



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, May 21, 2014 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

REGULAR AGENDA

Call to Order, Roll Call

Chairperson Gilbert, Vice-Chairperson Targ, Commissioners Hasko, McKitterick, and Von Feldt

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. Preliminary Review – Application for Variance X7E-136 for House Addition, 20 Russell Avenue, Subramonian
2. Preliminary Review – Proposed Amendment to CUP X7D-167, Professional/Personal Office Uses, 828 Portola Road, Crown
3. Preliminary Review – Proposed CUP X7D-175, Professional/Personal Offices and Art/Gallery Studio Uses, 888 Portola Road, Douglas
4. Continued Study Session – 2014 Housing Element

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: May 7, 2014

Adjournment:

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Assistant Planner at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Town Center.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public

Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is posted in compliance with the Government Code of the State of California.

Date: May 16, 2014

CheyAnne Brown
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Interim Town Planner
Tom Vlastic, Town Planning Consultant
DATE: May 16, 2014
RE: Agenda for May 21, 2014 Planning Commission Meeting

The following comments provide an overview of the items on the May 21st planning commission agenda.

Preliminary Review – Application for Variance X7E-136 for House Addition, 20 Russell Avenue, Subramonian

This application, as described in the enclosed May 8, 2014 staff report from Interim Town Planner Kristiansson, is for a 427 square foot addition to the existing 928 square foot home on this 0.4 acre Woodside Highlands parcel. The home was built in 1935, prior to incorporation or development of the town's zoning standards, and much of the existing house is located within the 20' front setback for the parcel. A portion of the proposed addition is also located within the front setback and comes to approximately 16 feet from the front property line, even though the addition is to the rear of the house. As a result, a variance is needed for this project.

Story poles have been erected, and Planning Commissioners should view the proposed project from both Russell Avenue and Leroy Avenue prior to the May 21st meeting. Two neighbors have expressed concern about the project. One neighbor, at 6 Leroy, has requested additional screening of the project, which is located at the top of the slope on the property and there is very little vegetation on that portion of the lot. The applicant and project architect have talked with this neighbor and are developing a plan for screening.

The second neighbor, at 3 Tynan, is concerned about on-street parking and has submitted a letter which is attached to the staff report. Although the existing front entry gate is located partly in the private right of way for Russell Avenue and does not conform to current zoning ordinance requirements, the entry gate and on-street parking are not directly linked to the variance request. The project will not add any bedrooms or a second unit, and as a result, the amount of parking needed for the property will not change as a result of the project. Parking issues, and particularly concern over on-street parking, should therefore be directly resolved between the property owner and the neighbors in the area.

The May 8, 2014 staff report discusses the each of the required variance findings. Based on this information as well as any new information presented at the May 21st meeting, the Planning Commission should provide preliminary feedback on the requested variance. The ASCC is scheduled to consider the architectural review for this project for action on May 27 and will make a formal recommendation to the Planning Commission concerning the variance at that time. The Planning Commission could then hold its public hearing on the variance request at its June 4 meeting.

Preliminary Review -- Proposed Amendment to CUP X7D-167, Professional/Personal Office Uses, 828 Portola Road, Crown

The enclosed May 17, 2014 staff report prepared by Town Planning Consultant Tom Vlasic provides a preliminary review of this request for amendment to the subject use permit issued by the planning commission in 2007. The .49-acre, A-P (Administrative Professional) zoned property recently sold and the medical uses in the building authorized by zoning permits issued with the 2007 action on the CUP have now vacated the building. The current request is to expand the scope of permitted CUP uses to include attorney, wealth management and personal offices. The request has been made with two specific zoning permits, one for personal offices and a second for a medical/psychiatric practice. The CUP amendment would be needed to authorize the personal office zoning permit, but not the proposed permit for the medical/psychiatric practice, as this is a use currently allowed under the CUP provisions. No changes to site buildings or other improvements are proposed.

The planning commission should conduct the May 21st preliminary review as explained in the staff report. It is anticipated that the hearing on the applications would take place at the June 4, 2014 planning commission meeting.

Preliminary Review -- Proposed CUP X7D-175, Professional/Personal Offices and Art/Gallery Studio Uses, 888 Portola Road, Douglas

The enclosed May 16, 2014 report prepared by Town Planning Consultant Tom Vlasic provides background on this request for a new CUP and a preliminary review of the application. The request is to approve a CUP that would authorize three categories of use for the existing 1,820 sf commercial building on the .26-acre, C-C (Community Commercial) zoned site. The proposed uses include professional offices, personal offices, and art/gallery studio. The report explains interactions between staff, including the town attorney, and the applicant and applicant's representative and, in particular, reviews the history of issues relative to the CUP issued in 2001 for the property and the sewer connection condition. As commissioners are aware, that CUP was revoked by the town council due to lack of compliance with the sewer connection requirements.

The staff report identifies a number of issues for planning commission discussion and also points out the need for further application clarifications. As a result, it is anticipated that after the preliminary review any hearing on the matter will likely not be possible until a July planning commission meeting. This will allow time for the needed application clarifications, response to planning commission preliminary comments, and further staff analysis and evaluation.

Continued Study Session – 2014 Housing Element

The Planning Commission has drafts of two sections of the 2014 Housing Element to review and discuss at its May 21, 2014 meeting. These are the Evaluation of the 2009 Housing Element and the Analysis of Constraints to Housing. Discussion of these sections is provided in the attached May 16, 2014 staff report from Interim Town Planner Kristiansson. With these, the Commission will have seen drafts of all of the major sections of the housing element. The Commission is scheduled to review a full draft of the element at its meeting on June 4.

KLK/TCV
encl.

cc. Town Council Liaison
Mayor
Assistant Planner

Town Attorney
Town Manager
Town Planning Consultant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC and Planning Commission
FROM: Karen Kristiansson, Interim Town Planner
DATE: May 8, 2014
RE: Preliminary Consideration of Variance X7E-136 and Architectural Review for House Addition for 20 Russell Ave., Subramonian Residence

At its May 12, 2014 meeting, the ASCC will conduct a preliminary review of plans for a 427 square foot (sf) addition to the existing 928 sf house, and new 161 sf deck, on this 0.4 acre parcel in the Woodside Highlands. As is discussed below, much of the existing house and part of the addition is within the 20 foot required front setback for the property, and therefore a variance is needed for this project. The Planning Commission is scheduled for preliminary review of this project and, specifically, the variance request at its May 21, 2014 meeting, and the ASCC's comments will be summarized and provided to the Planning Commission for consideration at that meeting. The following report was prepared to support the preliminary reviews of both the Planning Commission and the ASCC and therefore addresses both the variance request and the design elements of the proposal.

This parcel is located in the lower Woodside Highlands and includes steep slopes and a number of existing retaining walls. The house fronts on Russell Avenue and slopes steeply down to the rear property line, which is adjacent to Leroy Avenue. The existing house was built in 1935, well before town incorporation and adoption of zoning standards, and much of the house is located within the front setback. As a result, although the house addition is at the rear of the house, a portion of the addition is nonetheless located within the front setback area and would be within 16 feet of the front property line instead of set back by the required 20 feet, as shown on the site plan on Sheet A1.02.

The addition includes a height increase of approximately five feet at the tallest point, and a change in roof form, although the house will comply with the Town's height limits. Story poles have been erected at the site and show the proposed roof configuration. Commissioners should view the story poles from both Russell Avenue and Leroy Avenue prior to the meeting.

The project is presented on the following enclosed plans prepared by F. John Richards, Architect and dated as shown below:

Sheet A1.01, Title Sheet, dated 3/24/14
Sheet A1.02, Site Plan, dated 3/24/14

Sheet A1.03, Floor Plans and Exterior Elevations, dated 3/24/14
Sheet A1.04, Greenpoints, dated 3/24/14

In support of the plans and application, the following additional materials have been submitted:

- Outdoor water use efficiency checklist, John Richard, dated 3/18/14 (attached)
- Color board, dated 3/18/14 (not attached; will be available at the meeting)

The following comments are offered to facilitate the preliminary review process.

1. **Background and project description.** This project involves remodeling the interior of this house, adding a 427 square foot addition to the rear of the house, and building a small deck near the house entry and great room. The addition will allow for reconfiguring and significantly enlarging the kitchen and the master suite, as well as adding one bathroom.

The addition will be located behind the house on land that is currently paved and which includes the existing covered patio. The project would not include removing any trees or other vegetation, and grading would be minimal. As a result, a site development permit is not needed for this project.

The property slopes fairly steeply from an elevation of about 674' at Russell Avenue down to about 634' at Leroy Avenue. There are a couple of redwoods and oaks on the north end of the property, as well as a garden structure which was added with a permit in 2010. There are no trees on the southwestern slope of the property between the house and Leroy Avenue, and the existing septic leach field that serves this property appears to be located in this area. Because the number of bedrooms is not increasing, no changes are needed to the septic system.

Because of the relatively small size of the lots in this area and the topography, this project will be visible from several neighboring homes and from both Russell Avenue and Leroy Avenue. Several neighbors have visited Town Hall to view the plans, and the neighbors at 6 Leroy, across the street from what is considered the rear of the property, have expressed concern about the visibility of the addition and height increase due to the location of this house at the top of the slope on the parcel. They have asked that some screening be incorporated into the project, and the project architect has met with them and is working to address their concerns.

2. **Parking.** The property provides sufficient space for two off-street parking spaces, but these spaces are not covered as is required by the zoning code. As a result, the owners originally applied for a variance for that as well, as stated on the cover sheet of the plans. However, the Town has applied the off-street parking zoning standards to only require additional parking or covered parking when a project is increasing the number of bedrooms, since the amount of parking is determined by the number of bedrooms. Because this project would not increase the number of bedrooms, providing the covered parking would not be required. In effect, this property has a legal non-conforming parking situation and would not need to bring the parking into conformity with this project. As a result, a variance would not be needed for the lack of covered parking. If, however, a new house were proposed on the site, then full compliance with zoning standards would be required.

3. **Floor area, impervious surface, and height limit compliance, Build It Green points, and outdoor water conservation.** With the addition, the floor area on the property will increase from 928 sf to 1,355 sf, which is about 37% of the Adjusted Maximum Floor Area for this parcel (3,664 sf). The project will decrease the amount of impervious surface on the site from 3,950 to 3,470, both of which are below the impervious surface limit of 4,050 sf.

At its highest point, the house with the addition would have a height of 21' 3", well below the 28' height limit. With the deck, the maximum height of the project would be 29' 3" from the lowest point of the cladding under the deck to the highest point of the roof. This is below the maximum height limit of 34' as well.

The attached required Build It Green (BIG) GreenPoint rated single family checklist targets 49 points. For reference, the Town's Green Building Ordinance would require 50 points for this addition project, although it cannot currently be required. As you know, the Town began enforcing the 2013 CalGreen code in January, and staff will be working with the Town Council this spring to determine if a new green building code should be developed.

The completed outdoor Water Use Efficiency Checklist (attached) indicates that the project includes no landscaped or irrigated areas, and the project complies with the town's Water Conservation in Landscaping Ordinance.

4. **Architectural design, exterior materials and finishes.** The project involves a fairly straightforward addition to the rear of the existing small ranch-style house on the property. The addition includes a vaulted roof which extends up to a peak that is five feet higher than the peak of the existing roof and is oriented perpendicular to the roof peak on the existing house. As part of the addition, the existing glass sliding doors will be removed, and the east elevation will instead include a set of windows concentrated in the great room and extending up towards the roof peak.

The exterior materials for the project will include a dark gray composition shingle roof to match the existing roof; a medium tan color for the siding, and a dark brown color for the trim. All of the proposed colors comply with the Town's policies relative to light reflectivity values (LRV). The existing house will be repainted as part of the project, which will bring the house into compliance with the LRV policies as well.

The color of the Trex for the deck has not yet been determined and will need to be specified. The deck will include a vinyl-coated cable railing with dark steel posts and top rail, to match the existing railings on the property. The underpinning of the deck will have siding to match the house.

5. **Lighting and skylights.** The project will include removing the existing light by the entry door and replacing it with a new fixture with a 15 Watt CFL. Other existing lights on the house do not meet the Town's standards and would be removed as part of the project. Two new LED step lights will be added at the entry steps.

The project also includes four sun-tunnel skylights over the great room. Because of the tunnel design and the location on the western side of the roof, these skylights should have minimal potential for visual impact.

6. **Variance Request.** The Planning Commission, sitting as the Board of Adjustment, will need to consider the variance request at a public hearing and act on it in light of the findings required under Section 18.68.070 of the zoning ordinance. Each of these findings is listed below, along with a brief discussion.

1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.

Discussion: This property includes steep slopes and an existing septic system which constrain changes in the lot configuration. The house was built in 1935 and is located almost entirely within the front setback, such that even an addition to the rear of the house will be partially within the front setback. This, in particular, is a special circumstance which does not generally apply to other properties within the district.

2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.

Discussion: If the Town did not allow an addition at the rear of the house, the house would need to be completely reconfigured or rebuilt in order to provide the owners with a similarly functional home. Other property owners in the district would not face such constraints. Additionally, constructing an addition elsewhere on the parcel would require much more site disturbance.

3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.

Discussion: The variance would be for a small (427 sf) addition, such as other property owners might build for their homes. As such, the variance would not provide a special privilege but would allow the property to be used similarly to other properties in the vicinity and zone. The house with the addition will still utilize only 37% of the maximum allowed floor area for the property.

4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.

Discussion: The variance will allow a small addition at the rear of the existing home, but still within the required front yard setback. The house with the addition would include less than half of the allowable floor area for the site and is well under the basic height and maximum height limits. The addition would be more visible from Leroy Avenue than the current house because of the height increase and location of the house and addition at the top of a slope, but the visual impact would be no more than what would be considered normal in this zoning district.

5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.

Discussion: The variance would be for an addition to a single family home, which is authorized in the zoning ordinance.

6. That the granting of such variance shall be consistent with this title and the general plan.

Discussion: The variance allows a small addition to the rear of an existing single family home in a part of town that is zoned for and has general plan designations for single family residences. As was described above, the addition complies with zoning standards other than the front yard setback, including height and floor area. Additionally, the house is located within the portion of Woodside Highlands that is designated Sbr on the Town's Ground Movement Potential Map, which is the most stable slope designation. As a result, the variance is consistent with the zoning ordinance and the general plan.

Conclusion

Commissioners should visit the site prior to the May 12th meeting and view the story poles from both Russell Avenue and Leroy Avenue. Based on the visit to the site, this staff report, and comments offered at the meeting, the ASCC should conduct a preliminary review and offer comments, both for the architectural review and for the Planning Commission to consider in terms of the variance request.

Project consideration should be continued to the May 27, 2014 special ASCC meeting for action after the Planning Commission conducts its preliminary review. This will allow for the applicant and the ASCC to address any specific concerns the Planning Commission may have before final ASCC action is taken and a final ASCC recommendation is forwarded to the Planning Commission.

Enc.
Att.

Cc: Town Council ASCC Liaison
Planning Commission ASCC Liaison
Applicant
John Richards, Project Architect

May 12, 2014

ASCC & Planning Commission / Town of Portola Valley

Comments on Subramonian Residence Variance Request

We are neighbors of this property and drive past it every day to our home at 3 Tynan Way.

We have reviewed the proposed plans and request for variances for the Subramonian residence at 20 Russell Avenue. We have no objection to the request for variance from front yard setback as described in the plans. The proposed residence remodel is attractive and well designed and would be a positive addition to our neighborhood.

Our issue with this project is simply that of *parking*.

Regrettably the owner is choosing to utilize a “grandfather” loophole which appears to exempt this project from the requirement for off-street covered parking despite the fact the property has both space and existing driveway access to potential garage/carport sites. The Town should recognize that there comes a point in time when a half-century old exemption likely put in place to ease the incorporation of the Town should no longer apply in today’s world on a site with space and access.

In light of the fact this project represents a 50% expansion and a major rebuild of the house we would like to see the issue of parking addressed.

Currently the owner routinely parks at least two cars at the top of the driveway *outside* of the existing gate. A significant portion of this location is not on the owner’s property; rather it is in the road right of way. The existing gate was added by the current owner in the last several years and approximately half of the gate is not on the owner’s property and is also located in the road right of way. We do not believe a permit was obtained for the construction of the gate as built since it seems unlikely a permit would be granted to construct a gate located off of the owner’s property.

The owners *almost never* park their cars in the off-street parking area north of the house mentioned in the Project Description and there is nothing in the current proposal that would suggest that this will change. One of the

primary reasons for the existence of the Town requirement for off-street covered parking is to reduce on-street parking and this property is a perfect example of this need.

The owners' current parking practice is effectively on-street parking and creates a public traffic hazard. It occurs at a location on a curve of Russell Avenue which causes uphill traffic heading into the blind left turn above onto Tynan Way to take a more dangerous path in order to avoid the owner's parked cars. This has created an ongoing safety hazard for everyone who drives this road.

In regards to this project, assuming that the requirement for off-street covered parking continues to be exempted, we would like to request the following as conditions of any plan approval:

- A> That the *current non-conforming gate be removed* and if replaced to be constructed entirely on the owner's property and at a location that facilitates rather than impedes 100% off-street parking of the owners' cars, and be done so with a valid permit process.

- B> That all *construction parking be managed so as not to create traffic hazards on the surrounding streets*. This may necessitate a requirement that all construction parking take place entirely within the owners' property and that there be an enforced approach to any on-street construction parking.

Sincerely,

David and Lynne Madison
3 Tynan Way
Portola Valley

VIA EMAIL



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Tom Vlasic, Town Planning Consultant

DATE: May 17, 2014

RE: Preliminary Review, Request for Amendment to Conditional Use Permit (CUP) X7D-167, Professional Office Uses and *Personal Offices*, and Zoning Permits for Personal Office (Crown) and New Psychiatric Care Use (Gandy), 828 Portola Road, *Crown*

Background and Request

This is a preliminary review of the subject application to amend CUP X7D-167 that regulates professional office uses on this .4-acre, 21,000 sf, Portola Road property (see attached vicinity map for location and attached survey of the property relative to the existing buildings). The property is in the A-P, Administrative Professional, zoning district and the property and existing structures, with specific uses, were afforded zoning conformity with issuance of the subject CUP on December 5, 2007. The total floor area is approximately 1,600 sf. The staff report considered by the planning commission prior to the 12/5/07 action is attached, as is the December 18, 2007 letter to the then property owner Dr. Robert Conlon, confirming the planning commission CUP approval.

The 2007 planning commission action limited the professional offices uses to medical, dental and psychiatric care. With the CUP action, three zoning permits were issued for doctors specializing in psychiatric care and a floor plan for the offices was included with the permits. The CUP permit was exercised and the buildings upgraded to serve the new uses and meet contemporary building code provisions. The three doctors occupied the building until March 8 of this year.

The property was purchased by Mr. Bill Crown, a town resident, in October 2013. Some background on the current ownership and termination of the previous doctors' leases is explained in the attached April 13, 2014 letter from Mr. Michael Bialas, the property owner representative. The letter also explains the current request to amend the CUP to expand the possible range of professional office uses and to also allow for personal offices as defined in the zoning ordinance. Also requested is approval of two zoning permits, one for Mr. Crown's personal office use and the other for a specific psychiatric care use. In addition to the April 23, 2014 letter, the following materials have been submitted in support of and to clarify the request:

Floor Plan, 4/22/14 (attached), identifying the office suites referenced in the 4/23/14 letter from Mr. Bialas
CUP Amendment Application, 3/23/14
4/23/14 Zoning Permit application (attached) for Mr. Crown's personal office use (163 sf or 172 sf)
4/14/14 Zoning Permit application (attached) for Sara Gandy, M.D., psychiatric care (195 sf or 203 sf). To clarify the application, Dr. Gandy has provided the attached April 18, 2014 letter.

With the CUP amendment application, i.e., in the 4/23/14 letter from Mr. Bailas, the proposed additional professional offices are identified as an attorney serving local investors and companies and a "wealth manager." Specific tenants are not identified at this time, nor are the office spaces for such uses.

The applications propose no external changes to the buildings or site. The buildings were improved to serve the previous CUP authorized tenants. Further, the existing parking was found adequate for the uses. It is also noted that the site is served by a septic system that has been maintained and was found acceptable for the previous, historic dental use of the site and for the previous psychiatric uses. The applicant has advised that there have been no issues with the existing septic system and there is no need for changes to the system and there are no plans to connect the property to the sanitary sewer in Portola Road.

It is likely that with any new use, new signage would be considered and any signage plan would need prior review and approval by the ASCC. Other exterior changes are not planned, but if any were, they would also need, at a minimum ASCC review and approval.

It is also noted that when the 2007 CUP and zoning permits were approved, staff had advised that for future zoning permits typical review and approval, pursuant to the zoning ordinance, would be by the Town Planner. The commission, however, determined that all zoning permits for the site should be reviewed and authorized by the planning commission. Thus, irrespective of the current use permit amendment request and personal office amendment and zoning permit applications, the zoning permit for Dr. Gandy could be considered and acted on by the planning commission without the need for any CUP amendment.

Preliminary Evaluation

The subject property is within the A-P, Administrative Professional zoning district. Medical and other office uses are permitted within this district subject to the granting of a conditional use permit (Section 18.22.030 C. of the zoning ordinance). This section includes the requirement that the proposed use demonstrate that it would meet the domestic needs of the residents of the town and its spheres of influences or would provide services to other business or institutions in the town or its sphere of influences meeting local domestic needs. The uses must also conform to the floor area limits in the zoning ordinance.

The following preliminary review comments are offered for planning commission consideration:

1. Floor area and general CUP limits. The total floor in the main, front, building is 1,400 sf and the rear building has an area of 200 sf. Currently the buildings are vacant, but with

a zoning permit could be occupied by medical, dental or psychiatric care uses found to be consistent with zoning ordinance community service standards and the specific use floor area limits in Section 18.54.052 of the zoning ordinance. The floor area limit for a medical or dental office is 2,000 sf, thus the suites in this building and the total floor area face no constraints relative to the floor area limits.

2. Proposed Dr. Gandy zoning permit. As noted above, the commission can consider and act on this permit for psychiatric care office use whether or not the requested CUP amendment is granted. The total proposed floor area for the psychiatric care is 203 sf or less and well under the 2,000 sf limit for one medical office. Due to the small size of the practice, its focus and character (refer to 4/18/14 letter from Dr. Gandy), it would seem possible to issue the permit as requested. It has overall low impact potential and the scope of the uses and proposed office hours seem to create minimal potential for site or neighborhood impacts.
3. Proposed CUP Amendment relative to professional office uses. The scope of possible professional office uses, beyond those medical and dental offices currently authorized, is limited by the provisions of Section 18.22.030.C. of the zoning ordinance relative to conditional uses allowed in the A-P district. This section states that the professional offices must be found to meet the domestic needs for the residents of the town and its sphere of influence or provide services to other businesses or institutions in the town or its sphere of influence meeting such domestic needs. The section also mandates conformity to the floor area limits in Section 18.54.052 of the zoning ordinance. For uses like an attorney, wealth manager or other professional office that is not a medical or dental type use, the floor area limit is 1,500 sf. Any individual use proposed for the subject buildings would likely not come close to this limit.

The floor area limits were placed in the ordinance to help further identify the scale of a use that would likely be tailored to serve local needs. It is also noted that CUPs for office uses don't have the same "test" as the zoning ordinance requires for office uses in the C-C district. In that district a CUP request must be very specific as to the proposed office use, as an office use is not viewed as the primary use for a space in a "commercial" building. (See also discussion on this matter in the May 16, 2014 staff report on CUP application X7D-175, Douglas.)

The above notwithstanding, the commission might want the applicant to clarify how much space is likely to be leased to an attorney or wealth manager. The key matter, however, will be the demonstration of service to the community, likely through the zoning permit process that, with the current CUP, must be judged by the planning commission.

4. Proposed CUP Amendment relative to *personal office* uses. Zoning ordinance Section 18.22.030.I., by reference to Section 18.20.030.G., sets the provisions for *personal offices*. These provisions state that personal offices can be no larger than 350 sf or less than 150 sf. Limitations are included on occupancy and parking. Also, section 18.20.030.G.3 states that the spaces for personal offices need to be identified with the CUP approval. Section 18.20.030.G.5., however, provides that specific occupancies shall be reviewed through the zoning permit process.

The proposed CUP amendment with the requested Crown zoning permit indicates that only one office suite, either 163 sf or 172 sf, would be used for a personal office for Mr. Crown. This size is just over the minimum for a personal office. The proposed occupancy is well within the zoning ordinance standards and, since the zoning permit is

for a resident of the town, there is no requirement for demonstration of service to the local area, but the potential traffic impacts need to be considered. Given the scope of the proposed use, traffic should be less than for the medical uses that were found acceptable for the site and buildings with the existing CUP.

In general, the proposed CUP amendments and zoning permits seem to be consistent with the reviews and required findings that were achieved with the 2007 CUP actions. We would, however, request somewhat more detail as to the scope of the "other" professional offices uses intended, especially if the desire is to have more than law or wealth management uses.

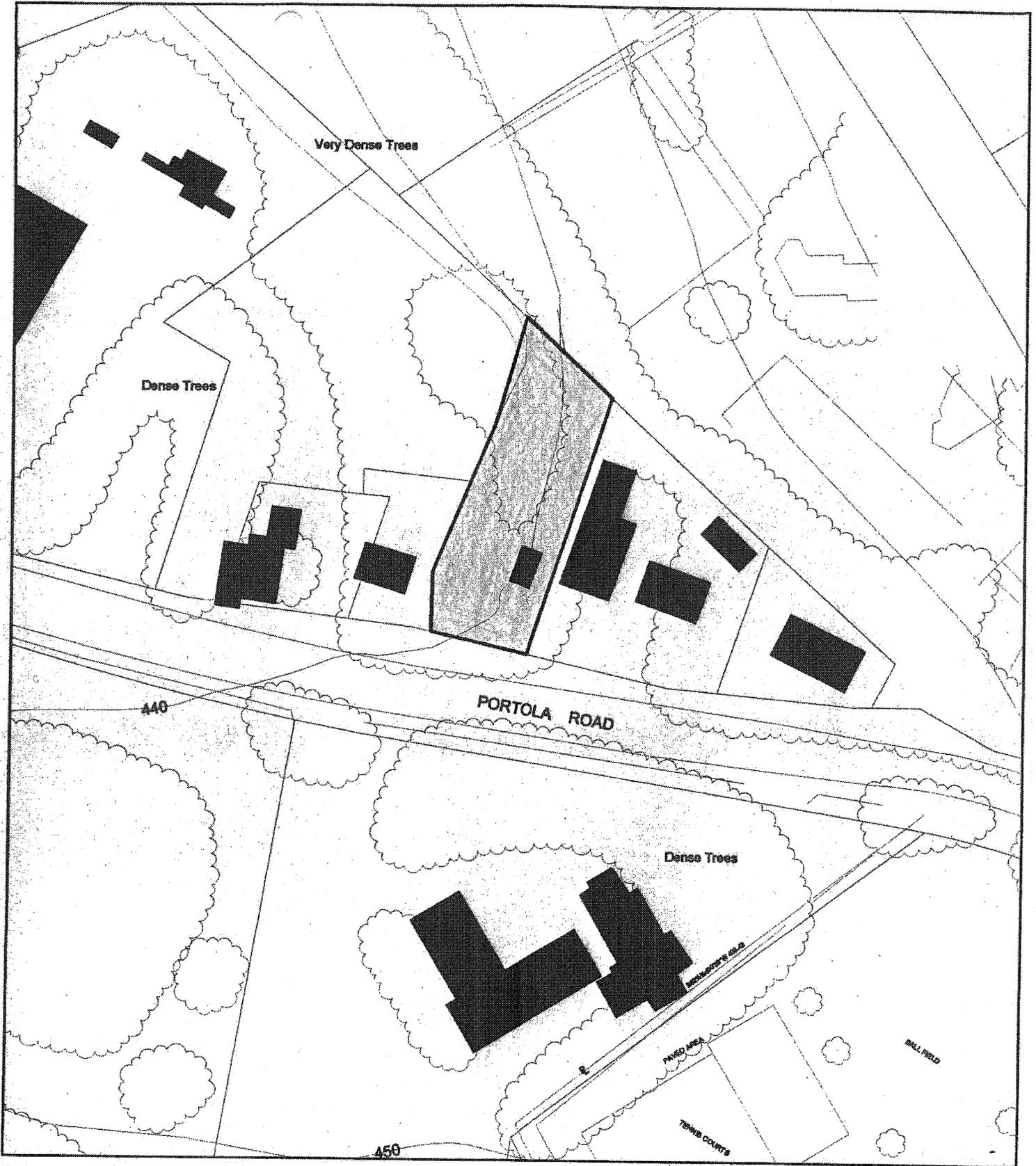
Next Steps

The planning commission should conduct the May 21, 2014 preliminary review and offer any comments and reactions for consideration by the applicant and staff in process of readying the proposals for public hearing. Thereafter, the application would be circulated for other staff members and planning staff would work with the applicant to clarify application details as noted above. Depending on the preliminary planning commission review, and further consideration by town staff and committees, it appears that the formal commission hearing on the applications could be conducted at the regular June 4, 2014 meeting.

