



**TOWN OF ATHERTON
PLANNING COMMISSION
Draft CONDITIONAL USE PERMIT CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, July 28, 2023, **approved** a Conditional Use Permit (CUP23-00002) to Sacred Heart Schools at 150 Valparaiso Avenue, pursuant to Atherton Municipal Code Chapter 17.12 to permit the items listed below.

1. Construction of protective netting enclosure and fence on Dollinger and Cavello Athletic Fields with approved variances on height increase to 10ft and 20ft as shown in the plans attached, subject to findings below:

Variance Findings

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

Conditional Use Permit Findings

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



The approved use is located at 150 Valparaiso Avenue (Assessor's Parcel Number 070-390-010). The Permit was approved subject to the following conditions:

1. The project shall be constructed in accordance with the plans submitted as part of the conditional use permit application, to the satisfaction of the Town Planner.
2. Improvements to the property shall comply with PFS Zoning provisions and other applicable ordinances.
3. The applicant shall follow San Mateo County Storm Water Pollution Prevention Program (STOPPP) recommended "Construction Materials Handling and Disposal" and "Construction Practices" and prohibit the occurrence of any non-storm water discharges into the storm drain system.
4. The Protective netting will be painted a shade to make it less visible upon installation.
5. The protective netting will be lowered to eight feet in height during non-operation hours of the athletic courts.
6. The Project sponsors shall include in the construction contract provisions that require construction contractors follow these construction practices:
 - a. Water all active construction areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.
 - e. Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.
 - f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - h. Limit traffic speeds on unpaved roads to 15 miles per hour.
 - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - j. Replant vegetation in disturbed areas as soon as possible.



- k. Wash off the tires or tracks of all trucks and equipment leaving the construction site.
 - l. Install wind breaks at the windward sides of the construction areas.
 - m. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.
7. The applicant shall follow The Town of Atherton Tree Preservation Guidelines, Standards and Specifications (The Guide) as well as information provided in the Tree Reports and Tree Protection and Preservation Plans prepared for the Project area to ensure the preservation of heritage trees and other tree on the site during construction of the project to the satisfaction of the Town Arborist.
8. The applicant shall develop and obtain approval from the Town of Atherton Public Works Department for a construction/demolition traffic management plan before inception of any work.
9. In order to reduce noise impacts, the following mitigation measures shall be implemented:
- a. Notify neighboring residents of the schedule for heavy construction activities (such as demolition, grading and foundations).
 - b. To the extent practical, schedule the noisiest phases of construction (demolition, grading and foundations) during periods when students will not be occupying the closest classrooms to the construction areas (e.g. summer and seasonal breaks).
 - c. If it is not practical to schedule the heavy construction and demolition activities during summer months, work with the Town to evaluate the acceptability of working on some weekends, particularly for noisy activities that will occur close to classrooms. At these locations, equipment will be relatively far from homes and the noise would be further reduced by the acoustical shielding provided by the classroom buildings.
 - d. To the extent feasible, erect 8-foot tall continuous plywood barriers between the occupied school classrooms and the heavy construction activities.
 - e. Schedule construction, as feasible, so that the new structures can be partially finished for use as a noise buffer.
 - f. Ensure that mufflers in good condition are installed on internal combustion engine-equipment;
 - g. Locate stationary equipment such as generators and compressors away from nearby sensitive land uses (i.e., residences and classrooms).
 - h. Perform noisy procedures at an off-site location, as practicable.



- i. Designate a site noise disturbance coordinator whose name will be prominently displayed in signage on the site. The coordinator will be responsible to address neighborhood and school concerns regarding noise and take appropriate actions, where feasible, to reduce noise levels.
10. Project truck traffic or oversize vehicle activity shall be limited to the hours listed below:
 - a. When school is in session: between 8:15 a.m. and 3:00 p.m. and 4:00 p.m. and 5:00 p.m.
 - b. When school is not in session: between 8:00 a.m. and 5:00 p.m.
11. The Town of Atherton Public Works Department and the school shall document pavement conditions on Park Lane and Emilie Avenue before and after the Project. The applicant shall be responsible for repair of any pavement degradation due to Project truck activity.
12. All exterior lighting shall be shielded or down lit so the source of light is not visible from other properties to the satisfaction of the Building Official.
13. Air conditioning and heating equipment shall be shielded and not be a visible part of the building structure on permanent buildings.
14. The applicant shall obtain approval for a landscape screening plan pursuant to Chapter 17.50 of the Atherton Municipal Code.
15. Construction parking along Park Lane shall be limited to the Sacred Heart frontage side of the street only.

Further, the improvements shall be completed no later than August 31, 2013. A performance bond or other form of security satisfactory to the City Attorney in the amount of the total estimated cost of the improvements shall be required to guarantee completion of the work. Such bond or security shall be posted prior to issuance of the first building permit for the first Lower/Middle School Building.

Neal J. Martin,
Town Planner



Effective Date: _____, 2013
Atherton, CA