



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
765 Portola Road, Portola Valley, CA 94028  
Wednesday, June 4, 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. **Public Hearing – Application for Site Development Permit X9H-669 for 128 Escobar Road, Khatod**
2. **Public Hearing – Application for Variance X7E-136 for House Addition, 20 Russell Avenue, Subramonian**
3. **Public Hearing – Application for Amendment to CUP X7D-167, Professional/Personal Office Uses and Zoning Permits for William Crown and Dr. Sara Gandy, 828 Portola Road, Crown**
4. **Continued Study Session – Full Draft of the 2014 Housing Element**

**Commission, Staff, Committee Reports and Recommendations**

**Approval of Minutes:** May 21, 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 30, 2014

CheyAnne Brown  
Planning Technician

---



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission

**FROM:** Karen Kristiansson, Interim Town Planner  
Carol Borck, Assistant Planner  
Tom Vlastic, Town Planning Consultant

**DATE:** May 30, 2014

**RE:** Agenda for June 4, 2014 Planning Commission Meeting

The following comments provide an overview of the items on the June 4<sup>th</sup> agenda.

### **Public Hearing – Application for Site Development Permit X9H-669 for 128 Escobar Road, Khatod**

This project proposes a new house with attached garage and detached guest house on this 2.5-acre Westridge subdivision parcel, with 2,365 cubic yards of grading as defined under the Town's site development ordinance. Because of the amount of grading, the Planning Commission is the body responsible for action on the site development permit for the project.

The enclosed staff report from Assistant Planner Borck dated June 4, 2014 describes this project and assesses the site development permit request. In particular, the staff report discusses the issue concerning the potential grading impacts to the 18" and 24" oak trees on the eastern downhill side of the new residence that was raised by the Commission at the April 28, 2014 joint field meeting with the ASCC. The staff report also discusses the site development committee review and CEQA compliance, and provides recommended conditions of approval for the Planning Commission's consideration.

### **Public Hearing – Application for Variance X7E-136 for House Addition, 20 Russell Avenue, Subramonian**

The enclosed May 29, 2014 staff report from Interim Town Planner Kristiansson discusses this variance request for a small house addition at this 0.4 acre Woodside Highlands parcel. Because of the existing house and lot configuration, which predate Town incorporation, much of the house and a portion of the addition are located in the required 20' front yard setback, and a variance would be needed for this project. The Planning Commission conducted a preliminary review of the project on May 21, 2014, and the ASCC acted to approve the project with conditions, contingent upon Planning Commission approval of the

variance request, at its May 27, 2014 meeting. The ASCC also recommended approval of the variance.

**Public Hearing – Application for Amendment to CUP X7D-167, Professional/Personal Office Uses and Zoning Permits for William Crown and Dr. Sara Gandy, 828 Portola Road, Crown**

The enclosed May 29, 2014 staff report prepared by Town Planning Consultant Tom Vlastic provides an evaluation of the subject CUP amendment and zoning permit applications. The report includes a proposed action resolution with recommendations for conditional approval of the CUP amendment request, should the commission find after the public hearing that such action is possible. Action on the zoning permits should be considered after the CUP amendment request action is completed. Based on the record of the May 21st planning commission preliminary review of the proposals, the staff report does recommend conditional approval of all three applications. Some additional application clarifications have been provided since the May 21st meeting.

**Continued Study Session, Full Draft of the 2014 Housing Element**

The full draft of the housing element is attached for the Planning Commission to discuss and finalize. The attached May 29, 2014 staff report from Interim Town Planner Kristiansson transmits the draft and highlights areas that are new or that have been edited since the Planning Commission last saw them. After the June 4<sup>th</sup> Planning Commission meeting, staff will incorporate any changes into the draft housing element as appropriate and then forward the element to the Town Council for review at a special meeting on June 18<sup>th</sup>.

KLK  
encl.

cc. Mayor  
Town Council Liaison  
Town Manager  
Town Attorney  
Tom Vlastic, Spangle Associates  
Assistant Planner



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission

**FROM:** Carol Borck, Assistant Planner

**DATE:** June 4, 2014

**RE:** Site Development Permit X9H-669, 128 Escobar Road, Khatod

On June 4, 2014 the planning commission will conduct a public hearing on the subject site development permit application. This report provides a description of the project, background to the review to date and recommendations for action on the site development permit application if the commission finds, after the public hearing, it is prepared to act on the proposal.

This project proposes a new house with attached garage and detached guest house on the 2.5-acre Westridge subdivision property, with 2,365 cubic yards of grading as defined under the Town's site development ordinance. This includes 1,230 cubic yards of cut and 1,135 cubic yards of fill. Overall, 675 cubic yards of earth would be exported from the site. The majority of the cut is required for new driveway construction and landscaping alterations, while a majority of the fill is required for portions of the new house pad and in recontouring the slopes around the new house. As the amount of grading exceeds 1,000 cubic yards, the Planning Commission is the body which, subject to staff and committee review and recommendations, is responsible for acting on the site development permit for the project.

As is described further below, the Planning Commission and ASCC held a joint preliminary project review meeting at the site on April 28, 2014. No specific preliminary comments were offered by the Planning Commissioners who attended the site meeting. Since the 4/28 meeting, the ASCC completed its review of the Architectural Review (AR) application for the project and approved it on May 27 with conditions, contingent on Planning Commission action on the site development permit. The ASCC supports the site development permit subject to the conditions it placed on the AR request.

A revised set of plans as conditionally approved by the ASCC is enclosed in the Planning Commissioners' packets. The plan sheets are listed below, with the sheets that are most relevant for the site development permit consideration highlighted.

Civil Plans, BKF Engineers, 5/16/14:  
Sheet C2.1, Grading and Drainage Plan

Landscape Plan, Blanzscape, 4/15/14:  
Sheet L1, Landscape Plan

Architectural Plans, John Malick & Associates, 5/15/14:

Sheet A101, Site Plan (includes landscape lighting)

Sheet A201, Floor Plans (includes lighting cut sheets and exterior lighting), dated 5/19/14

Sheet A204, Roof Plan & Guest Unit Plans/Elevations

Sheet A301, Exterior Elevations

In addition, the following supplemental materials are provided for the Planning Commission's consideration:

- Transmittal letter from Greg Klein, project architect, dated 5/16/14
- Letter and tree protection guidelines from Kathy Anderson, project arborist, dated 5/14/14

The following comments are offered to assist the Planning Commission in considering the site development permit application.

1. **Previous consideration and ASCC action.** As was noted above, this project has been discussed and considered by the ASCC at the April 28, 2014 joint field meeting with the Planning Commission, and at the April 28, 2014 regular evening meeting of the ASCC, and the May 27, 2014 ASCC meeting. The staff reports from each of those meetings and minutes from the April 28<sup>th</sup> meeting are attached. At its May 27, 2014 meeting, the ASCC conditionally approved the project contingent on Planning Commission approval of the site development permit. The ASCC conditions of approval are attached for reference. The staff report for the May 27<sup>th</sup> ASCC meeting includes the May 19, 2014 letter from the Westridge Architectural Supervising Committee, conditionally approving the revised project as now before the planning commission. It is also noted that a number of the immediate site neighbors have offered statements of support for the project as recorded in the staff reports to the ASCC.

During the preliminary site meeting, the project architect made clarifications regarding the areas of cut and fill within the building footprint and the extent of fill on the eastern slope. Concern was expressed regarding the fill in the area of the oak trees on the downhill side of the master bedroom, as is discussed below, and it was suggested that an arborist report be provided to ensure that the earthwork would not adversely affect the tree. No other questions or significant concerns were raised in regard to the proposed site grading, and no preliminary comments have been offered by those Planning Commissioners in attendance at the site meeting.

2. **Revised grading plans and site development permit committee review.** Concern was raised at the preliminary site meeting over potential grading impacts to the 18" and 24" oaks on the eastern downhill side of the new residence. The site and grading plans have been modified to limit proposed fill to a minimum distance of 15 feet from the existing trees per the recommendations of the project arborist in her attached letter, dated 5/14/14. Earthwork quantities have been updated in response to these adjustments. Proposed fill has been reduced by 170 cubic yards, bringing the total amount of grading for the project to 2,365 cubic yards counted pursuant to site development ordinance standards. Overall, 675 cubic yards of earth will be exported from the site.

The April 28, 2014 staff report summarized the input from committee members, who in general, found the project conditionally acceptable. The Planning Commission will be the authorizing

body for the site development permit for this project, and staff will recommend conformity with the conditions set forth by the site development permit committee members as part of that action.

The April 28, 2014 staff report summarized input from site development committee members who had reviewed the grading plans and, in general, found the project conditionally acceptable, as shown below.

- The Public Works Director has provided standard conditions for site development permit approval as well as requiring the removal of existing plantings within the right of way to ensure proper sight visibility.
  - The Town Geologist, in review of the proposed plans, recommends approval of the site development permit with the condition that a supplemental geotechnical evaluation be conducted and submitted with the building permit plans. This evaluation concerns determining the expansion potential of site soils and making project design recommendations based on the laboratory data.
  - The Fire Marshal's review includes all standard conditions concerning fire code and driveway requirements for conditional approval. No fire truck turnaround is required for the project and fuel management clearing should not be significant
  - Review comments from the Health Officer call for wet weather testing of the site or evaluation by a hydrogeologist to determine the highest level of groundwater in the proposed septic drainfield area. The project architect has informed staff that wet weather testing was successfully completed and that septic design plans are being refined for resubmittal to the County.
3. **CEQA compliance.** This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) of the CEQA Guidelines. This section exempts construction of individual new single-family residences.

## Conclusion

Prior to completing its action, the Planning Commission should consider the above comments and any new information presented at the June 4<sup>th</sup> meeting. If the Planning Commission acts to approve the site development permit, the following conditions would be recommended, as well as any other conditions the Planning Commission may find necessary:

1. All conditions of the May 27, 2014 ASCC approval shall apply.
2. The applicant shall comply with the conditions of the Public Works Director as set forth in his February 28, 2014 memorandum.
3. The applicant shall comply with the conditions of the Town Geologist as forth in his February 26, 2014 letter.
4. The applicant shall comply with the conditions of the Fire Marshal as set forth in her April 7, 2014 review.

5. The applicant shall comply with the conditions of the Health Officer as forth in his February 18, 2014 review.
6. All finish contours shall be blended with the existing site contours to result in a finished slope condition that appears as naturally as is reasonably possible, to the satisfaction of the Public Works Director and Town Planner.

**ASCC Conditions of Approval for the Architectural Review**

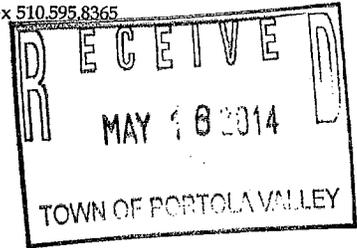
*(contingent upon Planning Commission approval of the Site Development Permit)*

1. Colors and materials for the roof, driveway and site retaining walls, interior courtyard fencing, and paving for the terraces, driveway, and turnaround circle shall be specified (with samples or cut sheets) prior to building permit issuance. Large samples of the materials (stucco/trim/roof tiles) shall be provided at the site at the time of rough framing for review and approval by a designated ASCC member.
2. A final detailed exterior lighting plan shall be submitted with the building permit to the satisfaction of planning staff. The plan shall eliminate one of the proposed wall lights at the spa and the first two lights from the driveway entrance on the northern driveway retaining wall.
3. Switching plans for all exterior and landscape lighting shall be submitted and approved by planning staff prior to building permit issuance.
4. The design of the exterior light fixture shall be subject to review and approval by a designated ASCC member prior to building permit issuance.
5. A final, detailed landscape planting plan shall be submitted and approved by a designated ASCC member prior to building permit issuance. The plan shall include a complete plant key indicating plant species, sizes, and quantities, elimination of the Boston Ivy, eliminating the proposed oaks from the front yard with the exception of one at the location of the existing driveway, and details for the phased removal of the existing oleanders. Additionally, the four proposed California sycamores on the eastern downhill side shall be replaced by four 24" box live oaks.
6. An elevation detail for the proposed "deer fence and gate" will need to be submitted and approved by a designated ASCC member prior to building permit issuance.
7. A final detailed construction staging and tree protection plan shall be submitted and approved by planning staff prior to building permit issuance. The tree protection plan shall include all recommendations of the project arborist as specified in her 5/14/14 letter.

JOHN MALICK & ASSOCIATES

Architecture • Planning

1195 Park Avenue, Suite 102 • Emeryville, California 94608 • Telephone 510.595.8042 • Telex 510.595.8365



May 16, 2014

Carol Borck, Planner  
Town of Portola Valley Planning Department, Portola Valley Town Hall  
765 Portola Road  
Portola Valley, CA 94028

**SUBJECT:** Response Letter for revisions to ASCC submittal for Proposed Residence at 128 Escobar Road

Dear Carol,

Attached is our revised submittal to the ASCC based on comments received at the April 28 meetings. All proposed revisions are outlined below, sheet by sheet:

- 1) **A101 – Site Plan**  
The grading has been modified the grading around the oak trees to the east of the proposed residence in response to Arborist recommendations that the grading modifications stop approximately 15' from the existing trees. We have also noted that the landscape lighting is to be switched separately from the other porch lighting.
- 2) **A201 –Floor Plans**  
The plans have been revised with modifications to the exterior lighting. We show one additional light at the bedroom balcony per the owner's request. We also show more clearly the type of exterior lighting proposed so that it prevents light from spilling beyond the fixture.
- 3) **A204 – Roof plan, Guest unit plans and elevations**  
The roof plan has been revised to show skylights that the owners would like to incorporate into the design. The skylights are noted to incorporate tinted glass or interior blinds to shield light from the night sky.
- 4) **A301 – Exterior Elevations**  
The exterior elevations have been revised to show the revised proposed colors, which are somewhat darker than previously proposed. A separate color exhibit showing the exterior colors is being submitted with the drawings.
- 5) **Landscape Drawing (L-1)**  
The landscape drawing has been modified to show native species planting and trees in the vicinity of Escobar Road.
- 6) **C2.1 Civil Drawing (Grading and Drainage Plan)**  
The grading in the vicinity of the oak trees to the east of the proposed residence has been revised per Arborist recommendations. The earthwork quantities have been updated accordingly.

---

Please feel free to contact me at (510) 595-8042 or [greg@jmalick.com](mailto:greg@jmalick.com) with any questions.

Sincerely,

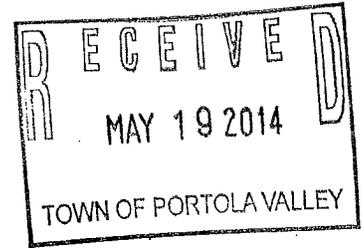
A handwritten signature in black ink, appearing to read "Greg Klein". The signature is fluid and cursive.

Greg Klein  
Principal, John Malick & Associates

Attachments: 3 sets of revised full-size drawings, 10 half size sets, 1 - 8 ½" x 11" size set, (6 sheets per set)  
10 copies of the proposed revised exterior colors (2 sheets each)



**Kathy H. Anderson**  
**925 Valparaiso Avenue**  
**Menlo Park, CA 94025**  
**(650) 862-4208**



May 14, 2014

Ms. Anu Khatod  
128 Escobar Road  
Portola Valley, CA 94028

Dear Ms. Khatod:

At your request, I have reviewed the site plan for your project prepared by Greg Klein of John Malick and Associates, to determine potential impacts to the 16" and 24" diameter multi-trunk Oak tree by proposed grade changes. I recommend that the proposed grading within the dripline of the tree be modified so that any grade changes on the uphill side of the tree occur beyond 15' from the face of the trunk of the tree.

Tree protection fencing should be installed at the perimeter of the dripline or at 15' from the trunk. Should construction encroach into the dripline, the fencing should be placed as close to the limit of construction as practical while maintaining a minimum of 10'. The same protective measures should be taken for the 16" diameter oak also within the limits of the proposed grading.

Protective tree fencing will serve to protect trunks, roots and branches from mechanical injuries, will prevent stockpiling of construction materials or debris within the sensitive dripline areas and will prevent soil compaction from increased vehicular traffic. A materials storage site should be selected in an area beyond conflict with tree canopies. No vehicle or equipment parking shall be allowed within the dripline of protected trees.

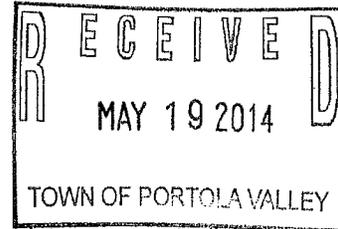
I have attached standard tree preservation guidelines, including details for the tree protection fencing. It is imperative that the fencing be installed prior to any construction activity and maintained during the course of the project.

Thank you for the opportunity to assist you in your tree protection endeavors. Please feel free to call me if I can be of further assistance.

Sincerely,

Kathy H. Anderson  
Certified Arborist, WC-1048

## Tree Protection Guidelines



Protection of Heritage Trees during demolition and construction is mandatory as part of the construction process per the Town of Portola Valley Tree Protection Regulations. Typical negative impacts that may occur during construction may include mechanical injury to toots, branches or trunk, compaction of soil, and grade changes. The following Tree Protection Guidelines are intended to guide a construction project to insure that appropriates practices will be implemented to eliminate or mitigate undesirable consequences that may result from construction activities. The following recommendations are required prior to the issuance of demolition or building permit issuance.

1. Protective tree fencing shall be erected to establish the Tree Protection Zone (TPZ) in which no soil disturbance is permitted and activities are restricted. These barricades will protect trunks and branches from mechanical injuries, will prevent stockpiling of construction materials or debris within the sensitive dripline (margin of the tree's foliage canopy) and will prevent soil compaction from vehicular traffic.
  - a. All trees to be preserved shall be protected with a minimum 4' high chain link fence or orange plastic construction fence barrier, installed at the dripline and mounted on 6' angle T-posts driven at least 12" into the ground. The preferred material is chain link fencing, as it is not as likely to be removed during the course of the construction.
  - b. Tree fencing shall be erected before any demolition, grading or construction begins and shall remain in place until the Planning Director approves the removal. A "Warning" sign shall be prominently displayed on each fence. Important absorbing roots may be found 50% further from the tree trunk than the radius of the canopy. It is advisable to protect root mass area beyond the dripline when possible. No parking or vehicle traffic may occur over any root zones unless using root buffers approved by the project arborist. No attachment of signs or other construction apparatus to trees or protective fences is allowed. Pruning to remove deadwood is recommended prior to construction activities.
  - c. If construction is not expected to take place near the margins of a property, the trees which will be away from any construction should be fenced off as a unit to prevent any equipment travel into the areas not a part of the construction.
  - d. All contractors, sub-contractors and their employees shall be informed of the tree protection plans, tree protection zones and their barriers and all applicable rules pertaining to them.
  - e. All neighbor's trees that overhang the project site and trees in the right-of-way shall be protected from impact of any kind.
2. A materials storage site should be selected in an area beyond conflict with preserved tree canopies and that area be fenced to allow its use during construction, but that the areas beyond that area, which are not necessary for construction activity, be prohibited to

equipment activity. No stockpiling of excess soil allowed under the dripline of trees to be preserved.

3. Wherever it is unavoidable to allow construction travel beneath a portion of a tree canopy, a 6-8" layer of mulch, or plywood should be laid over the soil surface to reduce the risk of soil compaction. Clean out of trucks, tools or other equipment is not allowed within any trees' TPZ. A slurry box shall be constructed for the collection of concrete, mortar or other toxic materials and the location shall be determined by the project arborist.
4. I recommend that all trenches for sewer, power, water and cable be located on the development plans to avoid trenching between the canopies of trees being preserved.
  - a. Trenching operations should not encroach closer than four times the trunk diameter (a 20" diameter tree X 4=80" distance). At this distance, the anchoring/buttruss roots would be preserved and a minimal amount of functional root area would be impacted.
  - b. If trenching should become necessary within this area, hand digging and/or tunneling beneath the root is mandatory. Any root severing in this area should be done only after inspection by a qualified arborist. No roots over 1" diameter shall be severed without project arborist approval.
  - c. If trees are located near foundations, be sure pier and grade beam foundations are used, and that beams are poured on top of the existing grade. No grade changes should be planned beneath the tree canopies.
5. During and upon completion of a any trenching/grading operation within a tree's dripline should any roots greater than 1" in diameter be damaged, broken or severed, timely root pruning to include flush cutting and sealing of exposed roots should be undertaken under the supervision of a qualified arborist within 24 hours to minimize root deterioration beyond the soil line.
  - a. Roots should be cut cleanly by pruning shears or hand saw and the stub end covered with a plastic sandwich bag tied on with tape or rubber bands. This will allow initiation of new root growth for the cut end.
  - b. Any site utilities shall be placed so as not to infringe on the TPZ of trees to be retained. Trenches for utilities (electric, gas, sewer, water) must not intrude the TPZ or be routed to sever only a minimum of tree roots. Infringement on any tree's TPZ requires project arborist consultation.
6. A fertilization program by means of deep root soil injection is recommended with and/or environmental factors, encourage vigor, alleviate soil compaction and compensate for any encroachment of feeding root areas. Initiation of the fertilization program is recommended prior to construction activity.
  - a. Using Greenbelt 22-14-14 fertilizer or equivalent at 4 pounds per 100 gallons of water

to apply at least 10 gallons of mixture per 1" of trunk diameter (a 20" tree requires 200 gallons of mixture).

7. A program of supplemental irrigation is recommended for any Redwoods and other non-drought tolerant species to be impacted by construction. Exclude Oak species from irrigation program.
  - a. Irrigation applications should be accomplished at regular 4 week intervals during the dry period of May 1st to October 31st.
  - b. Irrigation is to be applied at or about the dripline in an amount sufficient to supply approximately 20 gallons of water per each inch of trunk diameter.
  - c. Irrigation can be provided by means of a solid needle, soaker or permeable hose. Water is to be run at low pressure to avoid runoff, allowing the water to penetrate the soil to feeder root depths.
8. Pruning of the foliar canopies to include removal of dead wood is recommended and should be initiated prior to construction operations. Pruning will provide any necessary construction clearance, will lessen the potential for limb breakage, reduce "windsail", and help to increase vigor.
9. Periodic inspections by a qualified arborist are recommended during construction activities, particularly trees impacted by trenching/grading operations. Inspections at 4 week intervals should be sufficient to assess and monitor the effectiveness of the Tree Preservation Plan and to provide recommendations for additional care or treatment. The project arborist shall through job site visitations monitor and implement the recommendations of the Tree Protection Plan. Any non compliance shall be reported to the Town of Portola Valley by the project arborist.
10. Future landscaping considerations should incorporate measures for protection of preserved Native Oaks. Altered grades and topsoil removal may cause major damage. The elimination of irrigation systems and non-impervious surfaces within close proximity to the mature Oak trees will aid in preserving the trees. Final landscape plan should include plant species appropriate for planting under native Oaks where applicable.

WESTRIDGE ARCHITECTURAL SUPERVISING COMMITTEE  
3130 Alpine Rd. # 288 PMB 164 Portola Valley CA 94028

Rusty Day, Chairman; Walli Finch, Treasurer; Bev Lipman, Secretary;  
George Andreini, Trails; and David Strohm

The Committee may be reached by mail at the above address or through:  
Bev Lipman 854-9199 [bevlipman@sbcglobal.net](mailto:bevlipman@sbcglobal.net) or Walli Finch 854-2274

May 19, 2014

Ravi and Anu Khatod  
128 Escobar Road  
Portola Valley CA 94028

Re: New Residence, 128 Escobar Road

Dear Ravi and Anu,

The Committee has reviewed the minutes of your April 28 meetings with the Town as well as the comments of various neighbors submitted to the Town.

As we have previously advised, the Committee unanimously believes that the scale and massing of your proposed project are not sufficiently sensitive to the topography of the site, and that the construction of a driveway loop on the hillside in front of the house exacerbates the downslope impacts of your design. Given the average slope of the property (31%) and the scale of the proposed project (over 96% of allowable square footage), we believe it is especially important to respect the natural topography of the slope by setting as much of the structures as possible within the existing hillside.

At the same time, we respect your desire to build a new home and appreciate the limited choices and difficult challenges that your property creates. We also appreciate the changes you have made to address some of our concerns and are mindful that the two, immediate neighbors facing your hillside either support or do not oppose your proposed project.

Accordingly, subject to the following, the Committee conditionally approves your currently proposed design:

1. Please clarify whether the Woodside Fire District has approved the proposed site plan, whether it requires a fire truck turnaround for the residence and, if so, how this will impact the site layout and design.
2. Please provide us with a copy of the supplemental geotechnical evaluation to be submitted to the Town, as well as the Town's environmental assessment of the site plan.
3. At least 4 relatively mature oaks (48" box or greater) or similar native trees should be installed downhill from the structures to help screen the exposed

structures from the valley and opposing ridgeline. While the preliminary landscape plan you provided appears to show four new screening trees close to the foot of the residence, it does not specify the types of trees you are proposing or their respective sizes. In any event, in addition to the trees you are proposing, we believe that additional oaks or similar native trees further down the hill should also be installed.

4. The colors of materials and surfaces for the roof and exterior finishes should be muted and darkened to downplay the scale and verticality of the proposed structures.
5. Please clarify which of the two estimated numbers for exported soils shown on drawing C2.1 is your actual calculation for soils export from the site.
6. Please provide a construction staging plan that shows where and how construction vehicles will access the site and park, as well as your proposed start and completion dates for the project. In general, heavy equipment or dirt haul vehicles should access the site via Westridge Drive from Portola Road, not Alpine Road.

We wish you the best of luck in constructing your new residence and look forward to working with you to complete the approval process.

Sincerely,

Rusty Day, Chairman

Cc: Carol Borck, Town of Portola Valley  
Tom Vlastic, Town Planner  
Gary Klein, Architect  
Bev Lipman, Secretary, WASC



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** ASCC

**FROM:** Carol Borck, Assistant Planner

**DATE:** April 28, 2014

**RE:** Preliminary Architectural Review for New Residence, Detached Guest House, and Site Development Permit X9H-669, 128 Escobar Road, Khatod

The Planning Commission and ASCC will hold a joint site meeting for preliminary review of this project starting at 4:30 p.m. on Monday, April 28. The preliminary ASCC architectural review will continue at its regular evening 4/28 meeting. In light of the fact that additional interaction is anticipated with the Westridge HOA on this project, the Planning Commission should offer preliminary comments at the field meeting or in writing to staff following the meeting. Preliminary comments from the ASCC and Planning Commission will then be provided to the applicant for consideration during their interactions with the HOA and as they develop plan revisions and/or clarifications. The ASCC's project review would then be continued to the special May 27<sup>th</sup> ASCC meeting, at which time action may be considered for the project.

This preliminary consideration is of plans for residential redevelopment of the subject 2.5-acre Westridge subdivision property. As is discussed below, this project includes over 1,000 cubic yards of grading, and the Planning Commission is the approving body for the requested site development (i.e., grading) permit. The ASCC is responsible for the overall site design and architectural proposals (i.e., the Architectural Review application) and any final ASCC actions and/or recommendations would be considered by the planning commission, along with other Town staff and committee input, during a formal public hearing on the site development permit application.

The following report was prepared to support the preliminary reviews of both the Planning Commission and the ASCC, and therefore addresses both grading and the overall design elements of the proposal.

**Overview of Current plans.** The property is located within the Westridge subdivision area that is subject to the CC&Rs of the Westridge Homeowner's Association (HOA), and the parcel location and general area conditions are shown on the attached vicinity map. The project proposes demolition of the existing home, attached garage, and detached studio and related development, and construction of a two-story with multi-level main floor residence with small basement, detached garage, detached guest house and new driveway entrance and site access. Existing improvements have a total floor area of 2,138 sf. The proposed project has a total floor area of 6,801 sf.

The enclosed plans incorporate a number of design changes that have already been made to address concerns expressed by the HOA and feedback from Planning staff. Specifically, the proposal has been modified to break up the downhill massing of the home by creating a master bedroom wing off the southern end of the family room. Extending the master bedroom space southward creates a private garden space between the home's two wings. Modifications to the proposed guest house were made to eliminate open crawl space within rear arch features and reduce the structure's height by two feet. Adjustments to the grading plan have also been made in order for the project to conform to zoning height limits. For reference, the original site plan configuration is shown on the septic system design site plan, Sheet A101.

The project proposes a floor area of 5,921 sf in the main structures, which is just under the 85% limit of 5,988 sf, and therefore, no special ASCC floor area findings need to be made. The total proposed floor area for the site, including the 750 sf guest house, is 6,801 sf, or 96.5% of the total floor area allowed for the property.

Story poles have been installed to facilitate the field evaluation. Red tape has been used to mark ridgelines and plate heights. The outline of the home has been marked in paint, and the new driveway has been staked.

The plans call for 2,535 cubic yards of grading counted pursuant to site development ordinance standards. This includes 1,230 cubic yards of cut and 1,305 cubic yards of fill. Overall, 505 cubic yards of earth will be exported from the site.

The project is shown on the following enclosed plans:

Civil Plans, BKF Engineers, 2/10/14:  
Sheet C2.1, Grading and Drainage Plan

Survey Plan, BGT Land Surveying, 9/13:  
Sheet 1 of 1, Boundary and Topographic Survey

Septic System Design Plan, Christopher Day, 8/22/13:  
Sheet A101, Site Plan (Septic Design Plan)

Landscape Plans, blanzscape, 2/10/14:  
Sheet L1, Preliminary Landscape Plan

Architectural Plans, John Malick & Associates, 2/10/14:  
Sheet A101, Septic System Design Site Plan (marked for septic system location  
ONLY – this is not the proposed house development plan)  
Sheet A101, Proposed Site Plan  
Sheet A102, Staking Plan  
Sheet A201, Floor Plans  
Sheet A204, Roof Plan & Guest Unit Plan/Elevations  
Sheet A301, Exterior Elevations

Colored Architectural Representations, John Malick & Associates, received 4/24/14

In support of the plans, the applicant has provided the following materials that are attached unless otherwise noted:

- Outdoor Water Use Efficiency Checklist, 2/11/14
- Cut sheets for the proposed exterior and landscape lighting received 11/25/13
- Colors and materials board, received 11/25/13, (to be presented at the 4/28/14 meeting and discussed below)
- Build It Green Checklist, received 11/25/13, with 203 points proposed
- Letter from Westridge HOA, dated 12/8/13
- Letter from Westridge HOA, dated 1/12/14
- Letter from Westridge HOA, dated 4/14/14
- Letter from Alfred Sanguineitti, 111 Escobar Road, dated 4/2/14
- Letter from Kathryn Fitzgerald, 15 Dos Loma Vista Lane, dated 4/8/14
- Email from applicant, Anu Khatod, dated 4/10/14
- Letter from Brenda Munks, 737 Westridge Drive, dated 4/15/14
- Letter from Elizabeth Gillbrand, 190 Escobar Road, dated 4/16/14

**Background/existing conditions and project description.** The moderately to steeply sloping property is located on the east side of Escobar Road one parcel north of the intersection with Westridge Drive. It is accessed by a relatively steeply sloping asphalt driveway that descends from Escobar at elevation 576 to the building site at elevation approximately 562, and is lined by stacked rock retaining walls. The existing house is at the 50 foot front setback line, and the proposed house would be located further into the property to accommodate desired access and turnaround space between the new house site and the slope between Escobar and the house entry.