TCV

Attach:

- cc. Nick Pegueros, Town Manager
- Leigh Prince, Town Attorney
- Karen Kristiansson, Interim Town Planner
- Ann Wengert, Mayor
- Craig Hughes, town council liaison
- Applicant



Vicinity Map

Scale: 1" = 100 feet

**Conditional Use Permit X7D-167, Crown
828 Portola Road, Town of Portola Valley**

May 2014



"HIDDEN VALLEY FARM"
TRACT 104
51 MAPS 12

LANDS OF
SAUSAL
CREEK
ASSOCIATES

LANDS OF
CONLON
21,206 SQ.FT.
0.49 ACRES

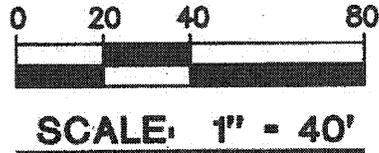
ONE-STORY
WOOD BLDG.

ONE-STORY
WOOD HOUSE

LANDS OF
KOWALSKI

LANDS OF
KISMET

PORTOLA ROAD
(WIDTH VARIES)



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

2495 INDUSTRIAL PARKWAY WEST
HAYWARD, CALIFORNIA 94545
(510) 887-4086
FAX (510) 887-3019
WWW.LEABRAZE.COM

HOUSE LOCATION
828 PORTOLA ROAD
PORTOLA VALLEY, CALIFORNIA
SAN MATEO COUNTY

APN: 076-261-060

SCALE: 1" = 40'

DRAWN BY: MF

JOB NO 2070402

9/17/07

Karen Kristiansson
Deputy Town Planner
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

April 23, 2014

RE: 828 Portola Road – CUP & Zoning Permit Application

Karen,

I represent Bill Crown, a Portola Valley resident and owner of the property at 828 Portola Road. Based on interest from certain tenant prospects, on March 26th, we submitted for your review a Conditional Use Permit Application that would expand the current CUP to allow for business offices and professional offices. Today, I ask that the CUP be further expanded to include personal offices, but first, some background.

Bill purchased the property in October 2013. At that time, the office suites were occupied by tenants in the psychiatric and medical fields pursuant to month-to-month leasing arrangements established by the previous owner. Unfortunately, we were unable to agree on terms for a longer term, more formal leasing arrangement. The tenants moved out on March 8th.

Bill's involvement in the PV community has resulted in a number of promising leads for replacement tenants. Sara Gandy is a psychiatrist who treats adolescents and adults and it would seem her use is consistent with our existing CUP. She will office either in suite B (195 SF) or suite C (203 SF). It's my understanding Sara has applied for her zoning permit and separately, you'll find Sara's letter providing more detail about her practice and planned use at 828 Portola. Two other prospects have shown an interest in leasing at 828. One prospect is an attorney who considers himself very entrepreneurial, catering to many local investors and companies, both in the tech and medical area. Another prospect is a wealth manager who performs sophisticated financial planning to business owners and start-up founders and employees. In both cases, a low volume of client visits are anticipated. Clients are busy people often with full travel schedules. After an introductory meeting or two, subsequent interaction is usually handled over the phone or even at the client's home. Once we finalize lease terms with these prospects, they will complete their application for a zoning permit for approval by the Planning Commission.

Finally, Bill intends to use either suite A1 (172 SF) or suite A3 (163 SF) as a personal office. Bill spends a great deal of time at our offices in Chicago and he travels a great deal, as a result, he wouldn't expect to be at 828 Portola often...perhaps one or two hours a week. He intends to use the office as a quiet retreat to catch up on his personal matters or make a phone call. Bill will not be employing anyone at this location nor will there be many visitors to this office, so on most occasions, only one parking stall will be required for his use.

The property has eleven striped parking spaces on an asphalt surface (including two handicapped stalls) and a gravel area in the rear of the property that could accommodate an additional six parking stalls. As a result, the current parking appears adequate, in fact, the aforementioned, low volume uses would seem ideal for the property and community.

Both the interior and exterior of the property are in good condition and we're currently not anticipating any changes.

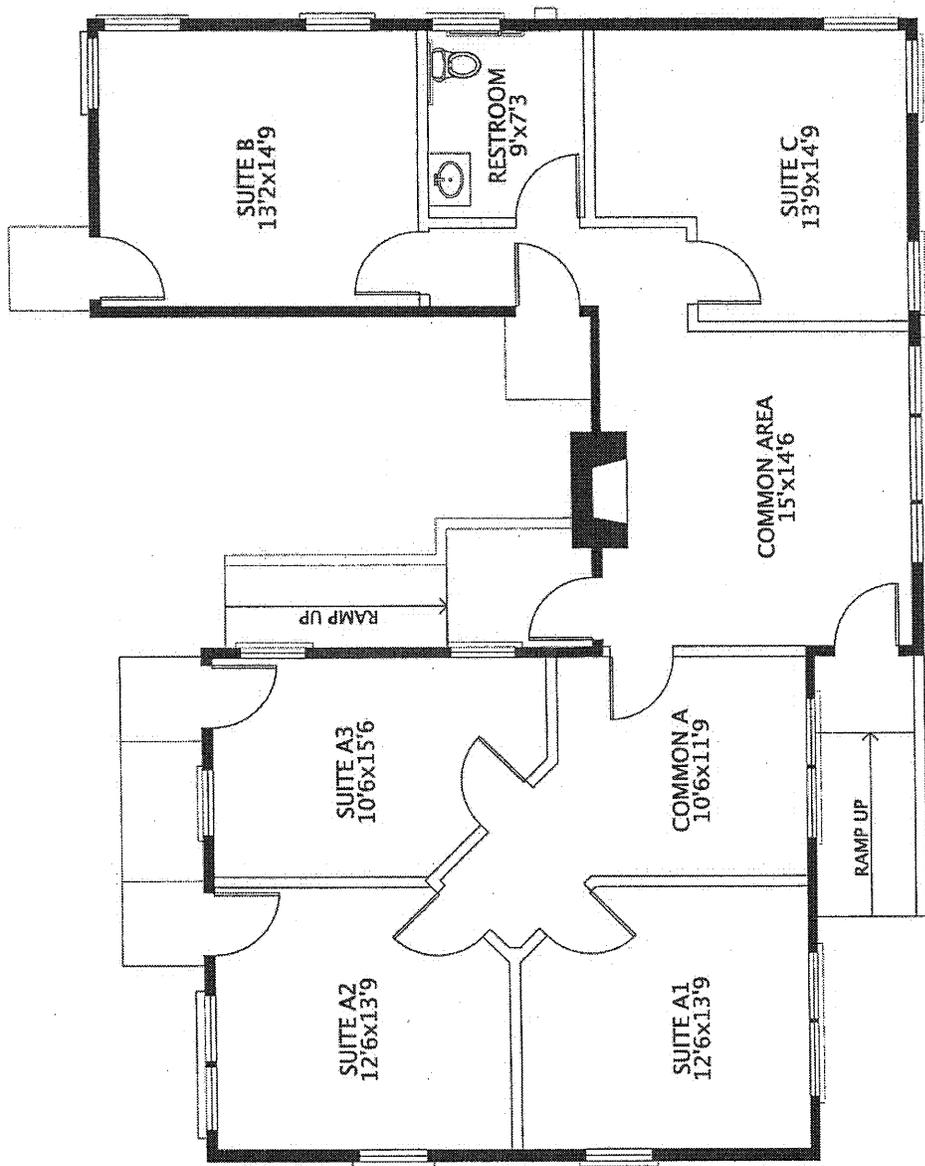
At this time, we ask your consideration to amend the current CUP to add administrative-professional offices and personal offices as allowed uses for the property. Further, we're hopeful the CUP amendment could be processed at the same time as the zoning permit applications for both Sara Gandy and Bill Crown.

I welcome any guidance you can provide allowing this matter to move efficiently through the appropriate channels.

Best,

A handwritten signature in cursive script, appearing to read "M. G. Bialas".

Michael G. Bialas



NOTE: ROOM DIMENSIONS ARE APPROXIMATE

FIRST FLOOR PLAN



566 WEST LAKE STREET
 SUITE 300
 CHICAGO, IL 60661
 312.491.8940
 WWW.EARCHICAGO.COM

CLIENT: 828 PORTOLA ROAD, PORTOLA VALLEY, CA

SKETCH NO: SK01

FILE NAME: 828PORTOLA_BASE PLAN.DWG

PROJECT NO: 14193.00

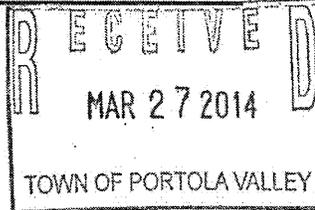
DRAWN BY: OZ DATE: 4.22.2014

TOWN OF PORTOLA VALLEY

CONDITIONAL USE PERMIT APPLICATION



FEE \$3,960 DEPOSIT \$7,500
DATE _____
APPLICATION NO. _____



The undersigned hereby makes application for a Conditional Use Permit in accordance with the provisions of the Zoning Ordinance (Ord.1967-80) and any amendments thereto, and submits the following information for consideration:

1) APPLICANT: NAME: 828 Portola LLC
STREET ADDRESS: 222 N. LaSalle Street, Suite 1000, Chicago, IL 60601
MAILING ADDRESS IF DIFFERENT: _____

TELEPHONE: Work: 312.750.6576 Home: _____
Fax: _____ Email: mbialas@crowm-chicago.com

Applicant is Owner _____; Authorized Agent of Owner (If agent, complete item 2)

2) PROPERTY OWNER: 828 Portola LLC
STREET ADDRESS: 222 N. LaSalle Street, Suite 1000, Chicago, IL 60601
MAILING ADDRESS: _____

TELEPHONE: 312.750.6576 Fax: _____
Email: mbialas@crowm-chicago.com

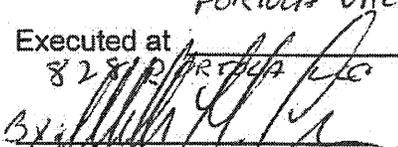
3) DESCRIPTION OF PROPERTY: STREET ADDRESS: 828 Portola Road, Portola Valley
SUBDIVISION NAME _____ LOT NO. _____ BLOCK NO. _____
ASSESSOR'S PARCEL NO. 076-261-060 ZONING DISTRICT _____

4) PROPOSED USE OF PROPERTY: See attached narrative.

5) ADDITIONAL INFORMATION: List each additional item submitted as part of this application:

I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed at PORTOLA VILLAGE
828 PORTOLA, California on 3/23/14 (date).


Signature of agent or owner

4) The current conditional use permit for 828 Portola Road allows for "medical, dental, and psychiatric care offices". Leases for the previous tenants have expired and they have moved from the property. Several local prospects have indicated an interest in leasing at 828 Portola; however, in both instances it would appear necessary to expand the conditional use permit to allow for "business offices and professional offices". One prospect is an attorney who considers himself very entrepreneurial, catering to many local investors and companies, both in the tech and medical area. Another prospect is a wealth manager who performs sophisticated financial planning to business owners and start-up founders and employees. In both cases, a low volume of client visits are anticipated. Clients are busy people often with full travel schedules. As a result, after an introductory meeting or two, subsequent interaction is usually handled over the phone or even at the client's home.

TOWN OF PORTOLA VALLEY



ZONING PERMIT APPLICATION

FEE _____ DEPOSIT _____

APPLICATION NO. _____

APPLICANT NAME: William Crown

ADDRESS: 222 N. LaSalle Street, Suite 1000, Chicago, IL 60601

TELEPHONE: Work: 312-955-4000 Home: _____

Fax: _____ Email: _____

OWNER NAME: 828 Portola LLC

MAILING ADDRESS: 222 N. LaSalle Street, Suite 1000, Chicago, IL 60601

TELEPHONE: 312-750-6576 Fax: _____

Email: mbialas@crowns-chicago.com

DESCRIPTION OF PROPERTY: STREET ADDRESS: 828 Portola Road, Portola Valley

APN: _____ ZONING DISTRICT: _____

PROPOSED USE: Personal office

HOURS OF OPERATION: _____

NUMBER OF EMPLOYEES: None

PRESENT USE: vacant

I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at _____, California on _____

(date)

(signature of owner or agent)

I assume full responsibility for all costs incurred by the Town in processing this application including, but not limited to charges by the Town Engineer and outside consultants including, but not limited to, the Town Geologist, the Town Planner, and the Town Attorney. I understand that I am responsible for payment of the costs involved with this application even though the property or project may be sold or assigned to other parties. It is my responsibility to have this agreement replaced by a new agreement if payment responsibility is to be transferred to another party.

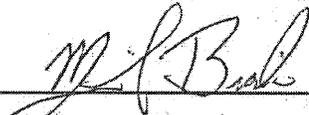
The following are examples of billable tasks performed by various staff or consultant personnel. This list is not intended to be complete.

- | | |
|-----------------------|--|
| -- informal meetings | -- scheduling |
| -- formal meetings | -- action letters |
| -- posting | -- counter or telephone explanations |
| -- neighbor inquiries | -- consultant review of issues and documents |
| -- report preparation | -- consultant preparation of documents |
| -- noticing | -- condition enforcement |
| -- permit issuance | -- site visits |
| -- referral inquiries | -- actions related to violations |
| -- plan check | -- building inspections |

NAME AND CURRENT MAILING ADDRESS OF PERSON TO BE BILLED:

DATE: 4/23/14

PRINT NAME: Michael Bialas

SIGNATURE: 

ADDRESS: CC Industries, Inc.
222 N. LaSalle Street, Suite 1000
Chicago, IL 60601

PHONE: 312.750.6576

TOWN OF PORTOLA VALLEY



ZONING PERMIT APPLICATION

FEE 310 DEPOSIT Filing fee \$310⁰⁰ + deposit 1,000⁰⁰ = 1,310⁰⁰
APPLICATION NO. _____

APPLICANT NAME: Sara Handy MD

ADDRESS: 828 Portola Road Portola Valley CA. 94028

TELEPHONE: Work: ~~658~~ ^{mobile} (415) 999-7363 Home: mobile 415 - 999 - 7363

new work Fax: ~~(658) 3~~ pending Email: Saragandy@icloud.co
is pending. It is OK to use my cell# to reach me

OWNER NAME: Bill Crown

MAILING ADDRESS: _____

TELEPHONE: _____ Fax: _____

Email: _____

DESCRIPTION OF PROPERTY: STREET ADDRESS: 828 Portola Road P.V. CA

APN: _____ ZONING DISTRICT: _____

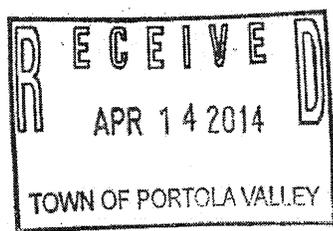
PROPOSED USE: psychiatry office

PRESENT USE: psychiatry office

I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at 828 Portola Road, California on April 12th 2014
Portola Valley (date)

Sara Handy MD
(signature of owner or agent)

Applicant: Sara Handy MD



TOWN of PORTOLA VALLEY

Town Hall and Offices: 765 Portola Road, Portola Valley, CA 94028 Tel: (415) 851-1700 Fax: (415) 851-4677

Information Required to Accompany Zoning Permit Application

1. Hours of operation 9 AM - 2 PM Monday through Saturday
2. Number of employees self
3. Floor plan and site plan forwarded to Karen Kristiansson via email
4. Narrative:

-Describe in detail how your business can serve the "frequently recurring needs" of Portola Valley residents. Woodside + Los Altos Hills. Clients would appreciate being able to see me in Portola Valley.

-Address the Town requirement that at least 50% of your business be derived from area residents. yes

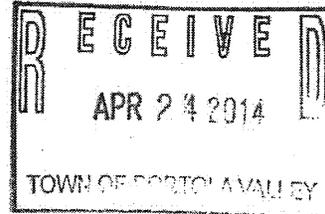
-Provide a detailed description of the nature of your business.

I perform diagnostic evaluation for teenagers from our community who may have learning issues, academic stress, anxiety issues etc. I treat executives who have work life balance concerns.

I also have patients from the Vi + Sequoias as I am skilled (not only with the treatment of teenagers & adults) but also with the care of geriatric patients. Those patients however, I see in the context of Stanford Geriatric Psychiatry & I would not be seeing them at the Portola Road location.

SARA GANDY, M.D.

April 18, 2014
Karen Kristiansson
Deputy Town Planner
Town of Portola Valley
765 Portola Road
Portola Valley, California 94028



Dear Karen Kristiansson,

My family resides in Portola Valley and my children attend Portola Valley schools. This letter is being provided in support of the zoning permit application for use of the property at 828 Portola Road.

I am a psychiatrist who treats adolescents and adults. I do not require any additional office staff. The practice is a concierge type of practice such that I carry 25 active cases of which, at any one time, 50-75% or say 12-18 of the individual patients or families come from the Portola Valley area and its spheres of influence. My practice is quite similar to the practices that have been at 828 Portola Road in years past, with the exception that I provide longer appointments and only see at most 5-6 patients in a day. My practice requires 3 parking spaces. One for myself, one for the patient currently being seen and lastly, one for the patient who is arriving. My referrals come from local schools and medical practices within the Portola Valley sphere of influence. Currently, I anticipate seeing patients in Portola Valley from 9 am until 2 pm on Thursdays and Fridays. Occasionally, I may need to see a patient after the patient gets out of school in the later afternoon. Higher profile patients from our community often appreciate a Saturday appointment to help protect their privacy and I do offer those times when needed. Although my current practice is on Thursdays Fridays and occasionally Saturdays, I request approval for more standard hours of operation i.e. 9am to 5 pm Monday through Friday and Saturday 9 am to 5 pm in the event that my schedule changes or should a patient need arise. Thank you in advance for your consideration of this application.

Sincerely yours,
Sara Gandy M.D.
Sara Gandy, M.D.

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677



December 18, 2007

Dr. Robert Conlon
828 Portola Road
Portola Valley, CA 94028

Re: Conditional Use Permit X7D-167, 828 Portola Road

Dear Dr. Conlon,

The Planning Commission of the Town of Portola Valley at their regular meeting of December 5, 2007 voted to unanimously to take the following actions:

1. CEQA Compliance. Moved to find the project categorically exempt pursuant to Section 15501 and 15305 of the town's CEQA guidelines.
2. Conditional Use Permit (CUP) application. Moved to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approved the CUP request for professional office uses on the subject site subject as described in the following application documents:

October 19, 2007 revised application submittal letter from Robert D. Conlon, D.D.S setting forth the list of desired/possible professional office uses as being limited to medical, dental and psychiatric care activities.

Site Survey, Lea & Braze Engineering, Inc.,

September 19, 2007 letter from Dr. Conlon, with site plan depicting the on-site parking layout and floor plan of the existing buildings that are in medical use.

The approval CUP approval is subject to the following conditions:

- a. Zoning permits shall be required for all individual uses proposed for the site. Such permits shall be evaluated by the Planning Commission for conformity with the provisions of this permit and the general plan and zoning ordinance requirements for service to the locale community. If the existing part time psychiatrist use in the rear building is planned to continue, a zoning permit shall be requested for the use within three months of the approval of this use permit.
- b. This permit shall be reviewed periodically by the planning commission, but no less frequently than every three years. The applicant shall be responsible for all town costs associated with such review.

Dr. Robert Conlon
December 18, 2007
Page Two

- c. Any exterior changes to the buildings on the property shall be subject to ASCC review for conformity with this permit and the provisions of the zoning ordinance and general plan. Further, any signage or exterior lighting proposals shall be subject to review and approval by the ASCC.
- d. Within six months of use permit approval, a professionally prepared, detailed site plan shall be provided to the satisfaction of the ASCC that clearly defines all site conditions, including landscape areas, and provides for enhanced landscaping over time as determined necessary by the ASCC. The site plan and landscape plan shall provide for protection of the conditions along the drainage course are removed and replaced with appropriate native plant materials. Further, the site plan shall provide for organization of the parking areas so that, to the extent possible, the scope of impervious surfaces associated with the existing rear parking area can be reduced. Once the accurate and detailed site plan is approved by the ASCC, it shall be implemented within six months of the approval to the satisfaction of planning staff.
- e. A plan showing all existing and any proposed exterior lighting shall be prepared to the satisfaction of the ASCC within six months of use permit approval. The plan shall provide for removal or replacement of any existing lighting that is inconsistent with town lighting policies and regulations and such removal shall be completed within six months of lighting plan approval to the satisfaction of planning staff.
- f. Within six months of use permit approval, a plan identifying actions that can be taken to enhance the sustainable, i.e., "Green," aspects of site use and improvement shall be developed to the satisfaction of the ASCC. This plan shall include a timetable for implementing the identified sustainable actions.
- g. Within six months of use permit approval, a site drainage plan shall be prepared to the satisfaction of the public works director. The plan shall identify provisions for protecting the drainage course along the west side of the property and for ensuring proper site drainage and compliance with town water quality and erosion control standards. The drainage plan shall include a timetable for any necessary improvements and once the plan is approved it shall be implemented to the satisfaction of the public works director.
- h. Within three months of use permit approval, the applicant shall provide for a review of the existing buildings by the town's building official to determine if any of the existing improvements made without building permits need to be corrected to conform to code requirements. This inspection and any

Dr. Robert Conlon
December 18, 2007
Page Three

necessary corrective actions shall be completed, with appropriate building permits, within six months of use permit approval to the satisfaction of the building official. If, however, internal changes to the building are proposed to accommodate any new town authorized use, the time frame for compliance with this condition may be extended as determined appropriate by the building official.

3. Zoning Permit for psychiatric care. Moved to approve the zoning permit for David Brian Wexler, MD, Bao Chang, MD, and Daniel Cole, MD for the uses described in the statements from the doctors dated September 13, September 16 and November 7, 2007. The approval is granted subject to the condition that after two years of the uses being in place a report shall be provided to the planning commission demonstrating that the majority of the client base is from the town and its spheres of influence or that at least there had been significant progress toward this service level. Based on this report and other adjustments determined necessary for compliance with the provisions of the general plan and zoning ordinance. The applicants shall be responsible for all town costs associated with this two year review.

If you have any questions or comments regarding the above, please do not hesitate to contact me. You can reach me directly at (650) 851-1700 extension 12.

Sincerely,


Leslie Lambert
Planning Manager

cc: John Conlon
David Brian Wexler, MD. Inc.

cc: Town Planner

828 Portola Rd.
Portola Valley, CA 94028
650 851-0321
650 851-8734

Robert D. Conlon, D.D.S., Inc

TOWN OF PORTOLA VALLEY

10/19/07

OCT 19 2007
RECEIVED

Leslie Lambert
Planning Manager
Town of Portola Valley
765 Portola Rd.
Portola Valley CA 94028

Dear Ms. Lambert:

I wish to update my letter of 8/13/07 for the use permit application. I request the property at 828 Portola Road be designated as a professional building with the professional uses to include medical, dental and psychiatric care.

Sincerely,



Robert D. Conlon, D.D.S.

.....

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677



November 29, 2007

MEMORANDUM

To : Planning Commission
From : Tom Vlastic, Deputy Town Planner
Subject : Conditional Use Permit X7D-167, Professional Offices for Medical, Dental, and Psychiatric Care, and Zoning Permit for Psychiatric Care Uses, 828 Portola Road, Conlon

Request, Background, Preliminary Planning Commission Review & ASCC Consideration

This request is for Conditional Use Permit (CUP) approval to allow for continued professional office use on the subject .49 acre, 21,200 sf, Portola Road property (see attached vicinity maps for location). The proposal requests permission to continue to use the two existing site buildings and other improvements on the subject property, essentially as they currently exist, for professional medical, dental and psychiatric care activities. Such uses have existed at the site since prior to town incorporation, but without benefit of a use permit. The following attached materials describe the CUP application as it is currently before the planning commission:

- October 19, 2007 revised application submittal letter from Robert D. Conlon, D.D.S. setting forth the list of desired/possible professional office uses as being limited to medical, dental and psychiatric care activities,
- Site Survey, Lea & Braze Engineering, Inc.,
- September 19, 2007 letter from Dr. Conlon, with site plan depicting the on-site parking layout and a floor plan of the existing buildings that are in medical use

In addition to the use permit request, a concurrent request has been made for approval of a zoning permit for psychiatric care uses that are proposed to occupy most of the building space under the terms of the new use permit, when granted. The specific uses requested under the zoning permit are for David Brian Wexler, MD, Bao Chang, MD, and Daniel Cole, MD. The uses are described in the following three attached statements from the doctors dated September 13, September 16 and November 7, 2007. The three doctors would occupy the larger of the two buildings on the property. At this time the rear building is used part time by a psychiatrist. Whether or not this use would continue should the use permit be granted and the new uses are in place has, according to statements from the applicant, yet to be determined.

Assuming the planning commission can make the required use permit findings and also find the specific uses acceptable, as evaluated below, the commission should first act to approve the CUP request and then act on the zoning permit application.

On October 3, 2007, the planning commission conducted a preliminary review of the proposals. The attached September 24, 2007 staff report prepared for the 10/3 meeting provides a review of the applications and of existing and proposed site conditions. The

report also describes conformity of the existing and proposed conditions with the general plan, Village Square Area Plan, and zoning ordinance, including the provisions of the A-P, Administrative Professional, zoning district, in which the subject property is located. As pointed out in the report, the proposal is to preserve the site in essentially its current condition and the existing improvements are, for the most part, within the basic zoning limits for such uses in the A-P district. In fact, the only non-conformity is with respect to building encroachment into the required side yard setback area. This is a condition that can remain, but the non-conformity cannot be increased. Further, if the buildings were remodeled or renovated to an extent exceeding 50% of their value, they would then be required to conform to the ordinance standards existing at that time.

During the course of the 10/3 preliminary review meeting, commission discussion focused for the most part on the proposed new psychiatric care uses and also on the list of uses proposed in the initial application submittal. As noted above, the applicant provided the attached 10/19/07 letter limiting the proposed uses as suggested by the commission at the 10/3 meeting. In addition, the attached November 7, 2007 statement from the three doctors has been provided to respond to questions and comments from commissioners offered at the preliminary review meeting.

