



**Town of Atherton**  
**Planning Department**  
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**DATE:** June 28, 2023

**TO:** PLANNING COMMISSION

**FROM:** Radha Hayagreev, Senior Planner

**APPLICANT:** Sacred Hearts School  
Mr. Michael Dwyer, Chief Operations Officer

**SUBJECT:** Accept the 2023 Sacred Hearts School Master Plan Update (MPL23-00001) and summary on Transportation Demand Management (TDM) monitoring; and  
  
Request for a Conditional Use Permit (CUP23-00002) to Gavello and Dollinger Field protective netting at Sacred Hearts school at 150 Valparaiso, zoned PFS

**LOCATION:** Address: 150 Valparaiso Avenue  
APN: 070-390-010  
Zoning District: Public Facilities and Schools District (PFS)

**CEQA:** This project is categorically exempt from further CEQA review pursuant to: Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures)

**RECOMMENDATION:**

**There are two recommendations in this report:**

1. **For the Master Plan Update:** Planning Staff recommends that the Planning Commission accept the 2023 annual update and the report on TDM monitoring from Sacred Heart Schools; and
2. **For the Conditional Use Permit:** Staff also recommends the Planning Commission finds that the proposed CUP for protective netting around the Gavello and Dollinger Field is categorically exempt under the provisions of CEQA and **approve** the Conditional Use Permit for the proposed netting with Variance for increased heights, subject to the findings in this Staff Report.

This report is divided into sections: The Master Plan Update and the Conditional Use Permit owing to concurrent submittal of the projects by the applicant.

## **PART 1: MASTER PLAN UPDATE REVIEW**

### **Background**

Pursuant to Atherton Municipal Code Chapter 17.26.050 Guidelines for School Master Plans, the Town of Atherton requires all private schools located in the PFS zoning district to prepare annual updates of the school master plan which would be reviewed, presented, and accepted by the Planning Commission. The annual meeting is required to be noticed to all property owners within five hundred feet of the boundaries of the school.

The Planning Commission accepted the first Sacred Heart Schools Master Plan for filing on March 28, 2001.

Sacred Heart School prepared and submitted a major Master Plan Update in November 2009. An Environmental Impact Report (2010 EIR) was prepared on that Master Plan Update and was certified by the City Council in July 2010. Major projects described in the 2010 Update included the Lower/Middle School Reconstruction and the West Athletic Fields Project plus several other projects. Master Plan Updates since that time have generally described progress toward implementation of those projects and additional changes to the Master Plan projects.

The Planning Commission reviewed the SHS Master Plan on May 26, 2021. Atherton Municipal Code Chapter 17.32.050 requires an annual report by the Town Planner to the Planning Commission on the status of school master plans. That update included a description of the progress on Dunlevie Aquatics Center addition and renovation project, the new 4,000 square foot Kindergarten Classroom Modular Building and COVID-19 response mitigation.

In June 2022, The Planning Commission reviewed and accepted the Master Plan Update with no major projects or changes other than those listed in the 2021 update, including the institution's response to the pandemic and extensive actions taken during 2020 to 2022.