The site currently contains a ranch style residence with attached garage and a detached art studio as shown on the existing topographic survey, Sheet 1 of 1. The established building site is on a graded pad located on the southwest side of the property. Ground elevations on Escobar Road along the property frontage range from 566 to 580, and the existing building finished floor is roughly 12 feet lower than the elevation of the road as measured at the existing driveway entrance (576). A majority of the site has been left in a natural condition with oak trees spread throughout the site; there is little formal landscaping.

The eastern half of the property is steeply sloped oak woodland. The flow of drainage across the site is sheet flow to the east, with water runoff directed to the natural swale at the base of the property. This swale collects water from this site and surrounding properties including those along Dos Loma Vista and directs the water to the north. Much of the southeastern area of the property is designated as "Ms" moving shallow landslides, commonly less than ten feet in thickness, on the Town's Geologic Movement Potential Map and would not be permitted for development. Much of the northern half of the property is designated as "Ps" unstable, unconsolidated material, commonly less than ten feet in thickness, subject to shallow landsliding, slumping, and soil creep. Development in Ps zones on a property of this size is permitted when the proposal is reviewed and found acceptable by the Town Geologist. The most geologically suitable site on the property for development is in the southwest corner, where the existing, and much of the proposed, development is located. The location of the proposed septic system leach fields (Sheet A101) is also constrained by geology, steep slopes, location of the proposed home, and the existing trees. In summary, due to geology and slopes, the building site is largely limited to the area proposed for development.

The project includes construction of a predominantly two-story 5,521 sf Mediterranean style home with a small basement, a detached two-car garage, a detached 750 sf guest house, and new

driveway. The proposed basement comprises an area of less than 400 sf, meets the definition of a basement as regulated by the zoning ordinance, and is exempt from floor area limits. Proposed house floor plans on Sheet A201 identify an upper, main, and lower level; however, the maximum number of stories at any location in the structure is two. The front elevation of the new home is proposed to be situated between 14 and 30 feet further back into the site in relation to the location of the front elevation of the existing residence.

The proposed residence is designed in somewhat of an angular "U" shape that serves to break up the apparent massing of the structure. Initially submitted project plans presented a house design that included more massing at the eastern end of the main level, with the master suite located at the eastern end of the family room. The current design pulls this area of the home further into the building site by placing the master suite on the southern end of the family room, reducing the linear projection of the structure down the hillside. Illustrations of this change are indicated by dashed lines on the north and south elevations on Sheet A301. The proposed design includes hipped roof forms with 4:12 pitch over the main level and 3:12 pitch over the upper level. Window shutters and wood panels provide some interest and variation to the elevations.

The finished floor of the main level of the new residence varies from approximately 553 at the master suite to 557.5 at the guest bedroom adjacent to the entry. This is accomplished with as much as six and a half feet of cut at the garage and as much as nine feet of fill at the master suite. The new home's main level finished floor will be approximately six and a half to 11 feet lower in elevation than the existing home.

Roof ridge heights vary over the structure, and help to provide some relief relative to the potential for visual massing. The highest roof ridge is over the second floor level at elevation 578, or six feet above the street level at the proposed new driveway entrance (572). In comparison, the roof ridge over the new garage is at 571.5, and the ridges over the rear portion of the house vary from 567 to 569. Large areas of terraces are proposed on the northern end of the home, including approximately 755 sf of roof terrace accessed from the upper level. This roof terrace would be at an elevation of 565.5.

The existing detached studio would be removed and the existing driveway demolished and the area landscaped. The new driveway access would be located just north of the existing access. Contours would be graded and fill used to moderate the downward slope into the property. No trees would be removed with this work other than a grouping of shrubs/oak "bushes" located nearer to the property line. In the area where the new driveway approaches the proposed garage, cuts would be as deep as approximately six feet. Contours to the west of the driveway would be adjusted to smooth the slope to a maximum of 2:1 as it approaches the street.

The driveway surface would be asphalt or concrete. Retaining walls required for driveway construction would have a maximum height of four feet within the 50-foot front setback and five feet beyond the setback. A decomposed granite (DG) pedestrian path would lead up from the new driveway to the front property line just south of where the existing driveway access is located. A brick or stone-surfaced turnaround circle with water feature is proposed in front of the house entry and would provide space for two guest parking spaces. The third required guest parking space would be accommodated by a turnout area in front of the proposed guest house. While the circular turnaround provides required guest parking on this constrained site, it is a more formal feature and consideration should be given to reducing its prominence. Town Design Guidelines support the keeping of the rural character of the Town, and elimination of the water feature or substitution with planting may be options to blend the circle more effectively with the site.

The site is primarily visible from the parcel's Escobar Road street frontage and from neighbors to the east on Dos Loma Vista Lane. There is no development on the neighboring property to the north, and established vegetation provides screening between the subject property and neighboring property to the south. The proposed development does not obstruct any views of neighboring properties. A letter, dated 4/8/14, from the neighbor at 15 Dos Loma Vista is attached expressing her support for the project, and while this neighbor states she has no concern over potential light spill from the proposed residence, it is an important consideration of the project. Staff understands that the applicants have also shared their plans with neighbors at 25 Dos Loma Vista and that concerns were limited to potential light spill (email from applicant dated 4/10/14). While proposed fenestration on the eastern elevation appears typical for the areas of use, the project team should provide details of interior lighting schemes and how exterior light spill will be minimized.

Although the earlier design for the project included more massing at the eastern end of the home, staff still has concerns over the visual presence of the project resulting from the scale and massing of the east elevation. While the proposal complies with all height, floor area, and setback requirements, and incorporates varied rooflines and offset facades which help to break up the apparent massing, we wonder if any further reductions in the height of the structure can be accomplished. This would provide some additional relief to the visual presence of the east elevation. Additionally, the projection of the roof terrace element could be visually softened with the use of horizontal elements, such as wood beams, so that it blends more effectively with the site. The ASCC will need to consider these potential visual massing issues, and the site meeting will provide an important opportunity to understand the site conditions and constraints and the changes that would result from the proposal.

**Westridge Architectural Supervising Committee (HOA) review.** The Westridge HOA has reviewed both the initial project submittal and the current proposed plans (letters dated 12/8/13, 1/12/14, and 4/14/14 attached). The HOA states that they appreciate the modifications that were made to reduce the linear projection of the main living structure from the hillside by moving the master suite to the southern side of the family room. However, the HOA continues to express their concern with the apparent massing of the design when viewing the eastern elevation (reference to a "three-story presentation" in the HOA letter dated 1/12/14). The HOA also noted their preference for a color palette that will allow the structures to blend into the natural site conditions and requests a detailed construction staging plan with project schedule. Other concerns focus on the scope of grading and off-haul of graded materials.

For perspective, the HOA review at this point does not suggest an approval is close at hand. As stated in the past, the Town does not enforce the Westridge CC&Rs, nor can it condition Town approval on HOA approval. At the same time, the Town has consistently sought to allow sufficient, reasonable time for any differences to be worked out between a Westridge resident and the HOA before the Town takes final action. Discussion during the preliminary review process may help to focus the time that appears necessary for the HOA to reach a final position on the project.

**Grading and Site Development Committee review.** Recontouring of the downhill side of the home to a maximum 2:1 slope is proposed to be accomplished with the placement of fill (from excavated spoils) as deep as eight feet at the master bedroom. This fill serves to bring the proposal into compliance with the Town's maximum building height limit of 34 feet, which is measured from the lowest point of building contact with finished grade to the highest ridge point of the structure. The challenges of designing the two-story home on the existing slope while

complying with Town height regulations are best illustrated by the building elevations on Sheet A301.

Grading and fill is limited to the area west of the proposed septic leach fields as grading is not permitted by County Environmental Health in the septic field zone. Slopes adjacent to the septic field may not exceed 50%; otherwise, a 50-foot setback would be required. The location of the proposed septic system leach fields is constrained by existing slopes exceeding 50% in the eastern area of the property, unstable geology, as mentioned above, existing trees, and the location of the proposed buildings.

To date, written comments have been received from the Public Works Director (attached report dated 2/28/14), Town Geologist (attached reports dated 1/6/14, 2/14/14, and 2/26/14), Fire Marshal (attached reports dated 12/9/13 and 4/7/14), Health Officer (attached reports dated 12/9/13 and 2/18/14) and Conservation Committee (attached report dated 2/26/14). There is no trail easement on the property, and no comments have been received from the trails committee.

- The Public Works Director has provided standard conditions for site development permit approval as well as requiring the removal of existing plantings within the right of way to ensure proper sight visibility.
- The Town Geologist, in review of the proposed plans, recommends approval of the site development permit with the condition that a supplemental geotechnical evaluation be conducted and submitted with the building permit plans. This evaluation concerns determining the expansion potential of site soils and making project design recommendations based on the laboratory data.
- The Fire Marshal's review includes all standard conditions concerning fire code and driveway requirements for conditional approval. No fire truck turnaround is required for the project and fuel management clearing should not be significant
- Review comments from the Health Officer call for wet weather testing of the site or evaluation by a hydrogeologist to determine the highest level of groundwater in the proposed septic drainfield area. The project architect has informed staff that wet weather testing was successfully completed and that septic design plans are being refined for resubmittal to the County.
- The Conservation Committee appreciates the large areas left natural on site and the absence of any proposed turf.

In general, none of the site development committee reviews raise significant issues.

**Compliance with floor area (FA), impervious surface area (IS), height and yard setback limits.** The total proposed floor area, including the detached guest house, is 6,801 sf and under the 7,045 sf FA limit for the property. The proposed floor area of the main house, including the 400 sf of the detached garage, is 5,921 sf and just under the 5,988 sf 85% limit.

The total proposed impervious surface (IS) area is 7,893 sf and well under the 11,473 sf IS limit. The bulk of site IS area is for the driveway, auto court, and terraces.

The building elevation sheet A301 for the main residence demonstrates conformity to the 28- and 34-foot height limit standards, with the maximum height of the building reaching the 34 foot limit. The guest house, shown on Sheet A204, reaches a maximum height of 24 feet on the north elevation where it extends out over the downhill slope and will need to be approved by the ASCC. The maximum permitted height of a guest house under Town regulations is 18 feet unless approved by the ASCC.

Compliance with required yard setbacks is demonstrated on Sheet A101. The proposed house is set back an additional 20 to 27 feet into the site from the required 50-foot front setback.

**Second unit design and compliance with Town regulations and the accessory structures provisions.** The proposed guest house would be situated northwest of the new residence with access immediately off of the new driveway. Proposed finished floor elevation of the structure is 561 and level with the proposed driveway. The guest house is designed so that the occupants (applicant's parents) will not be required to use stairs to access the building. This design draws the structure out over the hillside rather than having it tucked down into the contours, which gives it more visual presence when viewed from the street. Town design guidelines support the integration of structures with the natural topography of the site, and staff has encouraged the project team to continue working to develop a design solution that would both comply with Town guidelines and accomplish the applicants' access goals.

The Towns' Accessory Structures Policy is attached. The floor area limit for a guest house is 750 sf, and the policy statement provides clarity as to what is considered a guest house. The 750 sf guest house has been designed as a second unit and to match the character of the proposed new residence. The structure would be served by the new driveway, and the required additional parking space for the guest house would be located in a pull-out immediately in front of the structure.

Town zoning regulations require guest houses to be 18 feet in height or lower over adjacent grade with a maximum height of 24 feet, low point of contact with finished grade to the highest ridge, unless additional height is found acceptable and approved by the ASCC. The guest house is proposed to be as high as 24 feet relative to adjacent existing grade and therefore exceeds the 18 foot height limit. Thus, the ASCC will need to review this request for a higher structure. Given the concerns noted above, it may be difficult to find a basis for the added height, but this should be discussed in detail with the project applicants and architect during the preliminary review process.

Outside of the special height consideration, the proposed structure is accessory to the main house, and based on the guest unit design and site plan, the structure location and architecture appear to be consistent with Town zoning standards as well as Town policies for accessory structures. This assumes that final design details, materials and colors are found by the ASCC to blend well with the more native site conditions and to adhere to Town light reflectivity standards.

**Project design and exterior materials.** The architecture for the proposed house is of a Mediterranean style that incorporates the use of shutters and wood panels to provide interest to the elevations as well as varying ridge heights, hipped roof forms, and a non-linear footprint to break up the mass of the structure.

In staff discussions with the project applicants and architect, we have expressed concern over the scope and scale of the north side upper level terrace, how it potentially adds to the mass of the project, and the architectural detailing associated with it. We have encouraged consideration of adjustments to ensure that final design maintains a residential scale and character. The ASCC

should consider this along with the concerns noted in the transmittals from the Westridge Architectural Supervising Committee in developing preliminary comments on this project.

The proposed finish treatments for the house and guest house meet Town reflectivity guidelines and include:

- Cement plaster siding in "Clay" finish (light muddy tone) with a light reflectivity value (LRV) of 40%
- Cement plaster for window and door surround in "Santa Fe" (sand with a subtle peach tone), LRV 50%
- Aluminum clad windows/doors in dark bronze, LRV less than 20%
- Shutters in "Spanish olive", LRV approximately 45%
- Bronze painted steel railings for stairs and balconies
- "Two-piece" Roman pan clay tile roofing in "Café Gold Flash Sandcast" and "Moss Green Flash Sandcast", LRV 20%

The submitted color board will be available at the field meeting, and the ASCC will need to consider the proposed colors and design in relation to site conditions. While the proposed plaster colors' manufacturer's specifications indicate that the colors meet the Town's reflectivity requirements, they appear 5% - 10% lighter when compared to the Town's color wheel. Given the size and style of the proposed house, consideration should be given to darker or muddier plaster colors that will allow the home to blend more into the site.

Project elements that will need to be specified and/or color/material samples provided include the brown stain or paint for wood panels, the trellis between the house and garage, fencing/trellis/gate at interior courtyard, driveway and site retaining walls, and paving for the terraces, driveway, and turnaround circle.

**Landscaping, fencing, and construction staging.** The proposed landscape plan Sheet L1 is preliminary and does not include a detailed plant key with sizes, numbers, and identification symbols. A preliminary plant list is provided and does not include any sod lawn, but does include Boston Ivy, an invasive that should be eliminated from the proposal. There are four screening trees proposed for the eastern elevation; however, the specific trees (and all proposed plants) and sizes need to be specified in a final, detailed planting plan. Proposed landscaping and planting is, in general, kept close to the proposed house with the majority of the site remaining in the native oak savannah. The Conservation Committee, in their attached report, makes recommendations for preserving and enhancing the undisturbed areas of the site. Control of invasives within the site's disturbed areas is also a concern.

The project proposes the removal of a six-inch and a 12-inch oak as indicated on Sheet A101. The six-inch oak must be removed with construction of the septic system, and the 12-inch oak lies very close to the master bedroom wing. There is also a clumping of shrubs/oak bushes that will be removed with the development of the new driveway. The existing chicken coop in the rear yard is proposed to remain. Decomposed granite paths are proposed from the home's terrace downslope to access the chicken coop and a small gathering area at the 24" oak.

There is existing four to five-foot high wood and wire fencing along the side property lines, and it is proposed to remain. This fencing is not in compliance with Town regulations which permit only four foot high horse fencing to be located within setbacks in this 2.5-acre zoning district. The ASCC will want to consider if the existing fencing should be removed and/or brought into compliance with the

fence ordinance. Fencing around the existing front yard garden will be removed with the project. The only new proposed fencing is noted on the site plan as "deer fence with gate" that would enclose the interior courtyard of the home. An elevation detail with colors and materials for this fence and gate will need to be submitted.

Escobar Road is a narrow street with limited opportunities for off-site parking. A detailed construction staging and tree protection plan will need to be submitted that includes proposed locations for on- and off-site parking and/or shuttling.

**Exterior lighting.** The proposed exterior lighting for the main residence is shown on Sheet A201 and cut sheets are attached. The proposed sconces have a black rust finish, accommodate one 75-watt max bulb, and have seeded glass. The building code requires that any door leading to grade have one light, and the plans reflect this requirement. This is of particular importance on the home's eastern elevation facing neighbors on Dos Loma Vista Lane so that potential off-site exterior lighting impacts are kept minimal. There is one proposed light at the upper terrace for the art studio (front elevation), however, that is not required by code and could be eliminated.

Regarding the sconce fixture glass, although it is seeded, cut sheets appear to indicate that the source of light will still be visible. In order to comply with the lighting guidelines, the glass should be frosted or acid washed so that the bulb will not be visible. The dark bronze, eye-lid style step/wall lights for the home's exterior stairs will accommodate up to a 50-watt bulb and appear in compliance with Town lighting guidelines. Proposed guest house lighting is identified on Sheet A204. One sconce is proposed at the entry as required by building code, and one is proposed at the rear balcony where it is not required by code.

Proposed landscape lighting is presented on Sheet A101 and includes step/wall lights and pathlights. The proposed pathlights have a copper finish, accommodate a 10-watt bulb, and appear located in compliance with lighting guidelines. There are only three proposed pathlights in the rear yard facing neighbors on Dos Loma Vista. Other pathlights are strategically placed along side and front yard paths. Nine wall lights are proposed on the driveway retaining walls, with most facing into the site. While the proposed fixture conforms to Town guidelines, the Town typically discourages lighting along driveways.

**"Sustainability" aspects of project.** As noted above, a Build It Green checklist has been completed for the new house project and the total targeted BIG points is 203, whereas 168 points would be required under the Town's previous Green Building Ordinance. As you are aware, the Town's Green Building Ordinance is in flux, and as of January 1, 2014, the Town began enforcing the CalGreen 2013 code. Staff will be working with the Town Council to determine if a new green building ordinance should be developed.

**Conclusion.** The Planning Commission and ASCC should conduct the 4/28/14 preliminary review, including the site visit, and offer comments, reactions and directions to assist the applicant and project architect in making any plan adjustments or clarifications that members conclude are needed before both commissions consider any formal actions on the applications. Project review should then be continued to the special May 27, 2014 ASCC meeting to allow adequate time for the revised plans to be developed in response to ASCC direction.

**Architectural and Site Control Commission April 28, 2014  
**Special Joint ASCC/Planning Commission Site Meeting, 128 Escobar Road,  
Preliminary Architectural Review for New Residence with Detached Guest House and  
Related Site Improvements, and Site Development Permit X9H-669****

Chair Koch called the special site meeting to order at 4:30 p.m. at 128 Escobar Road.

**Roll Call:**

ASCC: Breen, Clark, Harrell, Koch, Ross  
ASCC absent: None  
Planning Commission: Gilbert, Hasko  
Planning Commission absent: Targ, Von Feldt  
Town Council Liaison: None  
Planning Commission Liaison: McKitterick  
Town Staff: Town Planner Vlastic, Deputy Town Planner Kristiansson, Assistant  
Planner Borck

**Others present relative to the proposal for 128 Escobar Road:**

Anu and Ravi Khatod, applicants  
Greg Klein, project architect  
Kathy Fitzgerald, 15 Dos Loma Vista  
\*Others may have been present during the course of the site meeting but did not  
formally identify themselves for the record.

Borck presented the April 28, 2014 staff report on this preliminary review of the proposed new residence and site improvements. She noted the modifications that had been made from the original proposal in response to feedback from the Westridge HOA and Planning staff, although the HOA had not yet approved the project. Borck stated that the proposal met all setback and height limits as well as the 85% floor area concentration in the main structure. Additionally, she advised that the plans had been reviewed by all site development committee members and no significant issues had been raised.

ASCC and Planning Commission members considered the staff report and the following plans:

Civil Plans, BKF Engineers, 2/10/14:  
Sheet C2.1, Grading and Drainage Plan

Survey Plan, BGT Land Surveying, 9/13:  
Sheet 1 of 1, Boundary and Topographic Survey

Septic System Design Plan, Christopher Day, 8/22/13:  
Sheet A101, Site Plan (Septic Design Plan)

Landscape Plans, blanzscape, 2/10/14:  
Sheet L1, Preliminary Landscape Plan

Architectural Plans, John Malick & Associates, 2/10/14:  
Sheet A101, Septic System Design Site Plan (marked for septic system location  
ONLY – this is not the proposed house development plan)  
Sheet A101, Proposed Site Plan

Sheet A102, Staking Plan  
Sheet A201, Floor Plans  
Sheet A204, Roof Plan & Guest Unit Plan/Elevations  
Sheet A301, Exterior Elevations

Also available for reference were the following materials submitted in support of the proposed plans:

- Outdoor Water Use Efficiency Checklist, 2/11/14
- Cut sheet for proposed stucco color light reflectivity measurements, received 11/25/13
- Cut sheets for the proposed exterior and landscape lighting received 11/25/13
- Colors and materials board, received 11/25/13
- Build It Green Checklist, received 11/25/13, with 203 points proposed
- Letter from Westridge HOA, dated 12/8/13
- Letter from Westridge HOA, dated 1/12/14
- Letter from Westridge HOA, dated 4/14/14
- Letter from Alfred Sanguineitti, 111 Escobar Road, dated 4/2/14
- Letter from Kathryn Fitzgerald, 15 Dos Loma Vista Lane, dated 4/8/14
- Email from applicant, Anu Khatod, dated 4/10/14

Greg Klein, project architect, presented the project proposal to the ASCC. He explained the site constraints, the various design schemes explored based on input from the Westridge HOA, and the currently proposed design strategies for the house, guest house, and driveway. Mr. Klein clarified that there were two steps down proposed at the guest house entry and that the proposed tile roofing colors had changed. He also stated that no skylights were currently proposed, but that the applicants were still considering them as an option. Mr. Klein explained that with the custom design of the proposed exterior lantern-style fixture that the bulb would sit up within the top cap and not be visible.

In response to a question, Mr. Klein indicated that the driveway material would be asphalt and/or concrete.

Commissioners walked the site and viewed the story poles. Mr. Klein explained the areas of cut and fill within the building footprint and the extent of fill on the eastern slope. Concern was expressed regarding the fill in the area of the oak tree on the downhill side of the master bedroom, and it was suggested that an arborist report be provided to ensure that the earthwork would not adversely affect the tree. Mr. Klein clarified that one oak tree had been removed previously and that no other trees were proposed to be removed on the downhill side or in the area of the new driveway.

Commissioner McKitterick left the meeting at approximately 5:00 p.m.

Mr. Klein discussed the various alternate designs for the driveway and the guest house that had been considered, but would be difficult to accomplish. He clarified that the applicants were considering removing the proposed fountain from the driveway turnaround and that the existing guy wire at the street would be relocated with the new driveway construction.

**Kathy Fitzgerald, 15 Dos Loma Vista Lane**, offered support for the project and stated that she was impressed with the applicants' responsiveness to the Westridge HOA.

- The trellis at the barn would be the dark wood color noted on the materials sample board.

Public comments were requested and none were offered.

Commissioners discussed the project and offered the following preliminary comments:

- The proposed new driveway alignment with access from Westridge Drive appears acceptable. If the CalWater property is abandoned and returned to this parcel, that would allow for a better driveway entrance location.
- The site has spectacular oak trees, and tree protection throughout construction will be important. Removing additional pine trees would help to restore the oak woodland on this property.
- Pulling the perimeter fences further into the property would be appreciated.
- The project should switch the path lights to the barn separately.
- The stone above the windows on the south elevation should be removed.
- The proposed roof material feels less natural than the other materials and colors proposed for the project, and a material which would weather would be preferable.
- Commissioners would support adjusting the location of the bedroom wing to pull it further away from the trees on the east side of the house. The green markings on the site were sufficient to consider this realignment and changing the story poles would not be necessary.

The project was continued to the regular May 12, 2014 ASCC meeting.

### **Preliminary Architectural Review for New Residence with Detached Guest House and Related Site Improvements, and Site Development Permit X9H-669, 128 Escobar Road, Khatod**

Borck presented the April 28, 2014 staff report on this preliminary review of the new residence and proposed site improvements. She reviewed the events of the afternoon site meeting and the comments offered at that meeting. (Refer to above site meeting minutes that describe that meeting and include a listing of project plans and application materials.)

Anu and Ravi Khatod, applicants, and Greg Klein, project architect, were present to discuss the project with ASCC members.

In response to a question, Mr. Klein clarified that the site walls would have a plaster facing to match the stucco on the residence. He stated they would also have plantings around them to help them further blend into the site.

Ross suggested that the gathering place under the large oak tree be positioned such that it does not damage the tree roots. Mr. Klein confirmed he had discussed the improvements with Borck and that the area would be field-located so as not to impact the tree roots.

Harrell inquired about the proposed railing meeting building code requirements. Mr. Klein stated that the design would likely include a metal grid or glass to retain the visual openness of the railing.

Koch asked Borck if Woodside Fire Protection District could approve a turnaround with a fountain. Borck advised that the District had reviewed the plans and approved them. Vlasic noted that due to the driveway length, a fire truck turnaround was not required.

Public comments were then requested.

**John and Kathy Lannin, 25 Dos Loma Vista Lane**, stated they were likely the most directly impacted by the proposed project. Mr. Lannin noted that there were numerous trees between the two properties, but that the area of the proposed new residence appeared "barren," and he wondered if additional trees would be planted to provide screening. Additionally, he asked for clarification of the column features and exterior lighting.

Mr. Klein confirmed that the landscape plan proposed some additional screening trees and that the columns were on the lower level patio. Regarding possible exterior lighting impacts, he explained that there was one light at the family room that might be visible, but that other lighting consisted of downlights and step lights that would have less of an impact towards their property.

ASCC members then discussed the proposal and offered the following preliminary comments:

- Members concurred that the proposed colors, materials, house design, and siting were acceptable, and some preference was expressed for darker stucco tones.
- Landscaping in the front yard areas closest to the street should remain as native and natural as possible, with ornamentals pulled in against the house. A final, detailed landscape plan will need to be submitted that brings less formality to the front yard areas. The plan should also be well-thought out regarding the proposed screening trees so that no future topping of the trees is desired to open views. It was also suggested that the existing eucalyptus near the proposed guest house be removed, and that management of invasives on site begin as soon as possible. Breen suggested that consideration be given to the existing redwoods near the property line and how they could potentially impact the oaks in the future. She also stated that the existing oleanders should be phased out.
- It was generally agreed that the proposed guest house height and design was acceptable; however, lowering the height of the guest house if it could still be designed to meet the needs of the applicants was supported.
- Members were generally supportive of the proposed light fixtures. Breen suggested that the north elevation porch lights be placed within the railings if possible and stated that all existing up-lighting on the site would need to be removed with the project. She also expressed concern over the path lights leading to the chicken coop and that they should be on a separate switch.

Following discussion, project consideration was continued to the special May 27, 2014 meeting.

### **Architectural Review for Additions to Existing Guest House, 130 Meadowood Drive, Wolfson**

Borck presented the April 28, 2014 staff report on this proposal for approval of plans for a 396 sf addition to an existing 480 sf detached guest house on the subject 1.2-acre Arrowhead Meadows subdivision property. She advised that the project was before the ASCC for determination of compliance with the Town's second unit policy as it involved both a bedroom addition to the existing guest house and the addition of an attached exercise room to the structure. She stated that the common wall between the guest house and the exercise room would be six-inch concrete block construction, the exercise room floor would be lower than the guest house floor, and the exercise room would only be accessed from separate exterior doors. Based on these design elements, she stated that the proposal appeared to conform to the Town's second unit policy, and that if the ASCC found the proposal generally consistent with the policy, that a deed restriction was recommended as a condition of project approval.

ASCC members considered the staff report and the following project plans prepared by Mark Percy and dated 3/25/14:

- Sheet A1, Project Information & Site Plan
- Sheet A2, Existing Floor Plan
- Sheet A3, Guest Bldg Floor Plan & Roof Plan (includes proposed exterior lighting)
- Sheet A4, Guest Bldg Exterior Elevations

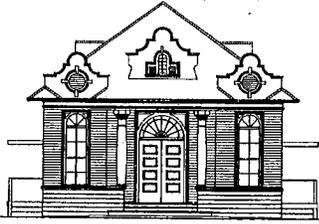
Also considered were the following application materials:

- Light fixture cut sheets for proposed exterior lighting, received 3/25/14
- Color images of existing guest house, received 3/25/14
- Completed Build It Green Checklist with 29 points proposed, received 3/25/14

Jonathan Wolfson, applicant, and Mark Percy, project architect, were present to discuss the project with ASCC members. Mr. Percy stated that the primary issue was separating the exercise room from the guest house. He advised that he had discussed the construction design with several contractors and was informed that the proposed concrete block wall would be the more important construction feature in the separation. He asked that the ASCC permit the exercise room and guest house floor levels be the same elevation. In regard to exterior lighting, he stated that the applicant would like to retain all five proposed downlights, as the intent of the design is that the deck is an expansion of the exercise room space. He offered that he could reduce the fixture to a 6-watt max LED.

Breen asked for clarification on the oak tree being removed. Mr. Percy indicated it was a 15-gallon oak planted with the 2004 construction of the guest house and that essentially, it had not grown, possibly due to the shady conditions in the yard. He advised that screen planting in this area was not needed.

In response to a question, Mr. Percy confirmed that the only reason for the initial proposal of a lower floor level in the exercise room was for conformity with the second unit policy, and that keeping the floors at the same level would be more cost effective.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** ASCC

**FROM:** Carol Borck, Assistant Planner

**DATE:** May 27, 2014

**RE:** Architectural Review for New Residence, Detached Guest House, and Site Development Permit X9H-669, 128 Escobar Road, Khatod

On April 28, 2014, the ASCC held a joint site meeting with the Planning Commission on the subject project and continued its preliminary review to the regular evening 4/28 meeting. The site and evening meetings were for preliminary review of this proposal for residential redevelopment of the subject 2.5-acre Westridge subdivision property. The staff report prepared for the April 28<sup>th</sup> meeting is attached, and the minutes are enclosed. At the conclusion of the April 28<sup>th</sup> evening ASCC meeting, after offering preliminary input, project consideration was continued to the special May 27<sup>th</sup> ASCC meeting.