At the conclusion of the 10/3 preliminary review, commissioners appeared to indicate that, with some additional clarification of the proposed uses, it might be possible to find that in time the proposed psychiatric care services could meet the 50% test relative to local clientele. It was noted, however, that the commission would likely want to reserve the right to review the client base in two years to ensure that in fact the 50% service was achieved or at least there had been significant progress toward this service level. Commissioners also indicated that the proposed intensity and character of site use, as explained at the meeting and confirmed in the 11/7/07 statement, appeared low and with little potential for traffic or other site or area impacts.

On November 26, 2007 the ASCC reviewed the design aspects of the proposal. In this case, the only plans are to leave the conditions outside of the two buildings essentially as they are today. There is likely to be some interior work to accommodate the new doctors should the zoning permit be approved. The ASCC considered the attached staff report dated November 21, 2007 and concurred with the recommendations in it relative to phased development of detailed plans to address site plan, landscaping, drainage, sustainability and building code matters. The applicant was at the ASCC meeting and appeared agreeable to the recommendations in the 11/21 report, but did clarify that the most recent survey of the property demonstrated that the parcel area was actually .49 acres and not .41 acres as shown in previous town file documents. The applicant also commented that most all site landscaping is with native materials, but that there are some invasive plants along the drainage course that are to be removed and replanted with appropriate natives. It was agreed that this would be addressed with the landscape plan recommended in the 11/21 staff report. The matters set forth in the staff report are included in the recommended conditions of use permit approval presented at the end of this report.

Ordinance Requirements

Section 18.22.030 of the zoning ordinance permits the proposed uses in the A-P zoning district subject to the granting of a conditional use permit. In order to grant a conditional use permit, the Planning Commission must make findings in support of the following requirements of Section 18.72.130 (zoning) of the Municipal Code:

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence within the near future, normally no more than two years. In general, in making such finding, the approving authority shall, in addition to other information, explicitly take into consideration all similar uses in the town and its spheres of influence.

Review and Evaluation

The following comments are offered to assist the Commission in evaluating the request in terms of compliance with the provisions of Municipal Code (zoning) Section 18.72.130:

1. **Proper Community Location.** As evaluated in the September 24, 2007 report to the planning commission, the use is located in conformity with the provisions of the town's general plan and A-P zoning district. It is adjacent to other professional and commercial uses and immediately southeast of the parcel approved for development of higher residential density, seniors housing, i.e., the Sausal Creek, Lodato project (CUP X7D-139). Thus, it appears that proposal can be found to be properly located to serve the community.
2. **Adequate Site.** The site is adequate to accommodate the existing and proposed uses as evaluated in the September 24, 2007 staff report. The buildings that exist are within the floor area limits for the property and the site is adequate to accommodate required access and parking. It was noted at the 11/26 ASCC meeting that with development of the staff recommended detailed and accurate site plan, it should be possible to actually better organize the existing parking area so that some impervious surface areas could be decreased and more land opened for on-site percolation of storm water and landscape additions. Thus, it appears possible to find the site adequate for the proposed uses.

3. **Adequate Local Streets.** The site has frontage on Portola Road, and arterial street, and is adequately served by this Road. In fact, the general plan and Village Square Area plan provide for professional office uses of the proposed density at this location and identify no need for road improvements to serve the anticipated intensity of use.
4. **Impact on Abutting Property.** There should be little if any change from existing conditions in terms of impacts on abutting property. Further, the intensity of activity associated with the psychiatric care uses should actually be less than the current level of site activity. Thus, considering the history of site use and with the conditions outlined in the 11/21 report to the ASCC, it should be possible to conclude the proposed use permit and the requested zoning permit should have little potential for impacting abutting property.
5. **Safety from Natural Hazards.** The site is partially within the San Andrea Fault setback zone, and it appears that neither of the existing structures are within the 50 foot setback zone from the mapped known fault trace. This is the setback area where buildings for human occupancy are prohibited. Both structures are single story and of typical residential construction and such structures are permitted within the 50 foot to 125 foot setback area from the mapped known trace. The site is not within a mapped flood plane. There has, however, been flooding in the general area, but most of the flooding has been downstream of the site. Thus, it appears that the site is generally safe from natural hazards.
6. **Conformance with the Zoning Ordinance and General Plan.** Based on the foregoing analysis, and the evaluation contained in the September 24, 2007 staff report, it appears that the requests can be found to conform to the provisions of the general plan and zoning ordinance.
7. **Services to the Town and its Spheres of Influence.** As presented in the use permit request, the list of proposed uses, i.e., medical, dental and psychiatric care would be, at least in concept, viewed as those the zoning ordinance would deem consistent with local service needs. Further, considering the floor area restrictions that apply to the parcel, the uses would have to be rather limited in size. The existing dental office use has been at this location for a very long time and has obviously been of significant service to the local community. This use could continue under the proposed permit and would appear to meet the test of local service. If, however, the use is changed as proposed with the psychiatric care zoning permit, then the commission needs to reach consensus that the new uses, in a reasonable period of time, will be able to meet the test of majority local service. As discussed above, the three doctors have clarified the use in the 11/7/07 statement and with this information and the commission suggested, two year review period, it may be possible for the commission to make the necessary findings regarding service to the local community.

It is also noted that applicant has made no decision yet regarding the continuance of the existing part time psychiatrist use in the rear building. If this use is planned to continue, a zoning permit should be requested so that appropriate determinations regarding the use can be made. Typically, such a zoning permit review would be a staff function.

Environmental Impact

The project is categorically exempt as not having a potential for a significant effect on the environment under Section 15301, Existing Facilities, and Section 15305, Minor Alterations in Land Use Limitations, of the California Environmental Quality (CEQA) guidelines.

Recommendations for Action

Unless information presented at the public hearing leads to other determinations, the following actions are recommended:

1. **Environmental Impact.** Move to find the project categorically exempt pursuant to Sections 15501 and 15305 of the CEQA guidelines.
2. **CUP Request.** Move to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the CUP request for professional office uses on the subject site subject as described in the following application documents:

October 19, 2007 revised application submittal letter from Robert D. Conlon, D.D.S. setting forth the list of desired/possible professional office uses as being limited to medical, dental and psychiatric care activities,
Site Survey, Lea & Braze Engineering, Inc.,
September 19, 2007 letter from Dr. Conlon, with site plan depicting the on-site parking layout and a floor plan of the existing buildings that are in medical use

The approval CUP approval should be subject to the following conditions:

- a. Zoning permits shall be required for all individual uses proposed for the site. Such permits shall be evaluated by planning staff for conformity with the provisions of this permit and the general plan and zoning ordinance requirements for service to the local community. Planning staff may refer the zoning permits to the planning commission for review and approval. If the existing part time psychiatrist use in the rear building is planned to continue, a zoning permit shall be requested for the use within three months of the approval of this use permit.
- b. This permit shall be reviewed periodically by the planning commission, but no less frequently than every three years. The applicant shall be responsible for all town costs associated with such review.
- c. Any exterior changes to the buildings on the property shall be subject to ASCC review for conformity with this permit and the provisions of the zoning ordinance and general plan. Further, any signage or exterior lighting proposals shall be subject to review and approval by the ASCC.
- d. Within six months of use permit approval, a professionally prepared, detailed site plan shall be provided to the satisfaction of the ASCC that clearly defines all site conditions, including landscape areas, and provides for enhanced landscaping over time as determined necessary by the ASCC. The site plan and landscape plan shall provide for protection of the conditions along the drainage channel along the west side of the property and ensuring that any exotic or invasive plants within the drainage course are removed and replaced with appropriate native plant materials. Further, the site plan shall provide for organization of the parking areas so that, to the extent possible, the scope of impervious surfaces associated with the existing rear parking area can be reduced. Once the accurate and detailed site plan is approved by the ASCC, it shall be implemented within six months of the approval to the satisfaction of planning staff.

- e. A plan showing all existing and any proposed exterior lighting shall be prepared to the satisfaction of the ASCC within six months of use permit approval. The plan shall provide for removal or replacement of any existing lighting that is inconsistent with town lighting policies and regulations and such removal shall be completed within six months of lighting plan approval to the satisfaction of planning staff.
 - f. Within six months of use permit approval, a plan identifying actions that can be taken to enhance the sustainable, i.e., "Green," aspects of site use and improvement shall be developed to the satisfaction of the ASCC. This plan shall include a timetable for implementing the identified sustainable actions.
 - g. Within six months of use permit approval, a site drainage plan shall be prepared to the satisfaction of the public works director. The plan shall identify provisions for protecting the drainage course along the west side of the property and for ensuring proper site drainage and compliance with town water quality and erosion control standards. The drainage plan shall include a timetable for any necessary improvements and once the plan is approved it shall be implemented to the satisfaction of the public works director.
 - h. Within three months of use permit approval, the applicant shall provide for a review of the existing buildings by the town's building official to determine if any of the existing improvements made without building permits need to be corrected to conform to code requirements. This inspection and any necessary corrective actions shall be completed, with appropriate building permits, within six months of use permit approval to the satisfaction of the building official. If, however, internal changes to the building are proposed to accommodate any new town authorized use, the time frame for compliance with this condition may be extended as determined appropriate by the building official.
3. **Zoning Permit for psychiatric care.** Move to approve the zoning permit for David Brian Wexler, MD, Bao Chang, MD, and Daniel Cole, MD for the uses described in the statements from the doctors dated September 13, September 16 and November 7, 2007. The approval is granted subject to the condition that after two years of the uses being in place a report shall be provided to the planning commission demonstrating that the majority of the client base is from the town and its spheres of influence or that at least there had been significant progress toward this service level. Based on this report and review, the commission reserves the right to terminate the zoning permit or require other adjustments determined necessary for compliance with the provisions of the general plan and zoning ordinance. The applicants shall be responsible for all town costs associated with this two-year review.

TCV 
attachments
encl.

- cc. Planning Manager
Town Attorney
Mayor
Public Works Director
Town Council Liaison
Town Administrator
ASCC Chair
Applicant

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

November 21, 2007

MEMORANDUM

To : ASCC
From : Tom Vlastic, Deputy Town Planner
Subject : Agenda for November 26, 2007 ASCC meeting

**5a. CONDITIONAL USE PERMIT APPLICATION X7D-167, PROFESSIONAL OFFICE USES,
828 PORTOLA ROAD, CONLON**

The planning commission is in the process of reviewing the subject conditional use permit (CUP) application for professional office uses on this .41 acre, 17,860 sf, Portola Road property (see attached vicinity maps for location). The commission conducted a preliminary review on October 3, 2007 and concluded that permit processing should continue, but also requested some additional clarifications from the applicant and,

specifically, from the doctors who intend to occupy the existing offices on the subject property.

The attached September 24, 2007 report describes the request and was prepared for the October 3, 2007 preliminary planning commission review. As is noted in the report, from a practical perspective, the application is to afford zoning conformity for a site that has been in professional office use since prior to town incorporation. The site has accommodated medical/dental uses and, overtime, the town has issued permits for remodeling, signs, etc. associated with what was considered a preexisting, non-conforming use. These previous actions did not include any expansion of the floor area or other significant changes. Until this request, a CUP, however, had yet to be applied for or granted to an applicant for any specific use of the property.

At this time the applicant is not proposing any external changes to the existing structures, on-site circulation, site access, parking, landscaping or exterior lighting. Further, the primary focus of planning commission discussion was on the services to the community to be provided by the proposed new medical uses. The attached October 19, 2007 letter from the applicant and November 7, 2007 statement from the doctors proposing to occupy the space were provided to address some of the concerns from the 10/3 preliminary review. While planning commissioners indicated that it appeared possible findings could be made to support the proposed medical services to the community, the commission would likely want to consider a two-year review period to evaluate the progress the doctors have made in increasing the local client base.

The primary focus of the ASCC review should be to identify any design concerns that should be highlighted for consideration by the planning commission in concluding the public hearing and acting on the CUP application. This hearing is tentatively scheduled to start on December 5, 2007. The following comments are offered to assist the ASCC in developing comments for planning commission consideration.

1. **Conformity with basic zoning provisions.** As noted in the 9/24/07 report to the planning commission, it appears that the existing site improvements and proposed uses conform to the floor area, parking and other basic zoning ordinance standards. There are some building yard setback encroachments, but these are considered preexisting, nonconforming conditions that can remain as long as the encroachments are not increased; and, again, with this application there are no proposals for expanded floor area or building additions.

The existing structures are actually more residential than professional office in nature and the design appears appropriate for the neighborhood and other area and site conditions. If any exterior changes are eventually proposed they should be to the satisfaction of the ASCC. Further, any signage proposals should be to the satisfaction of the ASCC.

2. **Landscaping/site plan.** Eventually, a professionally prepared, more detailed site plan should be provided that clearly defines all site conditions, including landscape areas, and provides for enhanced landscaping over time. The key issues are protection of the conditions along the drainage channel along the west side of the property and ensuring that any exotic or invasive plants are removed and/or replaced over time. The accurate and detailed site plan should be provided within six months of any action on the use permit and the plan should be implemented within a specific time period, e.g., six months of landscape plan approval.

3. **Exterior lighting.** A plan showing all existing and any proposed exterior lighting should be prepared to the satisfaction of the ASCC within six months of use permit approval. The plan should provide for removal or replacement of any existing lighting that is inconsistent with town lighting policies and regulations.
4. **Sustainability aspects of project.** A plan identifying actions that can be taken to enhance the sustainable, i.e., "Green," aspects of site use and improvement should also be developed to the satisfaction of the ASCC within six months of use permit approval. This plan should include a timetable for implementing the identified sustainable actions.
5. **Drainage.** There have been continued issues with the drainage course along the western boundary of the property. The site plan should identify provisions for protecting this drainage course and for ensuring proper site drainage. The drainage plan should be developed within six months of use permit approval, and include a timetable for any necessary drainage improvements. This plan should be to the satisfaction of the town public works director.
6. **Building code conformity.** During the course of staff discussions with the applicant on this project, it has been determined that some interior building modifications were likely made without benefit of building permits. Further, it is likely that some internal improvements will be needed to support the new medical uses. In any case, as a condition of the use permit, a review of the existing buildings by the town's building official should take place to determine if any of the existing improvements made without permit need to be corrected to conform to code requirements. This inspection and any necessary corrective action should be completed, with appropriate building permits, within six months of any action to approve the requested use permit.

Prior to completing review and comments on this request, ASCC members should visit the project site, consider the above data and any new information presented at the November 26, ASCC meeting.

TCV 
encl.

cc. Planning Commission Liaison
Planning Manager

Town Council Liaison
Applicants

Mayor

following should be included as conditions of any action to approve the use permit application:

- Prior to reopening of the market, the landscape plans, including the modifications presented on the plan considered at the 11/26/07 ASCC meeting, should be revised to ensure that the mix of plant materials and, particularly screen trees, is consistent with town landscape guidelines and policies and appropriate for site and area conditions. Specifically, evergreen trees and other plantings should be used in the proposed rear parcel mound area for screening of views from the properties along Nathhorst Avenue. A mix of evergreen and deciduous trees and shrubs should be used in the planting strip in the new rear parking area.
- The proposed rear elevation of the market building should be revised according to Options A, C and D considered at the 11/26/07 ASCC meeting. Option A is dependent on demonstration that vines can be established on the rear of the building successfully and in a relatively short period of time. Options C and D or some variation of these, e.g., A & D, would, however, be required if the ASCC concludes the vine option would not achieve the desired screening in an appropriate time period.
- Prior to reopening of the market, detailed plans for bicycle parking area(s), and access to such parking area(s), should be prepared and implemented.
- Prior to reopening of the market, a detailed plan for outside seating and food consumption areas should be provided and implemented to the satisfaction of the ASCC. The plan should include both benches and some tables.
- All signs should be subject to ASCC approval. Further, any plans for outside placement of food displays, news racks, etc. should be subject to ASCC review and approval.

Vlasic advised that he would inform the planning commission of the ASCC's recommendations.

Following consideration of the Roberts Market request, Warr returned to his ASCC position.

Conditional Use Permit Application X7D-167, professional office uses, 828 Portola Road, Conlon

Vlasic presented the November 21, 2007 staff report on the subject conditional use permit (CUP) application for professional office uses. He revised the comments offered during the planning commission's October 3, 2007 preliminary review of the proposal and advised that the ASCC should offer input that the commission could consider in conducting the public hearing on the application, tentatively scheduled for December 5, 2007.

ASCC members considered the September 24, 2007 staff report, containing the key application proposal documents, and the November 21, 2007 staff report prepared for the November 26 ASCC review. In particular, ASCC members considered the specific recommendations for CUP conditions outlined in the 11/21 report.

Katy Conlon and John Conlon, applicants, were present and offered the following comments and clarifications on the request:

- Although the town's files contain data on the subject parcel indicating a parcel area of .41 acres, the recent site survey by project engineer Lea & Braze Engineering, determined that the actual area is .49 acres.
- The dental practice moved into the building over 40 years ago and the site has been maintained in a residential character, even though it has been in a professional office use.
- The site has been landscaped mainly with natives and the plan for the front yard area was prepared several years ago by Danna Breen, and was implemented as planned.
- There are some non-native, invasive plants that have established themselves along the drainage course and the intent is to remove them as soon as possible and replace them with appropriate native species.
- Pleased to hear of the town's plan to open the creek through the town center. This will slow the speed of storm waters through the area and help slow the erosion on downstream parcels.
- Existing site lighting is minimal and intended only for safe use at night.
- The conditions suggested in the staff report have been reviewed and there is no concern with them.

Public comments were requested, but none were offered.

ASCC members briefly discussed the project and agreed with the recommendations set forth in the staff report relative to possible CUP conditions addressing signage, professionally prepared site plan, landscaping, exterior lighting, sustainability, drainage and building code conformity. Warr commented that the recommendations regarding a professionally prepared site plan would provide the opportunity to better organize the on-site parking and to, hopefully, reduce the amount of impervious surface on the site. Breen advised that she had provided landscape services for the property, but a number of years ago.

Following discussion, ASCC members concurred that the planning commission should be advised of the ASCC's support for the project subject to the conditions recommended in the November 21, 2007 staff report. Vlastic stated he would inform the planning commission of the ASCC's comments.

Approval of Minutes

Clark moved, seconded by Breen and passed 4-0-1, approval of the November 12, 2007 meeting minutes as drafted.

Adjournment

There being no further business, the meeting was adjourned at 9:11 p.m.

T. Vlastic



TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

September 24, 2007

MEMORANDUM

To : Planning Commission
From : Tom Vlastic, Deputy Town Planner
Subject : Preliminary Review, Conditional Use Permit Application X7D-167,
Professional Office Uses, 828 Portola Road, Conlon

Request and Background

This is a preliminary review of the subject conditional use permit (CUP) application for professional office uses on this .41 acre, 17,860 sf, Portola Road property (see attached vicinity maps for location). From a practical perspective, the application is to afford zoning conformity for a site that has been in professional office use since prior to town incorporation. The site has accommodated medical/dental uses and, overtime, the town has issued permits for remodeling, signs, etc. associated with what was considered a preexisting, non-conforming use. These previous actions did not include any expansion of the floor area or other significant changes. Until this request, a CUP, however, had yet to be applied for or granted to an applicant for any use of the property.

The following attached materials describe the subject CUP application:

August 14, 2007 application submittal letter from Robert D. Conlon, D.D.S. setting forth the list of desired/possible professional office uses,
Vicinity maps, August 2007, prepared by staff including map depicting approximately locations of required yard and fault line setbacks,
Site survey, Lea & Braze Engineering, Inc.,
September 19, 2007 letter from Dr. Conlon, with site plan depicting the on-site parking layout and a floor plan of the existing building that is in medical use.

One of the key reasons the applicant is now seeking the use permit for conforming status is because he is pursuing lease of the building to a new tenant. With the lease, the current dental offices would change to offices serving three independent medical practitioners (i.e., three psychiatrists), with one support staff person for the three doctors. Since the lease discussions have progressed to a significant point, a zoning permit for the new medical uses has also been applied for. The attached statements from Dr. Brian Wexler describe the proposed uses and are in support of the proposed zoning permit. The first statement, received 9/13/07 discusses the practices and the second, dated September 16, 2007 responds to questions raised by staff for statement clarification.

(It should be noted that the statement received 9/13/07 has a "confidential" statement on the bottom of the page. In raising questions on this statement, we advised the applicants and proposed tenants that the statement would need to be part of the public record when

) presented to the planning commission for consideration. They have acknowledged and are aware that the materials are part of the public record.)

During the course of initial discussions with the three psychiatrists and Dr. Conlon, we advised that for the desired change a use permit would be needed. Once the application was filed, staff has continued to work with the applicant and potential tenants to ensure application completeness and to assemble materials for planning commission preliminary consideration. While we now believe data is sufficient for the preliminary review, more detailed plans relative to existing and proposed site conditions and usage would be developed to clearly define the proposed permit provisions, including changes to the floor plans to accommodate the new doctors, specifics relative to on-site traffic flow and parking, and details associated with any other exterior changes such as lighting, landscaping or signage. It should also be noted that the new doctors would occupy the roughly 1,400 sf front building on the property, and that some time period would be necessary for transition from the existing dental use to the new use. The rear, 400 sf building would continue to be used, in part, for storage. It currently also contains approximately 200 sf of floor area devoted to what we understand is a "part" time use by a different psychiatrist. The conditions associated with this use and whether or not it will continue, are still being evaluated by the applicant.

At this point, the applicant and the doctors associated with the proposed new medical use have made it clear that no new floor area is proposed or desired. The plan is to only reconfigure the existing space to meet the needs for the new practices and, particularly address handicap access requirements.

) It is also noted that during the course of discussion with the applicant, we understand that certain "improvements" have been made over time to the structures on the parcel, but not all may have had the benefit of required permits. This will need to be fully reviewed during the course of use permit evaluation and may lead to specific conditions that would need to be addressed in any plan for interior remodeling of the building.

In any case, it is our understanding that the proposed psychiatric use would preserve the exterior site in essentially its current condition and no significant changes are desired or planned. A copy of the air photo of the area, in addition to the enclosed plans will be available for reference at the preliminary review meeting.

Preliminary Evaluation

The subject property is within the A-P, Administrative Professional zoning district. Medical and other office uses are permitted within this district subject to the granting of a conditional use permit (Section 18.22.030 C. of the zoning ordinance). This section includes the requirement that the proposed use demonstrate that it would meet the domestic needs of the residents of the town and its spheres of influences or would provide services to other business or institutions in the town or its sphere of influences meeting local domestic needs. The uses must also conform to the floor area limits in the zoning ordinance.

The following preliminary review comments are offered for planning commission consideration:

- The total floor area devoted to medical use would appear to be the 1,400 sf in the front building and 200 sf for the existing medical use that might remain in the rear structure. This has yet to be finalized. The floor area limit for a medical or dental office is restricted to 2,000 sf. Thus, if this were considered a single use, or separate individual

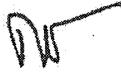
practices per doctor, the proposal would conform to the floor area use restrictions in Section 18.54.052 of the zoning ordinance.

- No new floor area is proposed. The current existing building area is very close to the .13 FAR limit for the property, but likely somewhat below it. Final calculations can be run when accurate outside dimensions of the buildings are available.
- The zoning ordinance requires five parking spaces for each doctor. If there were four doctors than 20 spaces would be required. The preliminary parking analysis provided by the applicant suggests that the current site conditions could accommodate 26 parking spaces. It is also noted that the submittal suggests that the patient turnover would be less than might be expected with dental or other more conventional medical service providers. The parking layout has yet to be evaluated against all site conditions and the zoning standards, but it appears that parking compliance should be possible.
- The site, immediate road system and general area conditions appears appropriate relative to accommodating the proposed use. It has contained medical uses for a long period of time without any adverse impact on the site or adjoining properties. Further, both the general plan and zoning ordinance provide for professional office use on the property. The Village Square Area Plan designates the property for community service uses and the text states that the community service uses "appear appropriate and should be allowed to continue or be replaced with other office uses."
- The scope of existing/proposed site improvements and site conditions appear to be generally acceptable in terms of general plan and zoning ordinance provision. As with all office use proposals, however, the finding related to service to the community (i.e., specifically CUP finding 7 of attached Section 18.72.130) becomes the more significant test. First, the list of proposed possible uses set forth in the applicant's application statement is fairly broad and may even be found to extend somewhat beyond the uses listed in the zoning ordinance. For example, "consulting scientists" and "Venture Capital" would have to be very limited in scope to meet the local service test and, at least by category, we wonder if they are fully consistent with the uses listed in the zoning ordinance for the A-P district (copy attached). In any case, the commission should consider the proposed list of uses and provided any appropriate reactions, comments and suggestions.

Specifically, with respect to the proposed zoning permit for the three doctors, the intensity of the use seems consistent with general plan and zoning provisions and related traffic, noise, lighting, proposed hours of operation, etc., should not present any issues or concerns. The key consideration is service to the residents of the town and its spheres of influence. We reviewed the initial statement from the doctors and requested additional clarification in an attempt to provide as much data as possible to help the commission consider the proposal. It is clear that currently, the local clients served do not represent 50% of the clients of the practices. They statements explain the unique nature of the practices and how the 50% level might be reached with significant local referrals. The statement also provides some characterization of the "unmet need" in the doctor's area of "sub-specialization." The commission will need to review this and likely discuss the service matter in some depth with the applicants at the October 3 meeting and provide reactions, questions, etc. as appropriate.

Next Steps

The planning commission should conduct the October 3 preliminary review and offer any comments and reactions for consideration by the applicant and staff in process of the use permit application review. Thereafter, the application would be circulated for consideration by the ASCC, and other staff members and committees and staff would work with the applicant to clarify application details as noted above. Depending on the preliminary planning commission review, and further consideration by town staff and committees, it appears that the formal commission hearing on the request would likely not be until a meeting in November or early December.

TCV 

Attach:

cc. Angela Howard, Town Administrator
Sandy Sloan, Town Attorney
Leslie Lambert, Planning Manager
Ted Driscoll, Mayor
Maryann Derwin, town council liaison
Applicant

828 Portola Rd.
Portola Valley, CA 94028
650 851-0321
650 851-8754

Robert D. Conlon, D.D.S., Inc.

September 19, 2007

Tom Vasic
Deputy Town Planner
Town of Portola Valley

TOWN OF PORTOLA VALLEY
SEP 19 2007
RECEIVED

Dear Tom:

Attached please find a parking diagram for our office. We have 19,496 square feet of land that is not occupied by our buildings. If each parking space is considered to be 9' X 18' (or 162 square) feet, then in theory, we have space for 120 parking spaces or 'aisles'. We have attached a proposed plan showing the approximate parking spaces (unmarked) "of choice" traditionally used depending upon the number of patients and/or doctors present. Seldom has even half this number been utilized.

Also attached is a diagram indicating building measurements.