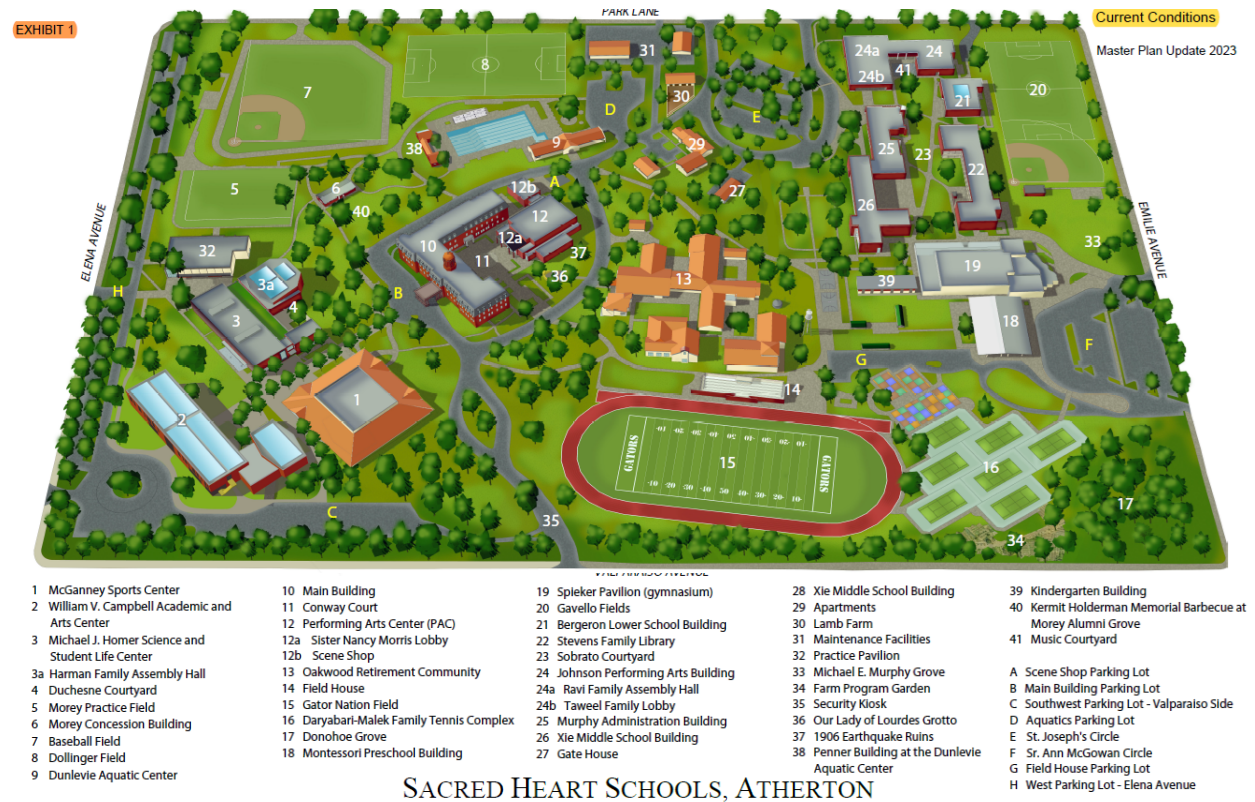
In June 2023, the School presents to the Planning Commission, an update to their Master Plan to the Commission as seen in Attachment 1 of this report.

### **Analysis:**

The attached document entitled "Sacred Heart Schools (SHS) Master Plan Update June 2023" is Sacred Heart Schools' submittal for their 2023 Master Plan Update. Atherton Municipal Code (AMC) Section 17.36.050 suggests content of master plans include: land uses, their location and extent, circulation patterns, locations for parking and parking standards, current enrollment projections and maximum enrollment anticipated, a list of possible facilities to be developed, a schedule or priority of development, identification of historic or other unique facilities, heritage trees, and their disposition, identification of uses and their days and hours of operation, including evenings, and identification of other institutions or uses at the facility.

The 2023 Update content is consistent with the AMC suggested criteria as follows:

**Figure 1: Campus map**



- **Land use and circulation** – The master plan exhibit of existing conditions, shown above in Figure-1 show grey paths indicating circulation pathways of the entire campus, the orienting streets as well as overall extent and location of the buildings and facilities on the campus. The buildings and uses are labelled in the map above including landscape areas and athletic court locations.
- **Parking** – The exhibit above shows all lettered legend areas ‘A to F’ to be parking lots and access area to the parking lots on the campus.
- **Enrollment** – Table 1 (pg. 5) in the update document shows SHS actual and projected enrollment 2019-2023. The 2020-21 actual enrollment is 1,155 students owing to COVID-19 withdrawal impact. The 2022-23 projected enrollment is 1,196 students. A condition of approval of the Lower/Middle School Conditional Use Permit limits maximum enrollment at the campus to 1,196.
- **Facilities** –There were no major projects or facilities in the past school year. The 2023 Master Plan Update contains projects that are categorical for new projects, and exhibits indicate potential scope for those projects. New Projects anticipated include:
  - Fall 2023 - backup generators for campus wide buildings.
  - Summer 2023 - Sports Field protective netting along Park Lane for Dollinger Fiels and on Gavello athletic fields on Emilie Avenue, this permit will be reviewed tonight with the Master Plan update owing to the timing.
  - Near Future – Addition of small 2,000 to 3,000 sf classroom/administrative building.