In response to the preliminary input and ASCC reactions and directions, the revised plans and materials listed below have been provided. The hope is that at the conclusion of the May 27<sup>th</sup> project consideration, the ASCC can complete action on the architectural review request and provided recommendations to the Planning Commission concerning the grading, i.e., site development permit.

The following enclosed revised plans and materials have been submitted for ASCC consideration and action:

Civil Plans, BKF Engineers, 5/16/14:  
Sheet C2.1, Grading and Drainage Plan

Landscape Plan, Blanzscape, 4/15/14:  
Sheet L1, Landscape Plan

Architectural Plans, John Malick & Associates, 5/15/14:  
Sheet A101, Site Plan (includes landscape lighting)  
Sheet A201, Floor Plans (includes lighting cut sheets and exterior lighting), dated 5/19/14  
Sheet A204, Roof Plan & Guest Unit Plans/Elevations  
Sheet A301, Exterior Elevations

- Transmittal letter from Greg Klein, project architect, dated 5/16/14
- Letter and tree protection guidelines from Kathy Anderson, project arborist, dated 5/14/14
- Revised colors/materials sheets, dated 5/16/14
- Approval letter from Westridge HOA, dated 5/19/14

The following plans that were considered at the 4/28 meeting are not included with the enclosed revised plan set, but are still part of the application before the ASCC for action. These plans are available at town hall and will be at the 5/27 meeting for reference as needed:

Survey Plan, BGT Land Surveying, 9/13:  
Sheet 1 of 1, Boundary and Topographic Survey

Septic System Design Plan, Christopher Day, 8/22/13:  
Sheet A101, Site Plan (Septic Design Plan)

Architectural Plans, John Malick & Associates, 2/10/14:  
Sheet A101, Septic System Design Site Plan (marked for septic system location  
ONLY – this is not the proposed house development plan)  
Sheet A102, Staking Plan

The materials listed below are also still part of the application. Unless noted, however, these materials are not included with this report, but are available at town hall and will be available for reference as needed at the 5/27 meeting:

- Outdoor Water Use Efficiency Checklist, 2/11/14
- Cut sheets for the proposed exterior and landscape lighting received 11/25/13
- Build It Green Checklist, received 11/25/13, with 203 points proposed
- Letter from Westridge HOA, dated 12/8/13
- Letter from Westridge HOA, dated 1/12/14
- Letter from Westridge HOA, dated 4/14/14
- Letter from Alfred Sanguineitti, 111 Escobar Road, dated 4/2/14
- Letter from Kathryn Fitzgerald, 15 Dos Loma Vista Lane, dated 4/8/14
- Email from applicant, Anu Khatod, dated 4/10/14
- Letter from Brenda Munks, 737 Westridge Drive, dated 4/15/14
- Letter from Elizabeth Gillbrand, 190 Escobar Road, dated 4/16/14

The following comments are offered to assist the ASCC in completing consideration and possible action on the architectural review request. The ASCC should also forward any comments to the Planning Commission relative to grading plans as the Planning Commission is scheduled to consider the site development permit application at a public hearing scheduled to take place at its June 4, 2014 meeting.

1. **Revised architectural plans and proposed colors/materials.** In response to the direction provided by the ASCC to consider darker toned stucco, a revised colors and materials sheet has been submitted and is enclosed. The proposed stucco siding "Charro" is a light brown with light reflectivity value (LRV) of 39% and the proposed stucco trim "Graystone" is a medium tan with LRV of 51%. Although the "Graystone" is specified by the manufacturer as having an LRV of 51%, it appears to meet the 50% limit on the Town's

color wheel test. New shutter and wood trim colors, in "Burnished Pewter" (LRV 18%) and "Oxford Brown" (LRV 6%), respectively, have also been provided. All proposed colors comply with Town guidelines. The elevation plan, Sheet A301, has been updated to reflect these new proposed colors and materials. Windows will remain a dark bronze as originally proposed. Proposed roof tiles have been modified to a mix of brown and orange tones, and physical samples of these tiles will need to be submitted to ensure that the finish glazing is non-reflective. Other project elements that will need to be specified or for which color/material samples provided include driveway and site retaining walls, interior courtyard fencing, and paving for the terraces, driveway, and turnaround circle.

At the preliminary ASCC meeting, the project architect advised that the applicants were considering proposed skylights on the main residence. Sheet A204 identifies seven proposed skylights and specifies that these skylights will either be tinted or have automatic blinds installed. The proposed skylights are located over the entry stairs leading to the home's upper level, art studio, hallway at the childrens' bedrooms, family room, and master bathroom. The skylights with proposed light spill reduction options and their locations appear to have minimal potential for off-site impacts.

- 2. Revised exterior and landscape lighting plans.** Exterior lighting for the house is shown on Sheet A201. The proposed lighting has been modified from the original submittal with the addition of one sconce light at the daughter's roof terrace, two wall lights on the roof terrace, two wall lights in the spa area, two wall lights at the view terrace, and two wall lights at the deck off of the kitchen. Cut sheets for proposed exterior lights are also presented on this sheet and clarify that the sconce and pendant fixtures will be manufactured such that the bulb will sit up within the top canopy of the fixtures and not be visible. As suggested at the 4/28 meeting, the applicants did consider placing the north elevation porch lights within the railing; however, their preference is to propose the lighting on the exterior wall as shown. While the proposed exterior lighting plan appears to be in general conformance with Town lighting guidelines, consideration should be given to reducing the newly proposed wall lights in the terrace and deck areas to one light in each area, rather than two.

The landscape lighting plan (shown on Sheet A101) has been modified to note that all landscape lights will be switched separately from house lighting. A switching plan should be provided with the building permit application for both exterior lighting and landscape lighting. As noted in the 4/28 staff report, nine wall lights are proposed on the driveway retaining walls, with most facing into the site. While the proposed fixture conforms to Town guidelines, the Town typically discourages lighting along driveways.

- 3. Revised grading plans and site development permit.** Concern was raised at the preliminary site meeting over potential grading impacts to the 18" and 24" oaks on the eastern downhill side of the new residence. The site and grading plans have been modified to limit proposed fill to a minimum distance of 15 feet from the existing trees per the recommendations of the project arborist in her attached letter, dated 5/14/14. Earthwork quantities have been updated in response to these adjustments. Proposed fill has been reduced by 170 cubic yards, bringing the total amount of grading for the project to 2,365 cubic yards counted pursuant to site development ordinance standards. Overall, 675 cubic yards of earth will be exported from the site.

The Westridge HOA, in their conditional approval letter dated 5/19/14, requested clarification concerning Woodside Fire District's review of the proposed plans and soil

export calculations. As discussed in the preliminary staff report, the Fire Marshal has reviewed the proposed plans and conditionally approved the site development permit without the requirement for a fire truck turnaround. As noted above, the total export of soil from the site will be approximately 675 cubic yards.

The April 28, 2014 staff report summarized the input from committee members, who in general, found the project conditionally acceptable. The Planning Commission will be the authorizing body for the site development permit for this project, and staff will recommend conformity with the conditions set forth by the site development permit committee members as part of that action.

4. **Revised landscape plans and fencing.** At the preliminary meeting, the ASCC directed the project team to develop a less formal and essentially native planting scheme for the yard area along Escobar Road. The revised plan notes that planting in the area of the driveway entry shall be informal and include only California native plants. The plan also calls for infill of natives and the removal of existing invasive species along the street frontage. The ASCC also supported the phased removal of the existing oleanders, and this should be included in the final landscape plan. Although the planting key does not include numbers or sizes of proposed plants, it appears that eight live oaks are proposed as screening trees within the front yard area between the new driveway and the southern property line. The ASCC will need to determine if the number and locations of these proposed trees is appropriate. The Conservation Committee has reviewed the revised landscape plan and takes no exception to the proposed oak trees. Additionally, the planting key specifies the use of Boston Ivy which is an invasive that should be eliminated from the proposal. The proposed planting plan remains somewhat conceptual, and a detailed planting plan will need to be submitted with the building permit.

As discussed in the 4/28 staff report, the only new proposed fencing is noted on the site plan as "deer fence with gate" that would enclose the interior courtyard of the home. An elevation detail with colors and materials for this fence and gate will need to be submitted with the building permit.

5. **Westridge Architectural Supervising Committee (HOA) review.** Attached is the Westridge HOA conditional approval letter, dated 5/19/14. The committee states that while they have continued concern over the scale and massing of the proposal, they appreciate the challenges and constraints of the property. Condition #3 suggests the planting of four large oaks or other native trees for screening on the eastern downhill side of the proposed residence. The current landscaping plan proposes four California sycamores. The Conservation Committee, in their review of the revised landscape plan, suggests that live oaks may be more appropriate for the site. The ASCC should consider these trees and provide direction on appropriateness of the selected species and sizing.
6. **Construction staging and tree protection plans.** Final, detailed construction staging and tree protection plans will need to be submitted with the building permit application that includes proposed locations for on- and off-site parking and/or shuttling. Tree protection plans should include the recommendations of the project arborist as outlined in her attached letter. The Westridge HOA specified review of the proposed construction staging plan in their conditional approval letter, and therefore, this plan will need to be shared with them for input prior to building permit approval by the Town.

## Conclusion

Prior to completing its action, the ASCC should consider the above comments and any new information presented at the ASCC meeting. The ASCC action for this project would have two parts:

1. Action on the architectural review plans;
2. A recommendation to the Planning Commission concerning the grading, i.e., the site development permit for the project.

If the ASCC acts to approve the architectural review for the project, staff would recommend the following conditions:

1. Colors and materials samples for the roof tiles, driveway and site retaining walls, interior courtyard fencing, and paving for the terraces, driveway, and turnaround circle shall be submitted and approved by a designated ASCC member prior to building permit issuance.
2. Switching plans for all exterior and landscape lighting shall be submitted and approved by Town staff prior to building permit issuance.
3. A final, detailed landscape planting plan shall be submitted and approved by a designated ASCC member prior to building permit issuance. The plan shall include a complete plant key indicating plant species, sizes, and quantities, elimination of the Boston Ivy, and details for the phased removal of the existing oleanders.
4. An elevation detail for the proposed "deer fence and gate" will need to be submitted and approved by a designated ASCC member prior to building permit issuance.
5. A final detailed construction staging and tree protection plan shall be submitted and approved by Town staff prior to building permit issuance. The tree protection plan shall include all recommendations of the project arborist as specified in her 5/14/14 letter. Additionally, the plan will need to be shared with the Westridge HOA for input prior to Town approval of the building permit.



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Karen Kristiansson, Interim Town Planner  
**DATE:** May 29, 2014  
**RE:** Continued Consideration of Variance X7E-136 for House Addition at 20 Russell Ave., Subramonian Residence

The Planning Commission will hold a public hearing on June 4<sup>th</sup> on this variance request for a 427 square foot addition to an existing 928 square foot home, a portion of which is in the required front yard setback for the property. At its May 21, 2014 meeting, the Planning Commission held a preliminary review of this item. The ASCC has also reviewed the project, providing preliminary comments at their May 12<sup>th</sup> meeting and approving the architectural review for the project, contingent on Planning Commission approval of the variance request, on May 27<sup>th</sup>. The ASCC also recommended approval of the variance request.

The project involves a small addition to the rear of the existing home on this 0.4 acre lot in the Woodside Highlands. The house was built in 1935, prior to town incorporation or adoption of the Town's zoning regulations. Because of this, and the unusual configuration of the lot and the private road right of way for Russell Avenue, much of the existing house is located within the required 20' front yard setback, and a portion of the proposed addition would come to within 16' of the front property line, even though the addition is at the rear of the house. As a result, a variance is needed for the project.

The proposed addition complies with all town standards other than the required front yard setback, including height, floor area, and impervious surface. In fact, the house with the addition will use only 37% of the allowed floor area for the lot. A more detailed description of the proposed project is provided in the attached May 8, 2014 staff report which was prepared for the preliminary review of the project.

The project has been revised by the addition of four trees and a gravel parking area, as discussed below, and the revised 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 5/20/14  
Sheet A1.03, Floor Plans and Exterior Elevations, dated 5/20/14  
Sheet A1.04, Greenpoints, dated 3/24/14

The following comments are offered to assist the Planning Commission in considering the variance request:

- 1. Neighbor Concerns and Previous Reviews of the Project.** Preliminary discussions of the project at both the ASCC and the Planning Commission focused primarily on concerns raised by neighbors. One such concern was the screening of the addition by adding vegetation to the bottom of the lot along Leroy Avenue. The applicant has been working with the affected neighbors and has added four trees to the site plan in response to the neighbor's concerns (two toyon and two Prunus lyonii).

The second concern was with on-street parking and the existing non-conforming driveway gate. Planning Commissioners expressed concern about this gate during their preliminary review, and a detailed analysis of the gate is provided on pages 2 and 3 of the attached May 22, 2014 staff report to the ASCC. Since the Planning Commission's preliminary review of this project, the applicant has added a small gravel extension of the on-site parking north of the house, enough to provide a turn-around or parking for a smaller car.

On May 27, 2014, the ASCC acted to approve the architectural review for this project, subject to the following conditions and contingent upon Planning Commission approval of the variance request:

- Any adjustments to the landscaping shall be subject to review and approval by planning staff and a designated ASCC member.
- A vegetation protection and construction staging plan shall be provided and implemented to the satisfaction of planning staff. In particular, the plan shall ensure that all construction parking and staging shall be provided on the property or in an approved off-site location, but not along streets in the Woodside Highlands neighborhood.

At the same time, the ASCC recommended Planning Commission approval of the variance findings. ASCC members also said that they would like to see the property owners modify the existing gate to bring it more into conformity with the Town's regulations, but they did not make this a condition of their approval.

- 2. Variance Action.** In order to approve a variance, the Planning Commission needs to make the six findings set forth in Section 18.68.070 of the zoning ordinance. These findings are listed in the May 8, 2014 staff report together with a brief discussion of each one. For the reasons indicated in that discussion, it appears that the Planning Commission can act to make the findings and approve the variance request for the proposed project.
- 3. CEQA compliance.** This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) of the CEQA Guidelines which exempts single-family homes.

### **Conclusion**

After considering the information in this staff report and its attachments, as well as any new information presented at the June 4<sup>th</sup> Planning Commission meeting, the Planning

Commission can complete its action on this variance request with any conditions of approval it deems necessary and appropriate.

Enc.

Att.

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



# 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.

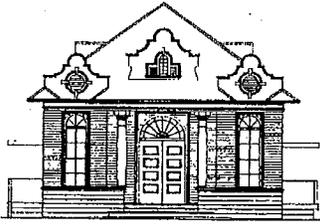
### **Conclusion**

Commissioners should visit the site prior to the May 12<sup>th</sup> 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



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** ASCC  
**FROM:** Karen Kristiansson, Interim Town Planner  
**DATE:** May 22, 2014  
**RE:** Continued Consideration of Variance X7E-136 and Architectural Review for House Addition for 20 Russell Ave., Subramonian Residence

This project proposes 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 ASCC conducted a preliminary review of the application at its May 12, 2014 meeting (the staff report for that meeting and the draft minutes are attached). The Planning Commission provided preliminary comments, which are summarized below, at its May 21, 2014 meeting.

Since the May 12 preliminary ASCC review, the applicant has provided a revised site plan and revised floor plan. The revised 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 5/20/14  
Sheet A1.03, Floor Plans and Exterior Elevations, dated 5/20/14  
Sheet A1.04, Greenpoints, dated 3/24/14

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

- Outdoor water use efficiency checklist, John Richards, dated 3/18/14 (not attached; was provided for the May 12<sup>th</sup> ASCC meeting)
- Color board, dated 3/18/14 (not attached; will be available at the meeting)

The following comments summarize the changes that have been made to the plans and the preliminary comments that were offered on this project at the May 21, 2014 Planning Commission meeting.

1. **Changes to Project Plans.** The project is described in detail in the attached May 8, 2014 staff report which was provided for the 5/12 and 5/21 preliminary review meetings. Two changes have been made to the project since that time; both of these are discussed below.

First, the site plan on Sheet A1.02 now shows the landscaping which is proposed for the lower part of the lot to provide screening as requested by the neighbors at 6 Leroy. This consists of two new Toyons and two new Prunus lyonii. The plans have been shared with these neighbors and the applicant is continuing to work with them.

Second, the existing parking area north of the house is proposed to be extended further to the north, as was suggested at the May 12, 2014 ASCC meeting. The extension would be a gravel area that would be 17 feet long and would vary in width from 8' to 14'. The location and size of this area was developed to respond to soil and slope conditions on the site, as well as the locations of existing retaining walls. The applicant needs to confirm that no additional grading would be needed for this gravel parking area, and, as shown on the plans, the parking area would be kept at least 10' from the existing oak north of the driveway. Although the proposed parking extension is slightly smaller than the 9' x 18' dimensions set forth in the zoning ordinance for off-street parking spaces, this area would increase maneuverability on-site as a turn-around and could also be used for parking by a smaller vehicle. As was discussed in the May 8, 2014 staff report, the existing paved area is large enough to accommodate the two required parking spaces for a single family home in this zoning district, although they are not covered. Because the number of bedrooms is not increasing with this project, no additional parking improvements are required under the ordinance. The applicants are proposing to provide this gravel parking extension to address the concerns expressed by neighbors and at the preliminary ASCC and Planning Commission meetings.

The revised plan sheets also include one correction to Sheet A1.03, where the east elevation now shows the siding that is proposed for under the deck. The siding would be the same medium tan color that is proposed for the siding of the house.

2. **Planning Commission Preliminary Review Comments.** Planning Commissioners conducted a preliminary review of this project at their meeting on May 21, 2014. In general, Commissioners agreed that the variance request appeared to be reasonable and could be supported. Discussion focused on the existing driveway access gate on the property and whether the gate should be required to be removed as part of the project. The concern was expressed that much of the house, and part of the proposed addition, are located within the required front yard setback, and the question was raised whether removal of the existing gate, which is also located in the front yard setback, would be appropriate since it would help to bring the overall development of the property more into compliance with the Town's land use goals and standards. To consider this question, the following section of this staff report focuses on the gate.
3. **Gate.** The property is located within the R-1/20M zoning district, which permits fences and gates on all property lines. In front yards, these must meet the 50% opacity limit and must be no more than four feet in height. The existing gate meets the opacity limit but is slightly over five feet tall and therefore does not meet the height limit. In addition, the gate is located only partially on the property, with a portion of the gate on the private right of way for Russell Avenue.

Based on information and pictures from the applicant which will be available at the meeting, it appears that a gate was historically located in the current location, next to

the existing stone pillar. A stone pillar was previously located on the other side of the driveway as well, but was removed by the current owners because of its condition. The original gate, as shown in the photos from the applicant, was an ironwork gate taller than the current gate. The applicant has offered to replace the existing gate with the older ironwork gate if necessary.

The gate is located approximately 16' – 24' in along the driveway from the roadway surface, and it is possible for one small car to park between the road and gate without extending into the road. The gate was likely located where it is historically because of the way the right of way for Russell Avenue jogs at the front of this house, as shown on the attached vicinity map. In addition, the right of way for much of Russell Avenue is approximately 30' wide, while in front of this house the right of way ranges from 75' to over 90' in width. Given this situation, the existing gate does not appear to pose a safety hazard.

In order to have a conforming gate, the gate would need to be moved approximately 29' down the driveway. This could allow two cars to park in tandem in front of the gate and would make the gate less visible from Russell Avenue. On the other hand, the existing gate appears to be in the historic location for a gate for this property and could be considered a legal nonconforming structure. This location is likely due to the unusual shape of the lot and the unusually wide right of way. Other homes in the area could legally install gates that would have a similar visual impact, although they would be required to be no more than four feet tall. In a brief drive around the neighborhood, staff noticed three such gates.

In terms of the architectural review, Section 18.43.080.C.2 of the zoning ordinance specifies that the ASCC "shall consider and may require modifications to existing fencing on a property if the ASCC determines that there is a substantial modification to an existing residence or the site improvements to the property." In general, the ASCC has often used a standard that fences and gates should be brought into conformity when 25% or more of an existing fence is damaged or voluntarily removed. In this case, the existing fence is not proposed to be modified as part of the project, and the gate therefore would not usually be required to be removed or brought into conformity.

The Planning Commission would have jurisdiction over conditions related to the variance request, although the ASCC can and does provide recommendations. In terms of the variance request, the existing gate and the proposed house addition are both located partially within the required front yard setback. The Planning Commission could therefore require removal of the gate in order to bring the property more closely into compliance with Town standards and ordinance regulations, and will need to consider whether this would be appropriate for this project.

As an alternative, the owners could consider whether modifying the existing gate could address the Town's concerns, at least in part. Changing the gate from a manual gate to an electric one, for example, could potentially allow the owners to open the gate more easily and might therefore encourage more on-site parking. Any issues related to the fact that the gate is partially located in the private right of way for Russell Avenue would need to be resolved between the Highlands homeowners' association and the property owners.

## Conclusion

Prior to completing its action, the ASCC should consider the above comments and any additional information presented at the ASCC meeting. Any ASCC action would be contingent upon Planning Commission approval of the variance request for the project, which will be considered at the June 4, 2014 Planning Commission meeting.

If the ASCC acts to approve the architectural review for the project, staff would recommend the following conditions:

1. Any adjustments to the landscaping shall be subject to review and approval by planning staff and a designated ASCC member.
2. A vegetation protection and construction staging plan shall be provided and implemented to the satisfaction of planning staff. In particular, the plan shall ensure that all construction parking and staging shall be provided on the property or in an approved off-site location, but not along streets in the Woodside Highlands neighborhood.

The ASCC should also provide a recommendation to the Planning Commission relative to the variance request and could include, as part of that, a recommendation concerning the gate.

Enc.

Att.

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



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planning Consultant  
**DATE:** May 29, 2014  
**RE:** 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*

### **Request, Background, Preliminary Planning Commission Review, Application Clarifications**

On June 4, 2014, the planning commission will conduct a public hearing on this request for approval of an amendment to the subject existing Conditional Use Permit (CUP) to allow for some expansion to the range of permitted professional office uses on the subject .49 acre, 21,200 sf, Portola Road property (see attached May 17, 2014 staff report for vicinity map). In addition, pursuant to existing CUP provisions, the commission is being asked to approve two specific zoning permits for office occupancy at the site as follows:

- 4/23/14 Zoning Permit application for Mr. William Crown's personal office use (either suite A1, 172 sf or A3, 163 sf)
- 4/12/14 Zoning Permit application, including April 18, 2014 clarifying letter, for Sara Gandy, M.D., psychiatric care (Suite B, 195 sf).

Action is necessary on the CUP amendment for consideration of the personal office zoning permit, but not for the zoning permit request by Dr. Gandy, as psychiatric care is an authorized use under the existing CUP.

On May 21, 2014, the planning commission conducted a preliminary review of the three requests considering the data presented with the enclosed May 17, 2014 staff report. Attached to that staff report are the above referenced specific CUP amendment and zoning permit applications, as well as the proposed 4/22/14 floor plan for suites in the existing 1,400 sf main, front building on the property where the uses proposed for the two zoning permits would be conducted.

As explained in the May 21<sup>st</sup> staff report, no changes to site conditions or the external conditions of the two site buildings, which total 1,600 sf, are proposed with this application, and the buildings were upgraded after the 2007 CUP approval. Further, the site and

existing buildings have been maintained in good condition consistent with CUP conditions since the 2007 approvals.

At the conclusion of the May 21<sup>st</sup> preliminary review, commissioners raised little issue with the proposals and were generally supportive of the requests. Some commission comments also suggested that current CUP conditions might be somewhat burdensome given the relatively small scale of site conditions and available floor area. It is also noted there was no public input offered relative to the proposals at the May 21<sup>st</sup> commission meeting. The draft minutes from that meeting are enclosed for reference.

As noted in the May 17, 2014 staff report, staff suggested that the applicant should offer some additional clarifications as to any specifics for the alternative professional office uses that are intended with the CUP amendment request. This was discussed further with Mr. Michael Bialas, applicant representative, and in a May 23, 2013 email from Mr. Bialas, the following additional application clarifications were provided relative to the spaces noted on the April 22, 2014 proposed floor plan:

*Dr. Gandy will be leasing suite B and Bill Crown will use either suite A1 or A3. This would leave suite A2, B, and either A1 or A3 available for other tenants. The suites are all similar in size, approximately 150 sf to 185 sf. The common area is not set up to be occupied by anyone, rather, it's set up as a small waiting area with a couple of seats and small table. Common A potentially could be set up to accommodate an administrative assistant for one of the A suite tenants, however, nothing along those lines is currently planned. Finally, our focus is filling the main building with another tenant or two and nothing is currently in the works for the improved garage (i.e., the rear building).*

Thus with the proposed CUP amendment and zoning permits, two of the five specific office suites in the 1,400 sf front building office building would be occupied, i.e., Crown personal office, and Dr. Gandy Medical/psychiatric care office. Three additional suites would be available for lease to future tenants for professional office or medial office use, with one of the three also available for a personal office use. Spaces A1, A2 and A3 could be considered for personal offices with this amendment, but only two of these suites could be in such use. Further, the 200 sf in the rear building can currently be used for a medical office use and with the amendment could also be considered for professional office use as permitted in the A-P district and, again, subject to the issuance of a zoning permit.

As to the range of professional offices, the possible uses would be limited to those allowed by zoning code Section 18.22.020.C., D., G., and I. These are *administrative and professional offices (C), medical, dental and psychiatric care offices (D), real estate and insurance offices (G), and personal offices (I)*. All would be subject to the floor area limits and other standards for such uses in the A-P zoning district and all would need to receive a zoning permit detailing the use and local service prior to any occupancy.

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 applications. Further, based on the preliminary planning commission discussion, we have developed the proposed attached action Resolution 2014-2 for the CUP amendment request. It includes modification to some of the existing reporting conditions to be less burdensome and also returns the zoning

permit review and approval authority to the Town Planner. The Town Planner can, if there are any concerns with a specific proposed zoning permit, refer the permit to the commission for discussion and recommendation, or action.

#### **June 4, 2014 Applicant Public Hearing Attendance**

In the May 23<sup>rd</sup> email from Mr. Bialas, it is explained that on June 4, 2014 the applicant, Mr. William Crown, a town Westridge resident, will be traveling and Mr. Bialas is in Chicago and cannot easily attend the June 4<sup>th</sup> public hearing. Staff offered that given the lack of issues at the preliminary review, we did not believe this would be a problem. We also noted, however, that should issues arise at the hearing that were not anticipated, planning commission public hearing consideration and any formal action might have to be continued to a future planning commission meeting. It is possible the Dr. Gandy might, however, attend the 6/4 hearing.

#### **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 or an amendment to 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 on the original CUP request, the A-P use of the property and existing buildings is in general 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 and office uses, i.e., the Sausal Creek, project (CUP X7D-139). These adjacent conditions remain as they were in 2007. Thus, it appears that proposed amended CUP can still be found to be properly located to serve the community.
- 2. Adequate Site.** As concluded with the 2007 CUP evaluation and action, the site is adequate for the currently allowed medical uses, and the proposed personal office spaces and request to allow other professional offices should result in little change or impact relative to the adequacy of the site. Specifically, it is noted that if the entire site floor area of 1,600 sf area were devoted to professional office use, other than medical or dental, the required parking would be 1 space for each 200 sf, or 8 parking spaces. The original CUP site plan identifies space for 26 parking spaces. If the site accommodated even up to four doctors and one personal office, the required parking would be five spaces for each doctor and one to two spaces for the personal office (i.e., taking into account maximum occupancy), or a total of 21-22 parking spaces. Thus, there is sufficient parking to accommodate the site floor area and likely any mix of professional office, personal office or medical office use. Further, as evaluated in 2007, the previous site dental uses, including demands on the septic system, were more intense than the 2007 authorized medial/ psychiatric care uses. The current possible mix of uses as presented in the April 23, 2014 letter from Mr. Bialas, clarified with the 5/23 email from Mr. Bialas, and including the descriptions with the proposed zoning permits, should result in even less intense use than the 3 medial practices authorized with the 2007 CUP approval, that were in place on the site until March of this year.

In addition to the above, it is noted that Section 18.54.052 of the zoning ordinance sets floor area limits by use that were adopted to, in part, help define the scale of use that would be more tailored to local service. For an individual professional office, the maximum for any one office is 1,500 sf and for a single medical office, the limit is 2,000 sf. For a personal office, the office can be no smaller than 150 sf and no larger than 350 sf and occupied by no more than two persons. Again, as presented with the CUP amendment request, both the zoning permit requests and the residual office spaces with common areas do not come close to conflicting with any of the zoning ordinance floor area limits.

Thus, given the above and history of site use without issues, we believe the site can be found adequate relative to the proposed CUP amendment.

- 3. Adequate Local Streets.** The site has frontage on Portola Road, an 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 proposed scope of uses should actually be less than the level of site activity authorized with the zoning permits issued in 2007. Thus, considering the history of site use it should be possible to conclude the proposed use permit amendment and the requested zoning permits should have little potential for impacting abutting property.
5. **Safety from Natural Hazards.** As evaluated in 2007, the site is partially within the San Andrea Fault setback zone, and it appears that neither of the existing structures is 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 floodplain. 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 record of the 2007 CUP application review and approval, it appears that the current 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 amendment request, the list of proposed uses including existing allowances for medical, dental and psychiatric care, and proposed professional office (e.g., attorney, wealth management) and personal offices, 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. In addition, the proposed personal office use, and related Crown zoning permit, meet the zoning ordinance tests for local service, by definition. Also, the data provided by Dr. Gandy, including the April 18, 2014 clarifying letter, include the type of information the town would normally expect receive to allow for a conclusion that the use does meet the test of service to the local community. Any other specific zoning permit request for professional office or a medical office use would need to provide similar demonstration before any permit were issued.