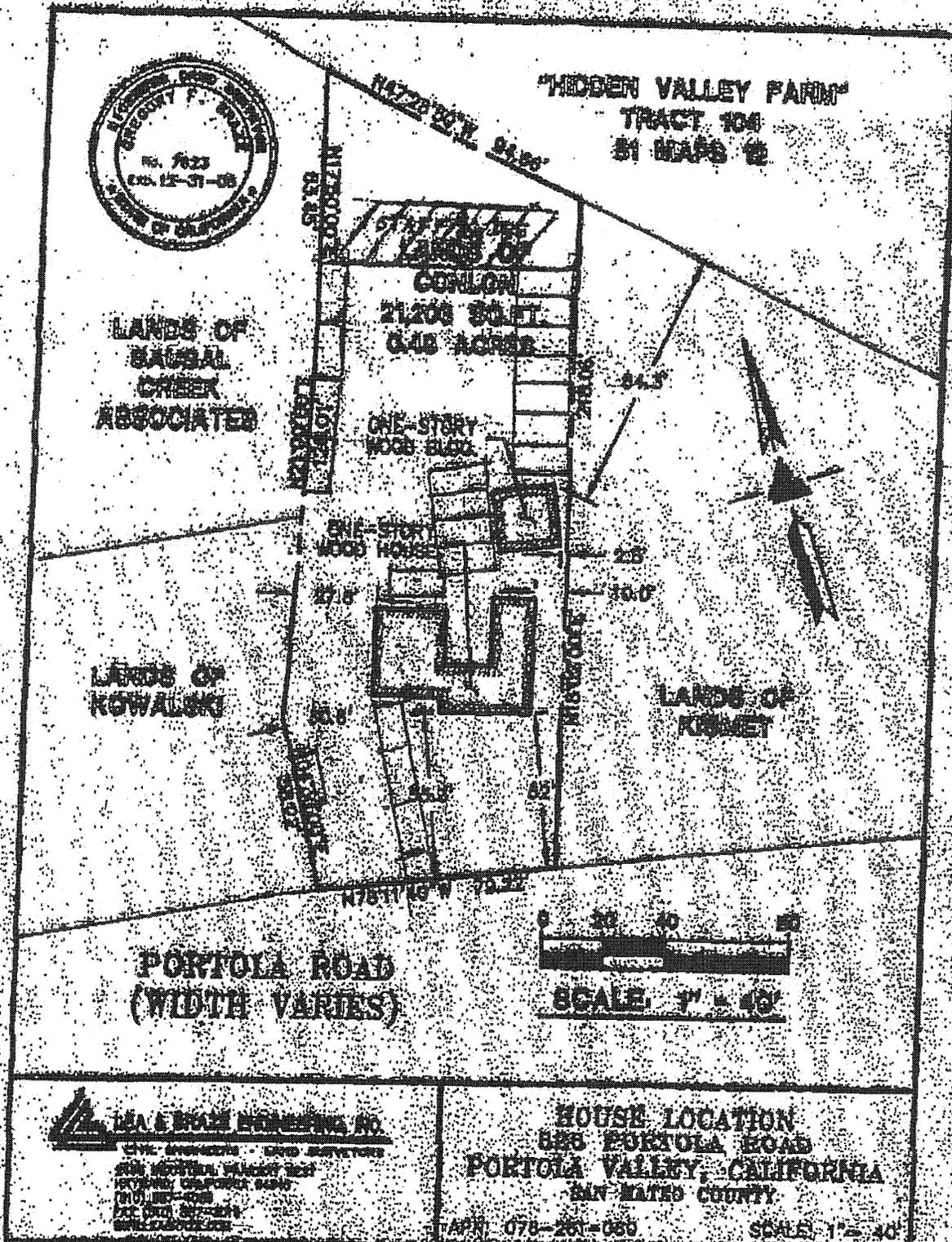
Sincerely,



Robert D. Conlon, D.D.S.

Attachments: 2 pages

.....

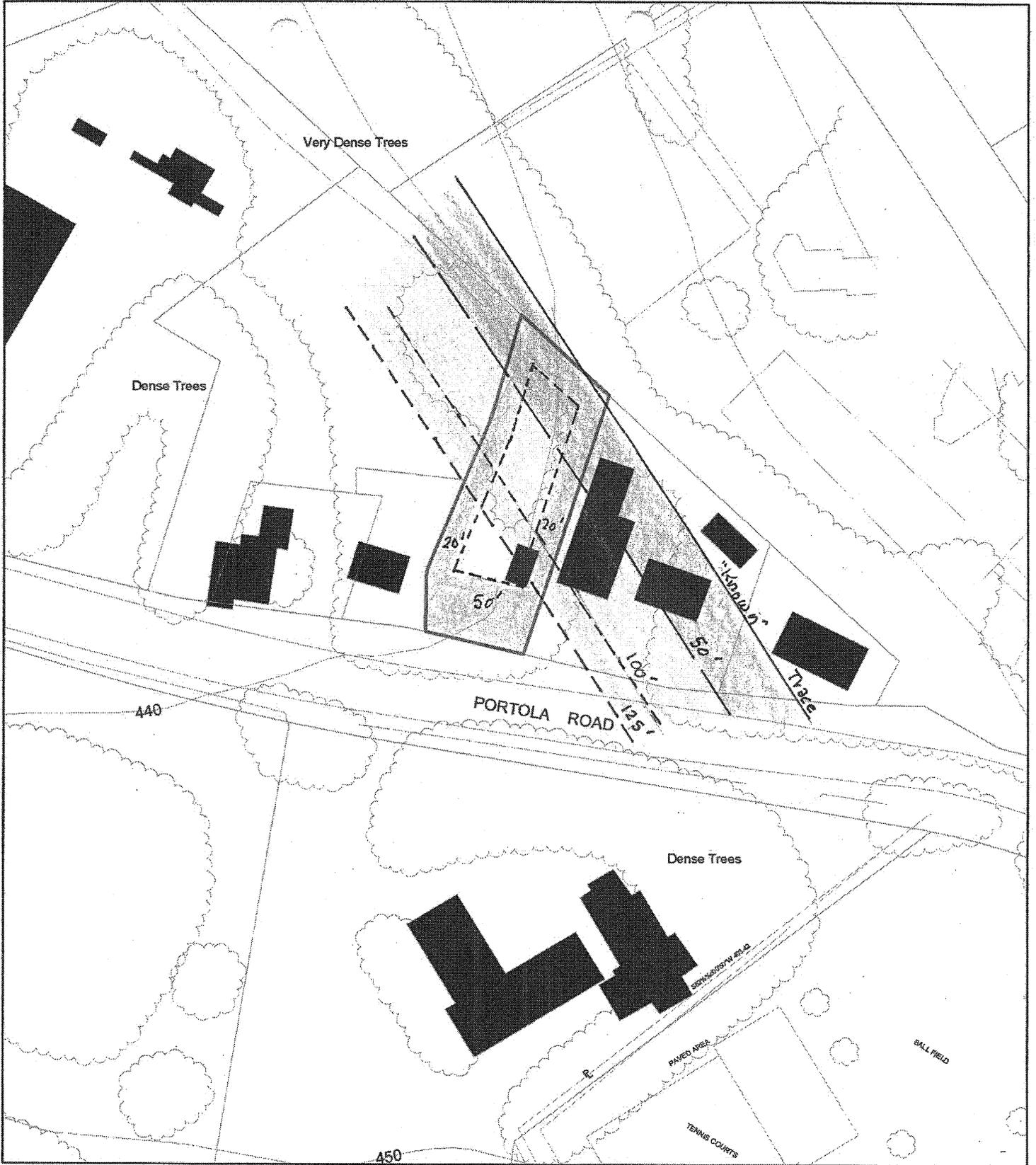


DAE & DAHL ENGINEERS, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 2100 W. CENTRAL EXPRESS 2221
 SUITE 100, CARPENTERS SQUARE
 (916) 487-4000
 1425 10TH STREET
 SACRAMENTO, CA 95811

HOUSE LOCATION
 888 PORTOLA ROAD
 PORTOLA VALLEY, CALIFORNIA
 SAN MATEO COUNTY

APP. 078-261-050 SCALE 1" = 40'
 DRAWN BY: UF JOB NO: 2070402

9/17/07



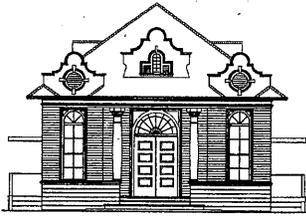
Vicinity Map

Scale: 1" = 100 feet

Conditional Use Permit X7D-167, Conlon

828 Portola Road, Town of Portola Valley

August 2007



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planning Consultant
DATE: May 16, 2014
RE: Preliminary Review, Conditional Use Permit (CUP) Application X7D-175
Professional & Personal Offices, and Art Gallery Studio

Request and CUP Application

On May 21, 2014 the planning commission will conduct a preliminary review of the subject request for approval of a new conditional use permit for uses in the existing structures located on the 11,327 sf (.26-acre) parcel at 888 Portola Road (see attached vicinity map). The parcel is within the C-C (Community Commercial) zoning district. The existing site improvements include an approximately 1,820 sf vacant, single story building designed for commercial uses, a 2,200 sf, two-story single family residence occupied as a residence, parking and landscaping and an on site septic sewage disposal system. The site was redeveloped and improved pursuant to CUP X7D-55 and Variance X7E-120, both granted in 2001. As explained below, under **background**, CUP X7D-55 was revoked by the town council in 2009. The building and parking provisions of the variance were exercised through building permits issued and signed off by the town in 2005 after the 2001 CUP and variance approvals.

The subject CUP request was formally presented to the town by the attached March 12, 2014 letter from Bradley Kass, Esq. It requests three categories of uses to be authorized, but no specific use at this time. The three use categories, which are listed as uses permitted with a conditional use permit in the C-C zoning district pursuant to Municipal Code Section 18.20.030, are:

1. Administrative/Professional Offices
2. Art/Gallery Studio
3. Personal Offices

Planning staff requested clarification of the application as set forth in the attached March 20, 2014 letter to Mr. Kass and received the attached April 9, 2014 letter in response. The attached letter dated May 2, 2014 to Mr. Kass addressed his 4/9 comments and advised that once fees and deposits were provided the CUP application would be presented to the planning commission for preliminary consideration. The fees and deposits were received and the preliminary review placed on the planning commission's May 21, 2014 agenda.

Thus, the commission should conduct the preliminary review and offer comments and reactions that the applicant and staff can consider as application processing proceeds.

Background

As noted above, in 2001 the planning commission approved CUP X7D-55 and Variance X7E-120 for Mr. Douglas. These actions allowed for rebuilding of the commercial building. The approved plans provided for essentially replicating, but to contemporary code standards, the small commercial building that had been on the property since prior to town incorporation. The actions also recognized the continuing existence of the residential use at the rear of the parcel. A condition of the CUP action was that the property would connect to the sanitary sewer within one year of the time the sewer was available in the area.

With the 2001 CUP action, no specific named use was proposed for the commercial building, but the application stated the proposal was to have the rebuilt building occupied by an interior decorator firm. A condition of the CUP required town approval of a zoning permit for the specific interior design firm prior to occupancy. The 2001 actions were taken with a finding of categorical exemption.

After commercial building reconstruction and other required site improvements, in August of 2005, a use permit amendment was granted to permit the SPUR Art Galley to use the building. Since the sewer was not yet available, the SPUR Gallery was allowed to occupy building and the septic system was found adequate for that use, but with the understanding that the sewer connection condition remained as set with the CUP approval. The sewer became available in May 2005 and, pursuant to the CUP, the applicant had until May of the following year to connect to the sewer.

At numerous meetings between 2006 and 2009, the planning commission and eventually the town council considered requests by the property owner for relief from the sewer connection condition due to the high cost to connect. On February 11, 2009, the council acted to revoke CUP X7D-55; attached is the resolution revoking the use permit. Subsequently, Mr. Douglas pursued legal action against the town in state and federal court relative to the use permit revocation. The town ultimately prevailed in both venues and Mr. Douglas' cases were dismissed with prejudice. This means that Mr. Douglas cannot file a suit again on the revoked use permit.

In summary, site improvements were made based on the 2001 town approvals, the site was occupied pursuant to the original CUP, but once the SPUR use left, i.e., August 2008, and the CUP was revoked, the commercial building has sat vacant, but the residential use has continued. The site has been maintained in good condition and the property owner has now applied for a new use permit for the three categories of use listed above and as clarified in the referenced, attached, communications between the applicant's representatives and staff.

Preliminary Evaluation

Earlier this year town staff, including the town attorney, met with the applicant and his attorney Mr. Kass to discuss the potential for a CUP application that might not require connection to the sewer. At that time staff emphasized that the sewer connection matter was clearly a critical factor and that the town may ultimately determine that such a connection was still warranted. Staff offered, however, based on review and action on other

CUP applications, that staff would be willing to consider supporting a use that otherwise met the town zoning standards, and that would be served by the existing septic system if it was verified that the San Mateo County Health Department concluded the existing septic system was acceptable for the specific proposed use and the use permit was appropriately conditioned. Staff noted that this would have to be judged by the planning commission, but that staff could if the County provided appropriate supporting information and the permit was appropriately conditioned consider supporting such a position, essentially as outlined in our March 20, 2014 letter to Mr. Kass.

The April 9, 2014 letter from Mr. Kass stresses that the applicant does not desire to connect to the sewer nor is proposing this with the CUP application. In light of the clarification from Mr. Kass, then any use that was proposed that could only be supported by a sewer connection would not be allowed without a CUP amendment. This position relative to the sewer/septic matter and the following possible options are presented for planning commission consideration and discussion.

1. San Mateo County Health Department Verification.

- a. Require additional information prior to issuing any use permit that supports the position that the proposed use categories may be adequately supported by the existing septic system.
- b. Craft a condition that no specific occupancy pursuant to a zoning and occupancy permit will be allowed until the San Mateo County Health Department verifies that the proposed specific use will be adequately supported by the existing septic system.
- c. Consider the appropriate person or body to review any zoning permit application, as discussed in more detail below.

2. Sewer Connection.

- a. Depending on the information available, consider whether any occupancy would require connection to the sewer.
- b. Craft a condition that prohibits any use that would require connection to the sewer such that a use permit amendment would be required for any such use.
- c. Craft a condition that allows a use that would require connection to the sewer only if the property is connected to the sewer. This would not require a use permit amendment, but would require sewer connection as a condition precedent to any proposed use and issuance of the necessary zoning permit.
- d. Craft a condition that requires sewer connection if the building code or town policy requiring connection are triggered.

The following specific comments are offered in addition to those noted above and set forth in the March 20, 2014 letter to Mr.Kass:

1. Residential use. With the 2001 CUP action, the town approved the continued residential use of the property and this use has been in place since certain remodeling and improvements were made to the building. With the current application no changes to the residential use is proposed.
2. Zoning permit requirements. It is standard practice for the town to issue a CUP that authorizes categories of uses allowed for in the specific zoning district, subject to the granting of a zoning permit for a specific occupancy. It is common for a CUP for a new building to be sought prior to construction where no specific tenant has been identified.

Further, sometimes a CUP for a commercial or office building has been issued and at the same time specific zoning permits are requested for specific uses. The use permits (unlike the zoning permit) run with the land and recognize that tenants will change over time (tenancy is addressed with the zoning permit). Thus, the town's zoning permit process ensures that the basic requirements of the zoning ordinance and specific provisions set with any CUP action are implemented with the zoning permit review and approval. Pursuant to the town's municipal code, the town planner is authorized to consider and issue zoning permits after verifying conformity with the zoning ordinance and specific CUP provisions. However, recently, the planning commission in granting a CUP directed that zoning permits be subject to planning commission review and action, e.g., CUP X7D-167, for 828 Portola Road, also on the commission's 5/21 agenda for preliminary review. This approach is an option for commission discussion.

In summary, with a typical CUP action it is not possible to anticipate all specific tenants that might occupy a building over time and, therefore, the zoning permit process ensures that any proposed tenant will be judged against the zoning and CUP provisions and found in conformity with them before the zoning permit is issued.

3. Scope of office uses possible. The scope of possible office uses in the 1,820 sf commercial building is limited by the provisions of Section 18.20.030.D. and G of the zoning ordinance. (The C-C district zoning provisions are attached for reference.) Section 18.20.030.G. sets the provisions for *personal offices* and states they can be no larger than 350 sf or less than 150 sf. It includes limitations on occupancy and parking. Also, section 18.20.030.G.3 states that the spaces for personal offices need to be identified with the CUP approval. Section 18.20.030.G.5., however, provides that specific occupancies shall be reviewed through the zoning permit process. Thus, before the commission can act on the CUP, the applicant will need to identify the spaces in the building where personal offices are proposed so that staff can complete full review of the CUP application.

Section 18.20.030.D of the zoning ordinance deals with *professional office* uses and states that they must be found to meet the domestic needs for the residents of the town and its sphere of influence or provided services to other businesses or institutions in the town or its sphere of influence meeting such domestic needs. This section also indicates that if no actual use is proposed, i.e., zoning permit, then the CUP request shall expressly indicate, as specifically as possible, the type of office use being permitted, such as type of medical practice or legal practice. Thus, the commission should discuss this matter and the applicant should be asked to be as specific as possible relative to the intended uses.

Section 18.20.050 of the C-C district zoning provisions lists the required conditions for uses in the district. Since the C-C district is a commercial and not an office district, Section 18.20.050.G. limits the amount of floor area that can be in professional office uses to 15% of the net floor area of "all uses" on the parcel. Thus, if the commercial and residential floor area is combined, the total floor area is 4,020 sf. Fifteen percent is roughly 600 sf. This would be the limit for professional offices in the 1,820 sf commercial building.

Section 18.20.050.G. also provides, however, that the planning commission can increase the allowed professional office floor area above the 15% limit to a maximum of 50% when the commission finds that the larger percentage will allow the development to

be more compatible with the site conditions and surrounding development and would not unduly jeopardize the space anticipated to be required for commercial uses in town. The applicant needs to clarify how much professional office is specifically proposed and if more than the 15% limit is desired. This will allow for full permit analysis against the floor area provisions of the zoning ordinance. The commission should discuss this matter with the applicant and provide reactions if the proposal is to exceed the 15% limitation.

4. Art/Gallery Studio. As noted above, in 2005 the planning commission approved an amendment to the original CUP to permit the SPUR Art Gallery to occupy the commercial building. The application and CUP action included the commission finding that the specific proposed use was consistent with the types of conditional uses allowed for in the C-C district and the setting of specific limitations on the use. The commission received a detailed description of the SPUR proposal and based on this description was able to make the consistency finding, and to set permit limits on hours, galley open houses, community events, parking, etc. The applicant should provide more complete data as to the scope of uses intended and perhaps refer to the provisions of the SPUR permit to help in this effort. This will then facilitate staff evaluation of the request so that we can advise the commission as to making the finding the intended use is consistent with the list of possible conditional uses in the C-C district.

In addition to considering these specifics, the planning commission will eventually have to make findings pursuant to municipal code section 18.72.130, including, but not limited to:

- (1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission are needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences and
- (2) The proposed use will be in harmony with the general purpose and intent of this title and the general plan.

In summary, there is more information and a number of clarifications that are needed to allow for full review of the CUP application. Based, however, on the history of the property and the interactions with the applicant and the applicant representative to date, staff concluded it was essential to share the request with the planning commission for reaction and direction as soon as the necessary application fees and deposits were received.

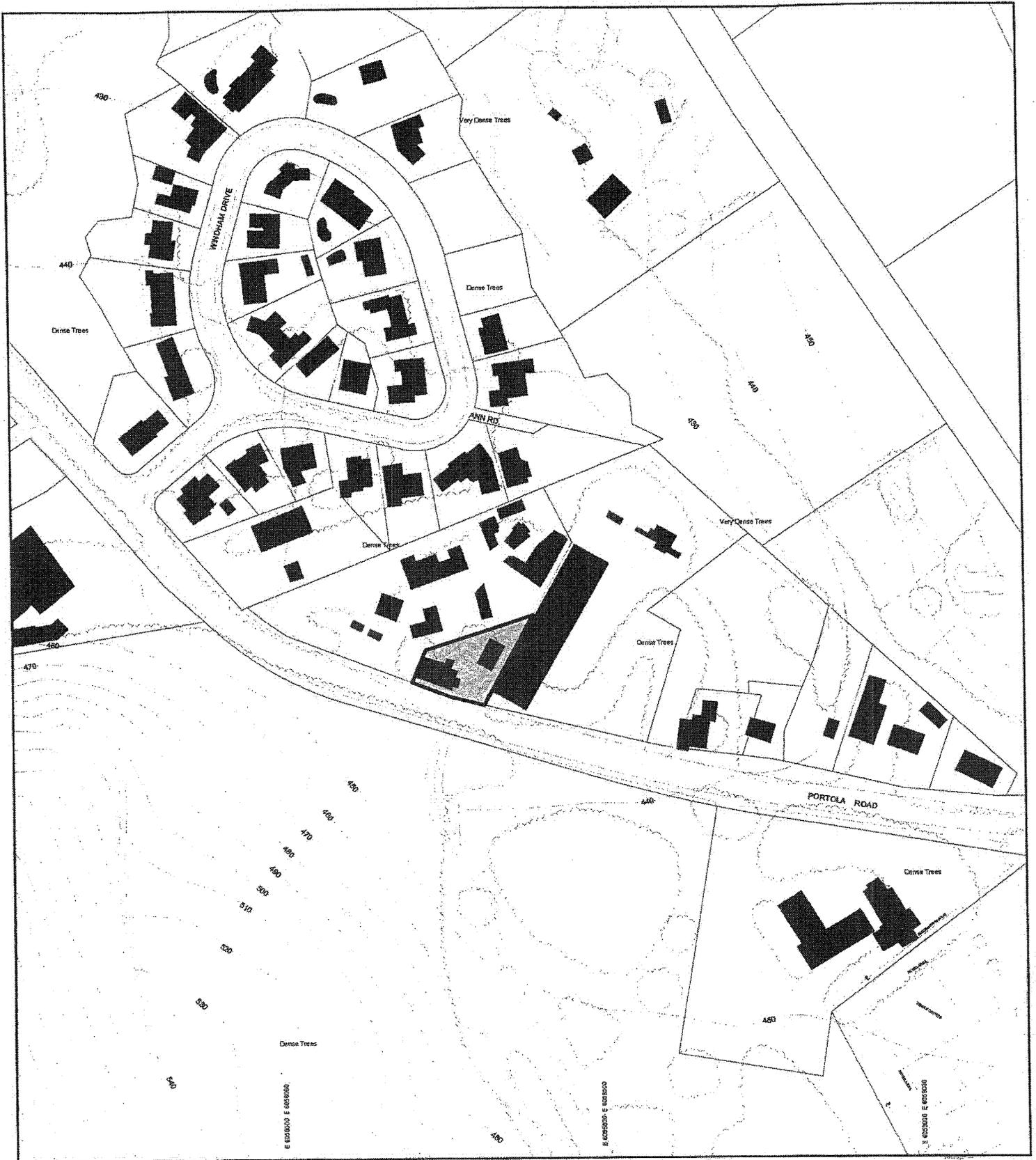
Next Steps

The planning commission should conduct the May 21 preliminary review and offer comments and reactions for consideration by the applicant and staff in the process of fully evaluating the use permit application in getting it ready for an eventual public hearing. Depending on the preliminary planning commission review, and further consideration by town staff, it appears that the formal commission hearing on the request would likely not be noticed until a meeting in July. The schedule is also complicated by other already committed to agenda loads for June.

TCV

Encl.
Attach.

cc. Nick Pegueros, Town Manager
Leigh Prince, Town Attorney
Karen Kristiansson, Interim Town Planner
Ann Wengert, Mayor
Craig Hughes, town council liaison
Applicant



Vicinity Map

Scale: 1" = 200 feet

Douglas, CUP Application X7D-175
 888 Portola Road, Town of Portola Valley

May 2014

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

May 2, 2014

Bradley Kass, Esq.
520 South El Camino Real, Suite 810
San Mateo, California 94022

**Re: Application for Conditional Use Permit
Michael and Lisa Douglas
888 Portola Road**

Dear Mr. Kass:

The Town of Portola Valley will proceed to set this application for preliminary review with the Planning Commission. We are anticipating that the Planning Commission will consider this matter at a public meeting on May 21, 2014, unless there is a scheduling conflict. However, to meet this schedule, an additional deposit of \$2,500 will be needed to proceed with the application, in accordance with the Statement of Understanding submitted with the application.

The process outlined in my March 20, 2014 letter is the Town's routine process for applications of this nature. The conditional use permit application on file with the Town for 888 Portola Road does not propose a particular use, but three general use categories. In the absence of a specific proposal for occupancy of the property, when a specific occupancy is proposed, Municipal Code Section 18.62.010 applies and requires a zoning permit and certificate of occupancy for the specific use of the structure.

A zoning permit is usually approved by the Town Planner provided that the specific tenant proposal is found consistent with the provisions of the conditional use permit (see Municipal Code Section 18.62.050). However, the Planning Commission has determined in some instances that the Planning Commission, not the Town Planner, should be the body to take action on zoning permits for a specific property in order to protect the public health, safety and general welfare.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Kristiansson', written over a horizontal line.

Karen Kristiansson
Interim Town Planner

KLK/LFP/TCV

cc: Nick Pegueros, Town Manager
Leigh Prince, Town Attorney
Tom Vlastic, Planning Consultant

KASS & KASS LAW OFFICES

520 SOUTH EL CAMINO REAL, SUITE 810
SAN MATEO, CALIFORNIA 94402
TEL: (650) 579-0612 FAX: (650) 579-0760

April 9, 2014

FAX AND FIRST CLASS

Karen Kristiansson
Deputy Town Planner
TOWN OF PORTOLA
765 Portola Road
Portola Valley, CA 94026

RE: Michael Douglas and Lisa Douglas
888 Portola Road, Portola Valley, Ca.

Dear Ms. Kristiansson,

Per your further inquiry, your letter of March 20, 2014 has been reviewed and I just have a few comments to address relating to the letter. The Douglases have confirmed that the fees and deposits have already been placed with the Town.

In your second paragraph and no. 3, you make reference to any specific use being able to work with the current septic system along with agreement of the county, or with a sewer connection prior to occupancy. The Douglases have not made any indication as an alternative of a sewer connection as that is not in the plans of the Douglases.

On paragraph b, it indicates that the CUP expired, however it was revoked and did not expire. You did indicate that a recommendation regarding each proposal be presented to the planning commission in the future as a condition. However, I am concerned that this is not the routine process and I would also request that the Douglases be treated the same as any applicant in the Town of Portola Valley.

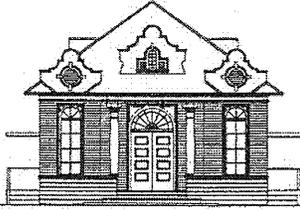
Please keep this matter on an expedited status as time is of extreme essence since the Douglases are losing income daily until the premises are rented. Thank you.

Yours very truly,



Bradley Kass, Esq.

BK:ss
cc: Leigh Prince, Town Attorney (By fax)



Town of Portola Valley

765 Portola Road
Portola Valley, CA 94028
(650) 851-1700

March 20, 2014

Bradley Kass, Esq.
Kass & Kass Law Offices
520 South El Camino Real, Suite 810
San Mateo, California 94402

Subject: Application for Conditional Use Permit
Michael and Lisa Douglas
For 888 Portola Road

Dear Mr. Kass:

Thank you for your March 12, 2014 letter providing some clarifications relative to the proposed subject conditional use permit (CUP) application. We are prepared to begin processing the application subject to your client's concurrence with the understandings set forth herein and after all necessary fees and deposits for the application have been placed with the town. Please contact Assistant Planner Carol Borck at town hall for the necessary fee and deposit amounts.

As to your application, based on your March 12th letter and our review of the permit history relative to the Douglas' 11,327 sf property at 888 Portola Road, located in the town's C-C, "Community Commercial," zoning district, we understand the proposal to be as set forth below. At a minimum, these understandings will serve as the bases for conditions that we will be recommending to the planning commission when a hearing on the permit takes place. In particular, as we discussed and you concurred with at in our earlier meeting, any specific use must be demonstrated to work with the current septic system or with a sewer connection prior to any occupancy. Such demonstration would be part of the **zoning permit process** that must be pursued and approved, as discussed herein, for any particular use, as you have only proposed categories of uses at this time.

1. Proposed uses. The possible general uses for the existing, approximately 1,820 sf vacant single story commercial building at the front of the property would be limited to the following:
 1. Administrative/Professional Offices
 2. Art Gallery/Studio
 3. Personal Offices

The existing two-story, roughly 2,200 sf single-family residence on the property, at the northeastern corner, will remain in single-family use. No changes to the use of this residence are proposed with the application.