- Study and exploratory stage – Relocation of cellular antenna tower away from the Preschool and Kindergarten buildings
- Future plans – Assessing locations to potentially add housing to help meet Town housing issued by the State of California.
- **Historic facilities** – The 100-year-old main building that was seismically upgraded in year 2000 and subsequently in 2010 and 2015 remains as the oldest structure on the campus. It is not registered as a Historic building and the master plan does not include nor suggest any changes or alterations to it outside of routine maintenance.
- **Heritage trees** – The 2023 Master Plan Update notes that the effect of the recent droughts followed by the severe January 2023 storms had a big impact on some campus heritage trees loss, management, care, and maintenance. Photographic evidence of the damage and stormwater bioswale retention systems are included in the update.
- **Use and hours of operation** – The update summarizes the hours of operations of the campus structures and facilities which are typically on Weekdays and Saturdays. The operations indicate light programming on Sundays for church services, middle school games from visiting school teams and a couple open house events between 10am to 5pm.
- **Transportation Demand Management Program Monitoring** – In late 2013 Sacred Heart Schools applied for amendments to approved Conditional Use Permits to substitute a Transportation Demand Management (TDM) program for required physical intersection improvements. The City Council approved the amendments on December 19, 2013. The formerly required traffic mitigation measures included intersection widening at the Emilie Avenue/Valparaiso Avenue, Elena Avenue/Valparaiso Avenue and Elena Avenue/Park Lane intersections. The TDM program limits the number of vehicle trips accessing the Sacred Heart campus to 6,000 vehicle trips per day. A Use Permit condition requires annual monitoring to assess compliance.

TDM monitoring is accomplished using license plate reader cameras (ALPERS) mounted in positions at each of the eight-vehicle entrance and exit gates to capture the front and back of all motor vehicles entering and exiting the campus. This data is approved by W-Trans and is attached with this report. The confirmation from the traffic report is that the maximum daily trip count for the three-day monitoring period, April 18<sup>th</sup> – 20<sup>th</sup>, 2023 was average of 5,163 vehicle trips. This daily trip count is 13% below the maximum 6,000 vehicle trips per day established by the Use Permit. The plan also notes that the school added an additional school bus to transport students owing to inconsistent train schedules by Caltrain. Therefore, in Planning Staff's opinion, the TDM program has been effective is mitigating vehicle traffic accessing the Sacred Heart campus.

**Public Comment and Notice:**

Public hearing notices were sent to owners within 500 feet of the project site. At the time publishing this report, staff did not receive any public comment. Legal advertisements of the meeting agenda listing this project was published in the Almanac on June 16<sup>th</sup>, 2023.

**Conclusion:**

It is Staff's professional opinion that the Master Plan Update for 2023 submitted by Sacred Heart Schools complies with the spirit and intent of the Town policies and ordinances related to Master Plans for private schools in the PFS Zone.

**Suggested Formal Motion For Master Plan Update:**

I move that the Planning Commission find the project proposed categorically exempt from further CEQA review pursuant to: Section 15301 (Existing Facilities), and

Accept for filing the 2023 annual Master Plan update and TDM Monitoring report from Sacred Heart Schools

*/s/ Radha Hayagreev*

Radha Hayagreev, Senior Planner

**Attachments:**

1. Sacred Hearts School Master Plan Update June 2023
2. Sacred Heart Schools Traffic Monitoring
3. Master Plan application form

## **PART 2: Conditional Use Permit For Protective Netting On Dollinger And Gavello Athletic Fields Analysis**

### **APPLICATION**

On May 25<sup>th</sup>, 2023, the applicant submitted a building permit application to for a protective netting project on the Dollinger and Gavello Athletic Fields. Per AMC Chapter 17.36.030, all improvements on facilities in a PFS zone required a Conditional Use Permit, the applicant was advised to combine the netting project and the Master Plan update to present to the Commission for a review. Upon approval of this CUP, the applicant will be able to resume the building permit process.