#### **Environmental Impact—CEQA Conclusions**

The project is categorically exempt as not having a potential for a significant affect 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 15301 and 15305 of the CEQA guidelines.
2. **CUP Amendment Request.** Move to approve attached Resolution No. 2014-2, making required CUP findings and conditionally granting the requested Conditional Use Permit amendment. *(The recommended permit conditions include those for ensuring proper site maintenance over time. They are basically an "on-going" extension of the original permit conditions and are not intended to reflect or suggest any site problems or issues at this time or the need for any corrective actions. They are only to provide a basis for the town and the permit holder to have ongoing communication and for the town to ensure compliance with town standards over the long term of site occupancy and use.)*
3. **Zoning Permit for Dr. Gandy psychiatric care.** Move to approve the zoning permit for Sara Gandy, MD, for the uses described in the April 12, 2014 zoning permit application, as clarified in the April 18, 2014 letter to then Deputy Town Planner Karen Kristiansson. The use shall be for Suite B.
4. **Zoning Permit for personal office use by William Crown.** Move to approve the zoning permit for Mr. Crown, for personal office use as described in the April 14, 2014 zoning permit application. The use shall be for either Suite A1 or A3, with the suite selection to be identified for the zoning permit record prior to occupancy to the satisfaction of the Town Planner.

TCV

Attachments  
Encl.

cc. Interim Town Planner  
Town Attorney  
Mayor  
Public Works Director  
Town Council Liaison  
Town Manager  
Applicant

**RESOLUTION NO. 2014-2**

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY GRANTING MR. WILLIAM CROWN AMENDMENT TO CONDITIONAL USE PERMIT X7D-167 FOR MODIFICATIONS TO THE RANGE OF PERMITTED PROFESSIONAL, PERSONAL AND MEDICAL OFFICE USES AT THE EXISTING FACILITIES AT 828 PORTOLA ROAD ROAD**

**WHEREAS**, Mr. William Crown, a Portola Valley resident, has applied for amendments to Conditional Use Permit X7D-167 regulating office uses in the existing two office buildings, totaling 1,600 sf, located on the .49-acre A-P (Administrative Professional) zoned property at 828 Portola Road (APN: 076-261-060); and,

**WHEREAS**, the requested amendments are to specifically expand the allowed scope of office uses beyond the currently identified medical, dental, and psychiatric care uses to include professional offices and personal offices as defined in the A-P zoning provisions of the Portola Valley Municipal Code; and

**WHEREAS**, the amendments were preliminarily considered at publicly noticed Planning Commission meeting on May 21, 2014; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the amendment applications at the regular Commission meeting of June 4, 2014; and

**WHEREAS**, the during the course of the public hearing, the Planning Commission heard and considered reports from the Town Planner and public input and evaluations of the amendment application; and

**WHEREAS**, based on the evaluations in the staff reports it has been determined that the project is a minor change to the existing facilities and includes, with new use permit conditions, minor changes to land use limitations, the project can be found to be Categorically Exempt from the provision of the California Environmental Quality Act (CEQA), pursuant to CEQA Sections 15301 (existing facilities) and Section 15305 (minor alterations to land use limitations); and

**WHEREAS**, at the June 4, 2014 public hearing, the Planning Commission considered the information presented with the May 29, 2014 report from the Town Planner and public comments and closed the public hearing.

**NOW, THEREFORE**, be it **RESOLVED** that the Planning Commission:

1. Finds the project Categorically Exempt from the provision of the California Environmental Quality Act (CEQA), pursuant to CEQA Sections 15301 (existing facilities) and Section 15305 (minor alterations to land use limitations); and

2. Makes the findings to support the use permit amendments as set forth in in the May 29, 2014 staff report; and
3. Approves the amendment to Conditional Use Permit X7D-167 subject to the *Conditions* set forth in attached Exhibit A to this Resolution.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on June 4, 2014.

For:

Against:

Absent:

By: \_\_\_\_\_  
Chair Gilbert

Attest: \_\_\_\_\_  
Karen Kristiansson, Interim Town Planner

**EXHIBIT A. PLANNING COMMISSION RESOLUTION No. 2014-2**  
**Conditions of Approval**  
**Crown Professional Office Uses, 828 Portola Road**  
**(APN: 076-261-060)**  
**Conditional Use Permit X7D-167**  
**As Amended June 4, 2014**

1. The existing two buildings, totaling 1,600 sf of floor area, on the subject .49 acre parcel may be used for medical, dental and psychiatric care offices and for professional and personal office uses consistent with the A-P Administrative Professional, zoning provisions or the Portola Valley municipal code (i.e., Section 18.22.030.C., D., G. and I) and as generally described in the following documents:

March 23, 2014 CUP Amendment application and April 23, 2014 letter from applicant representative Michael Bialas describing intended uses, and as further clarified by Mr. Bialas in a May 23, 2014 email from Mr. Bialas with the clarifications recorded in the May 29, 2014 staff report.

April 22, 2014 floor plan for the suite layout for the 1,400 sf site building

Site Survey, Lea & Braze Engineering, Inc., 9/17/07

September 17, 2007 site plan depicting the on-site parking layout.

Subject to the other conditions and limitations of this permit, two of the three suites identified as A1, A2, and A3 on the April 22, 2014 floor plan may be used for personal offices.

2. This amended conditional use permit is issued to William Crown. The permit, however, shall run with the property and be binding on any future owner. If there is any change in ownership, the town shall be notified as soon after the ownership change as possible but no later than 60 days after a new owner is in place. Mr. Crown or any future owner of the property shall be responsible for any town costs associated with the periodic review of the CUP permit or any other town reviews required by permit conditions.
3. Zoning permits shall be required for all individual uses proposed for the site. Such permits shall be evaluated by the Town Planner for conformity with the provisions of this permit and the general plan and zoning ordinance requirements for service to the local community. The Town Planner may refer any zoning permits application to the planning commission for review and approval.
4. This permit shall be reviewed periodically by the planning commission, but no less frequently than every five (5) years. The permit holder shall be responsible for all town costs associated with such review.
5. Any exterior changes to the buildings on the property, including repainting, shall be subject to ASCC review for conformity with this permit and the provisions of the zoning ordinance, general plan and town design guidelines. Any signage or exterior lighting proposals shall be subject to prior review and approval by the ASCC. Further, exterior lighting shall be at all times maintained in conformity with town exterior lighting standards and policies to the satisfaction of the Town Planner.
6. Within six months of approval of this amendment an up to date detailed site plan, with complete up to date floor plan data for the two buildings and site parking data, shall be

provided to the satisfaction of the Town Planner. *(Note: the intent of this condition is to only provide a more accurate, up to date record of site conditions with the sale of the property and changes in site uses.)*

7. The site shall be maintained at all times in good condition. In particular, the drainage course along the property shall be maintained and managed to avoid any conflicts with town drainage and water quality control standards and the site shall be monitored to identify and remove any invasive plant materials. A plan and program for such site management and maintenance shall be provided to the satisfaction of the Town Planner within three months of the first occupancy of the building and shall include a process and timeframe for regular reporting to the Town. This process shall be complied with to the satisfaction of the Town Planner.
8. The septic system on the property shall continue to be maintained in good order and periodically the permit holder shall have the system professionally inspected to verify it remains in proper condition. Reports from such inspections shall be provided to the Town Planner upon request. If the system encounters problems these shall be corrected in accord with applicable town standards and regulations.

---

Karen Kristiansson, Interim Town Planner



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

---

**TO:** Planning Commission  
**FROM:** Tom Vlastic, 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.

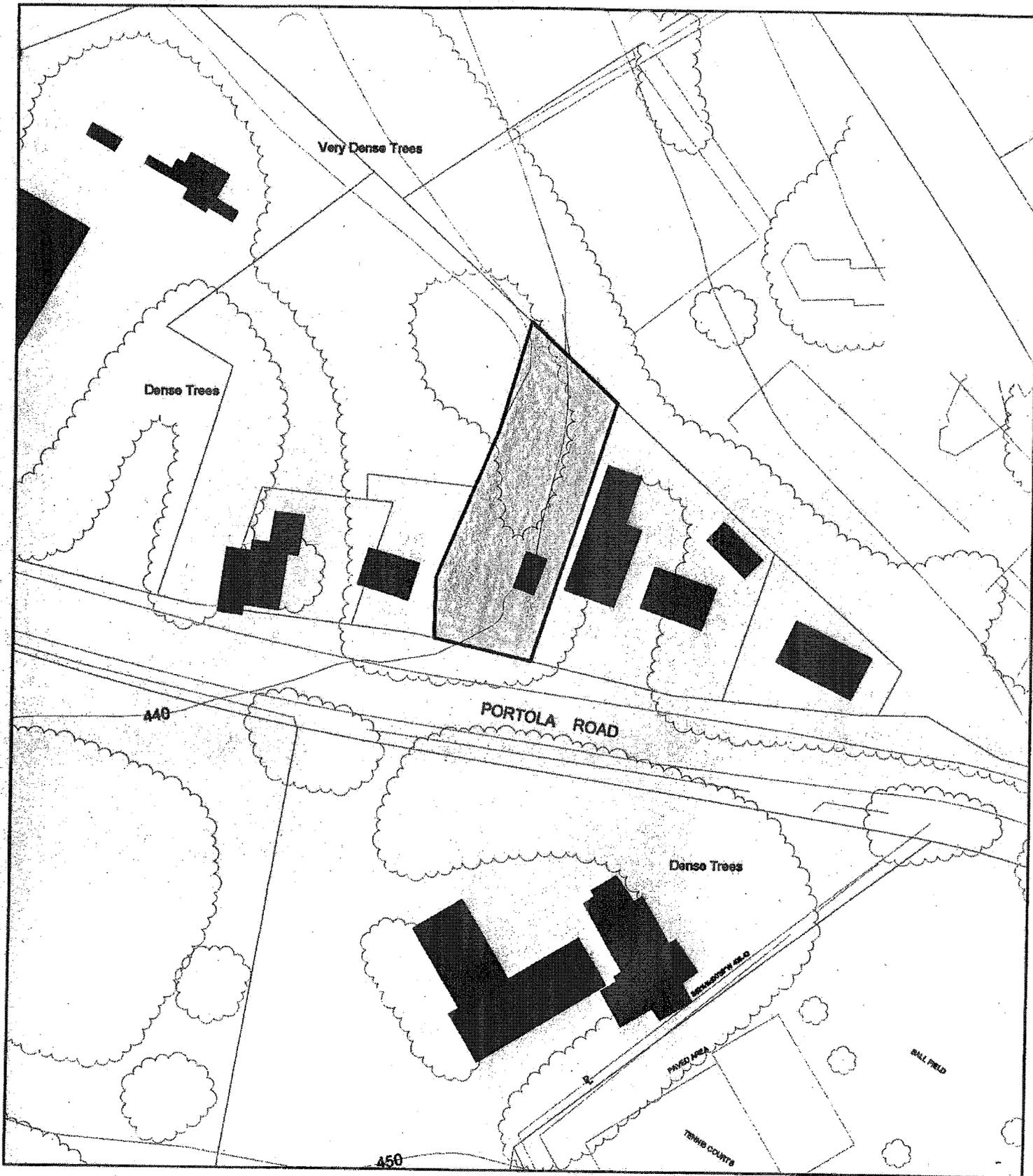
### **Next Steps**

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

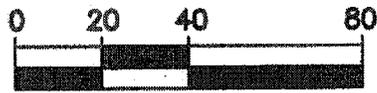
ONE-STORY  
WOOD BLDG.

ONE-STORY  
WOOD HOUSE

LANDS OF  
KOWALSKI

LANDS OF  
KISMET

PORTOLA ROAD  
(WIDTH VARIES)



SCALE: 1" = 40'



**LEA & BRAZE ENGINEERING, INC.**

CIVIL ENGINEERS • LAND SURVEYORS

2495 INDUSTRIAL PARKWAY WEST  
HAYWARD, CALIFORNIA 94545  
(510) 887-4088  
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 26<sup>th</sup>, 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 8<sup>th</sup>.

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.

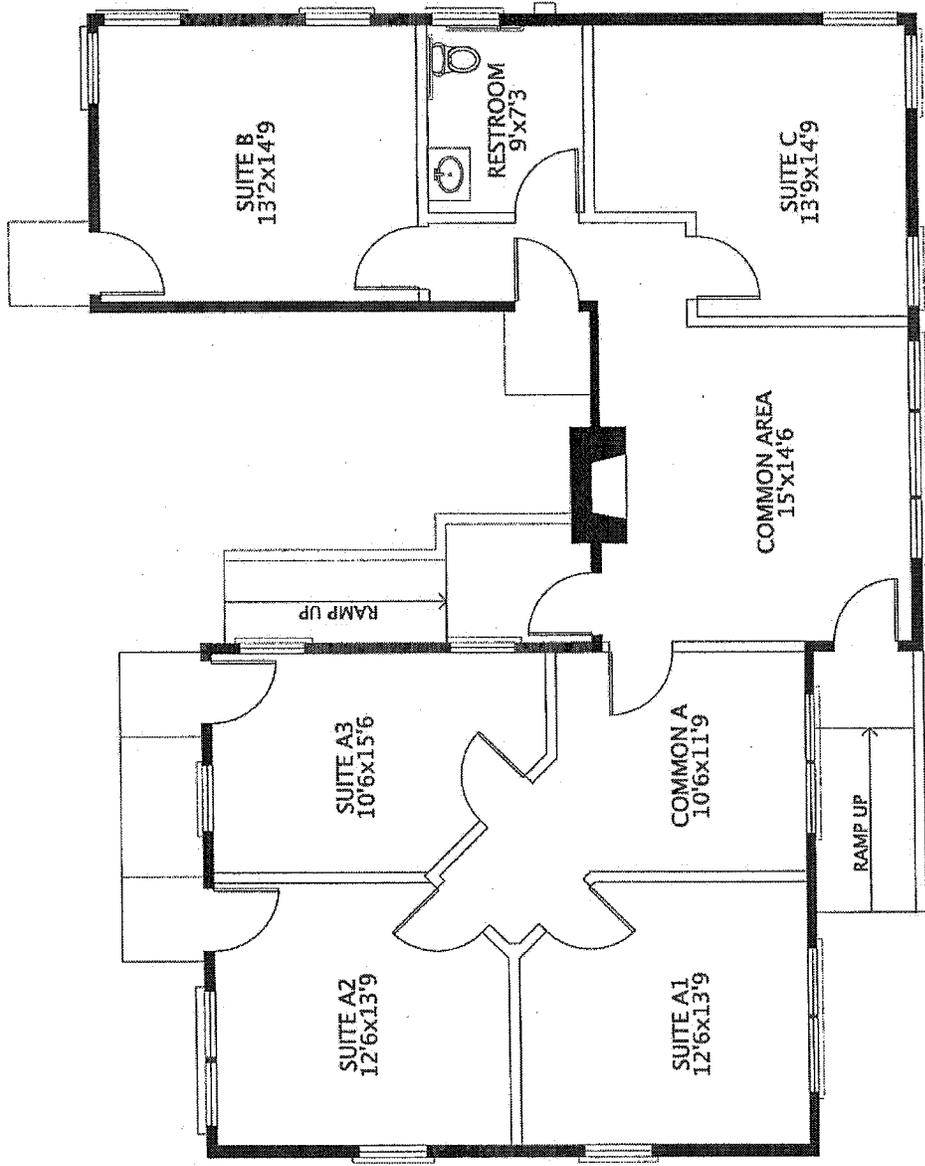
At this time, we ask your consideration to amend the current CUP to add administrative-professional offices and personal offices as allowed uses for the property. Further, we're hopeful the CUP amendment could be processed at the same time as the zoning permit applications for both Sara Gandy and Bill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

Michael G. Bialas



NOTE: ROOM DIMENSIONS ARE APPROXIMATE

**FIRST FLOOR PLAN**



566 WEST LAKE STREET  
 SUITE 100  
 CHICAGO, IL 60661  
 312.491.9840  
 WWW.EARLEARCHITECTS.COM

CLIENT: 828 PORTOLA ROAD, PORTOLA VALLEY, CA  
 SKETCH NO: SK01  
 FILE NAME: 828PORTOLA\_BASE PLAN.DWG

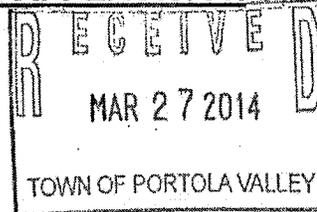
PROJECT NO: 14193.00  
 DRAWN BY: OZ DATE: 4.22.2014

**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 X (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

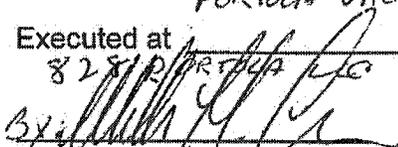
3) DESCRIPTION OF PROPERTY: STREET ADDRESS: 828 Portola Road, Portola Valley  
SUBDIVISION NAME \_\_\_\_\_ LOT NO. \_\_\_\_\_ BLOCK NO. \_\_\_\_\_  
ASSESSOR'S PARCEL NO. 076-261-060 ZONING DISTRICT \_\_\_\_\_

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, California on 3/23/14 (date).

828 PORTOLA LLC  
  
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: 312-355-4000 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: mbialase@crow-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]  
(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
- formal meetings
- posting
- neighbor inquiries
- report preparation
- noticing
- permit issuance
- referral inquiries
- plan check
- scheduling
- action letters
- counter or telephone explanations
- consultant review of issues and documents
- consultant preparation of documents
- condition enforcement
- site visits
- actions related to violations
- 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 \$310<sup>00</sup> + deposit 1,000<sup>00</sup> = 1,310<sup>00</sup>  
APPLICATION NO. \_\_\_\_\_

APPLICANT NAME: Sara Hardy MD

ADDRESS: 828 Portola Road Portola Valley CA. 94028

TELEPHONE: Work: <sup>mobile</sup> ~~658~~ (415) 999-7363 Home: mobile 415 - 999 - 7363

new work Fax: ~~(415) 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: \_\_\_\_\_

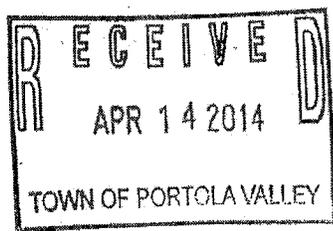
PROPOSED USE: psychiatry office

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 12<sup>th</sup> 2014  
Portola Valley (date)

Sara Hardy MD  
(signature of owner or agent)

Applicant: Sara Hardy 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 Kristianisom via email
4. Narrative:

-Describe in detail how your business can serve the "frequently recurring needs" of Portola Valley residents.  $> 2/3^{15}$  of my patients are from Portola Valley 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 evaluations for teenagers from our community who may have learning issues, academic stress, anxiety issues etc. I treat executives who have work life balance concerns.

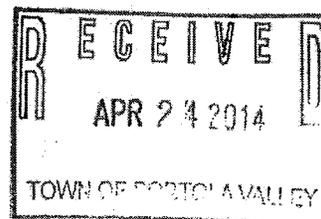
I also have patients from the V + Sequoias as I am skilled (not only with the treatment of teenagers & adults) but also with the care of geriatric patients. Those patients however, I see in the context of Stanford Geriatric Psychiatry & I would not be seeing them at the Portola Road location.

---

# 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  
650 851-8754

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

TOWN OF PORTOLA VALLEY

10/19/07

OCT 18 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) 851-4077

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

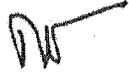
practices per doctor, the proposal would conform to the floor area use restrictions in Section 18.54.052 of the zoning ordinance.

- 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  
650 851-8734

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

September 19, 2007

Tom Vlastic  
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.

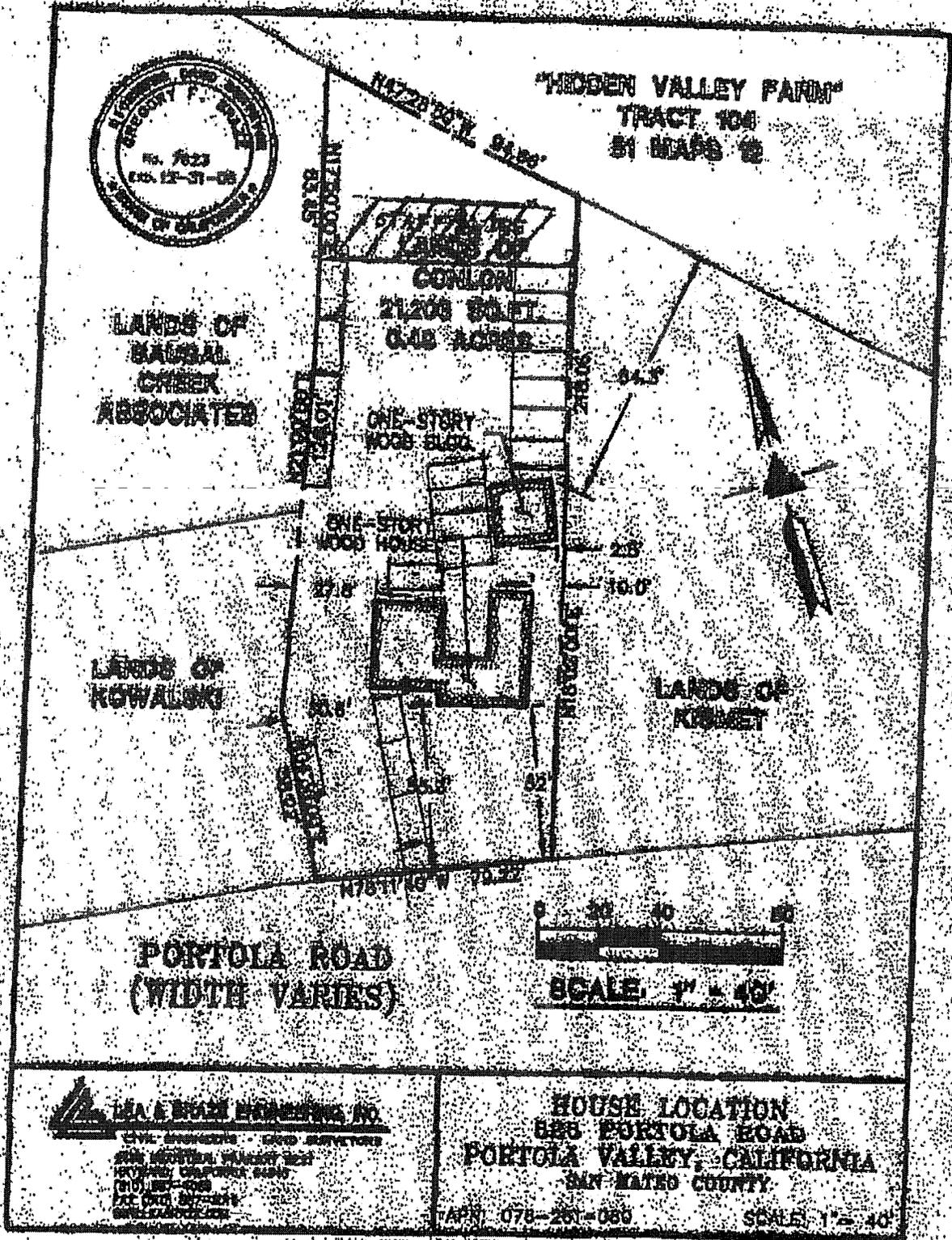
Sincerely,



Robert D. Conlon, D.D.S.

Attachments: 2 pages

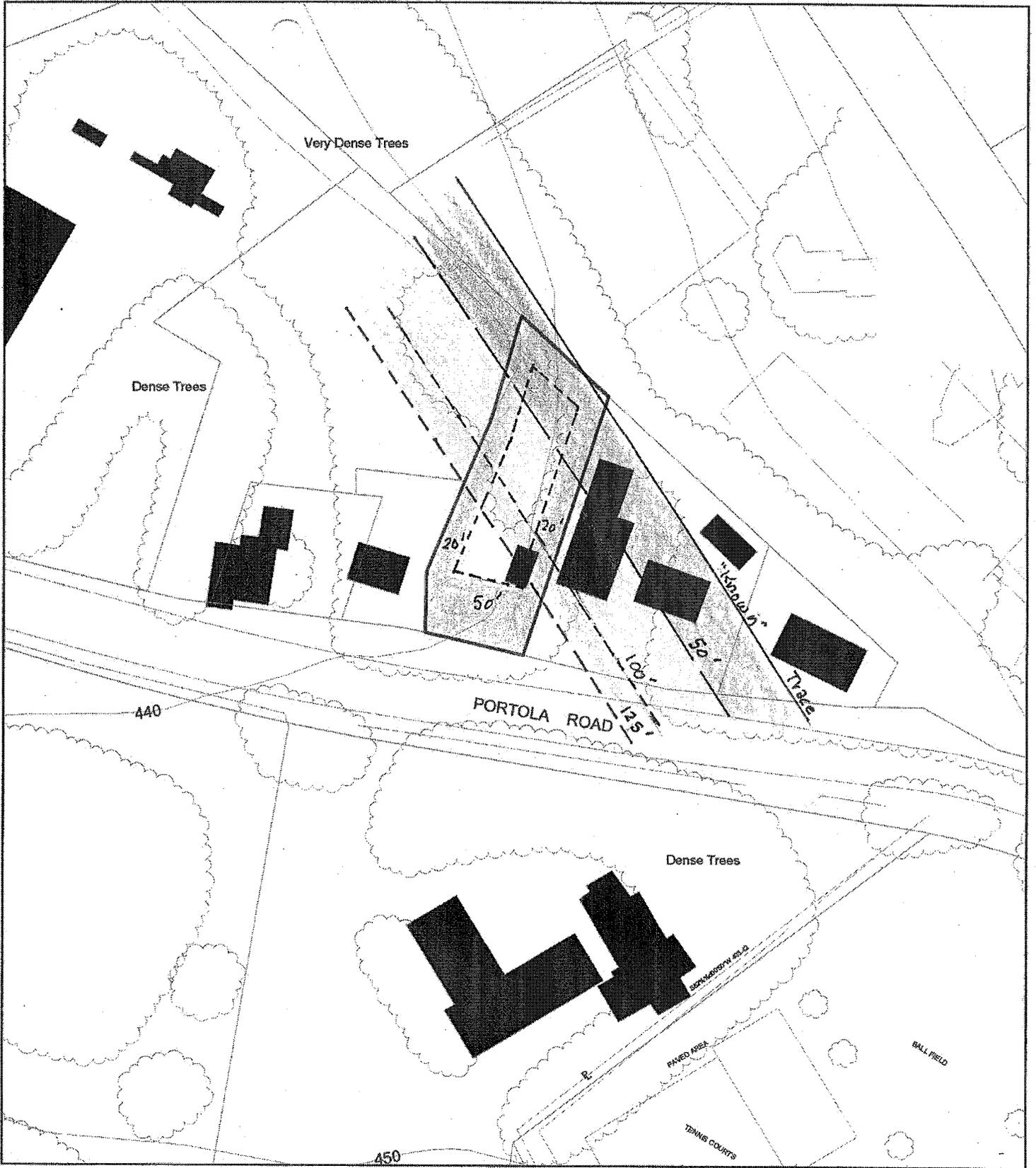
.....



**HA & RM ENGINEERS, INC.**  
CIVIL ENGINEERS AND SURVEYORS  
2040 PORTOLA VALLEY CENTER  
PORTOLA VALLEY, CALIFORNIA 94024  
(415) 947-4000  
FAX (415) 947-4001  
WWW.HAANDRM.COM

**HOUSE LOCATION**  
585 PORTOLA ROAD  
PORTOLA VALLEY, CALIFORNIA  
SAN MATEO COUNTY

APR 078-261-088 SCALE 1" = 40'  
DRAWN BY: ME JOB NO: 2070402



**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:** Karen Kristiansson, Interim Town Planner

**DATE:** May 29, 2014

**RE:** Draft 2014 Housing Element

The attached full draft of the 2014 Housing Element Update includes the following sections, each of which the Planning Commission has discussed at earlier meetings.

- Evaluation of the 2009 Housing Element (discussed 5/21/14)
- Population, Employment and Housing (discussed 4/2/14)
- Constraints on Housing (discussed 5/21/14)
- Sites Suitable for Housing (discussed 3/5/14)
- Goals and Policies (discussed 5/7/14)
- Programs (discussed 4/2/14, 3/5/14, 2/5/14, 1/15/14, 12/18/13, 12/4/13, 11/20/13)

These sections have been revised to reflect comments provided at the Planning Commission's earlier meetings, but are substantially similar to the drafts that were presented at those meetings.

The few items that have been added or changed include the following:

1. Goals and Policies, which have been updated by the subcommittee to incorporate additional language from the Ad Hoc Housing Committee Report. This language was developed to be consistent with the high-level language of general plan policies and also with potential state reactions in mind.

In terms of the Ad Hoc Housing Committee's specific recommendations concerning future expenditure of funds for land or housing construction, the Town Council is scheduled to discuss a proposed process that would be used in the future for the acquisition of land and construction of buildings for any Town purpose, including housing. A Town-wide notice of the Town Council's June 18<sup>th</sup> meeting is being prepared and is scheduled to be mailed the week of June 2<sup>nd</sup>. The notice will clearly identify that the Town Council will be discussing both the

draft housing element as recommended by the Planning Commission and proposed amendments to the Town's capital asset policy for land acquisition and construction of buildings.

2. Introduction, including discussions of public participation and consistency with other general plan elements.
3. Quantified Objectives and Action Plan, which follow from the site inventory and programs sections of the housing element.

### **Next Steps**

The Planning Commission should review the full draft of the housing element and provide comments at the June 4, 2014 meeting, focusing on the three new/revised sections listed above. Typographical or minor editorial comments can be provided prior to or immediately following the meeting. Staff will then revise the housing element based on the Planning Commission's comments, and the Town Council will review and discuss the revised housing element at a special meeting on June 18.