2. No changes to existing site conditions. No site changes are proposed and the site improvements would continue with the existing conditions and buildings/locations, parking, etc., as authorized by and completed subject to the conditions of variance X7E-120. Further, as a provision to any CUP approval, a typical condition can be expected that requires prior approval by the town's architectural and site control commission (ASCC) of any proposed changes to store fronts, signage, colors, materials, etc. Any such changes are usually provided when a specific zoning permit is requested. As to parking, each specific use must also demonstrate compliance with the town zoning standards for such specific use. Again, this would be judged during the zoning permit process.
3. Sewage disposal. The application includes no proposal for changes to the existing septic system. Any use proposed will, prior to issuance of any specific zoning permit, include demonstration to the satisfaction of the San Mateo County Health Department that it can be properly served by the existing septic system, and this would be in addition to the septic system needs for the existing single family residence. If such adequate septic service cannot be documented to the satisfaction of the health department, the specific zoning permit would not be issued. Alternatively, it could be permitted, but only after the property is connected to the West Bay sanitary sewer system.
4. No specific tenants proposed; dependence on future zoning permit(s). No specific tenants are being proposed at this time and only general CUP authorization is being requested relative to the three categories of uses identified in your March 12, 2014 letter. Any specific use/tenant would be applied for through the necessary zoning permit process. Each specific tenant proposal would need to be found consistent with the general use permit provisions, as may be approved by the planning commission, and town zoning standards (see comments below). These include specific type, floor area, sewage disposal limitations, parking, etc. It is noted that Variance X7E-120 provided some latitude relative to parking and floor area, and these have been accommodated with town authorized and completed replacement of the commercial building and other now existing site improvements.
5. Understandings relative to three categories of proposed uses. The following understandings pertain to the three categories of uses proposed for the commercial building. The descriptions are stated here for consistency, and to avoid confusion or misunderstandings, with the wording in Section 18.20.030 "Conditional Uses Permitted" of the CC provisions of the zoning ordinance. These set the framework for consideration of the general use permit application as you have presented it to the town and for future consideration of any specific zoning permit that would be requested for a specific proposed tenant.
 - a. Business offices and professional offices. (Section 18.20.030.D.) These uses are expressly identified as "conditional uses" in the CC district when they are demonstrated to meet the domestic needs for the residents of the town and its spheres of influence or when they provide services to other businesses or institutions in the town or its sphere of influence meeting such domestic needs. Any uses would also be subject to the limitations in Section 18.20.050 (required conditions of use)

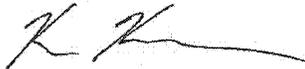
and the floor area limitations in Section 18.545.052 as well as the other provisions in Section 18.20.030.D and other CC District related provisions, including parking standards. Therefore, there would be CUP conditions set to establish the framework for zoning permit consideration and to reflect the limitations of the site and existing commercial building relative to business office and professional offices.

- b. Art Gallery/Studio. This is not a use specifically articulated in the list of permitted or conditional uses in the CC district. As with the SPUR gallery CUP, the planning commission would need to find that such a use or uses is of the same character as other uses conditionally permitted in the CC district (Section 18.20.030.I). The commission did make such findings for the SPUR gallery, but did so after very careful review of the specifics of the proposed use, including traffic, parking, hours, patterns of activity, etc., and subject to specific conditions. Without a specific proposal, a number of performance standard conditions can be expected to set the framework for consideration of any specific zoning permit request. These would likely be generally as set with the approval of the now expired SPUR CUP.
- c. Personal Offices. (Section 18.20.030.G) These are permitted conditional uses in the CC district. The limits for such uses are expressly stated in Section 18.20.030.G, 1-7 of the zoning ordinance and when any specific personal office is proposed it must be found consistent with these provisions. With any application, you will need to provide detailed data to support town findings of consistency with the zoning provisions as well as any additional specific CUP conditions the planning commission may require in acting on the general use permit application.

For your information, given the complicated history with this property, staff will be recommending that any action to grant the CUP as now generally proposed would include a condition requiring that each zoning permit be presented to the planning commission for prior review and approval for consistency with any general CUP provisions and town zoning standards.

When you and/or your clients formally advise the town that there is concurrence with the above understandings, or any clarifications to them you/they believe are necessary, and provide all necessary application fees and deposits, we will proceed to set the application for formal planning commission review and consideration. In the meantime, please let me know if you have any questions.

Sincerely,



Karen Kristiansson
Deputy Town Planner

KK/TCV

- cc. Leigh Prince, Town Attorney
- Tom Vlastic, Town Planner
- Nick Pegueros, Town Manager
- Ann Wengert, Mayor
- Denise Gilbert, Planning Commission Chair

KASS & KASS LAW OFFICES

520 SOUTH EL CAMINO REAL, SUITE B10
SAN MATEO, CALIFORNIA 94402
TEL: (650) 579-0612 FAX: (650) 579-0760

March 12, 2014

FAX AND FIRST CLASS

Karen Kristiansson
Deputy Town Planner
TOWN OF PORTOLA
765 Portola Road
Portola Valley, CA 94026

RE: Michael Douglas and Lisa Douglas
888 Portola Road
Portola Valley, California

Dear Ms. Kristiansson,

Per your inquiry, Mike Douglas and Lisa Douglas at this time are proposing the following uses for the above referenced premises. They are:

1. Administrative/Profession offices
2. Art/Gallery Studio
3. Personal Offices

Please try to expedite this matter as the lack of having a tenant is an on-going substantial financial burden on my clients. Thank you.

Yours very truly,

Bradley Kass, Esq.

BK:ck
cc: Leigh Prince, Town Attorney (By fax)

RECEIVED

FEB 20 2009

SPANGLE ASSOC.

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RESOLUTION NO. 2431-2009

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AFFIRMING A DECISION OF THE PLANNING COMMISSION TO REVOKE
CONDITIONAL USE PERMIT X7D-55 FOR 888 PORTOLA ROAD, PORTOLA
VALLEY, CALIFORNIA, IF CERTAIN CONDITIONS ARE NOT MET,
AND DENYING THE APPEAL OF MICHAEL AND LISA DOUGLAS**

RESOLVED by the TOWN COUNCIL of the TOWN OF PORTOLA VALLEY that:

WHEREAS, this matter came before the Town Council for public hearing on January 28, 2009, on appeal by Michael and Lisa Douglas ("Owners") from the decision of the Planning Commission revoking Conditional Use Permit X7D-55 for 888 Portola Road ("Property"), Portola Valley, California, if certain conditions were not met; and

WHEREAS, the hearing was regularly noticed in accordance with State and Town law; and

WHEREAS, the Council reviewed and considered all documentation, testimony, and argument presented to the Council in written materials provided before the hearing, and the testimony, written materials, and argument presented at the hearing; and

WHEREAS, the following is adopted as the decision of the Town Council of the Town of Portola Valley on the above-entitled appeal:

Process

In 2001, the Owners sought approval of a conditional use permit for commercial use on the Property and for three variances to accommodate the combined commercial and residential use of the Property: 1) reduced front setbacks (eleven feet versus fifty feet required, and roof overhang within three feet) and side setback (seven feet versus twenty feet required); 2) reduced landscaping; and 3) reduced parking (ten parking spaces versus thirteen required).

After a public meeting on June 6, 2001, at which one of the Owners was present,

1 and a public hearing on July 9, 2001, at which both Owners were present, the Planning
2 Commission approved Conditional Use Permit X7D-55 for commercial use, and the three
3 variances in Variance X7E-120, subject to thirteen conditions. This approval and its
4 conditions were adopted in Planning Commission Resolution No. 2001-400.

5 The Owners were informed of the decision. No appeal of the decision or the
6 conditions was made to the Town Council nor was any action filed in any court regarding
7 either the decision or any of the conditions.

8 Included in the conditions approved by the Planning Commission was Condition No.
9 11:

10 "When sewers are available in Portola Road in front of the subject
11 property, the commercial building and the residence shall be connected to the
12 sewer within one year of such availability."

13 In June 2004, Town Staff confirmed to the Owners that the sewer was under
14 construction, and although San Mateo County had approved use of the existing septic
15 tanks and drainfields for use on the Property, the Property would have to connect to the
16 new sewer within one year of its being available for connection.

17 The sewer became available for connection in approximately May 2005.

18 Later in 2005, the Owners sought approval of an amendment to the conditional use
19 permit for the Property to allow an art gallery use of the commercial building. No
20 amendment was sought at that time for existing Condition No. 11. The amendment for
21 gallery use was approved by the Planning Commission in August 2005. No appeal of the
22 2005 decision was made to the Town Council nor was any action filed in any court
23 regarding the decision.

24 The art gallery opened shortly thereafter.

25 In August 2006, the Owners sought relief from the Planning Commission from
26 having to connect to the sewer because the Owners believed that the value of the Property
27 did not warrant the high cost of connection.

28 In public meetings on October 4, 2006; July 18, 2007; October 3, 2007; January 16,

1 2008; February 6, 2008; February 20, 2008; March 19, 2008; July 2, 2008; and August 6,
2 2008, the Planning Commission discussed the sewer connection issue, and at five of these
3 meetings discussed the issue directly with the Owners or their representative.

4 When the Town Planner determined that the Commission should formally consider
5 whether the sewer connection condition had been violated, the Planner set a possible
6 revocation of Conditional Use Permit No. X7D-55 for public hearing in August 2008, and
7 at the request of the Owners, the hearing was continued to October 1, 2008. After a public
8 hearing, the Commission continued the matter to November 5, 2008.

9 After a duly noticed public hearing on November 5, 2008, at which the Planning
10 Commission received extensive testimony and documentation, the Commission rejected
11 the request of the Owners that Condition No. 11 be deleted and decided to revoke
12 Conditional Use Permit No. X7D-55 unless the Owners complied with the following three
13 conditions by January 30, 2009: a) Submit map and legal description to the San Mateo
14 County Local Agency Formation Commission (LAFCO) in order to record and finalize the
15 annexation to West Bay Sanitary District; b) Apply for Sewer Permit Connection from the
16 West Bay Sanitary District and pay applicable fees for the connection through West Bay
17 Sanitary District; and c) Apply for Building Permit from the Town of Portola Valley and pay
18 applicable fees to connect the sewer lateral from the house to the front of the property to
19 make the connection to the sewer main. Apply for Encroachment Permit from the Town
20 of Portola Valley and pay applicable fees and deposit for work to be performed within the
21 Town's right-of-way.

22 The Owners were formally notified of the Commission's decision.

23 On December 11, 2008, the Owners timely filed an appeal of the decision to the
24 Town Council, and the revocation was stayed pending conclusion of the Council's appeal
25 process.

26
27 ***Disqualification of Council or Councilmembers***

28 As a preliminary matter, counsel for the Owners requested any Councilmember who

1 was acquainted with Chris Buja or Bonnie Crater to disqualify him or herself from
2 participating in the hearing, because Mr. Buja and Ms. Crater had a possible financial
3 interest in the outcome of the hearing. The Council does not believe that acquaintanceship
4 with any party or person participating in a Town proceeding is sufficient grounds for
5 disqualification of a Councilmember. Instead, if a Councilmember is required to disqualify
6 him or herself pursuant to the Political Reform Act or the regulations of the Fair Political
7 Practices Commission (FPPC), then the Councilmember should, of course, do so. If a
8 Councilmember could not be a fair and unbiased decision-maker with regard to an
9 administrative or quasi-judicial proceeding before the Council, the Councilmember should
10 also disqualify him or herself.

11 In this matter, none of the Councilmembers believe that there are grounds for
12 disqualification under the Political Reform Act or FPPC regulations, and each of the
13 Councilmembers participating in this proceeding believe that they were and are fair and
14 unbiased decision-makers with regard to the parties and persons involved in this appeal.

15
16 ***Appeal***

17 The Council finds that the language in Condition No. 11 meets the plain language
18 standard, and under that plain language, there has been noncompliance with the condition.

19 The history is very clear with regard to the Owners' acceptance of the condition and
20 their repeated representations that they would comply with the required time for
21 connection, which have not materialized in any concrete action.

22 There was an acceptance of original requirements and conditions as indicated by
23 their actions to undertake the project and securing of the zoning permit and the variances.
24 The Owners took this project on knowing what the requirements were.

25 The Owners expressed willingness to apply for outside approvals needed to comply
26 with the conditions on numerous occasions, although apparently failing to take any such
27 actions.

28 The use of an on-site wastewater facility as temporary was foreseen and

1 acknowledged as indicated by Condition No. 12 of the Conditional Use Permit in
2 Resolution 2001-400.

3 There is a very clear record of a history of an original promise and subsequent
4 promises, and there are clear code requirements, the Uniform Building Code, the Town's
5 General Plan, and the subdivision ordinance. There were promises to move forward with
6 the hook up.

7 Characterization of the sewer as a private pipe is erroneous. This is a public sewer.

8 Based on the communications involving the Owners, the Council is not persuaded
9 that the Owners were unable to discern what Condition No. 11 meant.

10 The record is quite complete, and on the basis of the facts as the Council has them
11 and the documents and what the Council has heard at the public hearing, Condition No.
12 11 has been violated.

13 The contention that because there is no price tag attached to Condition No. 11, the
14 Owners should be excused from compliance is unconvincing. It is very hard to attach a
15 price when a project like this is going forward; no one knows how many people are going
16 to hook up or eventually hook up. In fact, the price might be one thing today; a person
17 might have to put a lot of money down. But in a few years, a lot of people might be forced
18 to join and use this public sewer, and then there will be reimbursements.

19 It is typical of the sanitary district to require fees that many people characterize as
20 exorbitant. As payment for capitalization costs for the entire district system and the
21 additional cost of installing a new sewer line, the people who first receive that service pay
22 a very high price; over time, as others join in, they start getting some of that back. Nobody
23 wants to tie in, so it is perfectly easy to say right now nobody wants to tie in. But in fact,
24 people tie in when they have to tie in, and sooner or later just about everybody does –
25 particularly people on small lots; there are a lot of small lots uphill from the end of this
26 sewer line, and those are the ones that are most likely to have a need.

27 The Council has looked at the question of fairness. Why install a sewer in the first
28 place? For many years, Woodside Highlands has had drainage problems and failing

1 leachfields. So it is perfectly reasonable to expect that as we move into the 21st century,
2 the community has to address that problem with a sewer. A sewer is put in where there are
3 drainage problems or steep slopes or where the lots are so small, there is no other
4 alternative. This looks like a perfectly fair requirement. This property is one of the smallest
5 in Town; it is right next to the sewer pipe, and there are perfectly good reasons why the
6 leachfield on the Property is much more likely to fail.

7 The Property fails to meet current County standards to have a septic system
8 installed today.

9 The Property is 11,000 square feet. The Town's property is almost 600,000 square
10 feet, so it is a completely different situation. In fact, the Town property has over half a
11 million square feet required to be open, unpaved fields. The Town property can hold a
12 leachfield that is significantly larger than needed. The Town property has a 1000%
13 expansion capacity. Portola Valley School had a gigantic septic system, far greater in
14 capacity than anything the Town would ever require.

15 The Town property is an eleven-acre parcel; the Property at 888 Portola Road is
16 one quarter of an acre, with a history, particularly under Jan's Valley Inn, of a lot of
17 problems with sewage disposal.

18 The Council is not persuaded that use of the Town property should excuse the
19 Owners from compliance with Condition No. 11.

20 It is not appropriate to attack the Planning Commission. The Commission was
21 asked to deal with this issue at eleven (11) meetings over eight (8) years, and the
22 Commission did so in a thorough, thoughtful way. The Council believes that the
23 Commission has been very analytical in how to approach the issue and has been very fair.
24 The Planning Commission was willing to give the Owners numerous extensions as per the
25 Owners' requests.

26 Town Code section 17.48.020 (Sewage Disposal) requires this condition be met.
27 Town Code section 18.34.170 (Revocation of Permit or Variance) requires the Council to
28 take an action given that an inordinately long period of time has passed since the

1 requirement to fulfill the condition first became operative.

2 In effect, the Owners are being asked to join a club where people are in the same
3 boat. Now time has passed; the Owners are fairly classed as being in the same boat, and
4 it is fair to ask them to join that club now.

5 The financial aspects of this issue did not enter into the Council's thinking. The
6 Council is opining on a conditional use permit relative to the use of a specific parcel. The
7 details of the dollars of agreements between West Bay Sanitary District and the group of
8 participants in those agreements are outside the purview of the Town.

9 Condition No. 11 must be complied with.

10 It is important that the requirement to comply not be open-ended. The Town is
11 making every effort in good faith to give the Owners the opportunity to solve the situation.
12 The history shows that without a definite deadline, this may drag on and on and on. The
13 only stick the Town has is that if the Owners do not take advantage of the carrot of the
14 six-week period, the Owners will have to apply for a new permit under today's rules and
15 today's costs.

16 This is a reasonable approach.

17 The Council has considered alternatives to revocation, but the need for
18 implementation of Condition No. 11 is compelling. The action of the Council on the appeal
19 provides the Owners with an additional six-week grace period. The Town's General Plan,
20 Plumbing Code, and all manner of directives support Condition No. 11. The Council will not
21 consider deletion of the condition. Bifurcation of the structures or uses will not accomplish
22 anything; the residence will remain as it currently exists even if the permit is revoked, and
23 that limited residential use of the property can continue.¹ Suspension instead of revocation
24 seems to be open-ended and to only invite delays.

25
26 ¹Under the Town Zoning Code, if the conditional use permit is revoked, the
27 property use can revert to the use in existence just before the conditional use permit
28 was first approved. With regard to the Property, this consisted of an apartment use at
the back of the Property that still exists, so that the preexisting residential use could
continue in the same envelope and at the same intensity as existed before June 2001.

1 A significant period of time has passed and this has been such a difficult process
2 for everyone involved; it is important to implement Condition No. 11. Six weeks of
3 additional time appears adequate to meet the conditions adopted by the Planning
4 Commission.

5 **NOW, THEREFORE**, it is hereby ordered and directed as follows with regard to the
6 appeal of Michael and Lisa Douglas of the revocation of Conditional Use Permit X7D-55
7 for 888 Portola Road, Portola Valley, California:

8 1. The appeal is denied.

9 2. Conditional Use Permit X7D-55 will be automatically revoked at 5:00 p.m. on
10 March 25, 2009, without further action of the Town, unless the following three conditions
11 have been satisfied by the Owners:

12 A. Submit the map and legal description to the San Mateo County Local
13 Agency Formation Commission (LAFCO) in order to record and finalize the
14 annexation of the Property to West Bay Sanitary District; and

15 B. Apply for a Sewer Connection Permit from the West Bay Sanitary District
16 for the Property and pay all applicable fees for the connection through West Bay
17 Sanitary District; and

18 C. Apply for a Building Permit from the Town of Portola Valley and pay all
19 applicable fees to connect the sewer lateral(s) from the plumbing fixtures on the
20 Property as required by the California Building and Plumbing Codes as adopted by
21 the Town to the front of the property to make the connection to the sewer main.

22 The Town Planner is directed to monitor compliance with these three conditions.

23 This resolution may be recorded in the Official Records of the County of San Mateo.

24 Except as expressly stated in Paragraph 2 above, all conditions and requirements
25 of Conditional Use Permit X7D-55 remain in effect. Nothing in this decision shall be
26 construed as approving or grandfathering any other violation of any law, permit, or
27 condition of any permit that may have existed, currently exists, or may exist in the future
28 with regard to the Property, or in any way limiting the authority of the Town, the County of

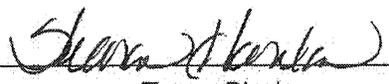
1 San Mateo, or any other duly authorized public agency from taking any actions the public
2 agency may determine are appropriate with regard to such a violation.

3 This decision is a final administrative decision of the Town of Portola Valley.
4 Anyone wishing to challenge this decision in a court of competent jurisdiction must do so
5 within ninety (90) days pursuant to Code of Civil Procedure Section 1094.6 unless a
6 shorter time is required by State or Federal law.

7
8 
9 Mayor

10 I, SHARON HANLON, Town Clerk of the Town of Portola Valley, do hereby certify
11 that the foregoing resolution was introduced at a regular meeting of the Town Council held
12 on the 11th day of February, 2009, and adopted thereafter by the following vote:

13 AYES: COUNCILMEMBER: DRISCOLL, MERK, WENGERT
14 NOES: COUNCILMEMBER: NONE
15 ABSTAINING: COUNCILMEMBER: DERWIN
16 ABSENT: COUNCILMEMBER: TOBEN

17 
18 Town Clerk

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CHAPTER 18.20

C-C (COMMUNITY COMMERCIAL)
DISTRICT REGULATIONS

Sections:

- 18.20.010 Intention—Applicable regulations.
- 18.20.020 Principal uses permitted.
- 18.20.030 Conditional uses permitted.
- 18.20.040 Accessory uses permitted.
- 18.20.050 Required conditions.

18.20.010 Intention — Applicable regulations. This district is intended to provide space for local retail and consumer

18.20.020

service businesses and professional services necessary to serve primarily the town and its spheres of influence under conditions compatible with location within residential neighborhoods and in close proximity to residential uses. Any parcel in a C-C district may be occupied by a principal use listed in Section 18.20.020 or, when authorized by the planning commission, by a conditional use listed in Section 18.20.030 together with uses accessory to such principal use or conditional use as specified in Section 18.20.040. Use of any parcel is subject to:

A. The provisions governing accessory uses set forth in Chapter 18.42;

B. Parcel area, open space, impervious surface and landscaping, and bulk requirements set forth in Chapters 18.42 and 18.48 through 18.56;

C. The off-street parking requirements set forth in Chapter 18.60;

D. The provisions regulating nonconforming uses set forth in Chapter 18.46;

E. The required conditions set forth in Section 18.20.050;

F. Special building setback lines set forth in Chapter 18.58. (Ord. 1990-250 § 2 (Exh. A) (part), 1990; Ord. 1979-166 § 23 (part), 1979; Ord. 1967-80 § 1 (6601), 1967)

18.20.020 Principal uses permitted. Principal uses permitted in the C-C district shall be as follows:

A. Uses permitted by Section 18.36.010;

B. Temporary uses permitted by Section 18.36.030;

C. Publicly-owned parks, public schools, or other public buildings when located in conformance with the general plan;

D. Any other use which is determined by the commission, as provided in Chapter 18.38, to be of the same character as the other uses permitted by this section.

(Ord. 1979-166 § 23 (part), 1979; Ord. 1967-80 § 1 (6601.1), 1967)

18.20.030 Conditional uses permitted. The uses listed in this section shall be permitted only when a conditional use permit is granted therefor as provided in Chapter 18.72:

- A. Uses permitted by Section 18.36.020;
- B. Commercial planned unit developments as regulated by Chapter 18.44 and 18.72, provided any such development conforms to the floor area limitations of Section 18.54.052;
- C. The following convenience goods and consumer service establishments, provided any such establishment conforms to the floor area limitations of Section 18.54.052:
 1. Apparel shops,
 2. Automobile service stations for only the sale of gasoline, oil, and new accessories, and services including washing, lubrication, installation of accessories, motor tune-ups, and minor automotive repairs. Used tires accepted in trade on the premises may be resold;
 3. Bakeries, including baking for sale on premises only,
 4. Banks, including drive-in facilities;
 5. Barbershops,
 6. Beauty shops,
 7. Drug stores,
 8. Eating and drinking places except drive-ins and except establishments with entertainment and dancing;
 9. Foodstores,
 10. Garment pressing, repair, and alteration,
 11. Gift shop,
 12. Hardware stores,
 13. Laundromats and self-service dry cleaning establishments,
 14. Laundry and dry cleaning pick-up stations,
 15. Liquor stores, package only,

16. Nurseries for the propagation and/or sale of plants, shrubs, and trees,

17. Saddlery,

18. Shoe repair,

19. Variety stores, limited price;

D. Business offices and professional offices that meet the domestic needs for the residents of the town and its spheres of influence or that provide services to other businesses or institutions in the town or its sphere of influence meeting such domestic needs. All office uses are subject to the limitations of Sections 18.20.050 and the floor area limitations of Section 18.54.052. When approving an office use, the conditional use permit shall expressly indicate, as specifically as possible, the type of office use being permitted, such as the type of medical practice or type of legal practice;

E. Educational, cultural, institutional, and recreational uses such as churches, nursery schools, private clubs, or recreational facilities;

F. Existing single-family dwellings as interim uses for periods of time approved by the planning commission, such periods to be the time estimated until the property will be needed for nonresidential uses permitted by this section;

G. Personal offices pursuant to the following provisions:

1. Personal offices as defined and treated in this section are established as a separate type of use.

2. Personal offices shall be no larger than three hundred fifty square feet, no less than one hundred fifty square feet and shall be occupied by no more than two persons; however, the ratio of occupants to floor area shall not exceed one person per two hundred square feet of floor area on a cumulative basis. If parking is provided in excess of one space per two hundred square feet of floor area up to one space per one hundred fifty square feet of floor area, the ratio of occupants to floor area may be the same as the ratio of parking spaces to floor area.

3. At the time a conditional use permit is issued for personal offices, the permit shall indicate which offices are so designated and may not be altered without the approval of the planning commission, but such determination need not be subject to a public hearing.

4. The total floor area approved for all personal offices in the town in the C-C and A-P districts combined shall not exceed five thousand square feet.

5. A zoning permit shall be applied for and approved prior to occupancy of a personal office which will verify compliance with the foregoing provisions. Annually thereafter, concurrent with the issuance and renewal of business licenses for personal offices, information shall be submitted by the occupant of the personal office which verifies compliance with the foregoing provisions. A fee may be charged by the town for the processing of such annual compliance information.

6. If a business conducted in personal offices meets the test that the majority of the business serves the town and its spheres of influence, it is subject to the provisions of this ordinance that pertain to offices in general except that it must in addition conform to subsection G 1 through 5 above.

7. If the primary occupant of a personal office is a resident of the town or its spheres of influence, the provision of such space is deemed to meet the criteria of serving primarily the town and its spheres of influence. In such a case, the occupant may conduct a personal business which need not meet the test of serving primarily the town and its spheres of influence. Such a business, however, shall not attract other than occasional traffic by other than the occupants and shall be separate from other businesses conducted in personal offices.

H. Any other use which is determined by the commission, as provided in Chapter 18.38, to be of the same character as other uses permitted by this section, provided that a use found to be of the same character as another use must meet the floor area limitations of that use as set forth in Section 18.54.052.

(Ord. 1990-250 § 2 (Exh. A) (part), 1990; Ord. 1980-177 § 1, 1980; Ord. 1979-166 § 23 (part), 1979; Ord. 1967-80 § 1 (6601.2), 1967; Ord. 2001-337 § 1 (part), 2001)

18.20.040 Accessory uses permitted. Accessory uses permitted in the C-C zone shall be as follows:

- A. Uses permitted by Section 18.36.040;
- B. Parking lot for passenger vehicles;
- C. Signs as permitted and regulated by Chapter 18.40;
- D. Off-street loading spaces.
(Ord. 1967-80 § 1 (6601.3), 1967)

18.20.050 Required conditions. A. All uses and structures, other than accessory buildings, shall be subject to site plan and architectural approval by the architectural and site control commission as provided in Chapter 18.64.

B. All uses shall be conducted within completely enclosed buildings except for:

1. Delivery of fuel, lubricants, and minor incidental servicing of vehicles at service stations;
2. Parking and loading spaces;
3. Outdoor dining areas;
4. Recreation facilities;
5. Public utility electric substations;
6. Nurseries for propagation and sale of trees, plants and shrubs.

C. Processing, packaging, treating and incidental storage related thereto shall be in the same line of merchandise or service as the retail or service business conducted on the premises, and the maximum percent of gross floor area occupied by the business to be devoted to such activities shall not exceed fifty percent and there shall be no more than three employees engaged in such activities.

