

**PLANNING COMMISSION
REGULAR MEETING
DRAFT MINUTES**

**TOWN OF ATHERTON
COUNCIL CHAMBERS
80 FAIR OAKS LANE
ATHERTON, CALIFORNIA
JUNE 28, 2023
6:00 P.M.**

This meeting was held in-person with the option for staff and the public to join online.

1. ROLL CALL

PRESENT: Eric Lane, Chair
 Nancy Lerner, Vice Chair
 Randy Lamb
 Perry Narancic
 Bob Polito

Senior Planner Radha Hayagreev, Associate Planner Sean Manalo, and Town Arborist Sally Bentz-Dalton were present.

2. ELECTION OF CHAIR AND VICE CHAIR FOR 2023-2027

MOTION to approve the appointment of Eric Lane as Chair of the Town of Atherton Planning Commission.

M/S Lamb/Lerner Ayes: 4 Noes: 0 Abstain: 1
Commissioner Lane abstained

MOTION to approve the appointment of Nancy Lerner as Vice-Chair of the Town of Atherton Planning Commission.

M/S Chair Lane/Polito Ayes: 4 Noes: 0 Abstain: 1
Commissioner Lerner abstained

3. PUBLIC COMMENTS

There being no public comments, Chair Lane closed the public comment period.

4. APPROVAL OF MINUTES

MOTION to approve the minutes of the May 24, 2023, Planning Commission Meeting.

M/S Lamb /Narancic Ayes: 4 Noes: 0 Abstain: 1
Commissioner Polito abstained

5. PUBLIC HEARING

- a. Request for a Tree Protection Zone (TPZ) exception for three heritage trees of six times the diameter of the tree for the construction of a detached accessory building including a 1,200 square foot ADU, a two-car garage, and a small guest suite/pool house at 345 Stockbridge Avenue. Permit number PTPZ23-00003 (APN 070-011-290)**

Senior Planner Radha Hayagreev presented the staff report.

Town Arborist Sally Bentz-Dalton provided comments on the project.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Property Owner Minerva reported working with the Planning Staff and Town Arborist Sally Bentz-Dalton over the past one-plus year on a solution to fulfill the Applicant's need for a garage and to support other housing needs. One option was to remove trees A and B to build a garage and place an ADU at the back. The second option was to separate the garage and the ADU, which would require a variance.

The proposed design reduces the size of the garage and the pool house. It will also result in a two-car garage with a driveway that curves around the trees and provides more tree protection due to existing concrete pavers. The Applicant worked with Town Arborist Sally Bentz-Dalton over the past eight months to revive the Redwood tree. It was noted that the tree roots will not be damaged because they are located above the crawlspace and the foundation to be built.

There being no additional comments, Chair Lane closed the public comment period.

Commissioner Lamb made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15303A and find the exception to the Tree Protection Zone (TPZ) for three trees exceptions of six times the tree's diameter for an 18-inch oak tree (tree A) to build a driveway, six times the tree's diameter for an 18-inch oak tree (tree B) to build a driveway, and six times the tree's diameter for a 58-inch Redwood tree (tree C) for the ADU pool house to allow for the construction of a garage, a 1,200 square foot ADU, and a guest suite/pool house at 345 Stockbridge Avenue based on the findings outlined in the discussion of the Planning Commission, and subject to the conditions listed in the certificate.

M/S Lamb/Polito Ayes: 5 Noes: 0 Abstain: 0

- b. Request for the removal of one (1) 26.8-inch heritage Douglas fir tree to provide a proposed vehicle backup distance for the garage as part of a new two-story, 6,451 square foot residence with a full basement, detached garage accessory dwelling unit, pool, and driveway project at 92 Inglewood Lane. Permit number HTR23-00002 (APN 070-240-150)**

Senior Planner Radha Hayagreev presented the staff report.

Town Arborist Sally Bentz-Dalton provided comments on the project.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Architect Jon Daseking, of Pacific Peninsula Architecture (PPG), spoke on behalf of the Applicant.

Cynthia Yock stated she lives on one side of the project and, in the absence of the neighbor on the other side of the project, reported several smaller trees on either side that are not reflected on the site plan. She queried whether the trees will be removed in addition to the Douglas fir. She reported walking the neighbor's property and expressed concern that removing all of the trees would expose a bedroom on their upper floor that will no longer be private once all the trees are removed.

Town Arborist Sally Bentz-Dalton noted that the Applicant also applied for one oak and three palm trees to be removed, which were approved because the trees were either dead or posed safety risks. The Applicant did not apply for any additional trees on the side of the property in question; however, the Applicant is permitted to remove the screening as long as it is replaced.

Architect Jon Daseking, of PPG, confirmed one oak tree included in the submittal documents that is leaning badly and will be removed. There are plans for at least one tree to be planted on the neighbor's side in question. He stated that the landscape architect can develop a screening plan for both sides of the property.

