a weekend that could anticipate heavy backyard usage such as a holiday weekend.

Stuart Rosenberg, resident, gave his thoughts on the proposal. He would like to see the College give something back to the neighbors. He also brought up the question of enforcement and his concerns about how the Conditional Use Permit and any amendments would be handled.

Rich Thesing, resident, noted that the neighbors need more notification and time to discuss the issue. He asked if some activities would be moved to Wunderlich field.

Paul Getty, resident, spoke in opposition to the project. He noted that Jeff Hiller, another resident, is out of town and would like a chance to speak out in opposition. He asserted that the Planning Commission should not be able to reach the findings necessary to approve the request.

Mike Greenberg, resident, spoke in opposition to the proposal. He noted that the camps are different than the normal school usage since they run all day. He would like more thought and discussion to go into the decision.

Chop Keenan noted that the College is no longer playing football. He asserted that Menlo College is hoping to be good neighbors and sees the request as minimal.

Commissioner Tonelli asked if baseball games use a public address system. Menlo College staff noted that to their knowledge, no public address system is being used.

Paul Getty added that enforcement is a key issue that needs to be addressed.

CLOSE PUBLIC HEARING

Commissioner Lane commented that the College needs to demonstrate that the field can be used in the ways specified in the Conditional Use Permit. He noted that more time might be needed to build trust and work with the neighbors.

Commissioner Grindley agreed with Commissioner Lane and also noted a lack of communication between the College and the neighbors.

Commissioner Tonelli stated that compromise needs to happen. He would like to see a limit of one game per Sunday and should be constrained from 1pm to 4pm. He noted that there is time before the baseball season begins to hammer it out.

Chair Lively asked Assistant City Attorney Jennifer Larson about continuing the item. She noted that the Commission needs to have a legitimate reason to delay it and it must be articulated.

Chop Keenan requested that the Commission not continue the item and make a determination one way or the other.

MOTION to deny the request of Menlo College to amend Conditional Use Permit No. CUP15-00001.

M/S Lane/Lively Ayes: 4 Noes: 0 Recused: 1(Widmer)

Chair Lively advised of the 10-day appeal period.

5. Special Structures Permit – 93 Camino por los Arboles (APN 070-152-032) – Request for a Special Structures Permit to allow a basement to extend beyond the footprint of a main residence and a Special Structure Permit to allow a basement under an accessory building.

Town Planner Lisa Costa Sanders presented the item.

Eric Dumican, architect for the project, spoke in favor of the project and noted that no lightwells are associated with the project.

Commissioner Tonelli asked about the arborist report and the plans for tree #78. Eric Dumican explained that the basement doesn't extend as far as the wing. The basement is outside the 5x threshold of the tree trunk.

Commissioner Widmer noted that the plans include the words "not for construction" and asked about the meaning. Eric Dumican explained that the building permit plans will be based on these drawings but the plans don't currently reflect building code. Commissioner Widmer also asked about the glass garage door and asked if it is intended for a commercial usage. Eric Dumican noted that it is intended to view specialty cars.

Commissioner Widmer asked staff about approving plans for pools that cannot be filled because of the water shortage. Town Planner Lisa Costa Sanders noted that she will check in with CalWater to clarify.

Brenda Woodson, 95 Camino por los Arboles, asked about the garage door being glass and if the light from it will shine up.

Eric Dumican responded that it is compliant with Planning code.

Commissioner Lane asked about the limit on the scale of lightwells. Town Planner Lisa Costa Sanders noted that there is no limit but it has to meet setbacks.

Commissioner Lane reminded the applicant to be a good neighbor and be aware that the garage door could be a potential issue.

MOTION that the Planning Commission approve the Special Structure Permit for the basement to extend beyond the footprint of the main residence at 93 Camino por los Arboles subject to the conditions contained in the Special Structure Permit Certificate.

M/S Tonelli/Lane Ayes: 4 Noes: 0 Excused: 1 (Grindley)

Findings:

- 1. The proposed building or structure will not negatively impact the neighboring properties with respect to privacy and view.*
- 2. The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure. Such as height and landscaping screening.*
- 3. The granting of the special structures permit is consistent with the objectives of the general plan and this title.*

MOTION that the Planning Commission approve the Special Structure Permit to allow a basement under an accessory building at 93 Camino por los Arboles subject to the conditions in the Special Structure Permit Certificates and based on the finding and for the reasons incorporated in the Staff Report.

M/S Tonelli/Lively Ayes: 3 Noes: 1 (Lane) Excused: 1 (Grindley)

Findings:

- 1. The proposed basement will not impact heritage trees and the proposed basement lightwells are located on the interior side of the yard.*
- 2. The proposed basement will not negatively impact neighboring properties with respect to privacy and view.*
- 3. The proposed basement complies with other development standards, restrictions or limitations for the proposed building or structure, such as height and landscaping screening.*

Chair Lively advised of the 10-day appeal period.

6. Ordinance – Consider Recommending the City Council Adopt an Ordinance Amending Atherton Municipal Code Chapter 17.44 Regulating Basements.

Town Planner Lisa Costa Sanders presented the item.

Commissioner Widmer asked about the limitation on the size of lightwells. Lisa Costa Sanders noted that the Planning Commission has the authority to limit the size of lightwells.

MOTION that the Planning Commission recommend that the City Council adopt an ordinance amending Atherton Municipal Code Chapter 17.44 regulating basements.

M/S Lane/Widmer Ayes: 4 Noes: 0 Excused: 1 (Grindley)

NEW BUSINESS

8. Time Extension for a Variance and Special Structure Permit at 397 Atherton Avenue

Town Planner Lisa Costa Sanders introduced the item and had no additional information to add to the staff report.

MOTION to grant a time extension for a Variance and Special Structure Permit at 397 Atherton Avenue.

M/S Lane/Tonelli Ayes: 3 Noes: 1 (Widmer) Excused: 1 (Grindley)

9. General Plan Consistency Determination for the Capital Improvement Program for Fiscal Years 2015/2016 – 2019/2020 CIP

Town Planner Lisa Costa Sanders introduced the item and had no additional information to add to the staff report.

Discussion ensued about the Commission's role in reviewing the CIP. It was noted that the role of the Commission is to simply make sure the CIP is consistent with the Town's General Plan.

MOTION that the Planning Commission find that the Capital Improvement Program revised for Fiscal Year 2015/2016 through 2019/2020 and the projects included in that program are consistent with the Atherton General Plan for the reasons noted in the Staff Report.

M/S Lane/Tonelli Ayes: 4 Noes: 0 Excused: 1 (Grindley)

10. COMMISSIONER'S REPORTS

Commissioner Tonelli noted that there are four neighborhood meetings coming up for CCAC. The meeting dates are Jun 5, 6, 16 and 23. The meetings will be an opportunity for residents to provide feedback.

11. STAFF REPORTS - none

12. ADJOURN – The meeting adjourned at 7:51pm.

Respectfully Submitted:

Lisa Costa Sanders, Town Planner