**Figure 2: Project Location**

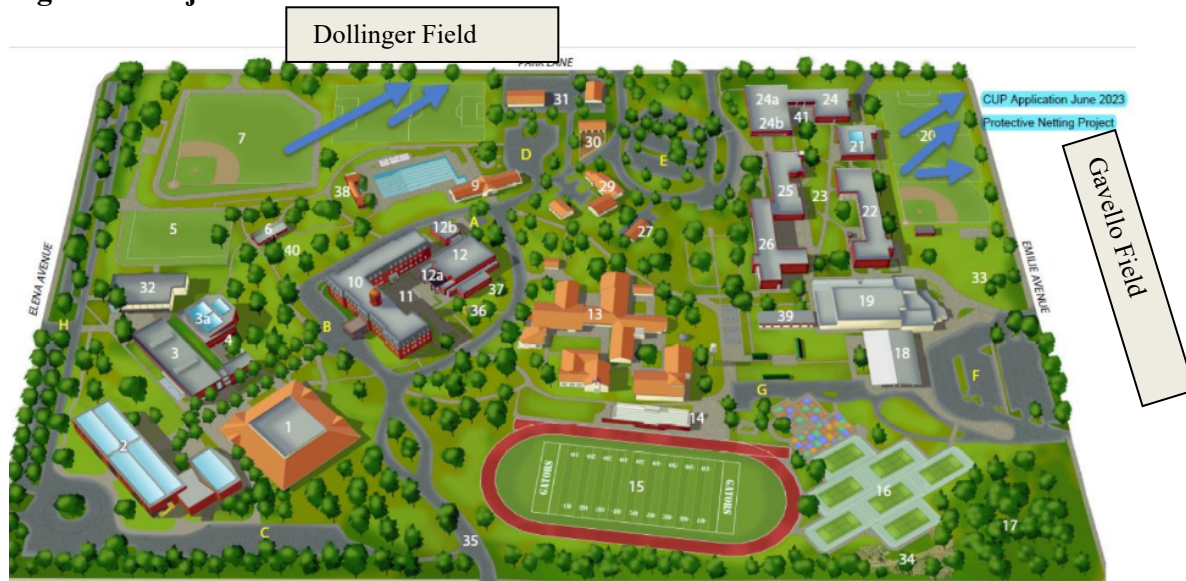


Figure 2 above indicates in blue arrows, the location and extent of the protective netting project proposed for the two athletic courts. The applicant requests the sports netting along Park Lane to the north at Dollinger Field and on Gavello Fields on Emilie Avenue to the east as a much-needed protection, to safeguard the public from being hit by lacrosse and soccer balls, both of which could cause injury and property damage. The report states that the school had near missed and one vehicle that was struck and damaged by a lacrosse ball. This netting project would be the right protection for the continued use of the athletic fields.

### **BACKGROUND**

The Annual Master Plan Update for Sacred Hearts School was approved in April 2010 with the details of the SHP Athletic Field Relocation and extension of Elena Avenue Parking Lot which included a practice fields, baseball fields with portable bleachers to be used at both the fields, a score board, two ground level dugouts, two ADA compliant water fountains, batting cages and equipment sheds near the athletic fields. The master plan also included the SJSH Sports Field realignment and improvement along Emilie Avenue including bleachers, a batting cage, scoreboards and a small storage container which are relocated. There was a note that included that no lights or permanent sound system was needed at the fields.

There was no indication of any safety protective netting for both the SJSH Sports Fields (now Gavello Field) and SHP athletic Field (now Dollinger Field) relocation and realignment.