After the Town Council has completed its review, staff will incorporate any revisions and submit the draft housing element to the California Department of Housing and Community Development (HCD) for review.

cc. Town Planner  
Town Manager  
Town Attorney  
Mayor  
ASCC

# Town of Portola Valley General Plan

## Housing Element

June 4, 2014  
DRAFT

Introduction.....	3
Public Participation.....	4
Consistency with Other General Plan Elements .....	5
Evaluation of 2009 Element .....	6
Program 1: Inclusionary Housing Requirements .....	6
Program 2: Multifamily Housing.....	7
Program 3: Second Units .....	8
Program 4: Waiver of Fees .....	9
Program 5: Shared Housing.....	10
Program 6: Emergency Shelters.....	10
Program 7: State-Required Density Bonuses.....	11
Program 8: Fair Housing.....	11
Program 9: Removal of Constraints to Housing for People with Disabilities.....	11
Program 10: Housing Impact Fee.....	12
Program 11: Farmworker Housing Zoning Amendments .....	12
Program 12: Transitional and Supportive Housing Zoning Amendments .....	12
Program 13: Continue Existing Energy Conservation Measures and Implement Sustainability Element.....	13
Summary .....	13
Population, Employment and Housing: Conditions & Trends.....	14
Population Trends.....	14
Employment Trends.....	15
Housing Characteristics .....	16
Housing Affordability.....	19
Rehabilitation and Replacement.....	26
Affordability for Assisted Housing Developments .....	26
Regional Housing Needs Allocation .....	26
Constraints on Housing.....	28
Governmental Regulations and Constraints .....	28
Nongovernmental Constraints.....	48
Constraints on Housing for People with Disabilities.....	49
Sites Suitable for Housing.....	52
A Process of Elimination.....	52
Inventory of Vacant Parcels.....	58
Analysis of Suitability for Development.....	65
Summary of Site Inventory.....	69
Goals & Policies.....	72
Programs, Quantified Objectives, and Action Plan .....	74

# *Housing Element*

---

## *Introduction*

- 2400 The housing element of the general plan examines the success of the previous housing element, the need for and status of housing in the town, constraints on the provision of housing, and sites available for housing. Building on this foundation, the element sets forth the goals and policies of the town with regard to housing and establishes programs to increase the supply of housing, and especially affordable housing, in the town. This version of the housing element is an update and revision of the housing element which was first adopted by the Town of Portola Valley in 1969.
- 2401 The element also responds to the state requirements for housing elements as set forth in Government Code Section 65580 *et seq.* Accordingly, this revision of the element addresses Portola Valley's share of regional housing need as determined by the San Mateo County subregion allocation process for the 2014-2022 planning period.
- 2402 The element begins with an evaluation of the current housing element, which was adopted in 2009. Many programs from that element have been continued into the current housing element. Most of the continued programs have been updated and changed in response to situations the town has encountered over the years in implementing the programs.
- 2403 Next is a detailed examination of population, employment and housing conditions and trends in Portola Valley. The primary findings of this section are that there is a need for additional affordable housing for the elderly and for people who work in town.

2404 The constraints analysis looks at both governmental and nongovernmental constraints. While there are a number of relatively minor constraints, the main constraint on the provision of affordable housing in town is the extremely high cost of land. This high land cost makes it unlikely that any nonprofit housing developer would be able to produce affordable housing, or even a mixed income development, if the developer had to pay the full land cost. As a result, this element includes programs that are intended to mitigate or work around this constraint.

2405 In the site inventory section, information is provided on sites available for development in town. This section demonstrates that, as a result of the town's housing programs, there are sufficient sites available for housing to meet the town's share of the regional housing need.

2406 The town's goals and policies for housing development in town are then presented, followed by detailed descriptions of the programs and quantified objectives included in the element. The action plan then summarizes the actions the town will need to take to implement the programs and describes the expected results.

2407 This housing element includes seven programs:

- 1) Inclusionary Housing
- 2) Affiliated Housing
- 3) Second Units
- 4) Shared Housing
- 5) Fair Housing
- 6) Energy Conservation and Sustainability
- 7) Explore Future Housing Needs and Potential Housing Programs

Finally, an Action Plan at the end of the element spells out the steps that need to be taken in order to implement the program, and when each step should occur during the remainder of the 2014-2022 planning period.

## **Public Participation**

2408 During the housing element update process, the town posted information on the town's website, held 10 advertised and open study sessions on various portions of the housing element, distributed information through the Town's e-Notification system to anyone who expressed an interest in housing, mailed postcards to all town residents, and posted information on the Portola Valley Forum, an active list serve with over 2,300 members.

Town staff also participated in the 21 Elements housing element efforts in San Mateo County. This included attending panel discussions focusing on developers, housing advocates and funders, special needs and sustainability. In addition,

information about the town's housing element update process was provided to local housing advocates and stakeholders through the 21 Elements list serve and more widely to the stakeholder list developed by the 21 Elements effort.

The draft housing element has been available at Town Hall and at the library, as well as on the website. Town residents and others interested in housing in Portola Valley have had the opportunity to comment both at meetings and in writing. Comments provided at the public study sessions were used to refine the Goals and Policies section and the Programs section of the 2014 Housing Element in particular.

### **Consistency with Other General Plan Elements**

- 2409 This element and the adopted elements of the General Plan have been compared for consistency, and no conflicts have been found. Any other elements of the General Plan that are amended during the planning period will be drafted to be consistent with this housing element.

DRAFT

## ***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 for a minimum of eight moderate income households. This housing 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 <sup>nd</sup> Units Projected	2 <sup>nd</sup> 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.

# Population, Employment and Housing: Conditions & Trends

2425 This section provides information on population trends, employment trends, housing characteristics, and special housing needs in Portola Valley. The information is required by state law and provides a context in order to assist the town in planning for suitable housing in the future.

2426 The analysis shows that there is a particular need for housing that is affordable to the elderly and to people who work in the town. The proportion of the town's population over 64 has risen from about 6.7% percent in 1960 to 27 percent in 2010, and senior citizens comprise the majority of lower income households in town. A survey of the town's largest employers reveals that most of the people who teach the town's children, work for town government, and provide services for the town's senior citizens cannot afford to live in Portola Valley.

## Population Trends

2427 According to the U.S. Census, Portola Valley's population decreased 2.44 percent between 2000 and 2010. The table below compares the total population, the population in group quarters, the population in households and persons per household in 2000 and 2010. The population in group quarters likely consists primarily of people residing at the Priory School, and does not include the Sequoias. It appears that the population at the Sequoias did not report themselves as living in group quarters, but rather as living in individual units.

Population Growth: 1990 and 2000				
Year	Total Population	Population in Group Quarters	Population in Households	Average Persons per Household
2000	4,462	70	4,392	2.58
2010	4,353	44	4,309	2.47

*Note: A group quarters is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other.*

*Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories*  
 Source: U.S. Census.

2427a Changes in the age distribution from 1960 to 2010, as reflected in the U.S. Census, are shown in the table below. The percentage in all major age groups increased slightly between 2000 and 2010 except for people under age five and between the ages of 20 and 44. The percentage of people age 65 and over continues to grow.

These shifts are important to consider both from the town's housing and other planning/service factors.

Age Group	1960	1970	1980	1990	2000	2010
Under 5	11.3	5.1	3.5	5.6	5.0	4.0
5-19	29.2	30.1	22.4	15.2	19.2	20.3
20-44	35.4	32.3	30.5	32.4	21.4	14.3
45-64	17.4	22.3	29.2	28.1	33.5	34.4
65+	6.7	10.2	14.4	18.7	21.0	27
<i>Totals</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>	<i>100.0</i>

Source: U.S. Census

### Employment Trends

2428 The number of employed residents in Portola Valley decreased by nearly 20%, from 2,008 in 2000 to 1,640 in 2010. This is likely related to the increase in the population of residents aged 65 and older, and the decrease in residents aged 20-44.

2428a Through the 2008-2012 American Community Survey, 1,512 Portola Valley residents reported place of employment. Approximately one quarter of these residents work in town, with another quarter working elsewhere in San Mateo County.

Location	1990*	%	2000*	%	2010**	%
Portola Valley	358	17%	362	18%	373	25%
Rest of San Mateo County	565	27%	484	25%	357	24%
Outside the County	1,155	56%	1,128	57%	782	52%
<i>Total</i>	<i>2,078</i>	<i>100%</i>	<i>1,974</i>	<i>100%</i>	<i>1,512</i>	<i>100%</i>

\* Source: 1990 and 2000 U.S. Census

\*\*Source: 2008-2012 American Community Survey.

2428b The Town Planner estimates that there are likely approximately 1,250 – 1,500 jobs in town, based on a combination of information from surveys of employers and census data on the number of self-employed residents, plus a margin for household staff. This is consistent with the estimate of 1,500 jobs shown for the town in the Association of Bay Area Governments' (ABAG) *Projections 2013*.

2428c Little new office and commercial development is anticipated. Only 18 acres of land are planned and zoned for commercial and office uses, and most of that land is developed. The town continues to provide housing for people who work elsewhere, helping to relieve the jobs/housing imbalance in other Peninsula cities that have more jobs than employed residents.

2428d Many employees in town are non-residents, in part because they cannot afford to live in Portola Valley. In 2004, surveys of the four largest employers in town (the town government, the school district and two institutional employers) revealed that only about 4% of those employed in town earned incomes that would be in the above moderate income category for a family of three, whereas approximately 85% earned incomes in the very low or low income categories. While these numbers may have changed somewhat, the overall situation is likely very similar. Unless employees have other household members who earn significantly more, it appears that most of those who administer the town's affairs, teach its children, and care for its elderly cannot afford to live in town.

### **Housing Characteristics**

2429 Portola Valley is a community of single family residences, mostly on lots ranging from one to two-and-a-half acres or more. The exceptions are in the older part of the town that has some lots as small as 4,000 square feet, and three other small areas with minimum lot sizes of 15,000 or 20,000 square feet. Under conditions specified in the general plan and land use regulations, the town permits cluster development, second units on single-family parcels one acre or larger, shared living arrangements and manufactured (mobile) homes. The location and density of housing development is controlled largely by natural conditions, particularly the San Andreas Fault, which crosses through the town, steep and potentially unstable slopes, and flood hazard areas along creek channels.

2429a According to the California Department of Finance, the number of housing units in Portola Valley is projected to increase by 130 from 1,772 in 2000 to 1,902 in 2013, an average of 10 units per year. In comparison, actual numbers from the Town's records show that from the 2000-2001 fiscal year to 2012-2013 fiscal year, a total of 111 building permits were issued for new home construction. This averages out to 8.5 units per year, which is slightly less than the state estimate.

2429b Portola Valley's housing supply between 2000 and 2013 is summarized in the table below, as estimated by the California Department of Finance. According to this data, 130 single family homes were added during that period. Although permitted, no manufactured homes were added. These estimates indicate that Portola Valley has 38 multifamily units in 2-4 unit structures, and 324 multifamily units in 5+ unit structures, for a total of 366 multi-family units. Portola Valley does not have a significant number of multi-family units other than the housing at the Sequoias and the Priory. The annual housing unit count reported by the California Department of Finance therefore seems to include the senior housing at the Sequoias and some housing at the Priory as multi-family units.

Housing Units, 2000, 2010-2013						
	Total Units	Single Family	Multifamily		Mobile Homes	Occupied Units
			2-4	5+		
2000	1,772	1,479	0	260	0	1,700
2010	1,895	1,533	38	324	0	1,746
2011	1,898	1,536	38	324	0	1,749
2012	1,900	1,538	38	324	0	1,751
2013	1,902	1,540	38	324	0	1,753

Source: State of California, Department of Finance, City/County Population and Housing Estimates, 2000-2008, Report E-5.

### Tenure

2429c According to the 2010 Census, about 80% of homes are owner-occupied, while the remainder are rented. This has not changed significantly since 1990, as shown in the following table of the number of housing units and percentages by tenure.

Tenure of Housing Units: 1980, 1990, 2000, and 2010					
	Renter-Occupied Units		Owner-Occupied Units		Total Occupied Units
1980	97	(8%)	1,142	(92%)	1,239 (100%)
1990	303	(19.60%)	1,327	(81.40%)	1,630 (100%)
2000	257	(15.1%)	1,443	(84.9%)	1,700 (100%)
2010	354	(20.30%)	1,392	(79.71%)	1,746 (100%)

Source: 1980, 1990, 2000 SF 2 and 2010 U.S. Census SF 1.

### Overcrowded Households

2429d Most houses in Portola Valley are large. The 2010 Census reports that 70 percent of the housing units had six or more rooms ("rooms" do not include bathrooms, storage areas, or areas separated by less than a floor to ceiling partition). Most new homes in Portola Valley are now between 5,500 and 6,000 square feet plus basements. In the past six fiscal years (2007 – 2013), Portola Valley has issued 37 new building permits for additions, indicating that the existing housing stock is also getting larger.

2429e The U.S. Census defines "overcrowding" as 1.01 or more persons per room in a housing unit. Under this definition, Portola Valley had 0 overcrowded units in 2010. Given this information, as well as the small number of units affected and the generally large size of homes in Portola Valley, overcrowding does not appear to be a significant problem in the town.

## Housing Condition

- 2429f Most homes in Portola Valley are in good condition. The 2007-2011 American Community Survey estimates that all units have complete plumbing facilities and lists only 148 housing units built before 1940.
- 2429g Many houses in town are not visible from public roads, making “windshield” surveys of housing conditions difficult. However, building permit records indicate a consistently high volume of remodeling and additions. The town issued 303 permits for remodels between Fiscal Year 2008-09 and Fiscal Year 2012-13. In addition, between Fiscal Year 2008-09 and Fiscal Year 2012-13, a total of 27 homes were torn down and replaced with new homes.
- 2429h The high value of properties in the town leads to a high level of maintenance, and over any significant period of time, the private market appears to be effective in eliminating substandard conditions. None of the information available to the town indicates a significant problem with housing conditions.

## Vacancy Rates

- 2429i Portola Valley had a 7.9% vacancy rate in 2010, as shown in the table below. Most of the vacant units were either for rent, for seasonal or occasional use, or “other,” with a few for sale or not occupied.

Occupancy Status of Housing Stock		
Type	Number	Percent
Total Units	1,895	100.0%
Occupied Units	1,746	92.1%
Vacant Units	149	7.9%
For Rent	39	2.1%
Rented, Not Occupied	5	0.3%
For Sale Only	14	0.7%
Sold, Not Occupied	4	0.2%
For Seasonal or Occasional Use	59	3.1%
For Migrant Workers	0	0.0%
All Other Vacants	28	1.5%

Source: 2010 U.S. Census SF1

Portola Valley’s vacancy rate was higher than in the rest of San Mateo County but lower than the average rate for California; in 2010, the vacancy rate in San Mateo County as a whole was 4.9%, and the vacancy rate in the State of California was 8.1%. Unlike in many other communities, foreclosures are not a significant problem in the town.

## Housing Affordability

2430 As shown in the table below, the average sales price of homes in Portola Valley has increased significantly over time and is now very expensive. The average home cost about \$1 million in 1996 and over \$2 million in 2012.

Average Sales Prices in Portola Valley, Selected Years			
Year	Number of Sales	Average Sales Price	2010 Constant Value
2012	63	\$2,200,000	\$2,089,441
2006	39	\$1,872,269	\$2,025,097
1996	65	\$1,035,603	\$1,439,257
1986	Not known	\$511,957	\$1,018,570

Sources: Multiple Listing Service (MLS) for areas 261, 262, 263, and 265 and Bureau of Labor Statistics CPI Inflation Calculator

2430a In the November 11, 2013 *Almanac*, there were seventeen homes mentioned for sale. Asking prices ranged from \$1.27 million to \$13.9 million, and averaged \$4.5 million. This is much higher than the prices from 2009, when the February 11, 2009 *Almanac* listed eleven homes for sale in Portola Valley with asking prices between \$1.1 million and \$3.95 million, and averaging \$2.1 million. The February 7, 2001 *Almanac* listed six homes for sale in Portola Valley with asking prices between \$1.8 million and \$3.9 million and averaged \$2.5 million. When comparing the 2013 set of prices with those of 2001, the average asking prices have gone up, showing that the housing market has shown recovery since the most recent economic recession.

2430b Home prices in Portola Valley more than quadrupled between 1986 and 2012. None of the housing for sale in November 2013 would be considered affordable by households with moderate incomes or less under typical financing terms

2430c Rental housing in November 2013 included a total of five rental properties listed on craigslist and Trulia. Rents ranged from \$3,300 for a two-bedroom second unit to \$9,700 for a 6 bedroom, 3.5 bathroom home. The other three homes listed ranged from \$4,900 to \$6,000 for rent per month. For comparison, there were four rental units listed in the February 7, 2001 *Almanac*, with rents ranging from \$1,500 for a one bedroom apartment to \$5,000 for a three bedroom home. While rents in town appear to have increased, they have not increased as much as the cost to purchase a home.

2430e The federal government defines “affordable housing” as housing that costs 30 percent or less of a household’s income. The table below shows average salaries for selected occupations in San Mateo County, together with the affordable monthly housing cost.

<b>Average Salaries and Affordable Monthly Housing Costs in San Mateo County</b>		
	<b>Annual Salary</b>	<b>Affordable Monthly Housing Cost</b>
<b>Single Wage Earner</b>		
Senior on Social Security	\$15,000	\$375
Minimum Wage Earner	\$16,640	\$416
Plumber	\$65,200	\$1,630
Paralegal	\$71,300	\$1,783
Software Engineer	\$110,000	\$2,750
<b>Two Wage Earner Households</b>		
Min. Wage Earner & Software Engin'r	\$106,640	\$2,666
Biochemist & Elem'y School Teacher	\$156,000	\$3,900

Source: Employment Development Department Data for San Mateo county, Mean Annual Wage, First Quarter 2012

2430f Housing costs include rent or mortgage payments, utilities, and necessary maintenance. Households with above moderate incomes have numerous housing choices. The primary concern is for households with moderate, low and very low incomes that have few choices in the housing market.

2430g One measure of the affordability of housing is whether households, especially low income households, are overpaying for housing. The table below shows the number and percentage of both owners and renters in Portola Valley who are overpaying.

<b>Households Overpaying* for Housing</b>		
<b>Owner-Occupied</b>	<b>Number</b>	<b>Percent</b>
<\$35,000 income	71	83%
\$35,000-\$74,999	79	64%
\$75,000+	209	20%
<b>Renter-Occupied</b>		
<\$35,000 income	101	100%
\$35,000-\$74,999	103	100%
\$75,000+	38	18%

\* Overpayment is defined by the US Census Bureau by the percentage of income spent on housing costs; owner-occupied households that spend more than 38% or renters who spending more than 30% of income on housing costs are considered to be overpaying.

Source: 2011 American Community Survey

2430h This data indicates that there are approximately 601 households in Portola Valley who are overpaying for housing, including all renters and most owners who have incomes less than \$75,000 per year.

## Special Housing Needs

2431 In addition to being affordable, suitable housing also must meet households' other needs. Some special housing needs are defined in the following sections.

### *Elderly*

2431a The proportion of Portola Valley's population over age 65 continues to increase, as shown in the table below. During the last forty years, the percentage of the town's population that is over age 64 has more than quadrupled, from 6.7 percent to 27 percent. While this is partly due to the natural aging of the population, the percentage change is also in part likely due to the high cost of housing, which may prevent younger people who have not accumulated as much capital or reached their earnings peak from being able to afford to live in Portola Valley.

<b>Percentage of People Over Age 64 in 1960, 1969, 1980, 1990, 2000, 2010</b>			
Year	No. of People over Age 64	Total Population	Percent of Total Population
1960	145	2,163	6.7
1969	458	3,849	11.9
1980	567	3,939	14.4
1990	786	4,194	18.7
2000	938	4,462	21.0
2010	1,173	4,353	27.0

Sources: 1960 U.S. Census as adjusted by William Spangle & Associates and reported in the 1982 Housing Element; State Department of Finance Special Census for 1969 as reported in the 1982 Housing Element; U.S. Census for 1980, 1990 and 2000, 2010.

2431b The table below shows the income distribution for households aged 65 and older. There is a significant disparity in incomes for elderly households, with nearly a quarter having incomes below \$30,000, and almost half having incomes above \$100,000.

<b>Income Distribution for Households Over Age 65 and Older</b>		
Income	Portola Valley	San Mateo County
Below Poverty Level	1%	6%
<\$30,000	22%	28%
\$30,000-\$49,999	7%	19%
\$50,000-\$74,999	21%	16%
\$75,000-\$99,999	5%	11%
\$100,000+	45%	26%
Total Seniors	723	55,093

Source: U.S. Census Bureau, 2007-2011 American Community Survey

2431d Most elderly residents in Portola Valley own their homes. Some older residents may own houses that are bigger than they want or need. Long-term older residents

often have paid-up mortgages or low mortgage payments and, under Proposition 13 provisions, low property taxes. Some literally cannot afford to move. As they grow older, some residents will have difficulty maintaining their properties due to physical or financial constraints. Despite their long-standing ties to the community, these people may be forced to move out of the area by the shortage of suitable senior housing in town, in any price range.

Households by Tenure		
	Owner Households	Renter Households
All Ages	73%	27%
Ages 65-74	82%	18%
Ages 75-84	44%	56%
Ages 85+	66%	34%

Source: 2011 American Community Survey

- 2431f The Sequoias, a buy-in retirement community in town operated by Northern California Presbyterian Homes and Services, is home to over 300 senior citizens. The minimum age to enter is 65, but most people are in their mid- to late 70s when they enter. The facility provides common dining and medical care geared to various levels of need. In 2013, the cost to enter ranged from \$94,500 to \$820,900 for housing, three daily meals and medical care for life. This cost varies depending on the size and type of unit. In addition, monthly costs range from about \$3,406 for a single up to \$8,492 for a two-bedroom unit. The monthly cost includes rent, utilities, meals, housekeeping, and access to on-site nursing and physician services. Over 300 people are on the waiting list for a place at the Sequoias, indicating a strong demand for this type of senior housing.
- 2431g While the costs to live at the Sequoias are significant, the Sequoias does have a financial assistance program for residents. People whose incomes and assets are depleted while living at the Sequoias receive aid so that they can continue to receive housing and medical care. Approximately five residents receive this aid per year.
- 2431h The Sequoias is an important housing option for seniors in the community. Second units and shared housing provide other options for seniors who need affordable housing but would prefer a non-institutional setting.

### ***People with Disabilities***

- 2431i The Census Bureau defines disability as, "A long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business." Not surprisingly, people over 65 are much more likely to have a disability.

The State of California further defines developmentally disabled as a “severe and chronic disability that is attributable to a mental or physical impairment. The disability must begin before the person’s 18th birthday, be expected to continue indefinitely, and present a substantial disability.” Some development disabilities cause mental retardation and some do not. Common developmental disabilities include Down’s syndrome, autism, epilepsy and cerebral palsy.

People with disabilities face many challenges when looking for housing may have unique housing needs. There is a limited supply of handicap accessible, affordable housing generally, and people with disabilities are also often extremely low income due to the challenge of securing long-term employment, and to higher medical bills.

Fair housing laws and subsequent federal and state legislation require all cities and counties to further housing opportunities by identifying and removing constraints to the development of housing for individuals with disabilities, including local land use and zoning barriers, and to also provide reasonable accommodation as one method of advancing equal access to housing.

SB 812, signed into law in 2010, requires Housing Elements to include an analysis of the special housing needs of people with developmental disabilities. Additionally, SB 812 requires that individuals with disabilities receive public services in the least restrictive, most integrated setting appropriate to their needs

As shown below, all people with developmental disabilities in Portola Valley live with a parent or legal guardian, and none lives independently or with supportive care, nor in community care facilities.

<b>Living Arrangements of People with Disabilities</b>				
Lives with:	Number		Percent	
	Portola Valley	County	Portola Valley	County
Parents/Legal Guardian	11	2,289	100%	66%
Community Care Facility	0	605	0%	15%
Independent/Supportive Living	0	349	0%	2%
Intermediate Care Facility	0	191	0%	10%
Other	0	60	0%	2%
<b>Total</b>	<b>11</b>	<b>3,494</b>	<b>100%</b>	<b>100%</b>

Source: Golden Gate Regional Center

Note: Counts are based on zip codes and may include areas outside of jurisdictional boundaries

People in Portola Valley also have non-developmental disabilities, such as hearing disabilities or vision disabilities. Some residents have both developmental and non-developmental disabilities. According to the 2008-2012 American Community Survey, 422 people living in Portola Valley suffered a disability. Of the total number

of disabled people in Portola Valley, 326 were over the age of 65, equaling 77 percent of the disabled population.

In San Mateo County, almost a third of the senior population has some kind of disability. Eight percent of the total population in the county has some kind of disability. The most common disabilities in the county are ambulatory disabilities (four percent of the population) and independent living disabilities (three percent). The census does not have numbers specifically for Portola Valley because it is too small, but the percentages are likely similar to the countywide averages.

The town has no data to indicate that housing for disabled persons is a significant unmet need in town, although the need for accessible housing can be anticipated to grow as the population ages.

### ***Large Households***

2431j According to the 2010 Census, Portola Valley had an average household size of 2.47, which is a slight decrease from 2.58 in 2000. The percentage of households with five or more persons also decreased slightly, from 9.4% in 2000 to 8.9% in 2010.

Most of the housing in town is well-suited to large families. According to the 2008-2012 American Community Survey, about 67 percent of the housing units had 6 or more rooms. The median number of rooms per unit was 6.8. During the 1990s and since 2000, new construction added larger houses to the town, with most ranging in size from 5,000 to 6,000 square feet.

### ***Single-Parent Households with Children***

2431k Households with a single parent and one or more children under the age of 18, including female-headed households, often have fewer financial resources and greater needs for day care and other services than two-parent households.

2431l The 2008-2012 American Community Survey indicates that there are 39 households in Portola Valley with children under 18 years and a female householder with no husband. In addition, there are 26 households with children under 18 years and a male householder with no wife. A total of 146 children live in these households.

2431m Housing in town is large and often suitable for families with children. Further, schools, day care, a library, and recreation facilities are all provided in Portola Valley. There is no information available to indicate an unmet need for housing for single-parent households with children. However, these households are likely to benefit from an increase in affordable housing options, including second units.

## ***Farm workers***

2431n The 2007-2011 American Community Survey 5-Year Estimates shows that zero Portola Valley residents list their occupation as agriculture, forestry, fishing hunting and mining. Webb Ranch, on unincorporated land owned by Stanford University, is the major employer of farm workers in the area. Farm worker housing is provided on the Ranch. As a result, there is no need for farm worker housing within Portola Valley. However, to comply with state requirements, the town revised its zoning code in 2010 to be consist with the requirements of the California Health and Safety Code Sections 17021.5 and 17021.6 regarding the regulation of farmworker housing.

## ***Extremely Low Income Households***

2431o Households with extremely low incomes are those with incomes at or below 30% of the Area Median Income. For San Mateo County, including Portola Valley, that means that a family would need to have an income of \$33,950 or below to be considered extremely low income. Households with extremely low incomes include those who receive public assistance, such as disability insurance or social security. However, people with full-time jobs can also have extremely low incomes. The annual income for a full-time minimum wage job is currently \$16,640 in California, and a single person household earning \$23,750 or less is considered extremely low income.

### **Existing Needs**

2431p In 2010, there were 125 extremely low income (ELI) households in Portola Valley, representing 7% of the total households. About 38 percent of ELI households have housing problems, and nearly 17 percent are paying more than half of their incomes for housing. ELI households are at risk for homelessness if there are unexpected expenses, such as medical bills, or with the loss of a job.

<b>Extremely Low Income Households</b>			
	<b>Renters</b>	<b>Owners</b>	<b>Total</b>
<b>Total ELI Households</b>	75	50	125
<b>Percent with Housing Problems*</b>	17%	19%	38%
<b>Percent with Cost Burden**</b>	8%	9%	17%
<b>Percent with Severe Cost Burden***</b>	7%	9%	16%

\* *Housing problems include the following: 1) housing unit lacks complete kitchen facilities; 2) housing unit lacks complete plumbing facilities; 3) household is overcrowded; and 4) household is cost burdened. A household is said to have a housing problem if they have any 1 or more of these 4 problems.*

\*\**A cost burden is defined as a household paying more than 30% of its income for housing.*

\*\*\* *A severe cost burden is defined as a household paying more than 50% of its income for housing.*

*Sources: CHAS Data Book, accessed at <http://socds.huduser.org>, data current as of 2010.*

2431q ELI owners are more likely than renters to have a cost burden, although approximately the same percentage of both groups have severe cost burdens. Because such a high percentage of income goes to housing, ELI homeowners are at a very high risk for foreclosure.

### **Projected Needs**

2431r To calculate the projected housing needs, the town assumed that 50 percent of its very low income regional housing needs are extremely low income households. This results in a projected need for 10 housing units for ELI households over the plan period. The main program to provide housing for these households is the town's second unit program. In addition, the shared housing program could provide some housing for this income level, and the housing impact fee could eventually provide funding for ELI households.

### **Homeless**

2431s According to the 2013 San Mateo County Homeless Census and Survey, there were 2 homeless people counted in the town. Because Portola Valley is a rural community with little access to transit or services, homeless people may not find the town as attractive as more urbanized areas of the mid-Peninsula. In the past, homeless people have occasionally visited one of the churches in town for assistance, which they offer on an as-needed basis.

2431t The town believes that homelessness is a regional problem which needs to be addressed on a regional basis.

### **Rehabilitation and Replacement**

2432 The needs analysis identifies no need for rehabilitation or replacement of existing housing units. As described above, the condition of housing units in town is very good and maintenance occurs privately, with no known need for government involvement.

### **Affordability for Assisted Housing Developments**

2433 The town currently has no housing units subsidized with public funds and therefore no need to protect the affordability of such units.

### **Regional Housing Needs Allocation**

2434 For each planning period, the state determines how much housing for each income level is needed in the region. The Association of Bay Area Governments (ABAG) then usually allocates shares of the regional housing need to the cities and counties in the region. In the current housing element cycle, all of the jurisdictions in San Mateo County banded together to form a subregion, which allowed the cities,

towns and county to allocate the county's share of housing among themselves. The table below shows the total housing required for Portola Valley.

Portola Valley's Regional Housing Need Requirements, 2014-2022	
Income Level	Units
Extremely Low	10
Very Low	11
Low	15
Moderate	15
Above Moderate	13
Total	64

2434d The table below shows current (February 2008) income limits used to qualify for assistance from federal and state housing programs. The income limits vary with household size. The table lists the limits for one-, two-, three-, and four-person households.

2014 Income Limits (a) and Affordable Monthly Housing Costs (b)					
Number in Household	Maximum Income & Housing Cost	Income Categories			
		Ex Low	Very Low	Low	Moderate
1	Income Limit	\$23,750	\$39,600	\$63,350	\$86,500
	Housing Cost	\$594	\$990	\$1,584	\$2,163
2	Income Limit	\$27,150	\$45,250	\$72,400	\$98,900
	Housing Cost	\$679	\$1,131	\$1,810	\$2,473
3	Income Limit	\$30,550	\$50,900	\$81,450	\$111,250
	Housing Cost	\$764	\$1,273	\$2,036	\$2,781
4	Income Limit	\$33,950	\$56,550	\$90,500	\$123,600
	Housing Cost	\$849	\$1,414	\$2,263	\$3,090

(a) From California Department of Housing and Community Development, income limits for San Mateo County, February 2014.