D. Development on parcels in excess of twenty thousand square feet shall be applied for as planned unit developments.

E. Amusement devices shall be permitted as accessory uses only when specifically set forth in an approved conditional use permit. Conditional use permits containing such accessory uses may be approved only for a specific applicant and such use permits are nontransferable.

F. During hours when an establishment is not open for business, only security lighting shall be allowed. Such lighting, both inside and outside, shall be of the minimum amount and the intensity to achieve its intended purpose.

G. The total net floor area devoted to office uses on any parcel shall not exceed fifteen percent of the net floor area of all uses on such parcel. When an application is for a conditional use permit, the planning commission may allow the net floor area devoted to office uses to be increased up to but not exceed fifty percent of the total net floor area. An increase above fifteen percent may be authorized when the planning commission finds that the larger percentage will allow the development to be more compatible with the site conditions and surrounding the development that could otherwise be achieved and will not unduly jeopardize the space anticipated to be required for commercial uses in the town. "Net floor area" is defined in Section 18.54.050.

H. Properties identified on the Flood Insurance Rate Maps shall comply with the provisions of Chapter 18.32.

I. Properties with historic resources as identified in the historic element of the general plan shall comply with the provisions of Chapter 18.31.

J. All recycling and trash enclosures shall conform with the requirements set forth in Section 18.37.010. (Ord. 1995-282 § 1 Exh. A (part), 1995; Ord. 1994-279 § 2 (part), 1994; Ord. 1994-276 § 4 Exh. A (part), 1994; Ord. 1992-269 § 1, 1992; Ord. 1980-177 § 2, 1980; Ord. 1976-149 § 5, 1976; Ord. 1969-99 § 3, 1969; Ord. 1967-80 § 1 (6601.4), 1967).

E. The required conditions set forth in Section 18.22.050;

18.20.050

18.22.010

F. Special building setback lines established by Chapter 18.58.
(Ord. 1979-166 § 24 (part), 1979; Ord. 1967-80 § 1 (6602), 1967)



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Karen Kristiansson, Interim Town Planner
DATE: May 16, 2014
RE: Continued Study Session, 2014 Housing Element – Review of Draft Evaluation of the 2009 Housing Element and Draft Analysis of Constraints to Housing

The Planning Commission has drafts of two sections of the 2014 Housing Element to review and discuss at its May 21, 2014 meeting. These are the Evaluation of the 2009 Housing Element and the Analysis of Constraints to Housing. Each of these is discussed briefly below.

In addition, on Tuesday, May 13, three staff members from the California Department of Housing and Community Development (HCD) came to Portola Valley for a site visit and tour. HCD staff members were given an introduction to the town, including a brief driving tour, and also heard about the town's approach to housing and actions taken since adoption and certification of the 2009 Housing Element. Feedback from HCD was positive. In addition, HCD staff also provided tips and suggestions for using the new streamlined review process.

Evaluation of the 2009 Housing Element

State law requires that all housing elements review and report on the status of the programs from the previous housing element. This section draws on the information from the annual housing element report which the Commission reviewed on May 7, but provides some additional detail and analysis.

Analysis of Constraints to Housing

Housing elements are also required to analyze both governmental and non-governmental constraints to housing. As part of that analysis, the housing element must describe the town's zoning code requirements, design review process, fees, and so on. As a result, the structure and content of this section is determined largely by state requirements. Much of this section is very similar to this section in the 2009 housing element, with minor updates where needed to bring the information up to date.

Looking Forward

After the May 21st meeting, staff will revise the sections discussed at the meeting based on Commission comments, and then will prepare a draft of the full housing element for consideration on June 4th. Following that meeting, the Commission's comments will be incorporated into the draft, and the Town Council will review the entire draft housing element at a special meeting on June 18th.

Evaluation of 2009 Element

2410 Portola Valley's current housing element was adopted in 2009. The element has thirteen programs, which are described and analyzed below.

Program 1: Inclusionary Housing Requirements

2411 This program requires that 15% of the lots in new subdivisions be deeded to the town for affordable housing. Each lot can be developed with two to four housing units. The lots are to be improved and ready for development as an integral part of the subdivision. As an incentive, a density bonus of 10% is also provided. Subdividers of sites with fewer than seven lots pay a fee in lieu of providing a lot, while subdividers of sites with seven or more lots pay a fee for fractional lots. These in-lieu fees are placed in a restricted fund titled the Inclusionary Housing In-Lieu Fund for affordable housing programs and projects.

2411a In 2009, the Town held title to four lots in the Blue Oaks subdivision which had been provided to the Town for below market rate, moderate income housing, but had been unable to find a developer to build the units. The housing element called for the Town to explore two options: 1) building the homes on the lots, or 2) selling the lots and using the funds to acquire another site in town. The intention was for the eight moderate income units to be built by the end of the planning period.

Status

2411b To implement this program, the Town first considered the constraints that developers had noted concerning development of the lots. These constraints included the small size of the project, the hilly topography of the lots, and the somewhat remote location of the lots. The Town also looked at a number of potential sites, but found that most were constrained by either availability or cost.

2411c In August 2012, the Town entered into a purchase contract for a 1.68 acre, mostly flat former plant nursery located at 900 Portola Road, on one of the major roads in town. The Town's intent was to partner with an affordable housing developer to build approximately 8-12 moderate income units on the property. The purchase contract had two major contingencies: 1) that the Town be successful in selling the four lots in the Blue Oaks subdivision that had been deeded to the Town for construction of below market rate housing units; and 2) that the property owner of 900 Portola Road provide a release from the County of San Mateo that hazardous materials contamination on the property was properly remediated by December 19, 2012. The Town was able to sell the lots in the Blue Oaks subdivision, as is discussed below, but the contingency for a closure letter relative to the hazardous materials remediation could not be met. The contract lapsed on December 21,

2012 due to uncertainty as to when the closure letter could be obtained. As of May 2014, the County had not yet issued a letter of closure for the property. It is now the Town's understanding that the property owner and another party have entered into a purchase agreement for the site and the Town is not actively pursuing the purchase of this property.

2411d As was mentioned earlier, the other contingency was for the Town to be able to sell the Blue Oaks inclusionary housing lots, and this was completed. This involved amending the Planned Unit Development Agreement for the subdivision, processing a lot line adjustment to create two larger lots out of the four smaller inclusionary housing lots, and finally selling the lots. The sale closed on December 12, 2012 and resulted in the Town receiving \$2,790,096 net of closing costs, which was deposited in the Town's Inclusionary Housing In-Lieu Fund.

2411e Because of the sale of the Blue Oaks lots, the difficulties in attempting to purchase 900 Portola Road, the upcoming Housing Element Update, and the desire to build community consensus for future affordable housing efforts, the Town Council created an Ad-Hoc Housing Committee (AHHC) early in 2013. The AHHC was charged with developing an affordable housing mission statement for the town along with criteria for considering potential affordable housing programs and sites. The AHHC completed their work in May and their report was reviewed by the Town Council in June 2013. The Town Council accepted the report and forwarded it to the Planning Commission for consideration in drafting this 2014 Housing Element Update. The report is available on the Town's website.

2411f To summarize, the Town worked to implement this program during the planning period and was able to make progress by determining that construction of below market rate units at the Blue Oaks location would not be feasible and selling the lots. The Town attempted to purchase an alternative site but was not able to do so because of hazardous materials issues that could not be resolved in a timely way. As a result, the Town currently has a total of \$2,873,992 in its in-lieu housing fund. As called for in Program 7 of the 2014 Housing Element, the Town will be working to determine the best approach to using these funds to provide affordable housing, including a minimum of eight units of moderate income housing. These eight units would be provided in addition to the housing allocated to the Town for the 2014-2022 planning period.

Program 2: Multifamily Housing

2412 This program allows multifamily housing to be built on three sites in town: the Sequoias, the Priory School, and the Stanford Wedge. Seven housing units have been built at the Priory School through this program, and eleven more have been authorized there under the Priory's adopted master plan.

2412a As was set forth in the adopted 2009 housing element, the town would monitor this program, work with the Priory towards construction of their authorized housing units, and also continue to discuss the program with representatives of both the Sequoias and Stanford.

Status

2412b The Priory School has been working on implementing its master plan as funds allow. The school has not yet built the eleven housing units authorized by the master plan, but school representatives have stated that the school does still intend to construct the housing, although they may first want to amend the master plan to change the location of the housing, among other things. In any case, these units are still authorized through the approved master plan and could be built when the Priory desires to do so.

2412c Town staff has met with staff at the Sequoias to discuss the possibility of building affordable employee housing on their land and to express town support for the idea. The staff at the Sequoias are going to explore this option with the non-profit management agency and residents.

2412d Stanford University has expressed no interest in developing the Stanford Wedge parcel, and staff have been told that there are currently no plans for the parcel.

2412e This update of the housing element continues the multifamily housing program with no modifications.

Program 3: Second Units

2413 This program allows second units to be constructed throughout most of the town on lots one acre or larger in size. The 2009 called for the town to take four actions to further encourage second units and increase production so that a total of 34 second units would be permitted during the planning period. The four actions were:

1. Allow staff-level approval of second units created by converting space on the first floor of an existing home;
2. Allow staff-level approval of second units that are 400 square feet or smaller that do not require a site development permit for grading or tree removal;
3. Develop a second unit manual for homeowners and make it available at Town Hall and on the town's website.
4. Increase publicity about second units.

Status

2413a The town has carried out all four of these actions. In January 2011, the zoning ordinance was amended to allow staff level approval for units created by converting space on the first floor of an existing home, and also for units 400 square feet in size or smaller. The second unit manual is complete and was posted on the town's webpage in February 2012. Additional information has been added to the town's website about second units, and a handout about second units has been created and is available at Town Hall.

2413b The table below shows the number of second units that were projected in the housing element compared to the actual number of permits issued each year:

Year	2 nd Units Projected	2 nd Units Permitted
2008 (6 months)	2.5	1
2009	4.9	3
2010	6	8
2011	6	5
2012	6	4
2013	6	8
2014 (6 months)	3	3 (to date)
TOTAL	34	32

2413c The number of second units permitted has been variable, but the total number of second units permitted is only two less than the number that was projected in the 2009 housing element. The average over the past five years, not including 2014 is 5.3 units per year, which is less than the target of 6 units per year, but it does appear that the number of applications for second units are increasing.

2413d Second units appear to be a very effective way of providing affordable housing in Portola Valley. This is probably due to a couple of reasons. First, second units are generally smaller and therefore more affordable. Second, second units are often used as housing for elderly relatives who may have low incomes, or for staff who work at the primary residence. As Portola Valley's population continues to age, second units may be a desirable way for older residents to remain in town, since they can rent out one of the homes to relatives or caretakers while living in the other. Second units are also the only type of affordable housing that is likely to be provided in Portola Valley by market forces, without a significant subsidy. This housing element therefore continues the second units program and adds components to the program to further encourage second units in the town.

Program 4: Waiver of Fees

2414 This program called for the town to amend its fee ordinances to allow fees to be waived for projects that dedicate at least 50% of units for people with moderate incomes or below.

Status

2414a The zoning ordinance was amended to include a fee waiver provision in January 2011.

Program 5: Shared Housing

2415 The town has encouraged residents to participate in the Human Investment Project (HIP) shared housing program for many years. This program matches people looking for housing with people who wish to rent rooms in houses they own. The quantified objective for this program was to place two to three low or very low income persons in houses in the town each year, for a total of 10-15 persons placed.

Status

2415a The town continues to encourage participation in the shared housing program. HIP Housing has conducted some outreach in town, including sending information to churches, schools, and Town Hall. The organization also presented information about the program at a Town Council meeting in January 2014. Approximately 3 town residents call HIP Housing each year to ask about the program.

2415b Information on participation was available starting in 1995. Two housing providers signed up to participate in the program in the four years from 1995 to 1999 and were matched with housing seekers. During that same time period, five other town residents who were looking for shared housing signed up with the program and were placed in housing outside the town. Between 2000 and 2008, two housing providers signed up for the program, and one was matched with a housing seeker. In addition, seven residents from Portola Valley were assisted with finding housing. From 2009 through 2013, eight Portola Valley residents and nine people who were employed in the Town were screened for participation. Two residents and one employee were able to find housing through the program.

2415c Because of the relatively high number of older residents living in town who may have homes larger than they need, this program seems like a good match for the town. The town will continue this program and will work with HIP Housing to provide information about the program to residents. Even though participation is low, this program does appear to address a need in the town.

Program 6: Emergency Shelters

2416 This program called for the town to develop and adopt a zoning ordinance amendment to comply with SB 2.

Status

2416a The zoning ordinance was amended to include provisions allowing emergency shelters in January 2011.

2416b The town continues to believe that homelessness, like most housing problems, needs to be addressed on a regional basis. As a result, the town has been involved in several regional housing efforts, including HEART (Housing Endowment and Regional Trust) of San Mateo County.

Program 7: State-Required Density Bonuses

2417 The 2009 housing element stated that the town would develop and adopt an ordinance to implement state density bonus law.

Status

2417a The Town Council adopted an implementation ordinance on May 14, 2014.

Program 8: Fair Housing

2418 The town provides information about fair housing services that Project Sentinel provides under the terms of a contract with San Mateo County.

Status

2418a Staff at Project Sentinel say that there have been minimal inquiries about fair housing issues in the town, and that discrimination and landlord-tenant problems do not appear to be significant issues in Portola Valley.

Program 9: Removal of Constraints to Housing for People with Disabilities

2419 The 2009 housing element identified several constraints to housing for people with disabilities and called for four changes to be made to the town’s zoning ordinance, as well as adoption of a reasonable accommodations ordinance. The four changes were:

1. Allow residential facilities for six or fewer people by right, and ensure that the standards for these facilities are the same as for single family homes, as required by state law;

2. Allow group homes with seven or more people in the C-C and A-P zoning districts with a conditional use permit;
3. Update the definitions for residential facilities, group homes, and similar uses based on the state's definitions for these uses and the state's revised definition of "disability;" and
4. Allow access ramps to extend into required yards beyond what is currently permitted, and allow associated railings to be at least 42 inches in height to be consistent with Title 24.

Status

2419a These zoning amendments were adopted in January 2011, and the reasonable accommodations ordinance was added to the town's zoning code at the same time as Chapter 18.11.

Program 10: Housing Impact Fee

2420 In order to provide more resources for housing, the 2009 housing element called for the town to study the possibility of adopting a housing impact fee.

Status

2420a This work was delayed first to allow the completion of a comprehensive update of all planning, engineering and building fees in 2012 and then to allow staff time to be focused on the attempt to purchase a site for the inclusionary housing program and then to support the Ad Hoc Housing Committee. In this housing element, this program has been combined with the inclusionary housing program, so that the town can consider whether or not to adopt an impact fee at the same time that the town amends its inclusionary housing program.

Program 11: Farmworker Housing Zoning Amendments

2420 This program called for amendments to the town's zoning ordinance to treat farmworker housing for six or fewer persons the same way as single family homes, and for farmworker dormitories to be treated as an agricultural land use.

Status

2420a These zoning amendments were adopted in January 2011.

Program 12: Transitional and Supportive Housing Zoning Amendments

2420 To comply with state law, the 2009 housing element stated that the town would amend its zoning ordinance to provide that transitional and supportive housing be treated as a residential land use subject only to those restrictions that would apply to other residential uses of the same type in the same zoning district.

Status

2420a These zoning amendments were adopted in January 2011.

Program 13: Continue Existing Energy Conservation Measures and Implement Sustainability Element

2420 Portola Valley has had regulations that encourage energy conservation for years, including permitting solar installations, supporting energy efficient design, and clustered development. The town adopted a Sustainability Element to its general plan in 2009, which included the energy conservation program from the town's previous housing element. The 2009 Housing Element called for the town to continue existing green and energy conservation measures, and to implement the Sustainability Element.

Status

2419a In 2010, the town adopted several ordinances related to energy and resource conservation. These were a green building ordinance using the "Build It Green Green Point Rated" system for new homes, major remodeling projects, and additions; an indoor water conservation ordinance; and a water conservation in landscaping ordinance. The town will be reviewing its green building ordinance in 2014 in light of the changes to CalGreen 2013.

2419b The town has also been encouraging energy and water conservation in existing homes through the state's Energy Upgrade California program, California Water Service's rebate programs, and other voluntary measures and tools developed by the town's Sustainability Committee. The town has also appointed an Ad Hoc Water Conservation Task Force to focus on water conservation issues, and in 2014 the town expects to adopt a Climate Action Plan.

Summary

2420 The Town has adopted all of the code changes called for by programs in the 2009 Housing Element, including provisions related to fee waivers, emergency shelters, transitional and supportive housing, farmworker housing, removal of constraints to housing for people with disabilities, a reasonable accommodations ordinance, and

state density bonus law. As a result, Programs 4, 6, 7, 9, 11, and 12 have been completed and no longer need to be included in the housing element. The remaining seven programs will all be continued in the 2014 Housing Element, with modifications as discussed above and in the Housing Programs section of this element.

Constraints on Housing

Governmental Regulations and Constraints

2440 Portola Valley is a rural, low density, town on the fringe of the San Francisco Peninsula's urban area. The physical environment of the town is challenging, with many steep slopes, unstable landslides, and the presence of the San Andreas fault. Portions of the town lack the infrastructure to support much additional development. The town's development regulations are based on these facts. These development regulations are analyzed below to determine if and how they constrain the provision of housing. The section also describes the ways in which the town is working to mitigate constraints.

Context for Portola Valley's Development Regulations

2441 The town's low-density development is consistent with current and past policies of the Association of Bay Area Governments that foster a "city-centered" pattern of urban development with an emphasis on in-filling. ABAG's Regional Plan 1980 contains this statement relevant to the Portola Valley area:

Throughout this planning area there are relatively limited opportunities to support added population growth. Most vacant residential land is located in hillside areas which lack urban services and where environmental conditions may preclude all but very low density and high cost units (p. Sub-area 1-2).

More recently, Plan Bay Area was developed for compliance with SB 375 to reduce greenhouse gas emissions in part by adjusting land use policies to promote residential development near transit and employment centers. Plan Bay Area shows Portola Valley outside of these transit and employment areas, bordering on significant conservation areas, and therefore projects limited growth for the town.

2441a The town's low density nature is consistent with and was partially based on the San Mateo County Master Plan that was in place at the time the town incorporated. This plan included the following principles:

- a) The highest population densities should occur in relatively level areas close to major centers of commerce and industry where coordinated development is possible and where transportation and other necessary public facilities can readily be provided.
- b) Population density should decrease as the distance from district centers, industrial areas, and employment centers increases.
- c) Population density should decrease as distance from local service facilities increases.

- d) Population density should decrease as steepness of terrain increases.
- e) The lowest densities and largest lots should occur on steep hillsides or in mountainous areas where it is necessary to limit storm runoff, prevent erosion, preserve existing vegetation, protect watersheds, and maintain the scenic quality of the terrain.

2441b The town's geologic setting is another major determinant of its policies. Starting in 1965, the town has evolved an innovative and systematic approach to regulating the development of lands crossed by the San Andreas fault and encumbered with extensive areas of steep and unstable slopes. The regulations, which have been used as models for ordinances adopted by other jurisdictions in California and in other states, control the uses of land and the intensity of development according to slope and geologic characteristics. The base regulations include a slope-density system, setbacks from the San Andreas fault and land use limitations based on landslide hazards. The town has detailed fault and landslide potential maps to support the regulations. The maps can be changed as more accurate and detailed information from site investigations becomes available.

2441c As the town reaches buildout, the development potential is increasingly affected by geologic regulations. Most of the remaining vacant land is in steep and often hazardous terrain. The Upper and Lower Western Hillsides, which contain most of the undeveloped land in the town, are very steep: approximately 70 percent of the land has slopes greater than 30 percent and 25 percent has slopes greater than 50 percent. Slope density provisions encourage concentration of development on flatter portions of the large holdings in these areas. These provisions lead to safer, more easily accessible and more efficiently served development than might occur otherwise.

2441d The town also has an important and growing role in providing open space for the region. The Midpeninsula Regional Open Space District now owns over a thousand acres of public open space within the town limits. The district lands are available for hiking and other low-intensity recreation uses and attract people from all over the region. In addition, the land preserved provides a significant conservation benefit to the region by providing habitat for wild animals and plants and protecting water and air quality. The low density housing pattern and the clustering of development in the town serves to protect this important regional resource.

2441e The town's development policies have evolved over the years in direct response to the town's beautiful and varied natural environment. A major goal of all planning in the town is to permit development in a way that preserves the natural environment, protects natural drainage, ensures safe development given the town's geology, and maintains the rural character of the town. The resulting low density, rural character and the provision of large expanses of open space within the town do constrain affordable housing. To mitigate this constraint, the town has

designed a variety of housing programs that are largely consistent with the rural and open space character of the town.

Zoning and Subdivision Regulations

2442 The policies set forth in the general plan are implemented largely through the town’s zoning ordinance. There are three residential zoning districts in town: Residential Estate (R-E), Single-Family Residential (R-1), and Mountainous Residential (M-R). Mobile and manufactured housing is considered single family housing and is permitted accordingly. The table below summarizes the uses permitted in each of these districts. Sections 18.12, 18.14, and 18.16 of the town’s zoning ordinance contain the full text and detailed information concerning these regulations.

Uses in Residential Zoning Districts			
Use	R-E	R-1	M-R
Streets, utilities, etc.	P	P	P
Single-family dwellings	P	P	P
Temporary voting places, festivals, signs, etc.	P	P	P
Public buildings located in conformance with the general plan	P		
Public school located in conformance with the general plan	P	P	
Major utilities, signs, wireless communications facilities	C	C	C
Crop and tree farming and truck gardening	C		C
Nurseries and greenhouses, with no retail sales allowed	C		C
Churches, schools, group living accommodations for seniors, and nursery schools: only when located on an arterial or expressway	C		
Recreation facilities and boarding stables: only when located on an arterial or expressway	C		C
Residential planned unit developments	C	C	C
Multiple single family homes on parcels of 10 or 100 acres or more	C		C
Horticulture and grazing of cattle	C		C
State-authorized group home serving six or fewer people	C	C	C
Wineries	C		C
Publicly owned recreation and open space areas located in conformance with the general plan	C	C	C
Landscaping, growing of plants and similar uses attendant to adjoining uses in the CC district		C	
Fences, lights, parking, signs, etc.	A	A	A
Second units on parcels 1 acre or more	A	A	A
Equestrian facilities	A		A
Renting of rooms to no more than one paying guest	A	A	A
Home occupations	A	A	A
Swimming pools, tennis courts	A	A	
Garages, signs, pets	A	A	A
Sale of agricultural products grown on the premises	A	A	A

P = Permitted, C = Conditional, A = Accessory

2442a Because multifamily housing is not generally permitted in the town, Portola Valley has developed a special program to allow multifamily housing on certain sites. To

that end, the municipal code allows multifamily affordable housing to be constructed with a Planned Unit Development (PUD) permit on properties designated in the general plan for such uses (Section 18.44.060.l). This is the Affiliated Housing Program, and a detailed description can be found in the program section of this element.

2442b The town amended its zoning ordinance in 2011 to comply with SB 2 and make provisions for emergency shelters in town. As a result, emergency shelters are now permitted at all religious institutions in the town.

2442c The town's site development criteria are set forth in the town's zoning ordinance, site development ordinance, and design guidelines. In the zoning ordinance, many of the criteria are established within combining districts. These include a Design Review (D-R), a Floodplain (F-P), a Historic Resources (H-R), and a Slope Density (S-D) combining district, as well as a number of residential density combining districts. The requirements established by each of these combining districts are explained below.

Design Review (D-R) combining district.

2443 This district does three things: 1) requires all building permits to be approved by the Architectural and Site Control Commission (ASCC); 2) prohibits certain uses within 100 feet of Skyline Boulevard in order to protect the scenic nature of that corridor; and 3) requires all subdivisions of parcels 10 acres or larger to be treated as a planned unit development.

2443a Seven areas of town are in this district: the Upper Western Hillsides, the Lower Western Hillsides, the Stanford Wedge, the Woods property, the Corte Madera School facility, an inholding in the Portola Valley Ranch development, and Blue Oaks. All of the large, undeveloped properties in town are included in this district.

2443b These requirements are not a significant constraint on the provision of housing, including affordable housing, in Portola Valley. This is demonstrated by Blue Oaks, a recently developed subdivision which was built despite these conditions. Requirements of this combining district do not preclude the provision of affordable housing.

Floodplain (F-P) combining district.

2444 This district establishes conditions for development in floodplain areas, including requiring residential structures to be elevated above the base flood level and requiring new construction to be anchored to withstand flooding. Such conditions are standard and required by the federal government in communities that participate in the National Flood Insurance Program.

2444a This district includes all land within the floodplain as shown on the federal Flood Insurance Rate Maps. This land is generally that which borders the major streams in town: Los Trancos Creek, Corte Madera Creek, and Sausal Creek.

2444b The F-P combining district is not a constraint on the provision of market rate and below market rate housing in town. The areas which fall under this district are generally expected to develop with market rate housing, which can usually accommodate these requirements within the normal price range for market rate housing in Portola Valley. The only sites for below market rate housing that are covered by this district are a few potential sites for second units.

Historic Resources (H-R) combining district

2445 This district requires all properties that contain historic resources to conform to the principles and standards of the historic element of the general plan. There are 41 historic resources in town as identified in the general plan. These resources are scattered throughout town, as shown on the historic element diagram.

2445a The H-R combining district does not constrain the provision of housing in Portola Valley, including affordable housing. The principles and standards of the historic element simply prevent the removal of resources that are designated "to be preserved." No maintenance or restoration is necessary, although if it does occur, certain guidelines must be followed. Therefore, this district may affect the design of a development but does not necessarily increase the cost of a development.

Residential density combining districts

2446 The residential density combining districts determine the development standards that apply to the particular lot. These standards include required front, rear and side yards; height limits; floor area limits; and impervious surface limits. There are nine combining districts:

- 7.5M: 7,500 square feet
- 15M: 15,000 square feet
- 20M: 20,000 square feet
- 1A: 1 acre
- 2A: 2 acres
- 2.5A: 2.5 acres
- 3.5A: 3.5 acres
- 5A: 5 acres
- 7.5A: 7.5 acres

2446a The exact locations of these combining districts are shown on the town's zoning map. In general, the smaller-lot districts are found in the more densely developed,

older subdivision areas of town while the larger-lot districts are found in the less densely developed, newer areas. This makes sense given the fact that only since town incorporation has there been a more complete understanding of the complex geological conditions and steep slopes that affect the remaining undeveloped lands in town.

2446b The Upper Western Hillside are the only part of town in the 7.5 acre combining district. There are no lands in the five acre combining district, but the Lower Western Hillside, Blue Oaks, the Woods property, and the Stanford Wedge are in the 3.5 acre combining district. Westridge is in the 2.5 acre combining district. The other, smaller-lot districts cover the remainder of the town.

2446c The development standards governed by these combining districts are summarized in the table below.

Residential Density Combining District Development Standards								
District	Min. Lot Area (sf)	Front Yard	Rear Yard	Side Yard	Height Limit ¹	Max Height ²	Max Floor Area ³	Max Imperv Surface ³
7.5M	7,500	20	20	5	15-28	34	3,019	2,231
15M	15,000	20	20	10	15-28	34	3,623	3,877
20M	20,000	20	20	10	15-28	34	3,910	5,090
1A	43,560	50	20	20	28	34	5,260	7,808
2A	87,120	50	20	20	28	34	7,013	11,358
2.5A	108,900	50	20	20	28	34	7,514	13,177
3.5A	152,460	50	25	25	28	34	8,065	15,566
5A	217,800	50	25	25	28	34	8,766	17,370
7.5A	326,700	50	25	25	28	34	9,581	19,822

¹ The height limit restricts the height as measured parallel to the ground surface.