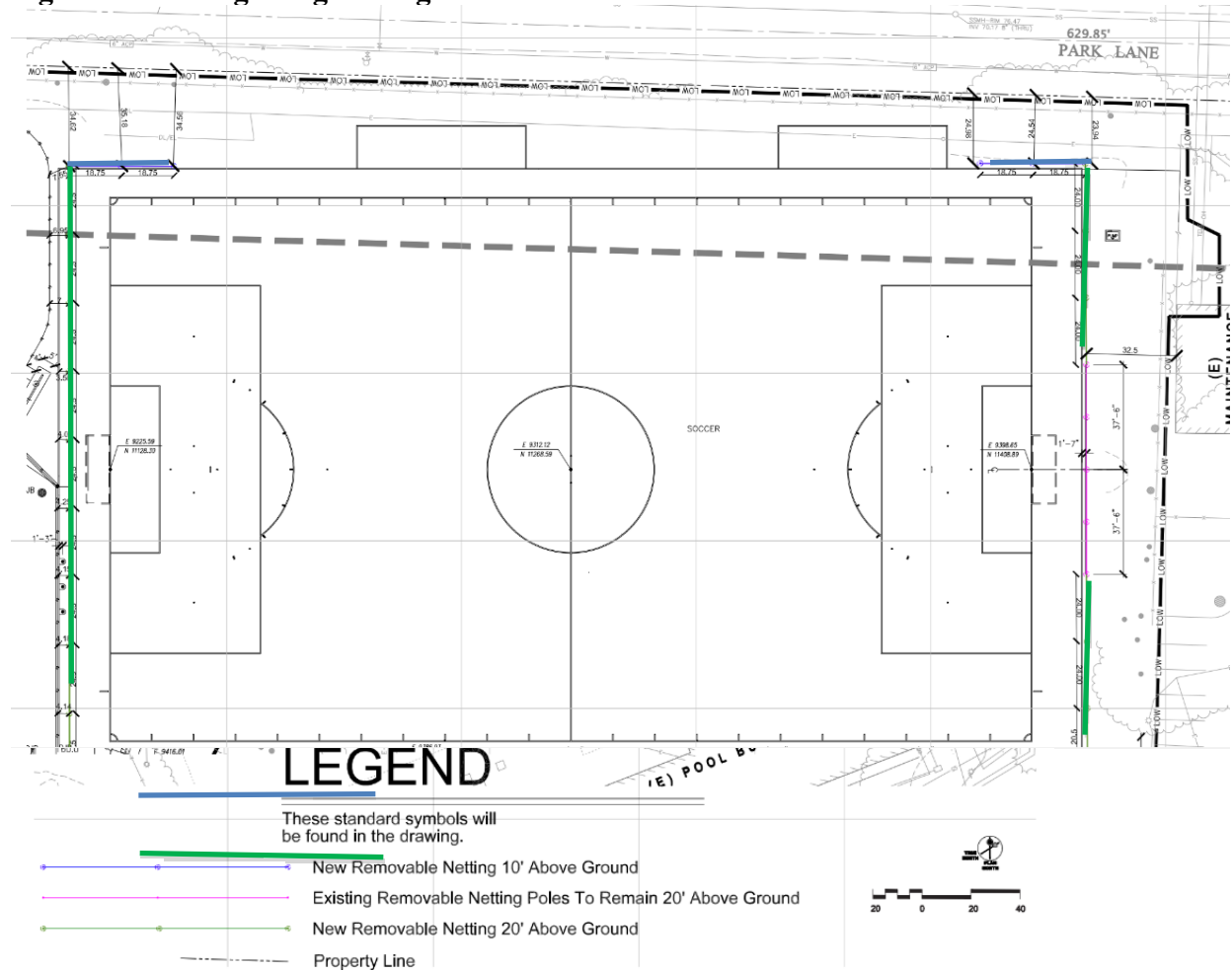


## PROJECT DESCRIPTION

In the 2023 Master Plan update, there are two safety nets proposed in the campus. We will review individual projects below and then analyze it based on the provisions of the PFS district and development standards today.

**Dollinger Field Protective Netting Project 1** - Details of the netting proposal along Park Lane for Dollinger Field is shown in Figure3 below.

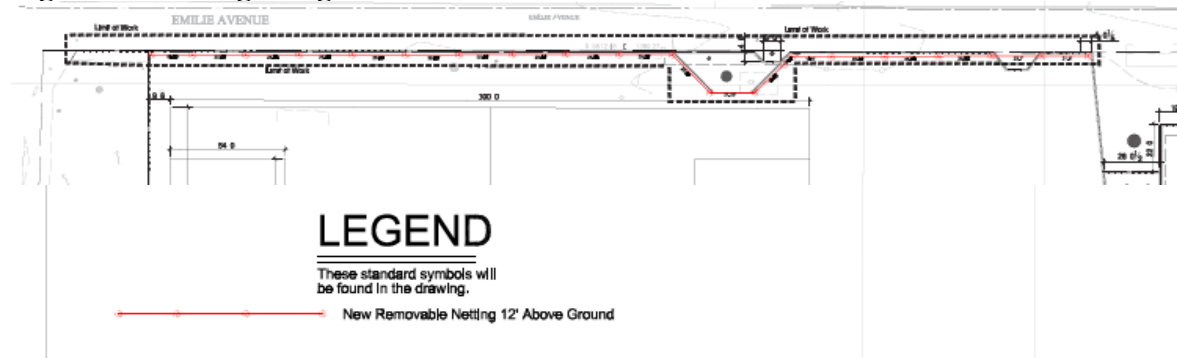
**Figure 3 – Netting along Dollinger Field**



The new removable netting proposal closest to Park Lane and shown in blue line in Figure 3 above is shown to be ten foot tall. The enclosure around the court in green is shown to be twenty feet tall.