(b) Assumes affordable housing costs no more than 30 percent of monthly income.

2434e The amount a household can afford to pay for housing is generally expressed as a percentage of the household's income. The percentage itself varies from source to source, however, ranging at least from 25 percent to 42 percent. In general, the trend has been for the percentage to increase as housing costs have increased. The table above uses an estimate of 30 percent of income as a guide to affordability and shows the resulting maximum monthly payment a household in each income category can afford for housing. These maximums include all housing costs, such as rent, utilities, insurance, and taxes. The policies and programs in this element are designed to provide affordable housing within these income limits, which are updated annually by the California Department of Housing and Community Development (HCD).

# ***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.I). 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 Hillside, the Lower Western Hillside, 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 <sup>1</sup>	Max Height <sup>2</sup>	Max Floor Area <sup>3</sup>	Max Imperv Surface <sup>3</sup>
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

<sup>1</sup> The height limit restricts the height as measured parallel to the ground surface.

<sup>2</sup> 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.

<sup>3</sup> 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.

<b>Slopes and Minimum Parcel Areas in S-D Combining Districts</b>						
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 Priority, 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.

<b>Selected Housing Development Fees and Deposits in Portola Valley</b>		
	Filing Fees	Deposit for Services
Consultation Meeting	\$ 590	\$ 500
<b>Architectural Review</b>		
New Residence	\$1,140	\$ 2,500
Second Unit	\$ 675	\$ 1,500
Additions	\$ 675	\$ 1,500
Amendment	\$ 340	
<b>Site Development Permit</b>		
50-100 cubic yards	\$ 1,070	\$ 2,500
100-1000 cubic yards	\$ 2,280	\$ 4,000
1000+ cubic yards	\$ 2,890	\$ 4,000
<b>Conditional Use Permit</b>		
Standard	\$ 4,055	\$ 7,500
PUD	\$ 6,085	\$ 7,500
Amendment	\$ 2,030	\$ 3,500
Variance	\$ 2,400	\$ 3,500
<b>Geology Review</b>		
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
<b>Subdivision</b>		
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.

## ***Sites Suitable for Housing***

2469 State law requires the town to demonstrate that sufficient residential housing sites exist in town to accommodate the town's share of total regional housing need. The town's housing need as assigned through San Mateo County's subregional housing allocation process is shown in the table below.

<b>Housing Need for Portola Valley, 2014-2022</b>	
<b>Income Category</b>	<b>Units</b>
Extremely Low	11
Very Low	10
Low	15
Moderate	15
Above Moderate	13
Total	64

2469a The following site inventory goes through three steps to determine how much housing could be built in Portola Valley during the current planning period. First, areas that are not suitable for development are identified and removed from consideration. Second, the vacant land in the remainder of the town is identified, and the realistic development capacity for this land is determined. Finally, the suitability of the vacant land for development is described, together with the likelihood of development during the planning period.

### **A Process of Elimination**

2470 Portola Valley faces different constraints on development than any other community on the Peninsula, with the possible exception of Woodside. Much of Portola Valley is unsuitable for development for one or more reasons. The major constraints on development are the presence of the San Andreas fault, large areas of landslides, the steepness of slopes, and the fire hazards due to natural conditions.

#### ***Physical Limitations***

2470a The San Andreas Fault runs through the center of the town. The fault separates the North American Plate from the Pacific Plate and poses problems of fault offset as well as intense ground shaking. The nature of the geology on the two sides of the fault is very different. By and large, the area east of the fault possesses largely stable land devoid of landslides. The area west of the fault, however, is composed of large areas of active and potential landslides. These landslides can be triggered by rainfall or grading as well as earthquakes.

- 2470b Portola Valley has been a national leader in planning for land use that recognizes geologic instabilities. See for instance, "A Model for Effective Use of Geology in Planning, Portola Valley, California" which was included in Landslide Hazards and Planning, Planning Advisory Service Report Number 533/534, published by the American Planning Association in 2005. Portola Valley has mapped the geology of the entire town at a scale of 1" = 500'. The town geologist reviews all proposed development in geologically hazardous areas. The town's geologic map is far too detailed to include in the housing element; however, two geologic maps are included in the element to describe the hazards in some detail. First, a map of the San Andreas fault is shown on Exhibit 1. The map clearly indicates how the central part of the town is affected. Second, the state map of seismic hazard zones is shown on Exhibit 2. A brief look at the map confirms that the western part of the town is almost entirely subject to earthquake induced landslides. A somewhat lesser hazard is depicted by substantial areas that are subject liquefaction. In most instances, there are geotechnical solutions to liquefaction, provided a project can bear the high cost of a solution.
- 2470c Another major limitation are the extremely steep slopes in the western part of the town. These are shown on Exhibit 3. It is clear that there are large areas of 41% or greater in slope and significant areas in the 21% to 40% range. Development is extremely difficult in areas with slopes in excess of 41% and very difficult in areas with slopes in excess of 21%.
- 2470d Fire hazards pose another limitation on development. In 2008, the town contracted for a fire study, and the map in reduced form is shown on Exhibit 4. A review of the map with the aid of the legend makes it clear that much of the western part of the town is exposed to very high fire hazards.
- 2470e In sum, the combination of the San Andreas Fault, large areas of landslides, very steep slopes and high fire hazards form a major basis for the town's general plan and zoning regulation that permit only a very limited amount of development in the western hillsides. Further limitations include a lack of public roads and water supply. Together with the hazards listed above, these require that the town protect the public interest with strict limitations on development in the western hillsides.
- 2470f The eastern part of the town is completely different from the western part. In the eastern part of the town, landslides are few, slopes less steep, fire hazard less and the area is served by public roads and a public water supply developed to meet fire fighting requirements. It is no wonder that the historic development of the town started in the eastern part and has continued in this part in the years since the town incorporated in 1964.

Exhibit 1

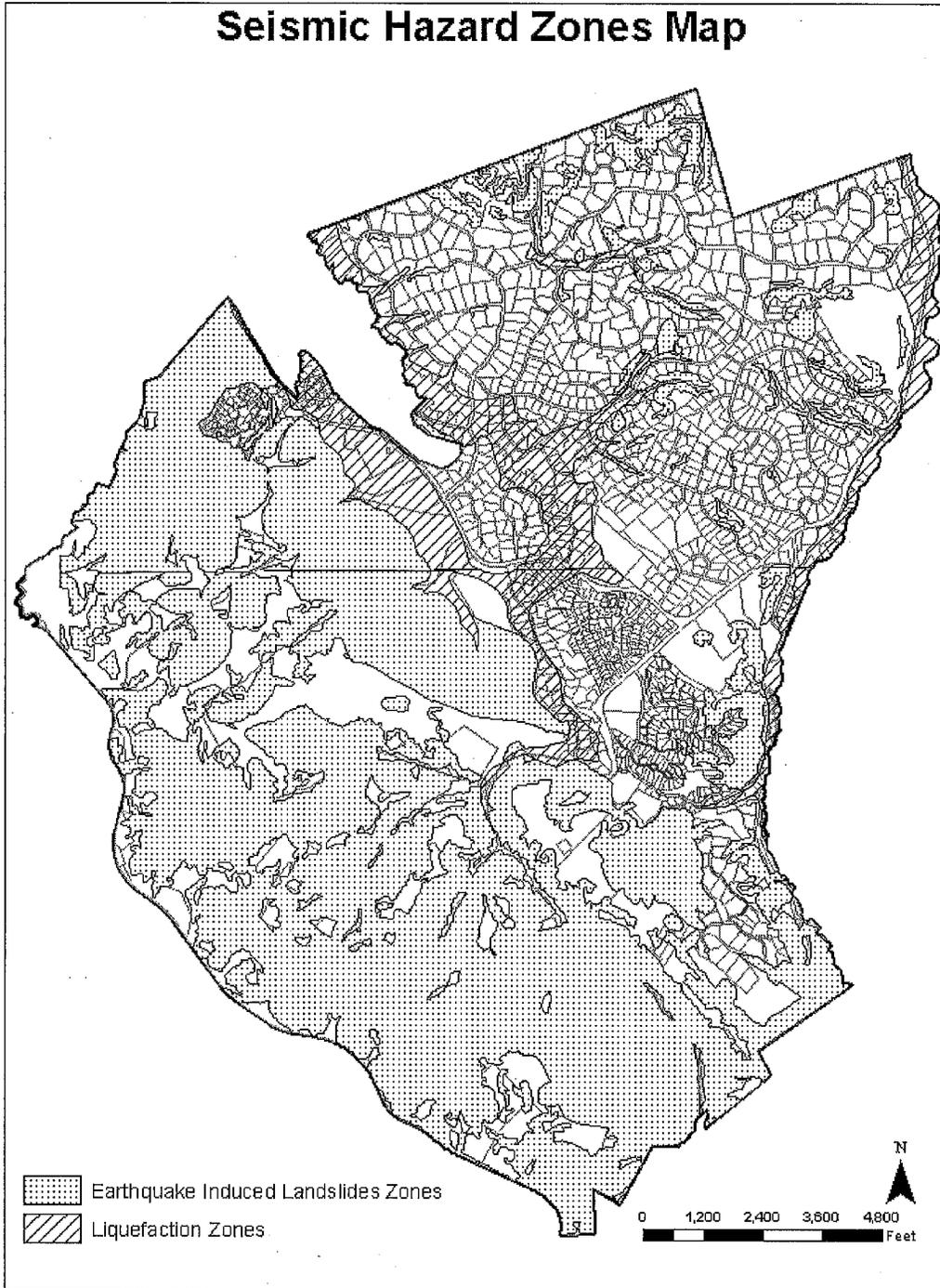
# Earthquake Fault Map



Source: Data derived from Cotton, Shires, and Associates, Inc.

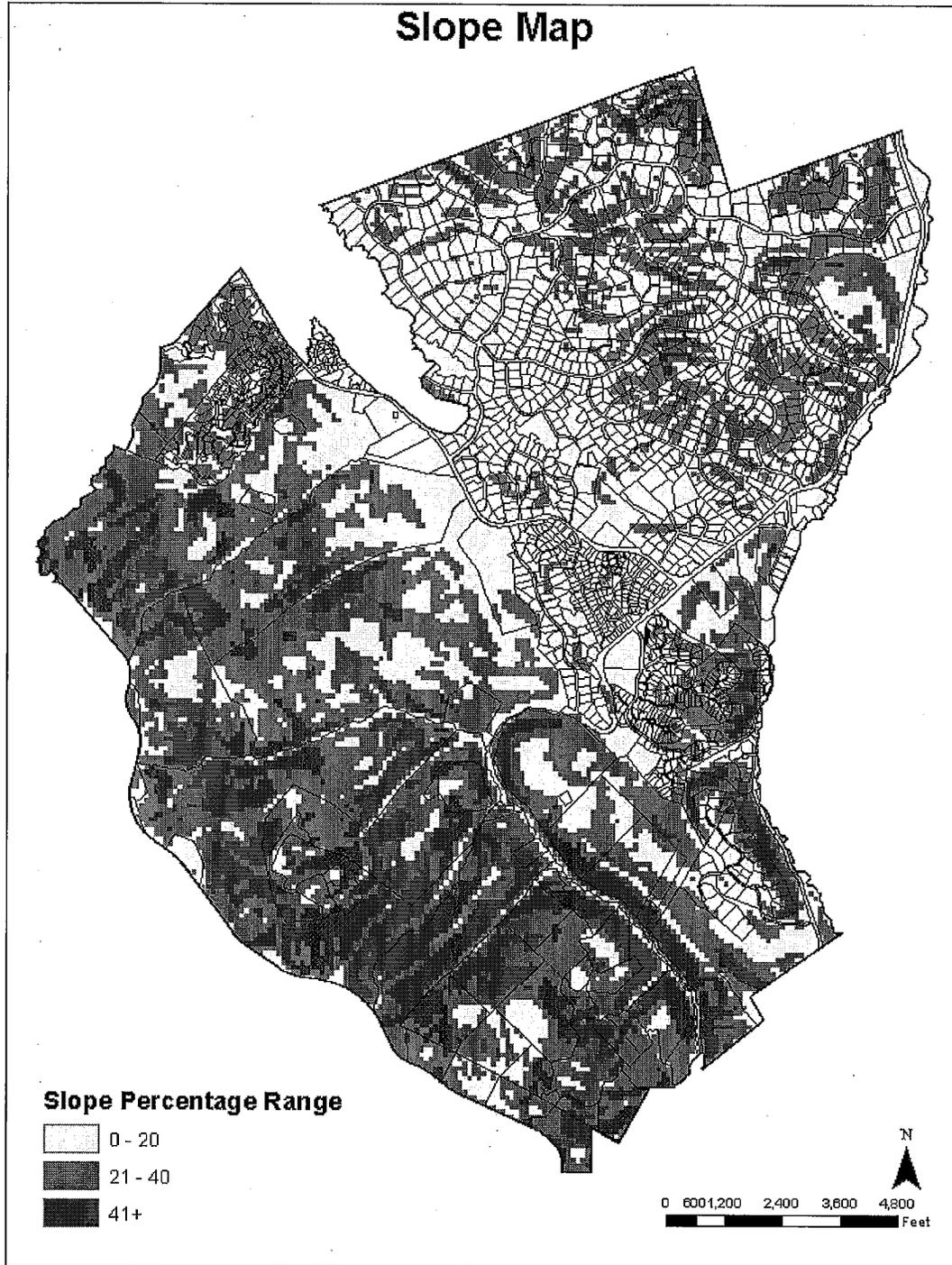
Exhibit 2

# Seismic Hazard Zones Map



Source: State of California Department of Conservation (2001),  
[www.quake.ca.gov/WH/regulatorymaps.htm](http://www.quake.ca.gov/WH/regulatorymaps.htm)

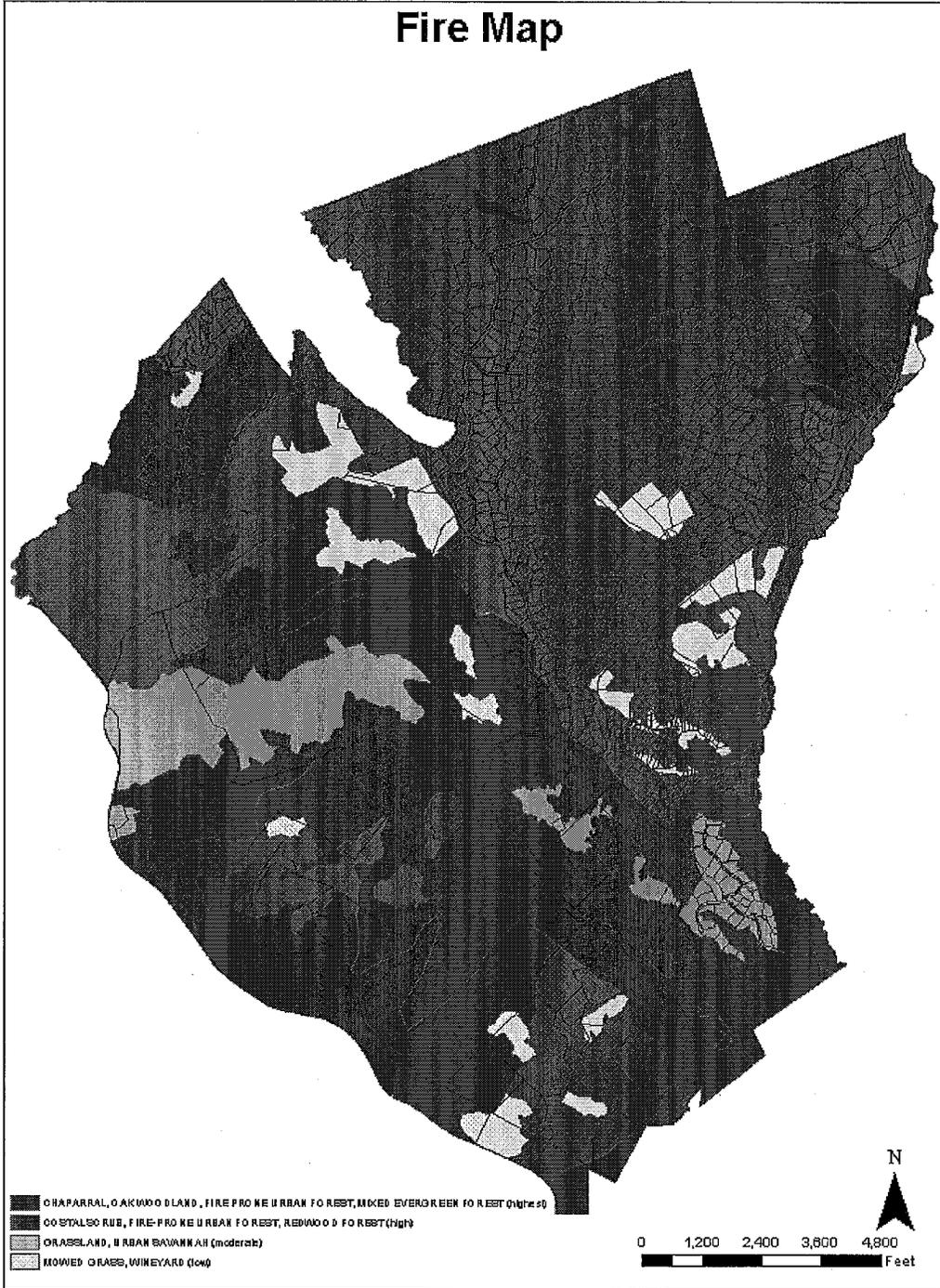
Exhibit 3



Source: Conservation Lands Network, Bay Area Open Space Council

Exhibit 4

# Fire Map



Source: Data derived from 2008 Fuel Hazard Map. Mortiz Arboricultural Consulting, Inc.

### ***Sanitary Sewer Limitations***

2470g As a “rural” community Portola Valley was developed with lots served by septic tank and drainfield systems. The town does not have a municipal sewer system. The sewers that do exist are provided by the West Bay Sanitary District. The district does not install sewers, but developers and homeowners are responsible for annexing their properties to the district and paying for the cost of extending and hooking-up to sewers. Exhibit 5 shows parcels that have been annexed to the West Bay Sanitary District and differentiates between those parcels that have connected to sewer and those that were annexed to the district but have not connected to the sewer.

Since most of the town has lots in excess of one acre, septic tank systems have in general worked well. New subdivisions including Portola Valley Ranch and Blue Oaks do have sanitary sewers. Also, in some areas individual property owners or groups of owners have banded together to annex to the district. Very few vacant properties are served by sewers, and those properties are vacant lots in new subdivisions where changes in zoning would not be expected and would likely result in incompatible development.

### ***Water Supply***

2470h Water for Portola Valley is supplied by the California Water District. The Water District has stated that it can supply the water to serve Portola Valley’s housing need.

### ***Distribution to Water and Sewer Providers***

2470i As is required by Chapter 727m Statutes of 2004 (SB 1087), when this housing element is adopted the town will immediately send a copy of the element to the local water and sewer providers.

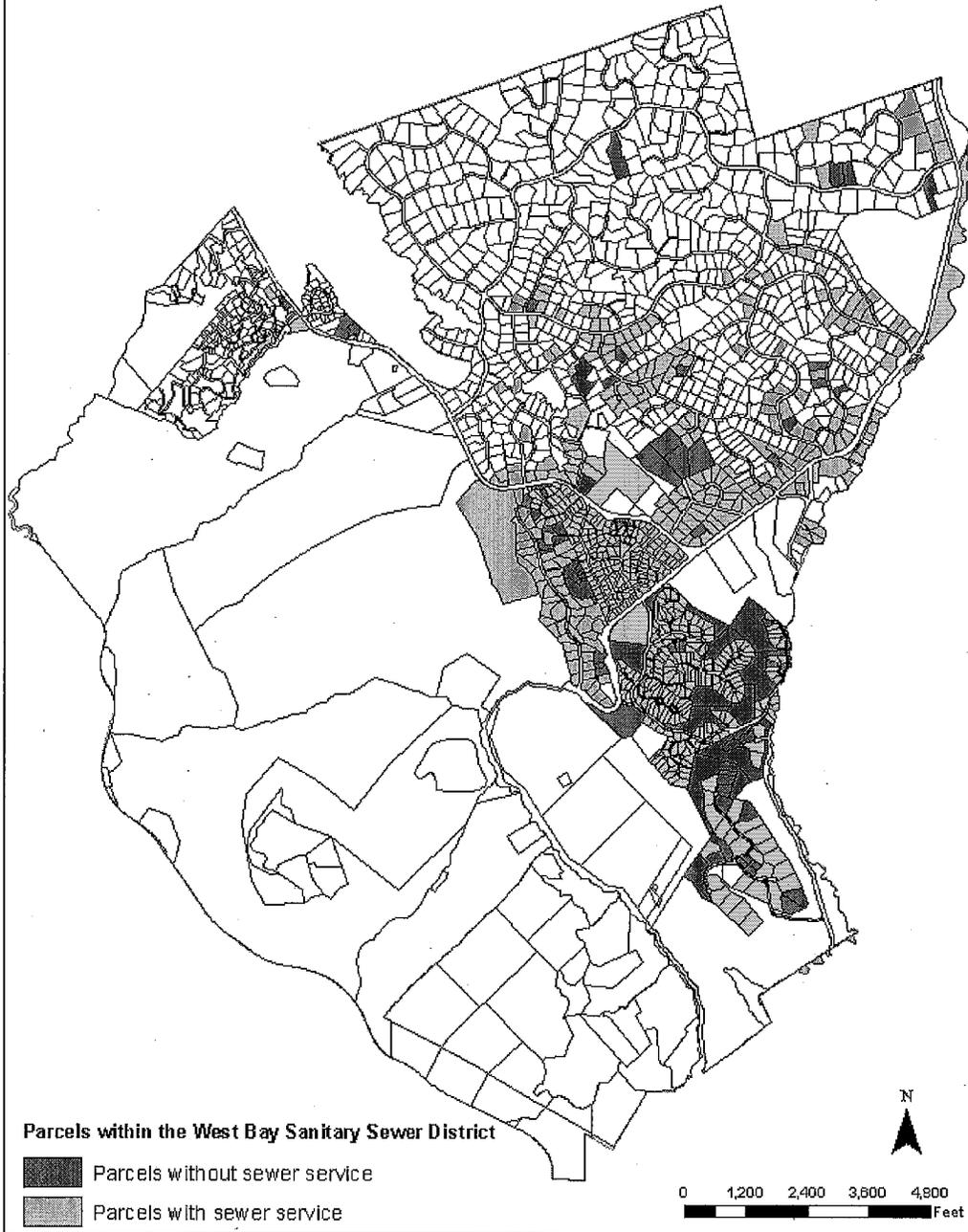
### ***Inventory of Vacant Parcels***

2471 The table that starts on the following page lists 84 vacant or largely vacant parcels in the town, shows the zoning and General Plan designations, summarizes environmental constraints, and estimates the realistic new unit capacity for each. Keys for the abbreviations used in the table are provided at the end of the table. Some sites have significant geologic problems and would be particularly difficult to develop; these sites are marked with an asterisk(\*) and shown with a different symbol on the map.

2471a In addition to the table, a map showing the parcels described in the table and titled “Inventory of Land Suitable for Residential Development,” has been prepared (Exhibit 6).

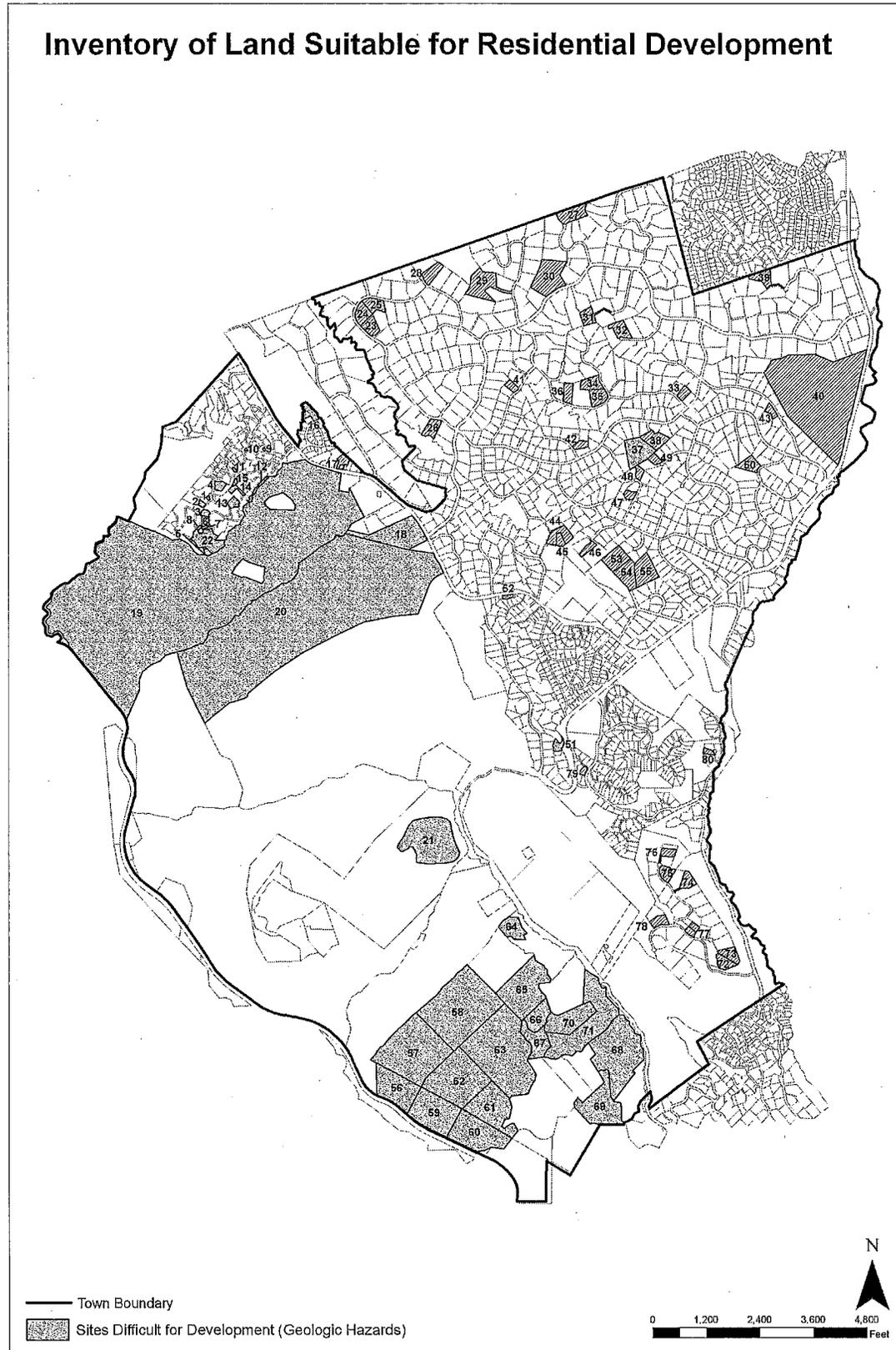
**Exhibit 5**

### **West Bay Sanitary Service Map**



Source: West Bay Sanitary District

# Inventory of Land Suitable for Residential Development



Source: Town of Portola Valley General Plan, Housing Element (2009)

**Inventory of Land Suitable for Residential Development in Portola Valley**

Site	APN	Zone	Density District	Allowable Density (Dwelling Units/Acre)	GP Designation	Acres	Realistic New Unit Capacity**	Infrastructure Capacity	Environmental Constraints
1*	076-181-070	R-E	1A	1	Low	0.1	1	No sewer	Md
2*	076-181-090	R-E	1A	1	Low	0.4	1	No sewer	Md
3*	076-182-020	R-E	1A	1	Low	0.6	1	No sewer	Pd
4*	076-184-040	R-E	1A	1	Low	1.0	1	No sewer	Md
5*	076-192-100	R-E	1A	1	Low	0.5	1	No sewer	Md
6*	076-192-120	R-E	1A	1	Low	1.8	1	No sewer	Md
7*	076-192-130	R-E	1A	1	Low	0.2	1	No sewer	Md
8*	076-192-140	R-E	1A	1	Low	0.1	1	No sewer	Md
9	076-212-100	R-1	20M	2	Low-Medium	0.1	1	No sewer	n/a
10	076-231-070	R-1	20M	2	Low-Medium	0.1	1	No sewer	n/a
11	076-234-050	R-1	20M	2	Low-Medium	0.1	1	No sewer	n/a
12*	076-238-030	R-E	1A	1	Low	0.8	1	No sewer	Pd
13*	076-244-030	R-E	1A	1	Low	1.1	1	No sewer	Md
14*	076-244-070	R-E	1A	1	Low	0.7	1	No sewer	Md
15*	076-244-080	R-E	1A	1	Low	0.3	1	No sewer	Pd
16*	076-251-090	R-1	20M	2	Low-Medium	2.1	2	No sewer	SA Fault
17	076-261-120 076-261-130	C-C	PD	5	Local Shopping/Service	1.3	5 (55+yrs) 1 BMR in process	Sewer	SA Fault
18*	076-330-030	R-E	3.5A	0.3	Cons Res	14	1	No sewer	SA Fault, Will. Act
19*	076-330-070	R-E	3.5A	0.3	Cons Res, Open Res	356	25	No sewer	Md, Pd, Sbr
20*	076-340-060	R-E	3.5A	0.3	Cons Res, Open Res	229	29	No sewer	Md, Pd, Sbr
21*	076-350-280	M-R	7.5A	0.13	Cons Res, Open Res	23	1	No sewer	Steep Slopes
22*	076-380-110	R-E	1A	1	Low	5.9	1	No sewer	Md
23	077-040-080	R-E	2.5A	0.4	Cons Res	2.5	1	No sewer	n/a
24	077-040-090	R-E	2.5A	0.4	Cons Res	2.8	1	No sewer	n/a