Commissioner Lamb expressed concern that neighbors were not consulted in advance of the proposed site plan. He suggested implementing a minimum size requirement for the screening.

Chair Lane noted the screening should have no major roots and should grow tall quickly or be tall at the time of planting.

Architect Jon Daseking, of PPG architecture, reported the site plan includes a one-story motor court on each side of the project that provides a setback. The motor courts come relatively close to the fence line which limits the space for the planting of trees; however, it was suggested to plant on alternate sides to build a more natural appearance of trees instead of a row of trees.

Cynthia Yock stated that she is similarly concerned about screening and privacy in her own yard given the changes that could follow with a two-story house and encouraged the architect to speak with her.

There being no additional comments, Chair Lane closed the public comment period.

Town Arborist Sally Bentz-Dalton noted the Planning Commission cannot stipulate the species of trees planted; however, the Planning Commission can implement a minimum height requirement.

Commissioner Polito queried the location of the neighboring property in question relative to the site plan.

Chair Lane re-opened the public comment.

Architect Jon Daseking, of PPG architecture, reviewed the site plan and the location of the neighbor's property relative to the project. He reiterated that the proposed site plan is a reasonable request and a good solution with the least impact on other trees on the property.

There being no additional comments, Chair Lane closed the public comment period.

Chair Lane clarified that the oak tree was being removed due to safety concerns and the Douglas fir was being removed for driveway access. He emphasized that the alternative locations for the garage are not good options; however, there is sensitivity about privacy in established properties, and reiterated the importance of seeking input from neighbors in advance.

Commissioner Narancic made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15303A and find the request for the removal of one (1) 26.8-inch heritage Douglas fir tree to provide a proposed vehicle backup distance for the garage as part of a new two-story, 6,451 square foot residence with a full basement, detached garage accessory dwelling unit, pool, and driveway project at 92 Inglewood Lane based on the findings outlined in the discussion of the Planning Commission, and provided that such approval is contingent upon the adjacent neighbor agreeing with a screening plan.

M/S Narancic/Polito Ayes: 5 Noes: 0 Abstain: 0

- c. Request for the removal of two heritage trees, a 20.5-inch magnolia and a 33.8-inch ash tree, in the left side yard for the construction of a new 870-square-foot accessory structure to be used as a personal gym at 60 Adam Way.
Permit number HTR23-00003 (APN 059-311-210)**

This project was noticed but withdrawn by the Applicant.

- d. Review and accept the Sacred Heart Schools 2023 Master Plan Update for the Sacred Heart School with a conditional use permit (CUP) for sports field protective netting at Dollinger Field and Gavello Fields at 150 Valparaiso Avenue.
Permit number MPL23-00001 (APN 070-390-010)**

Commissioner Lamb reported a conflict of interest as he serves on a committee at Sacred Hearts and requested that he be recused from the discussion.

Senior Planner Radha Hayagreev presented the staff report for the Sacred Hearts Schools 2023 Master Plan Update.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Mike Dwyer, Director of Operations of Sacred Heart Schools, represented the Applicant and reported increased on-campus events in 2022-2023, which did not accelerate traffic counts due to current programs to mitigate traffic. He reported challenges with rainstorms, which resulted in damage, power outages, and school closures.

He noted that COVID-19 cases are still being reported but are far less severe and less frequent and are not impacting operations. The CDC and county guidelines are still being followed.

There are no major projects planned; however, minor projects include protective netting at Gavello Fields and Dollinger Field due to safety concerns for the general public. He reviewed new projects including a solar-generated backup generator system, a small administration building to accommodate additional programming, moving the cellular antenna due to parental concerns regarding electromagnetic fields, and the addition of future ADUs.

There being no additional comments, Chair Lane closed the public comment period.

Commissioner Polito made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15301 and accept the Sacred Heart Schools 2023 Master Plan Update and TDM monitoring report for the Sacred Heart School.

**M/S Polito/Chair Lane Ayes: 5 Noes: 0 Abstain: 1
Commissioner Lamb abstained**

Senior Planner Radha Hayagreev presented the staff report for the conditional use permit for the sports field protective netting for Dollinger Field and Gavello Fields.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Mike Dwyer, Director of Operations of Sacred Heart Schools, represented the Applicant and reported developing an alternate plan to divert netting around the trees at Dollinger Field and Gavello Fields. If the proposed netting presents an issue in the future, temporary movable netting can be installed in the designated tree areas. He emphasized the safety concerns and noted that Simon Parrott, of Colony Landscape, is available to answer technical questions related to the project.

Commissioner Polito referred to the existing netting on Park Lane and queried whether the proposed netting can be lowered and raised and why some nets only have to be 10 feet high.

Mike Dwyer, Director of Operations of Sacred Heart Schools, reported that all sports netting was in sleeves in the ground, should there be an issue in which the netting needs to be relocated. It is not a permanent fixture in the ground but secured for safety purposes.

Project Manager Simon Parrott, of Colony Landscape, noted that the 12-foot netting along Emilie Avenue is intended to match the existing 12-foot netting along Park Lane.