² The maximum height restricts the height as measured from the lowest point of contact between the building and the ground to the highest point of the building.

³ The maximum floor area and maximum impervious surface are based on the total net lot area after geology, flood hazard areas, and steep slopes are taken into consideration. The numbers shown in the table indicate the maximum for a lot with the given lot area and no environmental constraints.

2446d The development standards established through the residential density combining districts are appropriate given the town’s rural, single-family residential character. The maximum floor area requirements can restrict the size of a residence, which is a constraint to the development of housing. However, a parcel’s geology, flood hazard areas and steep slopes limit the maximum floor area, and the requirements have been established to ensure safer and more environmentally sustainable development. The minimum lot area requirements in particular do act as a constraint on the provision of housing by keeping the density of development low. Many of the programs set forth in this housing element are intended to address this constraint while preserving the character of the town. For example, the affiliated housing program (formerly called the multifamily affordable housing program) allows higher density residential development in specified areas of town. The second unit program also increases density by allowing an additional housing unit

to be built on lots that are one acre in size or larger located within zoning districts requiring at least one acre per parcel.

Slope Density (S-D) combining districts

2447 Most of the residential land in town is under an S-D combining district as well. These districts modify the minimum lot size to require larger minimum lots in areas with steep slopes. As shown in the table below, there are six slope-density combining districts. The table also provides selected examples of the required minimum parcel areas at given slopes under each of the S-D districts.

Slopes and Minimum Parcel Areas in S-D Combining Districts						
Slope	Required Minimum Parcel Area in Acres					
	SD-1	SD-1a	SD-2	SD-2a	SD-2.5	SD-3
1% and under	1.02	--	2.03	--	--	3.05
15% and under	1.36	1.00	2.60	2.00	2.50	3.99
25%	1.79	1.34	3.25	2.56	3.14	5.12
40%	3.42	2.72	5.21	4.44	5.10	8.85
50% and over	8.70	8.73	8.70	8.70	8.73	17.24

2447a In general, the flatter parts of Portola Valley fall into the SD-1 and SD-1a districts, with the remaining districts used in steeper areas. The only part of town in the SD-3 district is the Upper Western Hillside, and the only area in the SD-2.5 district is Westridge. Areas in the SD-2 district include the Lower Western Hillside, Blue Oaks, the Stanford Wedge, and the Woods property.

2447b As with the residential density combining districts, the S-D districts do constrain the provision of housing by restricting the density of development. This restriction is necessary, however, given the hazards of developing steep slopes. Some of the town’s housing programs work to mitigate this constraint while still providing adequate protection. For example, the affiliated housing program allows for increased density in specified areas. In addition, the second unit program allows a second unit to be constructed on lots over one acre, thereby increasing potential residential density.

Open Space and Landscaping Requirements.

2448 The town’s residential density combining district development standards specify front, side and rear yard requirements for residential parcels. These requirements vary depending on the district, with smaller yard requirements for smaller lots. The requirements can be altered based on certain scenarios, such as if a property is located in a special setback district or if a property is adjacent to a future right-of-way. These open space requirements are applied consistently to all residential development based on the district they are located in and are not a constraint to housing development.

2448a The Portola Valley zoning ordinance sets forth minimal landscaping requirements for residential parcels. For example, the regulations specify that parcels adjacent to the Community Commercial and Administrative-Professional districts are required to have consistent landscaping with the adjacent non-residential property. There are few parcels in Portola Valley with residences adjacent to these districts. The landscaping regulations also stipulate that for parcels with frontages along Alpine Road and Portola Road, trees and shrubs must be approved by the town's conservation committee within seventy-five feet of the road right-of-way. These two provisions are not constraints to the development of housing because they do not require significant costs or alterations for new housing developments.

2448b The town's zoning ordinance contains minimal regulation for residential landscaping, but the town's Design Guidelines provide more comprehensive landscaping policies, including a Native Plant List and Landscaping Guidelines. The Guidelines state that "The fundamental approach of the ASCC is to encourage architectural solutions that blend with the natural conditions of the site and area, and at the same time require only minimum landscaping." Typical guidelines include: "Use native plants," "Create a simple rather than elaborate landscape solution," and "Consider the future height of trees and shrubs such that major views on- and off-site will not become obstructed." ASCC consideration of applications is limited to the issues set forth in the guidelines.

Parking Requirements

2449 The town's zoning ordinance includes off-street parking provisions. The minimum number of off-street residential spaces for dwelling units is: one space for each dwelling having zero or one bedroom, and two spaces for each dwelling with two or more bedrooms. In residential districts with a minimum lot size of one acre or more, two additional guest parking spaces are required. In addition, convalescent homes must have one space for each five beds and retirement homes must have one space for each apartment, double room or family unit. As mentioned previously, second units require only one uncovered space per bedroom.

2449a Most residential parking spaces must be located in a carport or garage and all spaces have to be located on the same site as the building unless authorized by a conditional use permit. Uncovered or tandem parking spaces may be permitted with approval from the Architectural and Site Control Commission (ASCC) if there is no reasonable location for a second required covered parking space in larger parcel districts. Additionally, on parcels of 20,000 square feet or less, an uncovered parking space may occupy required yard areas with approval from the ASCC and after notification of the affected neighbors.

2449b The town requires up to four parking spaces at residences in districts requiring one acre or more, but allows exceptions if the requirements cannot be met on the parcels. In smaller parcel districts, only one to two spaces are required based on

the number of bedrooms in the dwelling unit, and the location of the parking space can be changed if needed. Overall, the off-street parking requirements for larger parcels do not constrain the development of housing given the ample amount of space typically available on those properties. Additionally, the alternative provisions enable smaller parcels with space constraints to meet reduced requirements.

Second Unit Provisions

- 2450 Portola Valley revised its zoning ordinance provisions for second units in July 2003 to comply with California law requiring ministerial review of second unit permit applications. Government Code Section 65852.2 requires that applications for second units be processed without discretionary review or a public hearing. In addition, the law enables jurisdictions to designate areas where second units are permitted based on reasonable criteria, such as adequate infrastructure. Jurisdictions may also establish development standards, such as those for height, setback, lot coverage, architectural review and the maximum size of the unit. The law requires parking for second units to be no more than one space per unit or bedroom and permitted in setback areas as tandem parking.
- 2450a The town's second unit ordinance allows second units on residential parcels one acre or more in zoning districts that require a one acre parcel size or more. The areas in Portola Valley with those size parcels tend to have sufficient infrastructure and traffic capacity for additional units. Parcels with 10 or more acres are allowed to have two second units.
- 2450? The ordinance complies with the state's requirements because a second unit, as an accessory use, does not have to go through discretionary review to be approved. However, if the unit is detached, more than 400 square feet in size, or above the ground floor, it is subject to Architectural and Site Control Commission (ASCC) review. In addition, all second units on parcels that front onto one of the two scenic corridors in Portola Valley are required to obtain approval from the ASCC. In 2011, the town amended its zoning ordinance to allow staff-level review of second units up to 750 square feet that are created by converting area within an existing home to a second unit.
- 2450b ASCC review of second unit applications focuses on architectural design and compliance with the design standards set forth in Section 18.12.040.B of the Municipal Code. These design standards include requiring color, materials and architecture to be similar to those of the main structure, limiting color reflectivity, and limiting exterior lighting. The ASCC works with property owners to ensure that second units meet the design guidelines, and has never denied an application for a second unit. In cases where the second unit is being built at the same time as the main dwelling unit, there is a single ASCC review for both structures.

2450c The zoning ordinance limits the floor area of a second unit to 750 square feet. The town also requires the vehicular access and address for the second unit to be the same as those for the primary residence. Like single family homes, second units are also subject to development standards for height, exterior color, roof reflectivity, exterior lighting and landscaping. The parking standards for second units also comply with state law because only one space is required per bedroom. Spaces do not have to be covered and can be tandem.2450d Overall, the zoning ordinance provisions for second units are in compliance with state law because standards for second units are clearly set forth and are permitted as of right and can be administered ministerially as long as they do not exceed certain criteria. Given the costs of land and construction in Portola Valley, the requirement for architectural review and the associated cost is unlikely to be a significant constraint on the construction of second units. The town continues to work to encourage production of second units, and this housing element includes additional actions to that end, as described in the programs section of this housing element.

Subdivision Requirements

2451 The subdivision ordinance includes standards for on-site and off-site improvements including roads, trails, paths, bike lanes, utilities, drainage facilities, street trees, and conservation easements. These standards allow development that is consistent with the natural environment of the town. For instance, paved roads are narrow in order to reduce grading and impervious surface, but wide enough to safely accommodate traffic. Non-motorized movements are accommodated on easements off the roads and allow for a variety of ways of moving throughout the community. Utility requirements, ie. water, sewer, and electricity are normal for residential subdivisions. Street plantings are rarely required because the existing vegetation normally provides a natural setting. Conservation easements are required when appropriate in order to help preserve natural areas. Minimal contributions of land or fees are required to help preserve open space.

2451a These subdivision requirements have been accepted by developers. Developers find the requirements reasonable and that they enhance the quality of their projects. In some parts of town, however, connections to required utilities and roads cannot be made. For instance, in practically all of the western hillsides, public roads and utilities are not available. As noted elsewhere in this housing element, the western hillsides are hazardous and comprise steep hillsides and canyons as well as large areas of landslides. Since these areas are not suitable for development, the lack of infrastructure does not pose a problem.

Road Requirements

2451b The paved surfaces of roads have been set wide enough to allow for traffic but also as narrow as safety permits. Paving widths vary from 20 feet to 28 feet depending on the type of road. Since most properties include space for off-street parking, the

roads are generally not designed for on-street parking. Right-of-way widths vary from 60 to 100 feet. In planned unit developments, paving and rights-of-way can be varied to fit the design of the development.

Trails, Paths and Bicycle Lanes

- 2451c Portola Valley residents value the ability to ride horses, hike and bicycle throughout the community. Accordingly, where these planned facilities pass through a proposed subdivision, the developer will be required to provide the facility and dedicate an easement that is normally 15 feet wide.

Utilities

- 2451d California Water Service Company provides water throughout the town. The company has indicated it has sufficient capacity to meet the housing needs stipulated in this housing element. Gas and electrical utilities are normally readily available.

Drainage

- 2451e Given the low density of development in the town and extensive natural areas, most drainage is surface drainage that eventually flows into one of the three major creeks in the town. By and large, the only culverts are where drainage passes under roads. Drainage improvements, therefore, are a minimal requirement on developments. In some instances, a developer will be required to pay a fee to help offset downstream impacts from a development.

Street Plantings

- 2451f As noted above, in most instances the native vegetation provides all of the planting needed along roads. In some cases, supplemental plantings may be required.

Conservation Easements

- 2451g The town may require conservation easements to protect natural vegetation, terrain, watercourses, waters, wildlife and for preventing or limiting erosion and drainage problems. Normally, these easements are on lands that are not suited for development and therefore do not interfere with well-planned developments.

Dedication and Land for Park or Recreational Purposes

- 2451h In subdivisions of more than 50 lots, the subdivider must dedicate .005 acres of land for each anticipated resident of a subdivision. For subdivisions less than 50 acres, the subdivider must pay a fee based on the above requirement. In the town, no subdivisions of 50 lots or more are anticipated, so only small in-lieu payments can be expected.

Impact of Improvement Requirements on Cost and Supply of Housing

2451i Fundamentally, the cost of land in Portola Valley is high. Subdivisions consequently are aimed at rather expensive housing. Given this context, the cost of improvements is a small portion of the total cost of housing. There have been no instances in recent history where the cost of improvements discouraged or prevented planned housing.

Inclusionary Housing Requirement

2451j All new single family homes in Portola Valley are custom built, and as a result, inclusionary housing is implemented differently in town than in other jurisdictions. Since 1991, Portola Valley has required all subdividers in town to provide 15% of their lots (for subdivisions with seven or more lots) or an in-lieu fee (for smaller subdivisions and fractional lots) to the town for affordable housing. The cost of providing this land or fee is offset by a 10% density bonus that the town provides to all subdividers who are subject to this requirement. Once the land has been provided, the town can then arrange for the construction of the below market rate units. This arrangement allows the town to set the levels of affordability for each project based on the town's current needs.

2451k Because of challenges the town encountered in trying to find a developer to construct units on land provided through this program, however, the town intends to revise this program to require the developer to construct the units, as is described in the programs section of this housing element.

2451m Some analysts believe that inclusionary housing requirements can sometimes act as a constraint on housing by either substantially raising the price of market rate housing or making housing too expensive to build. One subdivision has been developed under this requirement, indicating that development can occur under this requirement. In addition, the town's inclusionary housing program provides developers with a 10% density bonus to offset the costs of providing the land. As the program is revised to require that developers build the housing units, local architects and builders will be consulted to ensure that the requirements are not overly onerous and the incentives are appropriate.

2451n Because land prices in Portola Valley are high, development of affordable housing would be very difficult unless the land could be provided at no cost through a program such as the inclusionary housing requirement. Market rate housing in Portola Valley is only affordable to households with incomes well above the moderate range. Given the high cost of market rate housing in town, the effects of the inclusionary housing provisions on affordability are negligible.

Summary of Analysis of Land Use Controls

- 2452 Portola Valley's land use controls were developed to fit the town's situation on the edge of the urban San Francisco Peninsula area, with complex and unstable geology, steep terrain, and the San Andreas fault bisecting the town. Within this context, the controls the town has adopted allow for flexibility to fit development to the land. For instance, development intensity is conditioned by steepness of slope, unstable geology, areas subject to flooding and remoteness from major roads. The development approval process results in development that is appropriate to the environment. The town allows and encourages cluster development and planned developments whereby designs fit to sites rather than creating "cookie cutter" developments.
- 2452a These natural constraints, including a location well removed from public transportation and significant employment centers, have led to low density development. The low densities permitted are appropriate for the environment and location, and to ensure the safety of residents.
- 2452b Despite these constraints, the town recognizes that higher density, attached housing can be appropriate in certain locations. Therefore, the town allows multifamily housing in specified locations as set forth in the affiliated housing program of this housing element. Seven units have been built due to this program, and eleven additional units have been approved and are expected to be built in the planning period.

Building Code

- 2453 Portola Valley adopted the 2013 California Building Code. There have been no amendments or additions made to the building code by the town that present a constraint to housing development. The building code is enforced by the town's building official.

Permit and Processing Procedures

- 2454 The town's processing and permit procedures protect the community interest while permitting safe and responsible construction, additions and remodeling on private property. A key aspect is the requirement for geologic investigations to ensure safe development in areas of the town mapped as potentially hazardous.

Subdividing

- 2455 The town's subdivision regulations reflect the complicated and unique features of the land such as soils, land movement potential and drainage capacity. A subdivision proposal includes the following steps:

1. Review of a preliminary map by town staff and planning commission

2. Review and approval of the tentative map by the planning commission, and
3. Review and approval of the final map by the town council.

2455a It is difficult to estimate the time needed for review and approval of a typical subdivision proposal because the factors that impact timing are unique for each proposal. The Blue Oaks development, a 30-lot hillside subdivision on a site bisected by the San Andreas Fault, took about 10 years to move from the conceptual phase to final map review and approval. Approximately five to seven years of that time were spent by the applicant challenging the town's geologic information and related regulations and pursuing design proposals that were inconsistent with town plans and regulations. Eventually, a reasonable design was developed and formal application filed for processing. The project then faced delays during CEQA review, and significant measures were needed to mitigate potential adverse impacts on the environment. After final approval, three more years passed during construction of subdivision improvements.

2455b Two smaller subdivisions took significantly less time to obtain approval. The Priory, a three unit subdivision, took six years for approval and Platt, a two unit subdivision, required two and one-half years for approval. These subdivisions required more time than may be typical because there were significant design difficulties in both cases, including access issues. In addition, the complexity of the land on these sites slowed the approval process. Staff estimates that approval of a subdivision on any of the remaining larger sites in town, all of which are very complex, would take at least two to four years.

Lot by lot construction

2456 Most residential development occurs on a lot-by-lot basis. All homes, including those in approved subdivisions, require individual permits. The process for residential development includes:

1. Preliminary design review at the staff level.
2. Architectural review by the Architectural and Site Control Commission (ASCC). Some projects are also subject to homeowners' association architectural review. These reviews are usually concurrent with ASCC review.
3. Review by the Planning Commission (for proposals with grading exceeding 1,000 cubic yards only).
4. Site development permit approval.
5. Building permit approval.

2456a The review, including the first four steps listed above, takes from four months to one year. Another eight to twelve weeks are then usually needed to process a

building permit application. Prior to approving a building permit, town staff and consultants review the plans, as well as outside agencies.

- 2456b The town's processing and permit procedures may take longer than in typical Bay Area communities because of the complexity of the environment and the level of scrutiny directed at development proposals. However, many developers, architects, and engineers who work in Portola Valley do not find the processing and permit procedures a constraint. In fact, they find that building in Portola Valley can be easier because the requirements are clearly explained from the start of a project. Staff and consultants work closely with developers to explain the process, expectations, and requirements necessary for approval. This attention given early in the process avoids delays in the long run by ensuring that the most appropriate project for the site is presented for approval.

ASCC Review Process

- 2457 All new residential structures must be reviewed and approved by the Architectural and Site Control Commission (ASCC), whose decisions may be appealed to the Planning Commission. The ASCC process begins with a preliminary meeting with staff to discuss the applicant's initial ideas and outline the town standards, regulations and design guidelines that would apply. The applicant then has the opportunity to revise the design before submitting the application to the ASCC. In general, the ASCC considers an application at the meeting closest to two weeks after the application was filed. Simple projects, such as second units, are usually decided at that meeting. Most projects are acted on in no more than two meetings, although occasionally a complex project may take additional time. As a result, ASCC review takes no more than one or two months from the time that the applicant comes in for the preliminary meeting. Measured from the filing of the application, the ASCC review would take even less time.

- 2457a All staff reports for the ASCC follow a standard format and address the same topics, that are set forth in the zoning ordinance and the design guidelines. Both the zoning ordinance and the design guidelines are written documents which applicants can consider in putting together their applications. The town uses a standard format for the ASCC staff reports in order to give consistency to the review process and ensure that each application is considered in the same way as all others.

- 2457b While the criteria are the same for each project, the specific physical conditions on an individual parcel of land may be unique. Given the prevalence of slope, geology, drainage and other physical issues throughout Portola Valley, individual consideration of each project is necessary. The ASCC provides this individual consideration along with consistent application of standards and guidelines.

- 2457c The ASCC review process is fast, is based on written standards and guidelines, and uses a standard format to ensure consistency in its decisions. The cost, as

discussed below in the section on fees, deposits and exactions, is similar to the cost in other, similar communities, and is a very small percentage of the cost of a project given the high costs of land and construction in the town. For all of these reasons, ASCC review does not act as a significant constraint to the provision of housing in Portola Valley.

Site Development Permit

- 2458 The Site Development Ordinance establishes the framework for the removal of vegetation, including significant trees, and excavation and fill (grading) on a site. Persons conducting those activities are required to apply for a site development permit. Depending on the amount of grading, the application is acted on by either the staff, the Architecture and Site Control Commission, or the Planning Commission. Applicants can appeal a decision to the Town Council in a public hearing. This process is necessary to protect both the environment and the applicants, especially in steep and unstable areas. The process is the same for all applicants and does not act as a constraint to the development of housing.

Conditional Use Permit and Planned Unit Development Permit Processes

- 2459 Most residential development in town is not required to obtain either a conditional use permit (CUP) or a planned unit development permit (PUD). Subdividers who would like flexibility in the development standards may apply for a PUD, and most subdivisions in recent years have used PUDs. Since Portola Valley treats PUDs as a type of CUP, the process is similar for both. The ASCC first reviews the application as an advisory body, and then the application moves to the Planning Commission for a decision. Neither CUPs nor PUDs require action by the Town Council unless the Planning Commission action is appealed.
- 2459a While multifamily housing is not generally allowed, the town has developed a program to allow multifamily housing at existing institutional developments such as the Priory and the Sequoias through amendments to the existing CUPs for those projects. If, however, a new multifamily housing project were proposed that was separate from existing uses, a PUD would be needed.
- 2459b For example, at the Woodside Priory School, seven multifamily units were approved and built as workforce housing. To build these units, the Priory needed to amend its conditional use permit, a process that took approximately four months. The Priory has also received approval for a master plan that includes eleven additional housing units which have not yet been constructed.
- 2459c The cost for the permits is a very small percentage of the cost for the project as a whole, and is not significant given the high costs of land and construction in Portola Valley. For these reasons, the CUP/PUD requirements for multifamily housing do

not appear to be acting as a constraint on the provision of housing in the town—in fact, these permits make multifamily housing possible in Portola Valley.

Fees, Deposits and Exactions

- 2460 The town sets fees to cover the actual costs of processing development applications. For the typical house constructed in Portola Valley, the fees are a minor part of the applicant’s costs and a very small percentage of the value created by approvals.

- 2460a In May 2012, the Town Council approved a resolution adopting new Planning, Building, and Engineering Department fee schedules. These fees were based upon an extensive study of actual costs to the town to administer and process permits. The study also included a comparison of the town’s fees with fees charged by nearby jurisdictions, including Atherton, Menlo Park, and Woodside. This comparison showed that the town’s fees are comparable to the fees in these other communities, as is shown in the table below.

Comparison of Selected Filing Fees, 2012				
Service	Portola Valley	Atherton	Menlo Park	Woodside
Pre-Application Meeting	575	161 per hour	400 dep + hrly	--
Site Development Permit (101 – 1,000 cubic yards)	2,225	1,282	--	600 dep + 1,125
Variance	2,340	2,242 min + hrly	3,000 +hrly	1,775 min
Conditional Use Permit-PUD	5,940	1,919 min + hrly	10,000 dep + hrly	2,238
CUP Amendment	1,980	1,919 min + hrly	10,000 dep + hrly	1,063
Architectural Design/Review: New House	1,115	1,282	2,000 dep + hrly	1,125
Guesthouse	660	1,282	2,000 dep + hrly	1,125
Additions	660	1,282	2,000 dep + hrly	1,125
General Plan Amendment	3,300	3,534 min + hrly	8,000 dep + hrly	4,425 dep + contractor cost + 25% overhead
Preliminary Subdivision Map	3,040	--	--	--
Tentative Map	4,640	2,242 min + hrly	6,000 + hrly	10,850 dep + contractor cost + 25% overhead
Lot Line Adjustment & Merger	1,600	1,596 min + hrly	--	2,850 dep + contractor cost + 25% overhead

Source: NBS "Town of Portola Valley Cost of Service Study for Analyzing User and Regulatory Fees" March 21, 2012

2460c Deposits are also charged for planning, engineering and geologic review, which include those provided by consultants, such as the town engineer, town geologist, town planner and town attorney. These deposits cover the cost of reviews and services needed for particular applications. As a result, the amount of the deposit will be lower for simple projects and higher for complicated projects. Selected 2013 fees and deposits for services required to evaluate applications are listed in the table below.

Selected Housing Development Fees and Deposits in Portola Valley		
	Filing Fees	Deposit for Services
Consultation Meeting	\$ 590	\$ 500
Architectural Review		
New Residence	\$1,140	\$ 2,500
Second Unit	\$ 675	\$ 1,500
Additions	\$ 675	\$ 1,500
Amendment	\$ 340	
Site Development Permit		
50-100 cubic yards	\$ 1,070	\$ 2,500
100-1000 cubic yards	\$ 2,280	\$ 4,000
1000+ cubic yards	\$ 2,890	\$ 4,000
Conditional Use Permit		
Standard	\$ 4,055	\$ 7,500
PUD	\$ 6,085	\$ 7,500
Amendment	\$ 2,030	\$ 3,500
Variance	\$ 2,400	\$ 3,500
Geology Review		
Building Permit	\$ 255	\$ 2,500
Map Modification	\$ 1,015	\$ 2,500
Deviation	\$ 890	\$ 2,500
Building Permit Review (Planner)	\$ 140	\$ 500
Building Permit Review (Engineer)	\$ 150	\$ 1,000
Zoning Permit	\$ 310	\$ 1,000
Subdivision		
Preliminary map	\$ 3,115	\$ 7,500
Tentative Map	\$ 4,750	TBD
Final Map	\$ 1,360	TBD
Map Time Extension	\$ 380	TBD
Tentative Map Amendment	\$ 760	TBD
Final Map Revision	\$ 760	TBD

Source: Town of Portola Valley, "Updated Fee Schedule" June 12, 2013

2460d Like other residential developments, second unit applications are charged fees for a building permit and plan check. In addition, detached second units, second units with more than 400 square feet, and second units located above the ground floor are required to go through architectural review and must pay the associated fee and deposit for service. However, second units that are built at the same time as the main house on the lot do not have to pay a separate fee for architectural review for the second unit. Building permit and plan check fees are essential to ensure that a building complies with local and state requirements and are not considered a constraint to the development of second units.

2460e It will be difficult for the town to waive fees and deposits entirely for affordable housing projects because of the routine use of outside consultants and the reliance on the fees to cover the cost of town services provided. However, the town is prepared to use money collected as in-lieu fees for below market rate units to mitigate the constraints of fees. Also, the town has amended the town's fee

ordinances to allow all or part of the fees to be waived, at the discretion of the Town Council, for projects with at least 50% of units for households with moderate incomes or below.

- 2460f Exactions are required in the form of drainage fees, easements or in-lieu fees for parks and open space, and off-site improvements made necessary by the development. The exaction amounts depend upon the specifics of each project. Drainage fees are only charged to subdivisions and on a per-acre assessment. These fees pay for the cost to construct drainage facilities listed in the town's master drainage plan, which is designed to protect lots and streets from flood hazards. The additional cost is a minor fee compared to the costs of the entire subdivision. These fees are essential to ensure that the town is protected from flood hazards and is developed with adequate drainage infrastructure.
- 2460g Portola Valley also charges subdivisions a fee in-lieu of the dedication of land for park or recreational purposes, as permitted by state law. On subdivisions of 50 lots or less, the subdivider is required to pay a fee determined by multiplying .005 times the land value per acre times the projected number of new residents in the subdivision. The subdivider may dedicate 5 percent of the total area for open space rather than pay the fee upon approval from the planning commission. Subdivisions with 50 lots or more are required to dedicate land of an amount determined by multiplying .005 times the number of acres times the projected number of residents. An in-lieu fee may be paid instead with approval of the planning commission. Residential developments that are not part of a subdivision are not required to pay this exaction. Like the drainage exaction, the additional cost is minor compared to the overall cost to develop a subdivision.
- 2460h Historically, drainage and open space exactions have not been cited as a constraint to the development of multifamily housing. The requirements do not hinder the provision of below market rate units in the subdivision, and the subdivision ordinance promotes the development of below market rate units overall. Based on experience, the exactions required for subdivisions are not a constraint to the development of below market rate housing in Portola Valley.
- 2460i Total fees for a recent house reconstruction, which would be similar to those for a new house, were approximately \$22,000. The value of the house prior to reconstruction was \$1.4 million. Therefore, the fees were less than 2% of the value of the home. Fees for a guest house are significantly less: approximately \$8,000. For the most recent multifamily development (the construction of seven attached units at the Priory), the fees totaled about \$7,000 per unit.
- 2460j Overall, fees, deposits and exactions are not anticipated to be significant constraints on the construction of housing. If these should be problem for a particular development, fees and deposits can be paid using housing in-lieu funds, and/or the Town Council can waive all or part of fees. Drainage and open space

exactions have not constrained the production of multifamily housing in the past and are not expected to during the planning period.