**Gavello Field Protective Netting Project 2:** Now to review the proposed net enclosure along the other side, at Gavello Fields on Emilie Avenue, refer to Figure 4 below.

**Figure 4 – Netting along Emilie Avenue for Gavello Field**



This net, shown in red in Figure 4 above, is proposed to be on the property line and is proposed to be at 12ft above ground.

## ANALYSIS

In the 2010 major Master Plan update, the fields were approved to be realigned which did not include protective netting or protection for these fields as part of that update.

Atherton's Municipal Code has specific separate zoning provisions relating to athletic courts, safety athletic net enclosures and heights of those nets in Zoning code provisions as detailed below:

1. Per [AMC Chapter 17.40.050 A. Athletic Courts \(1\)](#) No enclosure or partial enclosure shall be permitted within ten feet of any side or rear property line; and
2. Per [AMC Chapter 17.40.050 A Athletic Courts \(3\)](#) Nets which exceed nine feet in height from finished grade shall be removed or lowered to less than nine feet in height when not in use; and
3. Per [AMC Chapter 17.46.030 A. Maximum Allowed Heights](#) the maximum height permissible along lot lines on private schools is 8ft and at street intersections within clear visibility area is 3ft maximum.
4. These fields, as operational in 2023, are legal nonconforming structures and uses under the development standards of the PFS zone, [refer to AMC Chapter 17.26.030](#), and these fields can be continued to be used as long as they are not enlarged, changed to another use, extended to occupy greater area or moved to another portion of the lot. The athletic fields do not meet the required rear and side setback for the PFS zone and changes to the use or discontinues use for six months or more will terminate the legal nonconformity of the courts.

**Dollinger Field Safety Net Project 1, along Park Lane:** This net proposal is an enclosure around the athletic court which is located at twenty-four feet setback, conforming to required minimum setback from the rear property line Park Lane. However, the heights proposed for the safety net is ten and twenty feet, exceeding maximum allowable nine feet.

**Gavello Field Safety Net Project 2, along Emilie Lane:** This safety net proposal is on the property line and is at 12ft from the ground. It will be reviewed as a fence that exceeds maximum allowable fence height of 8ft and 3ft, as detailed above.



Both projects proposed require an exception to the heights requested for the proposed projects, at the discretion of the Planning Commission and based on the Findings for CUP and Variance listed below.

### **Variance Findings Analysis**

[Per Chapter 17.16.030 of the Atherton Municipal Code](#), The Planning Commission must make the following Variance Findings in order to approve the increased heights of the proposed protective netting along Dollinger and Gavello Fields in the Sacred Hearts School campus.

**A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property owners in the vicinity and under identical land use zoning district classifications.**

*Staff Review: This finding can partially be made.* There are no special circumstances applicable to the property, including size, shape, and topography. The location of the campus is special owing to it being surrounded by single family residential on the east and west sides of the campus. To the north is a Private Open Space district partially, but some portion of the campus also has single family residential owners along that side too.

Gavello Fields: To render strict application of fence heights to be ranging from eight feet to three feet in the corner visibility triangle deprives the property of having protection to the operations of the athletic fields. Other properties in the vicinity are single family residences near Gavello Field and they do not have similar operational concerns as the school athletic fields would have.

Dollinger fields: To apply the height limitation on the enclosure to be under required maximum eight feet at non-operating hours would not deprive the school property of any privileges enjoyed by other property owners in the vicinity. The vicinity comprises of the Menlo Circus club and single family residential on the north side of the fields.

**B. Granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.**

*Staff Review: This finding can be made.* Granting the variance to the increased height for the protective netting for this property is not a special privilege since the zone of this parcel PFS and is surrounded in the vicinity by single family residential zones on majority of the east and west side neighborhoods. The operation of this zone is very different from that of the single-family homes, the proposed variance for height increase is not reviewed similarly for single-family homes owing to the scale and frequency of the operations of athletic fields in both land uses.

**C. Granting the variance will not adversely affect the interest of the public or the interest of residents and property owners in the vicinity of the premises in question.**

*Staff Review: This finding can be made.* The protective netting requires a variance in height for the safe operations of the athletic fields. The granting of the increased height will protect the passer-by on the right of way on Park Lane and Emilie Avenue from being hurt by the soccer and other balls that escape during athletic operations. The variance for the height will in-fact protect

the general personnel, property, and interest of the public and property owners in the vicinity of the courts.