There being no additional comments, Chair Lane closed the public comment period.

Chair Lane made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15301 and accept the conditional use permit (CUP) to include approval of the fence height variance for the proposed protective netting at Dollinger Field and Gavello Fields at 150 Valparaiso Avenue based on the findings outlined in the discussion of the Planning Commission.

**M/S Chair Lane/Narancic Ayes: 5 Noes: 0 Abstain: 1
Commissioner Lamb abstained**

- e. Review and accept the Menlo School 2023 Master Plan Update for the Menlo School with a conditional use permit for a childcare renovation project update at 50 Valparaiso Avenue. Permit number MPL23-00002 (APN 070-360-080)**

Associate Planner Sean Manalo presented the staff report for the Menlo School 2023 Master Plan Update.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Loren Arms, Director of Operations of Menlo School, represented the Applicant and reported that the Cartan Athletic Fields is the only large project remaining but there are no plans to seek an alternative field in 2023-2024 or in the near future; however, Menlo School will continue to explore viable options. The land is owned equally with the college and many of the school's athletic facilities are shared. He reviewed the enrollment and admissions at Menlo School.

The Master Plan Update includes a request to be made in August 2023 or September 2023 for increased enrollment to address the large number of applicants that were denied admissions. He discussed traffic monitoring and control.

There being no additional comments, Chair Lane closed the public comment period.

Commissioner Polito made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15301 and accept the Menlo School 2023 Master Plan Update for the Menlo School based on the findings outlined in the discussion of the Planning Commission.

M/S Polito/Lamb Ayes: 5 Noes: 0 Abstain: 0

Associate Planner Sean Manalo presented the staff report for the conditional use permit for a childcare renovation project update.

Chair Lane opened the public comment period and invited the Applicant to address the Commission.

Loren Arms, Director of Operations of Menlo School, represented the Applicant and reported that the square footage of the facility will remain unchanged; however, walls will be reconfigured to ensure that square footage requirements are met for each designated childcare area. Additional improvements include more efficient and environmentally friendly air conditioning, LED lighting, and accessibility improvements to ensure code compliance.

Commissioner Polito queried the reason for an infant playground.

Loren Arms, Director of Operations of Menlo School, reported strict regulations to separate age groups. He noted that the ability to offer childcare to school employees will incentivize and help to recruit the best teachers and will ultimately reduce traffic count as teachers can remain onsite for their childcare needs.

There being no additional comments, Chair Lane closed the public comment period.

Commissioner Narancic made the following motion:

MOTION to approve the project being categorically exempt from CEQA Section 15301 and approve the conditional use permit (CUP) to allow for the expansion of childcare services including an infant play area and associated building modifications at Menlo School at 50 Valparaiso Avenue based on the findings outlined in the discussion of the Planning Commission.

M/S Narancic/Lamb Ayes: 5 Noes: 0 Abstain: 0

6. STAFF REPORTS

- a. **Monthly Tree Letter Update:** Carol Flaherty, a resident, had requested the Planning Commission provide feedback to Town Arborist Sally Bentz-Dalton regarding suggested amendments to the monthly tree letter requirement in response to public comments made at a previous Planning Commission meeting.

Chair Lane had suggested reducing the reporting requirement to quarterly instead of monthly reports due to the burden on developers and property owners.

Town Arborist Sally Bentz-Dalton stated that a reduction to quarterly reports will require her to conduct more site visits to ensure there are no issues between the quarterly reports. She currently does not visit every site and relies on monthly reports. There are currently 102 sites that are reporting monthly as required for full site developments, large remodels, or large grading changes.

Chair Lane suggested if non-compliance is identified during quarterly reporting, to issue a penalty and to be reverted to a requirement of monthly reporting for the remainder of the term.

Town Arborist Sally Bentz-Dalton will draft an ordinance to be presented for public hearing at the next Planning Commission meeting for action to be taken by the Planning Commission.

7. COMMISSIONERS' REPORTS

Chair Lane shared an article from the Daily Post on where cities stand on approval for California's state housing plan. The article is available online for review.

Chair Lane requested an update on the grand jury report.

Senior Planner Radha Hayagreev reported the Planning staff were working to respond to requests as required; however, Atherton's housing element was also being prioritized as it was closing. The City Manager provided a deadline of September 6, 2023, for the Planning Department to respond to the Grand Jury report response.

Commissioner Polito queried the process to review ordinances for required updates.

Senior Planner Radha Hayagreev stated Planning staff would have to review parcels and present an ordinance update to the Planning Commission for feedback before being presented to the City Council.

Chair Lane noted that context should be provided for why parameters exist in ordinances.

Senior Planner Radha Hayagreev noted that Applicants are encouraged to present alternative options to help identify why the selected option proposed is the best option.

8. ADJOURN

M/S Narancic/Lamb Ayes: 5 Noes: 0 Abstain: 0

The meeting was adjourned at 7:43 p.m.