Site	APN	Zone	Density District	Allowable Density (Dwelling Units/Acre)	GP Designation	Acres	Realistic New Unit Capacity**	Infrastructure Capacity	Environmental Constraints
25	077-040-100	R-E	2.5A	0.4	Cons Res	2.7	1	No sewer	n/a
26	077-050-190	R-E	2.5A	0.4	Cons Res	2.5	1	No sewer	n/a
27	077-070-110	R-E	2.5A	0.3	Cons Res	4	1	No sewer	n/a
28	077-011-050	R-E	2.5A	0.3	Cons Res	2.6	1	No sewer	n/a
29	077-060-290	R-E	2.5A	0.4	Cons Res	7.4	1	No sewer	n/a
30	077-070-070	R-E	2.5A	0.4	Cons Res	3.1	1	No sewer	n/a
31	077-090-140	R-E	2.5A	0.4	Cons Res	2.5	1	No sewer	n/a
32	077-101-170	R-E	1A	1	Low	2.7	1	No sewer	n/a
33	077-225-080	R-E	1A	1	Low	1.2	1	No sewer	n/a
34	077-232-030	R-E	2A	0.5	Cons Res	2.7	1	No sewer	n/a
35	077-232-040	R-E	2A	0.5	Cons Res	2.8	1	No sewer	n/a
36	077-232-060	R-E	2A	0.5	Cons Res	2.0	1	No sewer	n/a
37*	077-242-120	R-E	1A	1	Low	4.7	1	No sewer	Steep slopes; partial OSE
38	077-242-210	R-E	1A	1	Low	3.6	1	No sewer	Partial OSE
39	077-261-210	R-E	2.5A	0.4	Cons Res	2.7	1	No sewer	n/a
40	077-281-020	R-E	3.5A	0.4	Cons Res	75.4	29	No sewer	n/a
41	077-290-010	R-E	1A	1	Low	1.0	1	No sewer	n/a
42	077-310-210	R-E	1A	1	Low	1.1	1	No sewer	n/a
43	077-372-070	R-E	1A	1	Low	1.0	1	No sewer	n/a
44	079-053-160	R-E	1A	1	Low	3.0	2	No sewer	n/a
45	079-053-170	R-E	1A	1	Low	3.0	2	No sewer	Steep slopes
46	079-053-340	R-E	1A	1	Low	1.2	1	No sewer	n/a
47	079-060-940	R-E	1A	1	Low	1.0	1	Sewer	n/a
48	079-060-980	R-E	1A	1	Low	1.0	1	Sewer	n/a
49	079-092-480	R-E	1A	1	Low	1.1	1	No sewer	n/a
50	079-101-390	R-E	1A	1	Low	2.5	1	No sewer	Steep slopes
51*	079-140-280	R-E	1A	1	Low	1.1	1	No sewer	SA Fault

Site	APN	Zone	Density District	Allowable Density (Dwelling Units/Acre)	GP Designation	Acres	Realistic New Unit Capacity**	Infrastructure Capacity	Environmental Constraints
52	079-151-050	R-E	1A	2	Low-Medium	0.4	1	No sewer	Narrow lot, creek setback, subject to flooding
53	079-220-010	R-E	1A	1	Low	4.5	1	Sewer	n/a
54	079-220-020	R-E	1A	1	Low	4.7	1	Sewer	Narrow lot
55	079-220-030	R-E	1A	1	Open Res	5.8	1	Sewer	n/a
56*	080-010-020	M-R	7.5A	0.13	Open Res	13.6	1	No sewer	OSE
57*	080-010-030	M-R	7.5A	0.13	Open Res	33.4	1	No sewer	Pd, Sbr OSE
58*	080-010-040	M-R	7.5A	0.13	Open Res	44.0	1	No sewer	Pd, Md OSE
59*	080-020-010	M-R	7.5A	0.13	Open Res	18.0	1	No sewer	Md, Sbr, OSE
60*	080-020-020	M-R	7.5A	0.13	Open Res	14.8	1	No sewer	OSE
61*	080-020-030	M-R	7.5A	0.13	Open Res	20.2	1	No sewer	OSE
62*	080-020-040	M-R	7.5A	0.13	Open Res	25.0	1	No sewer	Md, Ps, Sbr
63*	080-020-050	M-R	7.5A	0.13	Open Res	46.0	1	No sewer	Ms, Ps, Sbr, OSE
64*	080-020-080	M-R	7.5A	0.13	Open Res	4.6	1	No sewer	Md, Ps
65*	080-020-100	M-R	7.5A	0.13	Open Res	20.6	1	No sewer	Pd
66*	080-020-110	M-R	7.5A	0.13	Open Res	4.4	1	No sewer	Pd
67*	080-040-010	M-R	7.5A	0.13	Open Res	8.0	1	No sewer	Pd
68*	080-040-040	M-R	7.5A	0.13	Open Res	33.7	1	No sewer	n/a
69*	080-040-060	M-R	7.5A	0.13	Open Res	16.4	1	No sewer	Md, Pd, Sbr
70*	080-040-110	M-R	7.5A	0.13	Open Res	10.7	1	No sewer	Pd
71*	080-040-120	M-R	7.5A	0.13	Open Res	31.0	1	No sewer	Pd, Sbr
72	080-241-020	R-E	3.5A	PD	Cons Res	2.2	1	Sewer	n/a
73	080-241-030	R-E	3.5A	PD	Cons Res	2.3	1	Sewer	n/a
74	080-241-110	R-E	3.5A	PD	Cons Res	2.1	1	Sewer	n/a
75	080-241-130	R-E	3.5A	PD	Cons Res	2.0	1	Sewer	n/a
76	080-241-150	R-E	3.5A	PD	Cons Res	1.4	1	Sewer	n/a

Site	APN	Zone	Density District	Allowable Density (Dwelling Units/Acre)	GP Designation	Acres	Realistic New Unit Capacity**	Infrastructure Capacity	Environmental Constraints
77	080-241-230 080-241-240	R-E	3.5A	PD	Cons Res	1.1	1	Sewer	n/a
78	080-241-280	R-E	3.5A	PD	Cons Res	1.7	1	Sewer	n/a
79	080-471-030	R-E	2A	PD	Cons Res	0.5	1	Sewer	n/a
80	080-500-030	R-E	2A	PD	Cons Res	0.6	1	Sewer	n/a

\* Sites marked with an asterisk have greater than average geologic hazards or other environmental constraints and would be particularly difficult to develop

\*\* The "Realistic New Unit Capacity" is based on the number of vacant lots and potential new lots that could be created through subdivision

Zones

R-E= Residential Estate, R-1 = Single Family Residential, M-R = Mountainous Residential, C-C= Community Commercial

Density District (Residential Density Combining District) sets the minimum lot size

15M= 15,000 sf, 20M= 20,000sf, 1A= 1 acre, 2A= 2 acres, 2.5A= 2.5 acres, 3.5A= 3.5 acres, 7.5= 7.5 acres, PD = set by Planned Development

Allowable Density

PD = set by Planned Development

GP (General Plan) Designation

Cons Res = Conservation Residential, Open Res = Open Space Residential, Low = Low Intensity Residential, Low-Medium = Low-Medium Intensity Residential, Local Shopping/Service = Local Shopping and Service Commercial

Environmental Constraints

SA Fault = a trace of the San Andreas Fault passes through the property

Sbr = Stable bedrock, Ps = potential shallow landslide, Pd = potential deep landslide, Md = moving deep landslide

OSE = Open Space Easement

Williamson Act = Land is under Williamson Act contract, which limits development potential

## **Analysis of Suitability for Development**

2472 This analysis looks at four different types of potential new residential development: single family homes on existing lots; large parcels that could accommodate a number of new homes; potential locations for affiliated multifamily development; and second units. Each of these types is discussed below.

### ***Single Family Homes***

2472a As the inventory shows, an estimated 79 new single family homes could be accommodated on existing lots or through small (2 unit) subdivisions. Of these, approximately 35 have significant environmental issues and are unlikely to develop within the planning period. However, there are still over 40 existing lots for single family homes remaining in town that could reasonably be developed by 2022.

2472b There have been 32 homes built during the past ten years, for an average of 3.2 new homes per year. In the eight year planning period, a total of approximately 26 new homes would be built if this construction rate continues. This estimate appears to be reasonable given that the capacity exceeds this estimate. All 26 of these homes would be expected to be affordable only to households with above moderate incomes.

### ***Large Parcels***

2472c There are 5 sites or groups of sites listed on the site inventory that could accommodate larger amounts of housing. Each of these is discussed briefly below.

**Site 17** (Sausal Creek) is a 1.3 acre parcel that has been approved for development with five single family homes for residents age 55 and older, plus one below market rate unit. This development was on hold for the duration of a lawsuit filed by a neighbor, which was resolved in late 2007 in favor of the proposed development, and the property is currently on the market. The development approvals would expire in 2015.

**Site 19** (El Mirador Ranch) is one of the largest privately owned parcels in town, with 356 acres in the western hillsides. Because of steep slopes, deep canyons, and landslides on much of the property, as well as the presence of the San Andreas Fault, development on this site would likely need to be clustered in a 10 acre area located near Portola Road. The property does not have sewer access, which also limits potential density. Given all of the

constraints on the land, probably no more than 25 homes could be built on this property. However, the current property owners have stated that they intend to hold the property as open space. Therefore, no new residential development is anticipated for this site by 2022.

**Site 20** (Spring Ridge LLC) is located next to Site 21 and faces many of the same challenges: steep slopes, landslides, the San Andreas Fault, and a lack of sewer service. New development on this site would likely also need to be clustered, and a maximum of 29 units could probably be built here. Much of the parcel is now being used to grow grapes for the winery on the property. Property owners have indicated that they might be interested in developing the land but that they are not in a hurry to do so. No new residential development is anticipated on this site by 2022.

**Site 40** (Stanford Wedge) is an 89 acre site owned by Stanford University. The land consists of a relatively flat portion along Alpine Road surrounded by steep hillsides to the sides and rear of the property. Development on this site would need to be clustered in the land by Alpine Road. There is approximately 4 acres of usable land on the parcel once all of the steep slopes, unstable areas and required setbacks are subtracted. Under the town's regulations, up to 27.6 single family dwelling units would be allowed on the parcel overall. Affiliated housing would also be allowed on this parcel, as is discussed further below.

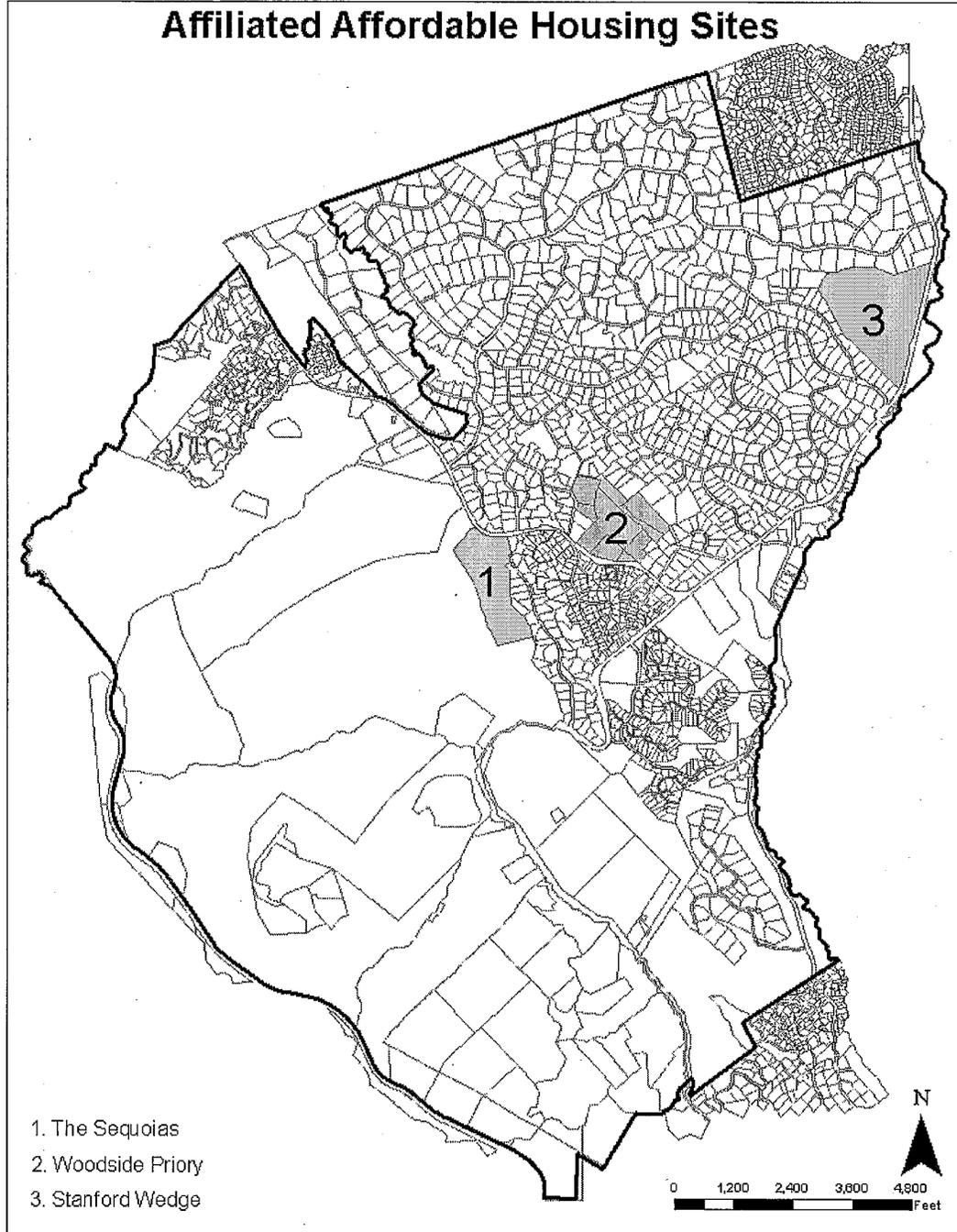
**Sites 56–63, 65–66** (Fogarty Winery) are occupied by an award winning winery including vineyards, storage and bottling facilities and an event center. The remote site is located in the western hillsides and includes many steep slopes and landslide hazards. In addition, an open space easement covers much of the winery. There is no sewer service or public water supply. Although these sites together could theoretically eventually accommodate some number of new homes in the future, additional development is not anticipated by 2022.

### ***Affiliated Development***

2472d Portola Valley is a rural community with a history of single family development on large lots. To accommodate some multifamily development, however, the town developed a housing program in the early 1990s that would allow multifamily housing on institutional sites for employees and staff affiliated with the institutions that own the parcels. This program allows affiliated affordable multifamily housing on three designated sites in town, each with a planned development permit. These sites are discussed below and shown on Exhibit 7, Potential Affiliated Affordable Housing Sites.

Exhibit 7

### Affiliated Affordable Housing Sites



Source: Town of Portola Valley General Plan, Housing Element (2009)

2472e The Stanford Wedge is an 89 acre site owned by Stanford University, which was discussed above as one of the large parcels of land remaining in town that could be developed with housing. The town's regulations would allow 27.625 single family dwelling units on the parcel overall, and Section 2106e of the General Plan allows this density to increase by a factor of three for

multifamily affordable housing, as long as the overall floor area does not exceed the amount allowed for market rate development. Therefore, up to 82.9 units could potentially be provided on this site, although the number would likely be lower.

2472g This site could potentially be developed with faculty or graduate student housing; because of the distance from the university campus, undergraduate housing is unlikely. Town officials and staff have discussed this possibility with Stanford officials over many years, but the University has not indicated any intention to either sell or develop this land.

2472h The second site for multifamily housing is The Priory School site. In 2001, the town approved an application to construct seven multifamily units for faculty and staff on the site. These units were approved with the following condition:

*"The Priory shall make every effort reasonably possible, to the satisfaction of the planning commission, to ensure a majority of the units are occupied so as to achieve the below market rate town housing element objectives. These objectives anticipate at least one unit would be for a very low income household, one unit for a low income household, and three units for moderate income households. Relative to this condition, the Priory shall file a report with the planning commission on the projected unit occupancy prior to initial occupancy and annually thereafter. The report shall advise the commission how occupancy relates to the housing element objectives."*

2472i The housing element goals set forth in this condition were based on the draft housing element that was under discussion at the time the project was approved in 2001. The Priory School reports annually to the town on whether these income targets are being met. In 2012, one unit was occupied by a low income household, two units were occupied by moderate income households, three units were occupied by above moderate income households, and one unit was vacant. Each unit is being provided at rents at or below 30% of the household income. Overall, the School usually does meet the requirements, although a unit may be occupied by a higher income household for a period of time when household incomes increase. The school works to provide the housing to the lowest income staff possible when a unit turns over.

2472j In 2005, the town approved a Master Plan for the school property that includes eleven additional housing units to be built in the future. The school has been working on implementing other portions of its Master Plan to

date, but those units are still approved. Because the Priory has had difficulty maintaining units at the very low income level, this housing element anticipates that the 11 new units would be divided among the income categories as follows: 3 low income units, 4 moderate income units, and 4 above-moderate income units.

- 2472k The Sequoias has not added any housing at their facility between 2009 and 2014. The affiliated housing program would permit employee housing to be built on the site. Town staff has talked with representatives of the Sequoias about the possibility of employee housing on the site. The Sequoias is exploring options for employee housing, although the site is severely constrained by geology, including an active trace of the San Andreas fault which passes through part of the property

### **Second Units**

- 2472l Exhibit 8 shows where second units are allowed in Portola Valley. Between July of 2008 and December of 2013, 29 new second units were approved in Portola Valley, for an average of 5.3 new units per year. This is an increase over the Town's previous average, which was 4.9 new second units per year as reported in the 2009 housing element. The 2009 element included actions to encourage additional second unit production, including increased publicity and preparation of a second units manual for the town. Second unit production does now appear to be increasing in town, and more applications are including second units.

- 2472m This housing element also includes provisions to encourage increased production of second units, including allowing staff-level review of second units up to 750 square feet in size, allowing two second units on parcels that are over 3.5 acres in size, and allowing larger second units up to 1,000 square feet on lots that are 2 acres or more.

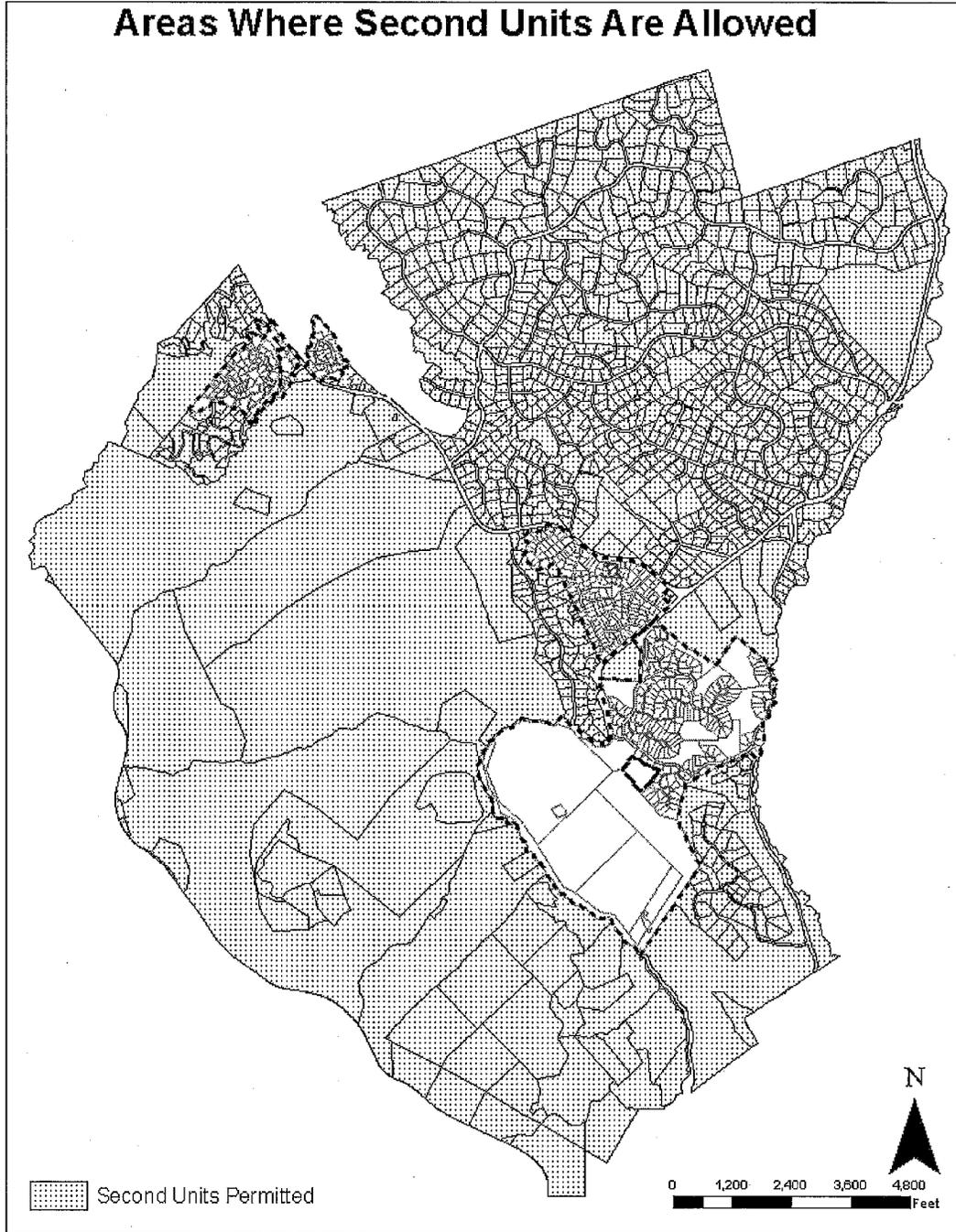
- 2472n These measures are anticipated to increase the number of second units built in the town by about one unit per year, from an average of 5.3 units annually to approximately 6.5 units annually. The town therefore anticipates the construction of 6.5 second units per year for the eight-year planning period. Total second unit production is therefore estimated to be 52 units.

### **Summary of Site Inventory**

- 2473 As described above, there are four types of housing sites in Portola Valley: single family home sites, large parcels, affiliated housing sites, and sites for

Exhibit 8

**Areas Where Second Units Are Allowed**



second units. The table below shows the number of existing sites that the town would expect to develop by 2022 in each category under current town policies, as set forth above. The table then compares these results with the town's Regional Housing Needs Allocation (RHNA) numbers.

2473a The table below shows that the Town of Portola Valley would provide more than enough housing for households with extremely low incomes and with above moderate incomes, and sufficient housing for moderate income households, but not enough for very low or low income households. However, state policies allow the extra housing for extremely low income households to be counted towards housing needed for very low and low income households. All together, 40 units of extremely low, very low and low income housing are planned in this housing element, compared to the 36 units which are required to meet the Town's RHNA. As a result, there are sufficient sites to accommodate all of the housing need for Portola Valley.

<b>Expected Sites for New Homes by 2022, Compared with Adjusted Housing Need</b>						
	Ex Low	Very Low	Low	Moderate	Above Moderate	Total
<b>Sites for Housing Expected from 2014-2022</b>						
Single Family	0	0	0	0	26	26
Large Parcels	0	0	1	0	5	6
Affiliated	0	0	3	4	4	11
Second Units	26	0	10	11	5	52
<b>Total Sites</b>	<b>26</b>	<b>0</b>	<b>14</b>	<b>15</b>	<b>40</b>	<b>95</b>
<b>RHNA</b>	<b>11</b>	<b>10</b>	<b>15</b>	<b>15</b>	<b>13</b>	<b>64</b>

2473b In addition, there is a vacant site that could be developed with affiliated multifamily affordable housing under the town's regulations (Site 40). Because the property owner has not expressed any interest in developing the site, it has not been included as a site that is expected to develop by 2022. However, some development could potentially occur on that site during the planning period.

## ***Goals & Policies***

### **Goal 1**

2475 Maintain and enhance the character and quality of Portola Valley's residential neighborhoods and the condition of its housing, and preserve the natural beauty of the town's scenic corridors and open spaces.

Policy 1A: Accommodate new residential development in a manner compatible with the rural character of existing residential development.

Policy 1B: Continue to control the location, design and density of new residential development in order to preserve regional open spaces, avoid areas of seismic and geologic hazards, have minimal visual impact, create minimal discernable effect on infrastructure capacity, and ensure the adequate provision of safe and convenient access to public services.

Policy 1C: Require all housing units in the town to conform to the principles and standards set forth in the general plan and town regulations, particularly that all housing be subservient to the natural environment.

### **Goal 2**

2476 Endeavor to provide opportunities for a diverse population, including for people of all income levels and with special housing needs, particularly elderly residents and those employed in Portola Valley, to live in the town.

Policy 2A: Accept and fulfill responsibility for a reasonable share of the regional need for affordable housing.

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.

Policy 2C: Allow in-lieu funds to be used to reduce town fees for affordable or mixed income housing developments, as well as for the purchase of land and the construction of below market rate units.

Policy 2D: As possible, waive some fees, or portions of fees, for housing developments with a majority of below market rate units.

Policy 2E: Continue to encourage the provision and availability of affordable housing that can be produced in association with market rate housing.

Policy 2F: Distribute diverse housing options throughout the community, rather than concentrate it.

Policy 2G: Continue to actively engage stakeholders when implementing housing policies and programs by consulting, as appropriate, with people in the community having a range of housing needs (including based on income), and with those who can provide expertise in a range of housing matters, as well as with property owners and the community at large.

**Goal 3**

2477 As set forth in the Sustainability Element of this General Plan, encourage energy conservation and green building practices, and adopt housing policies to reduce costs of living, respect wildlife and plants and protect the environment.

Policy 3A: Continue to support energy efficient building and subdivision design that protects solar access, and to allow solar installations.

Policy 3B: Continue to encourage cluster development in order to preserve resources and encourage sustainability.

Policy 3C: Continue to require native landscaping, which reduces water and power consumption, provides habitat, and helps to strengthen natural ecosystems in town.

Policy 3D: Allow and encourage green building practices.

Policy 3E: Design and locate housing to minimize impacts on wildlife and be subservient to the environment.

**Goal 4**

2478 Work to address housing issues on a regional basis while preserving local control and minimizing fiscal impacts on the town.

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, while working to ensure that factors such as size, geographical and seismic hazards, fire risks, and land dedicated to open space are considered in establishing housing requirements.

Policy 4B: Support regional efforts to address the need for emergency and transitional shelter.

Policy 4C: Preserve local control over zoning, diversified housing locations and design.

Policy 4D: Minimize the fiscal impact of new housing on the town.

Policy 4E: Define housing needs in a manner recognizing the special cultural and historic planning conditions for the town, including the agricultural and rural history and a culture of respecting the environment.

## ***Programs, Quantified Objectives, and Action Plan***

### ***Program 1: Inclusionary Housing***

- 2480 To implement a program from the 1990 housing element, the town adopted an ordinance requiring developers to provide 15 percent of new lots to the town for below market rate housing as part of every subdivision. The Town received title to four lots as part of the Blue Oaks subdivision, but was not able to find a developer to build below market rate units on the lots. To avoid this problem in the future and strengthen the program, the Town intends to revise the inclusionary housing program as described below.
- 2480a The intention is to revise the program to require that developers build the housing units when one or more units would be required under the inclusionary housing program. As part of this revision, the percentage of lots required for below market rate housing may need to be reduced. The percentage should be based on a nexus study for affordable housing, such as the study underway through the 21 Elements process in San Mateo County. With the nexus study results, the town could also consider a housing impact fee. In developing the revisions to this program, the town will consult local developers and builders, and others experienced in the provision of affordable housing, to ensure that the requirements are realistic and that the program includes appropriate incentives.
- 2480b Objective: The town will amend the inclusionary housing program during this planning period to make it more effective by having developers of larger subdivisions build the below market rate housing units.

### ***Program 2: Affiliated Housing***

- 2481 As established with the previous housing element, multifamily housing projects are permitted on three sites—The Sequoias, Priory School and the Stanford Wedge—shown on Exhibit 7 in the Site Inventory. This program has the following features:
1. **Planned Unit Developments and Conditional Use Permits.** Multifamily housing on the Priory School site and the Sequoias have and can be permitted through amendments of the CUPs governing those projects. Development on the Stanford Wedge could be accomplished pursuant to a CUP and/or a PUD. The PUD or CUP for a multifamily housing project shall control the siting and design of projects, the mix of units by income category of eligible occupants, methods of controlling rents and/or resale prices, provisions for

ongoing management of the project and other matters deemed appropriate by the town.

2. **Inclusion of Market Rate Units.** The purpose of this program is primarily to provide affordable (below market rate) housing. The town may permit the inclusion of market rate units in a project if it determines they are necessary to make a project feasible. However, substantially over half of the units in any multifamily affordable housing project must be affordable to moderate, low or very low income households. With the approval of the Planning Commission and Town Council, an exception to this requirement may be made for housing that is ancillary to the primary use of the site.
3. **Floor Area and Density.** The floor area in multifamily housing projects shall not exceed the total floor area which would be permitted for the number of single family houses which would be allowed on the property under existing zoning. The allowable floor area, together with the amount of developable land, determines the density of development on the site. At both the Woodside Priory and the Sequoias, only a portion of the site could be used for residential development. The paragraph below explains the potential floor area and density for the Stanford Wedge site.

The Stanford Wedge site (Site 40 in the Site Inventory section) is the only multifamily site that is largely vacant. A small stable is located on the site, which could be removed if the site were developed. A small portion of the site is located on the east side of Alpine Road. Altogether, the Stanford Wedge includes 89 acres of land, most of which is extremely steep with slopes in excess of 30%. The only developable portion that has access is the relatively flat land adjacent to and west of Alpine Road. After accounting for required site setbacks, the developable portion of the site is approximately 3.5 acres in size. Under current regulations, up to 28.48 market rate homes could be clustered together on this flat land. The town allows densities to increase up to three times when affordable multifamily housing is to be built. Therefore, up to 85 units could be built on the Stanford Wedge site.

4. **Development Standards.** All multifamily housing projects are expected to meet the general plan, zoning, subdivision and site development requirements that pertain to all residential development in the town, including Resolution No. 2506-2010 as amended. These standards are described earlier in this housing element, and include provisions for road widths and right-of-ways as well as landscaping.

Current parking requirements are one parking space for each studio or one-bedroom unit, and two parking spaces with two or more bedrooms. Development standards may be adjusted through a PUD where appropriate.

Particular care is expected to ensure the compatibility of the projects with adjacent neighborhoods and the town's rural environment.