Infrastructure and Public Service Constraints

- 2461 The infrastructure and level of public services in town is geared to a small dispersed population. Many of the roads are narrow and winding with restricted capacity. Limited bus service is provided by SamTrans along Portola and Alpine Roads (Bus 85). Only a portion of the town is served by sanitary sewers. On-site disposal systems are used in much of the town, and in many areas, successful disposal requires large sites because of adverse soils and drainage conditions. Most local public services are provided by special districts or San Mateo County under contract. The Woodside Fire Protection District provides fire protection services. Police services are provided by the private Woodside Patrol and the County Sheriff. The town has limited control over the quality and quantity of these services.
- 2461a The town government operates on a minimal budget with a small staff. The town's ability to undertake major programs to provide housing is severely constrained by fiscal realities and limited staff time. As a result, housing programs with high administrative demands are not practical for the town and have been avoided.
- 2461b To mitigate the constraints pertaining to public services, this element provides for affordable housing on sites with current access to services or in new subdivisions that will provide services. In-lieu fees collected through the inclusionary housing program may also be used to help cover costs when no other source is available.

Nongovernmental Constraints

- 2462 Nongovernmental constraints that can affect a community's ability to provide suitable sites for affordable housing include the price of land, the cost of construction, and the availability of financing.

Price of Land

- 2463 The extremely high cost of land in Portola Valley is the most significant constraint on the development of affordable housing in the town. Land often costs around \$1-2 million per acre, a price that is probably too high to allow the development of affordable housing under market conditions. Land prices for single parcels in the similar neighboring communities of Woodside, Palo Alto, and Atherton are comparable to Portola Valley prices.
- 2463a There were two undeveloped parcels listed for sale in late 2013. One was asking \$3.6 million for a 4.48-acre parcel, and the other was asking approximately \$2.15 million for a 2.25-acre parcel.

2463b The challenge from the town's perspective is to provide affordable housing opportunities in the face of extreme market pressure, while at the same time preserving the characteristics that make Portola Valley a desirable place in which to live. The town's housing programs attempt to mitigate the effects of these market conditions. To offset the high cost of land, the inclusionary housing program provides affordable housing, including land. The affiliated multifamily housing program allows increased density, reducing costs per unit. The second unit program provides the opportunity for construction of second units by the private market with essentially no land cost.

Construction Cost

2464 The cost of construction can also constrain housing production, particularly for affordable housing. According to a Bay Area developer, construction costs in Portola Valley generally are not higher than in San Mateo County or Santa Clara County. However, the cost to build housing on the Peninsula can be as much as 15 to 20 percent higher than in Contra Costa County and Alameda County.

2464a Residential construction in Portola Valley is comparable to the neighboring communities of Woodside, Palo Alto, and Atherton. The costs average around \$300 per square foot as opposed to \$150 per square foot for the other areas of San Mateo County. These high costs, however, are often a result of homeowners' choices to use unique designs and expensive materials.

2464b The inclusionary housing program will provide land for affordable housing on sites that have been improved to serve market rate development, thereby reducing the cost of subdivision improvements for the affordable units. In addition, developers can select relatively simple and straightforward designs as well as less expensive construction materials to further reduce the cost of construction.

Availability of Financing

2465 Most homes in Portola Valley are custom-built homes funded by individual households. Financing for this type of construction is more difficult to obtain now that banks have increased their requirements. Given the current economic uncertainties, people may also be less willing to take on a significant new financial commitment. However, financing is no more of a constraint in Portola Valley than in other communities in the Bay Area. In fact, loans for individual homes may currently be easier to obtain than loans for speculative housing developments.

Constraints on Housing for People with Disabilities

2466 California housing element law now requires specific analysis of constraints on housing for people with disabilities, including developmental disabilities. This section reviews both governmental and nongovernmental constraints, and identifies actions that can be taken to mitigate the constraints.

Governmental Constraints

Zoning Ordinance

- 2467 The town's zoning code was amended in 2011 to remove the constraints to housing for persons with disabilities that were identified in the 2009 housing element. These amendments included:
- Updating the definition of household to comply with state law;
 - Adding a definition of "residential care facility" to the ordinance, allowing these facilities for six or fewer persons by right in residential districts, and allowing these facilities for seven or more persons as a conditional use in the commercial and office districts;
 - Allowing access ramps and related railings to extend into required yards; and
 - Adding a reasonable accommodations section to the zoning ordinance (Chapter 18.11).
- 2467c Portola Valley permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special need housing.
- 2467e All dwelling units are subject to the same standards for elements such as building heights, setbacks and floor area within the district in which they are located (Section 18.48.010). Because these standards may present a constraint to housing for disabled people in certain cases, the town adopted a reasonable accommodations ordinance as Chapter 18.11 of the zoning code to allow for flexibility in the zoning regulations when a reasonable and demonstrated need appears for a person with a disability. The reasonable accommodations ordinance could also potentially be used to reduce parking requirements for developments serving people with disabilities.
- 2467f All new residential structures must be reviewed and approved by the Architectural and Site Control Commission (ASCC), whose decisions may be appealed to the Planning Commission. The ASCC bases its review upon clearly stated standards and applies these standards consistently from project to project. This process is an essential part of enforcing the zoning code and provisions in the General Plan. Because of the standard nature of the review and the ability to appeal a decision, the ASCC review process is not a constraint to housing for people with disabilities.

Site Development Ordinance

- 2467g The Site Development Ordinance establishes the framework for the removal of vegetation, including significant trees, and excavation and fill on a site. Persons conducting those activities are required to apply for a site development permit.

Depending on the amount of grading, the application is acted on by either the staff, the Architecture and Site Control Commission, or the Planning Commission.

Applicants can appeal a decision to the town council in a public hearing. This process is necessary to protect both the environment and the applicants, especially in steep and unstable areas. The process is the same for all applicants and does not act as a constraint to the development of housing for people with disabilities.

Building Code and Building Permit

2467h Portola Valley adopted the 2013 California Building Code. There have been no amendments or additions made to the building code by the town that present a constraint to the development of housing for persons with disabilities. The Town also follows Title 24 of the California Code of Regulations. Title 24 regulations govern a building's access and adaptability for persons with disabilities in commercial and multi-family buildings. When there is a discrepancy between the zoning ordinance and a Title 24 provision, the Title 24 provision prevails.

2467i A building permit is required for the construction or alteration of a structure. Standard application forms and filing processes are used for all applicants and are not considered a constraint to the development of housing for persons with disabilities. A building permit is required for access ramps and other special building modifications on commercial buildings or residential multi-family buildings. These types of buildings are required by law to be accessible to the disabled.

Nongovernmental Constraints

2468 The nongovernmental constraints that could affect housing for people with disabilities include the price of land and the cost of construction. In addition, the lack of public transportation and support services in town could constrain housing for people with certain types of disabilities. There is little the town can do to mitigate these types of constraints.

Conclusion

2469 The town has addressed the constraints to housing for people with disabilities that were identified in the 2009 Housing Element, and some of these changes, such as adding residential care facilities as an allowed use, would also benefit people with developmental disabilities. In addition, given that many people with disabilities, especially those with developmental disabilities, live with their parents or other relatives, second units could be a valuable form of housing for at least a portion of the population with disabilities. As a result, the town's actions to facilitate and encourage construction of second units may help this population as well.

UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, MAY 7, 2014,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the Planning Commission regular meeting to order at 7:30 p.m. Ms. Kristiansson called the roll.

Present: Commissioners Judith Hasko, Nate McKitterick and Alexandra Von Feldt; Vice Chair Nicholas Targ; Chair Denise Gilbert

Absent: None

Staff Present: Karen Kristiansson, Interim Town Planner
Craig Hughes, Town Council Liaison

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) PUBLIC HEARING: Revision to Approval of Variance Request X7E-135, 3 Grove Court (John and Crystal Ciancutti)

Ms. Kristiansson said this item involves a modification of a variance to encompass changes to an approved project, which originally included renovations and additions to the existing historic house on the property, replacement of the existing garage with a new one within the side setback and guest parking with a trellis in the front setback, construction of a second unit and a pool, installation of a level lawn area and associated grading and retaining walls.

She explained that the applicants want to reduce costs by reducing the grading (from 921 to 435 cubic yards) and retaining walls, preserving and repairing the existing garage, removing the front overhang of the garage and building an addition on the interior side, shortening the driveway, relocating the guest parking and eliminating the trellis feature, changing the footprint of the second unit and relocating it, along with the pool, further down the site to where the level lawn area was and reducing the size of the lawn area, and saving four trees previously approved for removal.

As Ms. Kristiansson explained, the Planning Commission approved a variance last November for four items, two of which would no longer be needed for the project, and two of which would not be affected by the proposed changes. The ASCC approved the proposed changes at its April 14, 2014 meeting and recommended that the Planning Commission grant the variance modification for the revised project.

The findings required for the variance are listed in Ms. Kristiansson's May 1, 2014 staff report, she said, noting that the reasons for approving the variance, which were set forth in the October 31, 2013 staff report, remain valid and would apply to the revised project. Only one change, referencing the ASCC's April 14, 2014 action, is recommended to the Conditions of Approval.

Commissioner McKitterick asked how many off-street parking spaces would be provided. Ms. Kristiansson said it would be unchanged from the original proposal.

Chair Gilbert opened the public hearing. When no speakers came forward, she closed the public hearing.

Commissioner Von Feldt said she supports the requested changes because they reduce the volume of grading and eliminate encroachments into setback areas. Vice Chair Targ said preserving the trees and relocating the pool to reduce the amount of lawn that would need watering are positive ecological steps and show further commitment by the applicants to retain the character of the existing structures.

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Vice Chair Targ moved to approve the amendment to the variance, consistent with the conditions previously imposed by the ASCC, and for the reasons stated in the Planning Commission's previous approval. Seconded by Commissioner Von Feldt, the motion carried 4-0-1 (Hasko abstained).

(2) PUBLIC HEARING: Site Development Permit X9H-672 for 18 Redberry Ridge, Blue Oaks Lot #15 (David Douglass/Nanette LaShay)

As her May 1, 2014 staff report indicates, Ms. Kristiansson said that on March 19, 2014, the Planning Commission and ASCC had a joint site meeting on this new house project, which includes an attached garage, detached guest house and associated site work, and the Planning Commission conducted a preliminary review of the project at their evening meeting that night. The ASCC followed up with meetings on March 24, 2014 and April 14, 2014, and has approved the project with conditions, contingent on Planning Commission approval of the Site Development Permit. Planning Commission approval is required because more than 1,000 cubic yards of grading is included in the proposal. The ASCC also recommended that the Town Council release the building permit for the project, which the Council probably will consider at its May 28, 2014 meeting.

The revised set of plans in Commissioner packets includes an updated grading plan which shows a culvert for the swale crossing, with backfill against the north retaining wall to keep the exposed surface no taller than six feet. The retaining wall would be a dark grayish-brown integral color concrete, and vegetation in the backfill would further screen the retaining wall.

In terms of the impacts of the auto court retaining walls on the manzanitas, which the Planning Commission had identified as an issue, Ms. Kristiansson said the project team found that the walls couldn't be moved without redesigning the house or potentially affecting the trees on the north side of the property by moving the house closer to those trees. Instead, the team proposed transplanting the manzanitas as required by one of the ASCC's recommended conditions of approval.

Ms. Kristiansson said the project is categorically exempt from CEQA as a single-family home, and staff believes the restoration effort to remediate the unauthorized removal of vegetation is sufficient to make further CEQA analysis due to the loss of screening unnecessary.

Project architect Tom Carrubba pointed out that the ASCC reacted positively to the project, and emphasized that the volume of grading is not unusual in Blue Oaks. He said that he and Stefan Thuilot, the landscape architect for the project, would be happy to answer Commissioners' questions.

In response to Commissioner Von Feldt, who asked whether the culvert beneath the driveway is bottomless or a solid pipe all around, Mr. Carrubba explained they didn't go with the bottomless culvert, which would have provided more roughness, because in terms of appearance from across the way, 12-inch pipe would be more discrete. Commissioner Von Feldt said the function of the swale was of more concern than the appearance. Mr. Thuilot said the watershed was very small and he expected very little water to actually go through the swale. Construction of the cul de sac changed the natural flow of water, so now it's away from the area.

Commissioner Von Feldt also asked about the length of the pipe proposed, and whether it would extend into the basin below the driveway. Ms. Kristiansson said it would have to extend through the backfill. Mr. Carrubba said the 12-inch pipe would go about 20 feet. Commissioner Von Feldt said she's often seen serious erosion when the water velocity is almost as if it's coming out a fire hose – especially at that length, she said, because it's not slowed down. Chair Gilbert said the concern would be the speed of the water going through the pipe versus going over natural ground. Commissioner Von Feldt said water goes straight down the pipe, versus taking its natural course, losing velocity as it spreads out, and dropping sediment along the way. She said typically serious erosion occurs beneath pipes going into creeks due to the velocity of the water coming out.

Mr. Carrubba said the civil engineer does not expect problems with erosion. Mr. Thuilot said there would not be much water, and also the project involves regrading the area south of the driveway. The pipe will end in a dissipation area near the swale.

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Commissioner Von Feldt also asked for elaboration about how the project team came to determine that the retaining wall of the auto court could not be moved just a few feet. Mr. Carrubba enumerated several factors, including the required size of the fire truck turnaround, the proximity of the trees on the north side of the property, the need to increase the height of the retaining walls if the house were moved, and the fact that moving the wall a short distance would only save a few plants.

In response to Chair Gilbert, Mr. Thuilot said they propose transplanting three manzanitas and one small oak tree from the retaining wall area.

Commissioner Von Feldt said she still sees mention of gum trees, Chinese pistaches and other non-natives on the landscaping plan. Noting that because the Planning Commission's purview covers both grading and site development, she wants to know what species are proposed to replace the manzanitas. She said those listed are not appropriate. Ms. Kristiansson said the first ASCC Condition of Approval requires a revised planting plan that conforms to all the Planned Unit Development (PUD) provisions, including all native plants outside of the building envelope and only specified tree species. The revised planting plan would require approval of a designated ASCC member and staff, she said.

Commissioner Von Feldt said she also still sees a note calling for pre-emergent herbicide on the plans, and that needs to be removed.

In response to Commissioner McKitterick, Mr. Carrubba said the retaining wall by the culvert is six feet tall, including the 18-inch curb on top. Commissioner McKitterick also asked whether the wild lilac and mountain mahogany would provide adequate screening. Mr. Thuilot said that together with the large manzanitas in that location, the view of the retaining wall would be obscured.

Commissioner Hasko asked whether all of the Manzanitas would be transplanted, or if some of them would remain where they are. Mr. Thuilot said the original plans affected about 30 or 40 Manzanitas, and now there are 14 or 15, the vast majority of which would be transplanted.

Vice Chair Targ, following up on Commissioner Von Feldt's comments, said it seems as if the contours of the hillside fed a great deal of the watershed via gully prior to the installation of drainage when the subdivision was created, and now the water flows primarily through the subdivision's stormwater system and very little actually reaches that location. He asked whether the project team has been there during a heavy rain to observe how the water flows under those circumstances. David Douglass, property owner, said it doesn't fill up. He said that neighbor George Salah, who attended the ASCC meeting, said that the way the end of the cul de sac was banked takes the flow of the water between his property and the next property to the south.

Referring to the May 14, 2014 staff report, Vice Chair Targ noted that the staff report states that the project team proposes transplanting as many of the existing manzanitas located near the auto court's south retaining wall as possible, but this language isn't in the Conditions of Approval from the ASCC. He asked if this was an oversight. Ms. Kristiansson said the ASCC's intention was to require transplanting of as many manzanitas as possible and this could be added.

He asked for confirmation that about 15 manzanitas would be affected, and all but perhaps three could be transplanted. Mr. Thuilot stated this was correct. Vice Chair Targ also asked whether any of the manzanitas would be part of the screening for the culvert's retaining wall. In reply, Mr. Thuilot said there's no specific plan yet, but the objective is to plant them onsite.

Commissioner Von Feldt asked how much soil must be dug out to take out a mature Manzanita for transplanting, and how well they fare after transplanting. Mr. Thuilot said the amount of soil depends on the age, but given the access in that area, they would dig about a 64-inch space. Mr. Carrubba reported a 90% success rate for transplants on another project two years ago.

Chair Gilbert asked about access to the construction site without damaging vegetation or the hillside, given the location of the Salah house, the slope and the trees. Mr. Carrubba said they'd basically build a road to get the equipment in and out, and there's not much vegetation between the houses. Ms. Kristiansson pointed out that

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project requirements include a vegetation protection and construction staging plan that also involves Rana Creek to ensure protection of all of the restoration plantings.

Commissioner Von Feldt asked whether they had considered having Rana Creek grow any manzanitas from seed as a hedge against the transplanting. Mr. Thuilot said seed is an option, but it's a very slow process, so manzanitas typically grow from stock that's a little older. Commissioner Von Feldt said the type of Manzanita is rare and can't be found in the nursery trade.

Chair Gilbert opened the public hearing. With no speakers coming forward, she closed the public hearing and brought the matter back to the Commission.

Commissioner Von Feldt, saying she appreciated the explanations in response to her questions, asked about other Commissioners' thoughts about the swale. She said she understands that much less water flows there now than it did historically due to subdivision redesign, but she noted that we haven't experienced a serious El Niño year since then either. While we have the opportunity, she wants to ensure that the pipe installed is large enough to do the job.

In terms of the manzanitas, they're impressive, important and in a perfect spot. Because moving them involves a lot of risk (as well as money and resources), she said she'd hoped more of them could stay where they are. She'd also like to see Rana Creek grow some new ones from seed.

Commissioner Von Feldt said that she would like to see a revised landscape plan prior to approving the Site Development Permit, perhaps as part of the group to review the revised planting plan, which Ms. Kristiansson said requires approval of a designated ASCC member and staff.

Vice Chair Targ said he's pleased that the project team intends to transplant as many manzanitas as possible, and that Commissioner Von Feldt volunteered to re-review the planting plan. Noting that he'd not previously seen any manzanitas like those on the Douglass/LaShay property, he asked whether they are a threatened or endangered species. Commissioner Von Feldt said to her knowledge, they aren't officially designated as such. She pointed that they grow in very specific localities, but there are 15 to 20 different Manzanita species in the Santa Cruz Mountains alone.

Vice Chair Targ said he appreciated the follow-up on his question regarding CEQA compliance, with the staff report addressing issues of screening created by unauthorized removal of vegetation. He added that he had asked ASCC Commissioner Danna Breen about the ASCC's consideration of this issue and heard that she had considered the issue carefully and concluded that the modification didn't affect the viewshed from the parcels across the canyon.

Commissioner McKitterick said he would approve the project as proposed, with the conditions added by ASCC. He said he'd defer to the project engineer regarding the size of the culvert pipe, noting that his concern about the visual impact of the exposed retaining wall has been addressed by the color, the new plantings for the slope and the existing manzanitas.

Commissioner Hasko said past comments have been addressed rather well. She noted that if there are concerns about the size of the culvert pipe, the engineer could be asked to use assumptions from an El Nino year in the calculations. Mr. Carrubba volunteered that the calculations were based on a 100-year flood. Commissioner Hasko said that she's pleased that as many manzanitas as possible will be saved, and agrees with Commissioner Targ's suggestion that this should be spelled out in the conditions of approval.

Chair Gilbert said that this is a tough project, with the challenge of preserving views while being restricted to a limited building envelope. She was concerned about the swale because it's such a major feature of the landscape, but she's satisfied with the explanation about the current water flow, and is satisfied with the project.

Commissioner Hasko moved to approve Site Development Permit X9H-672 for 18 Redberry Ridge, Blue Oaks Lot #15, with two Conditions of Approval in addition to those required by ASCC: 1) The applicants transplant as many as manzanitas as possible from the south side of the driveway; and 2) A designated Planning

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Commissioner be included in the review and approval of revised planting plans. Seconded by Vice Chair Targ, the motion carried 5-0.

(3) CONTINUED STUDY SESSION: Housing Element Update

Ms. Kristiansson said that the Commissioners had the Housing Element goals and policies from 2009 for review and to update as appropriate. She also noted that the analysis of constraints and evaluation of the 2009 Housing Element, the last two sections that the Commission has not yet reviewed, are scheduled for the Planning Commission's meeting on May 21, 2014, with a full draft of the document to be ready for the June 4, 2014 meeting. The full draft will then go to the Town Council on June 18, 2014.

In addition, she said, a representative from the California Department of Housing and Community Development will come to town on May 13, 2014 as part of a tour of various communities and will spend a couple of hours visiting Portola Valley. In response to Commissioner Von Feldt, Ms. Kristiansson said these tours have occurred previously, too, and she considers it helpful to be able to show them the Town and its constraints – in addition to the geology map and the Ground Movement Potential map, they see for themselves what the western hillsides look like and where the San Andreas Fault is located.

Commissioner McKitterick asked what Commissioners think about keeping Policy 2C (*Work to make land available for affordable or mixed-income housing developments*), given the inclusion of Policy 2A (*Accept and fulfill responsibility for a reasonable share of the regional need for affordable housing*) and Policy 4A (*Continue to participate in regional and county efforts to increase the availability of affordable housing in the region and county, including housing for people with special needs*). As for Policy 2C, Commissioner McKitterick said even without the "affordable" and "mixed income" he'd have a problem with the statement "making the land available for housing developments." He said he's particular sensitive after the Town's experiences with Nathhorst Triangle and 900 Portola Road.

Vice Chair Targ said he believes we're required to have land available for affordable housing. He said Policy 2C could be rephrased to be less aggressive in tone, but he thinks it means making sure zoning is acceptable and consistent with the availability for affordable housing. He said case law deals with jurisdictions that don't have land available. Commissioner McKitterick said he prefers the more general language of Policy 2A, which means that we'd use our full discretion as Planning Commissioners to comply with the law.

Ms. Kristiansson said Policy 2C was intended to cover the inclusionary housing program, which as currently constituted provides land for housing, such as the Blue Oaks lots. Ms. Kristiansson also noted that the affiliated housing program could be seen as making land available for affordable housing; the Town makes the land available by approving the conditional use permit to allow affordable employee housing at the Priory, for example.

Commissioner Von Feldt, said the Policy seemed more to support the intention of having more mixed-income housing in Town and suggested that the State Density Bonus Law (SDBL) in effect makes land available for affordable housing.

Commissioner Hasko said that she also is sensitive to keeping Policy 2C on the basis of Ad Hoc Affordable Housing Committee discussions, with feedback suggesting that residents don't want the Town involved in owning land for housing. She suggested adding "and availability" (as shown) to Policy 2F (*Continue to encourage the provision and availability of affordable housing that can be produced in association with market-rate housing*). She said the point is that we want the housing to be made available, and to encourage that availability – without the focus on availability of land. Vice Chair Targ said he agreed with that modification.

Commissioner McKitterick said that he also supports that change, noting for the record that if the Town needs to buy land to meet its affordable-housing needs, we have the power to do so. Vice Chair Targ wanted the record to reflect that the modification to Policy 2F is intended to address the intent of Policy 2C, as we understand it.

In addition to modifying Policy 2F, Commissioners agreed to strike Policy 2C.

Commissioner Von Feldt questioned Policy 3B (*Continue to encourage energy-efficient cluster development*), suggesting the focus be on sustainability and energy efficiency rather than clustering. Ms. Kristiansson, noting

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that clustering minimizes sprawl and the need for driving, reduces the need for additional infrastructure, etc., said she could reword the text.

Bud Eisberg, Wyndham Drive, who served on the Ad Hoc Affordable Housing Committee, said the Committee did a lot of work and he's concerned about seeing the Committee's report go into the dust bin, and would like to find a way to incorporate the Committee's mission statement and overarching criteria from its report, or at least referring to it.

In terms of what the Housing Element requires, Commissioner Hasko asked how free we are articulate in the way we want to. Ms. Kristiansson said the Housing Element is required to have goals and policies, which should relate to the programs, but there's ample leeway within that framework. Chair Gilbert, who said it may be a matter of "borrowed wording," said she'd sit down offline to work with the Committee's report and the 2009 Goals and Policies to see where they might mesh. Commissioner Hasko, who also served on the Committee, offered to work with her.

Ms. Kristiansson said that Chair Gilbert and Commissioner Hasko could bring the document back to the Planning Commission's meeting on May 21, 2014, or even the June 4, 2014 meeting. Commissioner Von Feldt said she had some wording issues that they might address in their review, too. For example, she referred to Policy 3C (*Continue to require native landscaping, which reduces both water and power consumption*). If that policy remains, she said she'd like to see it expanded to include something about providing ecosystem services or habitat – some other element that underlies the desirability of native landscaping.

Commissioner Von Feldt also asked which policy would cover HIP Housing programs such as home-sharing. Ms. Kristiansson said that probably falls under Policy 2B (*Encourage the creation of a diversity of housing options to meet the needs of people in different stages of the life cycle and with different income levels*).

Louis Ebner, Wyndham Drive, stated that the Ad Hoc Affordable Housing Committee report deserves some scrutiny prior to submitting the 2014 Housing Element update draft to the Council. He quoted an example recommendation from the report, "that Town funds should only be used to purchase land or pay for construction of housing after a rigorous open and public process that includes adequate notice, identification of the property and disclosure of the financial viability, and proposed density of the project before entering into a contract." He said that this recommendation, in a nutshell, is the lesson learned from the 900 Portola Road situation.

Mr. Ebner said he's asked the Council to consider a public discussion of the application of the real estate section of the Brown Act because it's too easy to use that as a cover for strategizing real estate transactions, which goes beyond its intention regarding privacy of specific negotiations. He stated that members of the Town Council and at least one member of the Planning Commission strategized about acquiring 900 Portola Road for more than three years without ever specifically contacting the contiguous neighbors about their intentions. He said that's not a transparent process.

When the Council discussed the SDBL ordinance, Mr. Ebner said he reviewed the record to confirm that no density bonus was ever mentioned in the context of 900 Portola Road. With this law, he stated, a development "touted as eight to 10 small cottages could easily have turned into a project three or four times that size." He said that if we are to have a serious discussion and review of the Town's prospects in developing affordable housing, we at least must have an understanding of what the parameters of the project would be, and it's too easy to dismiss uneasiness about density as objections to affordable housing.

Chair Gilbert said Mr. Ebner's comments would be taken into account when she and Commissioner Hasko review the Ad Hoc Affordable Housing Committee's report in light of the Housing Element goals and policies, but she pointed out that he's addressing a specific, detailed incident and this part of the Housing Element deals with high-level goals and policies. She said that to give Mr. Ebner the satisfaction he's seeking would be a much more detailed process than they can hope to do with this document.

(4) REVIEW: Housing Element Annual Report for 2013

Ms. Kristiansson said that each year, the Town is required to submit an Annual Element Progress Report to the California Department of Housing and Community and Development and the Office of Planning and Research. In

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addition, the Housing Element itself requires monitoring three programs – Inclusionary Housing, Multi-Family Housing and Second Units. Because the Planning Commission has discussed the three programs over the past few months, she said Commissioners won't find anything new about them in the documents provided, except for updating the number of second units permitted through March 2014. She said the 2009 Housing Element had projected 34 second units and the Town has permitted 32 during the period.

Some of the fields on the Annual Element Progress Report form don't really apply to Portola Valley, Ms. Kristiansson said, noting that the majority of information about the town's housing programs is in Table C. For each program in our Housing Element, Table C shows the objective, timeframe in the Housing Element, and the status of implementation.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

None.

APPROVAL OF MINUTES

Commissioner Hasko moved to approve the minutes of the April 2, 2014 Regular Planning Commission meeting, as amended. Seconded by Commissioner Von Feldt, the motion carried 4-0-1 (McKitterick abstained).

ADJOURNMENT [8:48 p.m.]

Denise Gilbert, Chair

Karen Kristiansson, Interim Town Planner