**D. The granting of the variance is consistent with the objectives of the general plan and this title.**

**Staff Review:** *This finding can be made.* The granting of this variance for increased height for the protective netting projects is consistent with the following objectives of the general plan.

<b>Policy LU 1.6</b>	The town shall continue to preserve the open space characteristics of existing schools, churches, and park facilities.
<b>Goal LU -2</b>	Assure development of private schools continue to reflect the Town's character as a scenic, semi-rural, thickly wooded residential area.
<b>Policy LU -3.1</b>	Request private schools prepare Master Development Plans that are reviewed annually by the Planning Commission.

**In conclusion,** staff finds that the proposed increase to the height of the safety net along the athletic courts of Dollinger and Gavello can be support and conditioned to be in effect as long as the courts remain to be in the same location and operate consistent with the approval in the 2010 Master Plan approval.

**Conditional Use Permit Findings Analysis**

The PFS zone requires that any application of a conditional use permit shall be compared to the master plan for consistency to that document. The Master Plan update of 2023 includes the protective netting project in its 2023 update, citing safety reasons during operations of the courts during school year. The location of the safety net project is unique to the site and operating characteristics of the Sacred Hearts School athletic courts and programming. The operations for the athletic courts are a core function of the school and the school website reveals a high importance to the athletic programming of this school site. Per AMC Chapter 17.12.030, CUPs shall be granted only when the following findings can be made by the Planning Commission:

A. The proposed use is consistent with the general plan and all applicable provisions of this title.

**Staff review:** *The finding can be made.* The proposed use for the safety net is to keep the users of the athletic court safe. The use of the court is consistent with the master plan updates that were brought forth to the planning commission annually and can continue to operate. The following goals of the general plan can be found to be consistent with the safety net proposal along Dollinger Field.

<b>Policy LU 1.6</b>	The town shall continue to preserve the open space characteristics of existing schools, churches, and park facilities.
<b>Goal LU -2</b>	Assure development of private schools continue to reflect the Town's character as a scenic, semi-rural, thickly wooded residential area.
<b>Policy LU -3.1</b>	Request private schools prepare Master Development Plans that are reviewed annually by the Planning Commission.

B. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be

detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the town.

**Staff review:** *The finding can be made.* The establishment of this proposed safety nets and maintenance and operations of the nets will provide safety to the passer-by pedestrian or motorist from injury. The Dollinger Field netting meets rear setbacks but not the heights. The location is not ideal for Gavello Field nets along Emilie Way, proposed on the property line. The material of the safety net allows for visibility and transparency unlike other opaque walls, making it visually lighter. The heights of some nets are a cause of concern for the scale and perceived comfort, but since it is shown to be a removal net, the project can be conditioned to be lower the net during non-operating hours to eight feet and raised up when the courts are in use. This height increase can also be supported via Variance finding as described earlier. The nets will improve safety and therefore peace for the residents residing and working in the neighborhood for having an additional protection from the vagaries of the sports. This safety net establishment, maintenance or operation will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of such use, or general welfare of the town.

**In conclusion**, staff finds that the Conditional Use Permit for the proposed protective netting along the Dollinger and Gavello Fields can be supported through the findings of a Variance for increased heights and conditional operations of increased height restricted only to operating hours of the athletic courts.

#### **PUBLIC COMMENT AND NOTICE:**

Public hearing notices were sent to owners within 500 feet of the project site. At the time publishing this report, staff did not receive any public comment. Legal advertisements of the meeting agenda listing this project was published in the Almanac on June 16<sup>th</sup>, 2023.

#### **ALTERNATIVES:**

The Planning Commission may recommend authorization, authorization with modifications, or denial of the proposed project. At the discretions of the Planning Commission, the Draft certificate of approval can include or exclude any additional conditions of approval.

#### **SUGGESTED MOTION FOR APPROVAL of the CONDITIONAL USE PERMIT:**

I move that the Planning Commission find the project proposed This project is categorically exempt from further CEQA review pursuant to: Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures); and  
Approve the Conditional Use Permit to include approval of the fence height Variance for the proposed protective netting at Dollinger and Cavello Fields of Sacred Hearts School campus at 150 Valparaiso Avenue, based on the findings in the staff report.

/s/ Radha Hayagreev

Radha Hayagreev, Senior Planner

#### **Attachments:**

4. Applicant submittal form and plans for Conditional Use Permit
5. SHS 2010 Master Plan archive