5. **Occupancy.** The town considers this program particularly suited to providing housing for senior citizens and rental housing for households with incomes in the very low to low categories. If units are provided for sale, resale controls to preserve affordability will be required.
6. **Monitoring.** Each year, staff will monitor the progress that has been made on this program and report to the Planning Commission on the progress compared with the goals set forth in this program. The program will be revised if necessary to meet the goals.

2481a Objective: The town will continue to work with the owners of these three properties to allow and encourage housing to be built on the sites. Eleven housing units have already been approved for the Priory under the current Master Plan, including seven units for households with moderate or low incomes. The Priory has indicated that they intend to construct the units in phases, and expect all of the units to be built by 2022. The town has also started discussions with the Sequoias to encourage employee housing at the site, and they are moving forward internally to consider the options. Stanford University has no plans for their site at this time. The town will continue to contact all three owners on a regular basis and assist them with any potential plans for providing housing.

***Program 3: Second Units***

2482 Second units provide most of the affordable housing in town, and are the only type of affordable housing that can be produced in Portola Valley by market forces without a significant subsidy. Town regulations allow second units in most areas of the town. Surveys of second unit rental rates show that most second units are affordable, both within Portola Valley and in San Mateo County as a whole. Second units are particularly appropriate for Portola Valley because of their compatibility with the rural nature of the town and their ability to directly serve the need for affordable housing.

2482a To strengthen the second unit program, Portola Valley is proposing three new actions in addition to the changes made to implement previous housing

element programs. First, the town will amend its program to allow larger second units (up to 1,000 square feet rather than the current limit of 750 square feet) on lots with two or more acres. This change is meant to address a concern stated by some residents that the 750 square feet is too small to comfortably house either themselves as they grow older, or their children's families. The town hopes that this amendment will begin to address this concern and encourage more residents to build second units.

2482b Second, the town will amend its ordinance to allow two second units to be located on lots with 3.5 acres or more. Both second units will need to meet the second unit requirements, including parking. In order to minimize grading and site disturbance, and to preserve the general character of the residential areas, one of the second units will need to be attached to the main house. The other second unit could be detached. This change will allow owners of larger properties to accommodate more housing, particularly for family members and employees such as groundskeepers.

2482c Third, the town will also amend its zoning code to allow staff level approval of second units up to 750 square feet, rather than the current limit of 400 square feet, when no other permit is needed for the project. Projects that would require a site development permit from the ASCC or Planning Commission for grading or tree removal would need Commission approval, for example. As part of implementing this item, the town will examine the current performance standards for second units as set forth in the zoning ordinance and amend them as necessary to provide further guidance for staff in reviewing second unit applications.

2482d Finally, the town will monitor the number of second units being permitted annually. If the number of second units being permitted is lower than the number expected, the town will take action to increase second unit production. This could include one or more of the following actions: increasing publicity about the program, providing a floor area bonus for larger second units on larger lots, holding a workshop on second units, or reducing fees for second units.

2482e Objective: Over the previous planning period, an average of 5.3 second units were constructed in Portola Valley each year, with an increase through the planning period. Through the actions described above, this rate is expected to increase to 6.5 units per year. As a result, a total of 52 new second units are expected to be built during the eight-year planning period.

These are likely to provide housing for the same income categories as shown in the San Mateo County study completed in December 2013. Based on a conservative

interpretation of that study, the 52 new second units will result in 26 units for extremely low income households, 0 for very low income, 10 for low income, 11 for moderate, and 5 for above moderate income households.

The town will monitor this program annually and take additional steps to increase second unit production if necessary.

#### ***Program 4: Shared Housing***

2484 As discussed in the section on housing characteristics, homes in Portola Valley tend to be large. For older residents who want to remain in their homes, maintaining a large home while living on their own may be difficult. One option would be to convert a portion of a home to a second unit. Another option would be to simply find someone else to share the house. The Human Investment Project for Housing (HIP Housing) is a nonprofit organization that conducts a program in San Mateo County to match housing “providers” with housing “seekers.” Rents are established on a case by case basis and can sometimes be partly defrayed by services. Although Portola Valley is currently in the area served by HIP Housing, there is no formal arrangement with the organization. Portola Valley will continue to work with the organization to publicize its service in the town

2484a Objective: Work with HIP Housing to publicize its home-sharing program to residents and employees, with the aim of increasing the number of placements in town.

#### ***Program 5: Fair Housing***

2485 Project Sentinel handles complaints of discrimination in the sale or rental of housing and in the mediation of tenant/landlord disputes in Portola Valley under the terms of a contract with San Mateo County. Information on this program will be posted or otherwise made available at Town Hall and the library, and on the town’s website.

2485a Objective: No housing units are expected to result from this program. The town’s objective is to provide brochures or post information sheets at Town Hall, the library and on the town’s website to publicize this program.

#### ***Program 6: Energy Conservation and Sustainability***

2486 Portola Valley has had a number of regulations that encourage energy conservation for years. These include permitting solar installations, utilizing

subdivision regulations that protect solar access, and supporting energy efficient design. In addition, most new development is clustered, which reduces impacts on the land. The town also requires native landscaping, which reduces the need for both water and energy. All of these policies and regulations will continue.

- 2486a Since 2008, the town has employed a Sustainability Manager, and in January 2009 adopted a Sustainability Element as part of its General Plan. In 2010, the town adopted a Green Building Ordinance using the “Build It Green Green Point Rated” system for all new homes, major remodeling projects, and additions. Also in 2010, the town adopted BAWSCA’s model Indoor Water conservation Ordinance and Water Conservation in Landscaping Ordinance (with reduced turf allowances).

In addition to the green building regulations and the water conservation ordinances, the town has been encouraging energy and water efficiency 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. In 2014, the town will adopt a climate Action Plan, which builds on the Sustainability Element and includes measures that target energy and water conservation in the residential sector.

- 2486b Objective: To continue existing green and energy conservation measures, revise them when necessary, and implement new programs in accordance with the Sustainability Element and the town’s future Climate Action Plan.

***Program 7: Explore Future Housing Needs and Potential Housing Programs***

- 2487 During the housing element update process, the town identified a need for a longer-range “vision” for housing in Portola Valley. This program therefore calls for the town to examine its likely housing needs beyond 2022, with the results potentially serving as a foundation for the next housing element update.

- 2487a The town would conduct a more detailed analysis of housing trends and needs, with the intent of determining the best ways to address the town’s needs moving forward. Various housing “best practices” as identified by the State and advocacy groups could be considered to determine whether they would be appropriate in town.

- 2487b To date, two items have specifically been identified for further exploration. Both of these are topics the town would like to consider but did not think could be finalized in time to provide housing by 2022:

1. The possibility of expanding the affiliated housing program to commercial sites, so that employers could provide employee housing on commercial properties in town; and
2. Potential uses of the money in the Town's in-lieu housing fund, including the money from the sale of the Blue Oaks BMR lots, to meet identified local affordable housing needs.

2487c Objective: To analyze the town's housing needs and trends, explore a commercial affiliated employee housing program, identify potential uses of money in the town's in-lieu housing fund, and examine other potential programs as appropriate to meet the town's future needs. The results of this program will help to create a foundation for the 2022 housing element update.

### Quantified Objectives

2490 Based on the programs and housing trends discussed earlier in this housing element, the Town of Portola Valley has established the following quantified objectives. The objectives focus on new construction rather than rehabilitation or conservation, because the need in Portola Valley is clearly greatest for new construction. By meeting the quantified objectives shown below, the town will provide for its share of the Regional Housing Needs Allocation.

Quantified Objectives for Portola Valley			
	New Construction	Rehabilitation	Conservation
Extremely Low	26	0	0
Very Low	0	0	0
Low	14	0	0
Moderate	15	0	0
Above Moderate	40	0	0
Total	95	0	0

2490a The quantified objectives shown in above chart are based on the information provided in the Site Inventory. More details can be found that section of the housing element, including the summary table at the end of that section.

2490b The new units will be provided through the towns' second units program, the affiliated/multifamily housing program, and market rate housing for households with above moderate incomes.

### Action Plan

2493

In order to achieve the quantified objectives and implement the programs described above, a number of actions will be required. These are shown in the table below, along with the estimated timing for each.

<b>Portola Valley 2014 Housing Element Action Plan</b>			
<b>Program</b>	<b>Action</b>	<b>Responsible Party</b>	<b>Timing</b>
1. Inclusionary Hsg	Amend program to require that developers of larger subdivisions build housing	Planning staff	2015-16
2. Affiliated Hsg	Continue to allow 11 affiliated multifamily units to be constructed at the Priory School, and expedite processing of applications to built the units as possible	Planning staff	Ongoing
2. Affiliated Hsg	Work with the Sequoias to encourage construction of employee housing	Town staff	Ongoing
3. Second Units	Amend the zoning ordinance to allow second units up to 1,000 sf on lots with 2+ acres; to allow two second units on lots with 3.5+ acres; and to allow staff level review and approval of second units up to 750 square feet when no other permit is needed. As part of this action, amend the performance standards for second units to provide further guidance for staff-level approvals.	Planning staff	2015-16
4. Shared Housing	Continue to support HIP Housing and work with their staff to identify and implement actions to increase the number of placements in town.	Planning staff	Ongoing
5. Fair Housing	Continue to participate in the County-wide fair housing program and address concerns as necessary.	Planning staff	Ongoing
6. Energy Conservation	Continue green and energy conservation measures, revise as needed, and implement new programs in accordance with the Sustainability Element and the future Climate Action Plan.	Town staff	Ongoing
7. Future Programs	Explore future housing needs beyond 2022 and potential ways to address those needs. Two possibilities to examine are 1) the possibility of expanding the affiliated housing program to commercial sites for employee housing; and 2) potential uses of the money in the Town's in-lieu housing fund.	Town staff	Ongoing

## UNAPPROVED DRAFT MINUTES

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, MAY 21, 2014,  
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Vice Chair Targ 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

Absent: Chair Denise Gilbert

Staff Present: Karen Kristiansson, Interim Town Planner  
Tom Vlastic, Town Planning Consultant  
Jeff Aalfs, Vice Mayor and Council Liaison

### ORAL COMMUNICATIONS

Lou Ebner, Wyndham Drive, noting that he was dissatisfied with the response he received at the Town Council meeting on May 14, 2014, registered his "grave disappointment" at the lack of proper advance notice of the May 18, 2014 meeting of the Town Council, the Planning Commission and the ASCC. He said from what he was able to glean, it was a very significant meeting, and more representatives of the community would have been present had they been aware of it. He personally was committed to be out of town. In reviewing Town regulations, he said he saw no stipulation about the proper procedure for providing notice except in emergency cases, and would like the Town to develop some formal rule, providing at least a couple of weeks notice. He said he recognizes the difficulty of planning such a meeting – "herding the cats" of the entities together in one spot being a minor logistical miracle – but the public needs notice. He also referred to considerable discussion over the past year in a variety of venues about emphasizing transparency and community participation. As someone who was "pried out from under the rocks" during the past couple of years, he said he's trying to find ways to get everyone to pay attention.

Acting Chair Targ said that there are regulations at the state level regarding notice for certain types of meeting, and those usually define proper notice as 10 days. He said it was an interesting, important meeting, and certainly a logistical challenge. In this case, Mr. Ebner said it was only 72 hours' notice in this case and contained no information about the agenda. He believes the Town needs a regulation in addition to the state requirements, particularly for meetings of the magnitude and importance of the one held on May 18, 2014.

Acting Chair Targ noted that the Planning Commission isn't the appropriate body to move Mr. Ebner's request forward, but two Councilmembers are present tonight. Commissioner McKitterick emphasized that Mr. Ebner's message was clear and that the short notice was unintentional. He suggested Mr. Ebner submit something in writing, and everyone would certainly read it. Town Council Liaison Hughes, too, emphasized that Mr. Ebner's message to the Town Council was clear. He noted that resident Virginia Bacon had recorded the meeting.

### REGULAR AGENDA

- (1) Preliminary Review: Application for Variance X7E-136 for a house addition, 20 Russell Avenue (Ramesh Subramonian)

Acting Chair Targ recused himself and left the room, as he owns property that is within 500 feet of the subject property. Commissioner McKitterick stepped in to serve as Acting Chair.

Ms. Kristiansson described the project as 427-square-foot addition to an existing 928-square-foot home, plus a new 161-square-foot back deck, on a Woodside Highlands property of slightly less than 0.5 acre. There were no Portola Valley zoning regulations when the home was built in 1935, well before the Town was incorporated, so a substantial portion of the home is in the currently required 20-foot front yard setback area. A portion of the proposed addition is within 16 feet of the property line, even though it is located at the rear of the house, and therefore a variance is needed. Aside from the setback, though, Ms. Kristiansson said the proposal is a straightforward one that complies with other Town standards (i.e., height, floor area, impervious surface, etc.).

## UNAPPROVED DRAFT MINUTES

On May 12, 2014, Ms. Kristiansson said the ASCC conducted a preliminary review of the project and the variance request, had no objections to the design and is anticipated to recommend approval of the variance request. Two neighbors have expressed concerns about the project, although neither objects to the project design or the variance request per se. The neighbor at 6 Leroy Avenue requested screening from his downhill property. In response to the concerns, the architect has submitted revised plans that the neighbors are reviewing; they include four new trees on the eastern corner of the lot. An uphill neighbor at 3 Tynan Way who is concerned about on-street parking, objects to continued exemption of the property from off-street parking requirements. Ms. Kristiansson noted that the property has sufficient space for two off-street parking spaces in the paved area north of the house, but it isn't covered as is required under current zoning regulations. The revised plans include extending the paved area 17 more feet.

The item, with the Planning Commission's decision and comments, is scheduled to go back to the ASCC for architectural review at the May 27, 2014 ASCC meeting, and then come to the Planning Commission again on June 4, 2014.

Commissioner Hasko asked Ms. Kristiansson to elaborate on the nonconforming gate mentioned in the letter from David and Lynne Madison, who live at 3 Tynan Way. Ms. Kristiansson said Town files contain no records about the gate, which is located partially within the private right-of-way (ROW) for Russell Avenue. It appears in old photographs, she said, so it may be a legal nonconforming use. Addressing a follow-up question from Commissioner Von Feldt, Ms. Kristiansson said she understands the current gate replaced an older one, which the applicants said they could reinstall if necessary. Commissioner Hasko also asked about the gate's impact on the road ROW. Because it's a private ROW, Ms. Kristiansson said, it's an issue between the homeowners' association that owns the road and the property owners.

Architect John Richards said the project is fairly straightforward. He said one of the reasons they expanded the paving was to avoid on-street parking.

Public comments were requested, but none were offered.

Commissioner Von Feldt said that on the basis of the application and the ASCC's comments, the variance request seems reasonable. In addition to the fact that the improvements date so far back, she mentioned that staff has done well outlining the fact that steep slopes elsewhere on the site would be negatively affected if the applicants were forced them to comply with current setbacks. From her initial reading of the findings, Commissioner Von Feldt said she feels she could support the project as proposed.

Commissioner Hasko said she has observed the steepness, and the owners have other constraints. She agreed with Commissioner Von Feldt that the proposal is reasonable and she could support it, but wants to discuss more detailed plans in the next meeting.

Acting Chair McKitterick said he generally objects to increasing square footage in a setback, but this case is unusual. Although the addition is in the back of the house, it lies in the front setback, and an addition would likely have more impact if it were located in another place. Given the site conditions, he said he could support the variance request, but is inclined to want the gate removed. He said, too, that he wouldn't want the Planning Commission to exacerbate a bad parking situation, but the additional paved area in the revised plans seems to address the parking issue.

In response to Commissioner Hasko, Acting Chair McKitterick said it's Town policy to discourage gates, and this particular one is nonconforming under current Town policy. He was on the Planning Commission when the gate ordinance was approved. He said this particular gate was also discussed as causing parking problems. Furthermore, he said the gate has no historical value, and is tied to the increase in building in the front setback.

Commissioner Hasko said she believes it would be fair to look at the gate issue further, and wants to review the gate ordinance.

Mr. Richards said the gate is there due to the lot's odd shape. It would make more sense to encourage off-street parking or deal with the owner to come up with a solution, he said, and doesn't think removing the gate is a good idea. Moving it downslope probably could result in more parking up above, rather than less, he added. It would

## UNAPPROVED DRAFT MINUTES

also be a hardship because the owners have dogs. He does not think that what the applicant is doing with the house has any relationship to the gate.

In response, Acting Chair McKittrick said that there was a connection because both the gate and the addition affected the front setback, and that he would like to hear more about the gate before taking final action.

Commissioner Von Feldt said she's reluctant to add any undue burden on the applicant, but she would like to understand whether the gate's presence makes the road less safe and how it would affect the visual massing of the project proposed because of its proximity to the road.

Acting Chair Targ returned to the dais.

- (2) Preliminary Review: Proposed Amendment to CUP X7D-167, Professional/Personal Office Uses, 828 Portola Road (William Crown)

Acting Chair Targ disclosed that Dr. Sara Gandy, who has submitted a Zoning Permit Application for a psychiatry office at this site, is a personal friend.

Mr. Vlastic said he spoke last week with Michael Bialas, the applicant's representative, so he's surprised no applicant's representative is present now. Mr. Vlastic said the May 17, 2014 staff report reviews the history of this site, including information about the Conditional Use Permit (CUP) granted in 2007, with limitations on that CUP relative to medical, dental and psychiatric care. The two offices located on the property had been dental offices for many years, and in 2007 a zoning permit was granted to allow psychiatric uses. The property was sold to William Crown in October 2013, the leases that were in place at the time have not been renewed, and the offices are now vacant.

As Mr. Vlastic explained, the current application proposes expanding provisions of the 2007 CUP to also allow professional and personal offices. Descriptions of the intended uses are included with the staff report, which also contains copies of Zoning Permit Applications for a personal office and a psychiatric office. No external changes are proposed for either the building or the site it occupies, but the applicant has submitted a new floor plan for the specific zoning permits requested and possible professional office use at a later time.

828 Portola Road is in the Administrative Professional (A-P) District, and uses must serve the needs of the Town within a reasonable period of time. Personal offices are an exception if they are used by a Town resident and they fall within floor-area limits. In an A-P District, Mr. Vlastic said, it's not unusual to have categories of professional offices with spaces identified for possible uses and then go through the zoning permit process, which differs from the process in Community Commercial (C-C) Districts, which applies in the case of Item 3 tonight.

Mr. Vlastic said the Zoning Ordinance has been reviewed over time to determine ways to make setting standards regarding uses as objective as possible, which is the genesis for the floor-area numbers referenced in the staff report. In this case, both Zoning Permit Applications are modest in terms of square footage, Mr. Vlastic said. He also pointed out that not long after the 2007 CUP was approved, site maintenance and the building itself underwent Building Code review and were upgraded as required by conditions of approval to comply with current Building Code standards.

According to Mr. Vlastic, and as discussed in the staff report, staff believes more information could be added about the proposed professional office use, but fundamentally the two Zoning Permit Applications seem straightforward, particularly given the low intensity and small scale of the uses.

Commissioner McKittrick asked whether this proposal is likely to meet the goal of expected service to the community. With other therapy uses on a similar scale having received zoning permits, Mr. Vlastic said he saw no issue with Dr. Gandy's application. If other professional offices come in for a zoning permit within the square footage indicated on the floor plan, he said it would come to the Planning Commission for approval, whether it be for an attorney, a wealth management counselor or other professional. That process was laid out in the 2007 CUP, he said, and nothing has been proposed to change it.

## UNAPPROVED DRAFT MINUTES

In response to Commissioner Hasko, Mr. Vlasic confirmed that the proposed office sizes are small, but they meet minimum requirements and are well below the maximum permitted.

As for the zoning permit for which no application has yet been submitted, Acting Chair Targ asked whether the decision-making authority rests with staff. Mr. Vlasic said the way the Zoning Ordinance is structured, it would typically reside with the Town Planner. In some cases, particularly with greater square footages involved, the Planning Commission has been sensitive to the proposed use of a building and its occupancy, and has required with the CUP action that all zoning permits be considered by the Planning Commission. The matter goes to the Planning Commission for a use permit. He said that's what's happened in this case with the Commission's 2007 CUP approval.

Acting Chair Targ asked also about the two-year review. Mr. Vlasic said there were informal reviews. The Town had begun a comprehensive CUP process of review but it fell by the wayside due to staffing issues at the time. Acting Chair Targ commented that it seemed a high level of review for a fairly minor use. Mr. Vlasic said it was not the particular use on the table now, but a rather contentious situation involving proposals for attorneys and some other uses at another location that made the Planning Commission more sensitive to the issue of service to the community. Such findings remain a major consideration, Mr. Vlasic said, but one of the solutions the Town Attorney recommended was to use square footage measures as a basis for evaluating service to the community, and this has helped reduce the tension associated with the necessary service findings.

Acting Chair Targ said this presumably would be covered by categorical exemption, given that the uses are conditioned on meeting particular limitations associated with the site rather than being defined uses. Mr. Vlasic said that's correct.

Mr. Vlasic said the item would come to the Planning Commission on June 4, 2014.

- (3) Preliminary Review: Proposed CUP X7D-175, Professional/Personal Offices and Art/Gallery Studio Uses, 888 Portola Road (Michael and Lisa Douglas)

Mr. Vlasic said staff is seeking input and comments from the Planning Commission before this item is scheduled for public hearing. He referenced the May 16, 2014 staff report, which contains relevant history, including actions taken in 2001, such as issuance and revocation of CUP X7D-55 and issuance of Variance X7E-120. The staff report also recounts provisions of the C-C District and issues that must be addressed for categories of use if the CUP is to be granted without specific zoning permit requests. The CUP revocation was based on failure to meet a sewer connection requirement. The Douglases filed suit, but the Town's position ultimately prevailed. Thus, the application now is for a completely new CUP, with no link to the previous one, and the site meets the standards set forth in the variance. These include parking and rehabilitation of the residential use. The site has been well-maintained.

The decision rests with the Planning Commission, Mr. Vlasic said, but staff has taken the preliminary position of willingness to support the application provided that any specific proposed uses are acceptable to the San Mateo County Health Department in terms of the adequacy of the existing septic system and the applicants address certain issues. Nothing in the application proposes a sewer connection, so as now proposed, if a use comes in later that would require a sewer connection, the CUP would need an amendment. If a future use otherwise would meet the Town's zoning provisions but would need a sewer connection, the Town Attorney advised that the Planning Commission could consider some options to revise the current application if the applicant wants to modify the request to facilitate a future approval with a sewer connection without the need for CUP amendment.

The staff report also discusses the zoning permit requirements as well as the scope of possible uses and clarifications the Zoning Ordinance necessitates before the Commission can complete action on the CUP, Mr. Vlasic said. For example, there's a 15% limitation on professional office use in the C-C District. The C-C District also requires that a CUP application define the building space for office use and the specific categories of professional uses intended, so that their appropriateness and potential impact on other office use areas allowed in town can be evaluated. Mr. Vlasic said we also need to know specifically how much personal office space is being proposed.

## UNAPPROVED DRAFT MINUTES

In terms of an art/gallery studio, if there is no specific application, we would at least need some characterization in addition to the septic system adequacy. Mr. Vlastic explained that when the SPUR Art Gallery permit was approved, there were concerns about parking, the number of events, etc. that would need to be clarified in advance. He said the desire for flexibility is understandable, but given the Zoning Ordinance structure and demands on the Planning Commission to make the required findings, it's important for the applicants to be comfortable in informing the Town about their intentions and working with the Town to get the application processed and prepared for public hearing.

Commissioner McKitterick asked whether the Town or Town Council have come up with any regulations or policies mandating that property owners install sewer connections versus septic systems. Mr. Vlastic said we have requirements of new residences within a certain distance of a sewer line. Ms. Kristiansson said the Town uses the Plumbing Code requirement, which specifies that if a septic system needs upgrade, repair or replacement and is within 200 feet of a sewer line, the property must connect to the sewer, whether it's residential or commercial. When Commissioner McKitterick asked if the septic system on the Douglas property needs upgrade, repair or replacement, Ms. Kristiansson said they would have to provide evidence that the system is functioning as is.

Commissioner Von Feldt asked whether the size of the septic field is consistent with the residential use. Ms. Kristiansson said yes. Mr. Vlastic added that the septic system has proven to be adequate to meet the needs for the residents on the site, and when the SPUR Gallery was there, both commercial and residential uses functioned with no septic issues.

Commissioner McKitterick asked whether the home had been rebuilt. Mr. Vlastic said he understands that some minor remodeling work was done, including work on the garage, but it was not rebuilt.

Ms. Kristiansson said the applicants provided a test of the septic system as part of this application, which indicated that it's adequate for the residence that's on the site, but we would need additional information once we know what specific other uses are planned.

Commissioner Von Feldt posed several additional questions:

- What is the location of the septic field relative to the creek? Mr. Vlastic said the septic field is pretty much confined to the parking lot area, with Village Square Shopping Center and 900 Portola Road between the Douglas site and the creek.
- Was the San Mateo County Health Department consulted in the 2001 timeframe? Mr. Vlastic said the County indicated the septic system was functioning at that time; there were no records of any problems with it.

Commissioner Von Feldt said the record for when the 2001 permit was revoked includes a line that says, "The property fails to meet current County standards to have a septic system installed today." Mr. Vlastic said a septic system that's functioning and has no problems can continue to be used. But a new system would require not only primary leachlines but also a redundant location for lines in case the primary lines fail. Given the size and conditions of the 888 Portola Road site, he said it probably couldn't meet contemporary standards for a new septic system.

- If Windmill School renovates at 900 Portola Road, would it be required to connect to the sewer? Might there be efficiencies involved in connecting both 888 Portola Road and 900 Portola Road at the same time, or ways to share some costs, or make it more financially attractive? Mr. Vlastic said West Bay Sanitary District basically sets the framework for making the connections. Units used as a basis for charges are prorated back to anyone who connects to the sewer, and at each step along the way, those who have put in the most money begin to receive reimbursements as others add connections. He said he didn't know whether there might be construction efficiencies, but as far as the connection costs and reimbursement for the pump station and sewer extension go, the numbers are fairly well-defined and are pretty significant. He also said there have been no discussions about it with Windmill School, but he doesn't know how Windmill would be able to function at the 900 Portola Road site without connecting to the sewer.

## UNAPPROVED DRAFT MINUTES

Acting Chair Targ asked about parts of Resolution 2431-2009, the Town Council's affirmation of the Planning Commission decision to revoke CUP X7D-55 and denying the Douglasses appeal. He read from the resolution and noted that the resolution also indicates that Town Code Section 17.48.020 (Sewage Disposal) requires the condition of a hookup to be met. Because Section 17.48.020 is in the Municipal Code's subdivision portion, Acting Chair Targ asked whether it applies to the CUP we're dealing with now. Mr. Vlasic said because there is and was no subdivision involved, it typically would not mature to that level.

Acting Chair Targ also asked whether this application has been determined to be complete, given the lack of specificity. Mr. Vlasic said the matter has come to the Planning Commission for preliminary review because of the history and as a courtesy to the requests of the applicants in order to get some Planning Commission responses. But until the application includes all the information the Zoning Ordinance requires, it isn't complete.

In terms of CEQA compliance, Acting Chair Targ asked how issues of impacts would be evaluated. Given the breadth of uses, he said he could envision performance standards around the project to give some "purchase" on what's requested. He also said he can imagine a CEQA document that would demonstrate compliance with standards, for example, and ascertain the impacts. Assuming all three uses would be proposed in the completed application, he asked whether performance standards might be appropriate. Mr. Vlasic said the Planning Commission's preliminary review tonight should help facilitate that conversation and bring it together with the questions that have been mentioned in terms of the size and nature of professional offices, scale of personal offices, etc., gallery, etc., and their relationship to parking standards.

Acting Chair Targ said it would be good for the Planning Commission to provide initial responses to those questions, because it's a "but for" type of issue. He suggested that it may be premature to decide whether this project would be a candidate for a CEQA categorical exemption or whether a Mitigated Negative Declaration (MDN) would be appropriate. Mr. Vlasic said there may be a path to a categorical exemption if we can have a good conversation with the property owner and be clear and comfortable about a more detailed mix of uses and their scale. He added that from the staff's standpoint, the spaces aren't huge and with the proper mix, depending on County Health Department input on the septic system, this application probably could move ahead relatively expeditiously. Based on that information, Acting Chair Targ said that, as he understands it, with no specific requirement for installing a sewer connection, no specific findings are needed to provide for a variance or an exception.

0:57:50.9 Commissioner Von Feldt asked whether the Health Department could evaluate whether the septic system is sufficient if the uses aren't specified. Mr. Vlasic said they could look at the type of uses and offer tentative conclusions, if we can obtain from the applicants specifics in terms of how the spaces are proposed to be allocated: what's personal office, what might be professional office, how many people might occupy that space, etc. He said we have enough standards in the ordinance to be able to give us a framework for evaluation. As an indicator of the kind of granularity the Health Department would consider, Mr. Vlasic said if the proposal involved a restaurant versus office-space use, the Health Department would most likely not find a septic system acceptable. It would have to be relatively low-occupancy, low-impact use.

Acting Chair Targ invited the applicant to speak.

Lisa Douglas said that she and Mr. Douglas are excited about the opportunity to start over and work with the Planning Commission to enable them to lease their space. She said the application is vague because they're trying to figure out how to offer the building for lease to a potential tenant and is looking to the town for help. She clarified that they have no specific tenants in mind, nor specific thoughts on use of the space, but they want to work with the town to define potential uses in a manner that will allow a successful lease effort to proceed. She said they can't offer space for lease and then tell the tenant who wants it that there will be a six- to eight-month CUP amendment process before they could be approved by the town to move in. She said they're willing to work with everyone.

Public comments were requested. Mr. Ebner said he believes he speaks for most people in the Wyndham Drive neighborhood that they'd like to see life on these properties – Windmill School, more people coming to the church, and the beautiful building at 888 Portola Road in use with people coming and going. On a personal note, he said, "This is a very cool process ... where you get down to specifics... Nobody's being litigious... trying to find the possible answers and get to specificity." He said although the Douglasses apparently spent three to four times

## UNAPPROVED DRAFT MINUTES

more than they anticipated to rehabilitate the building, the result is terrific and all it lacks is flowers in the window and people coming and going. He said he's encouraged by the thought of getting to the point fairly quickly where someone is occupying the building.

Commissioner McKitterick said he's very aware of the Douglasses' prior application, the septic-versus-sewer issue with other applications, and even discussion of the issue in regard to building Town Center. The subject has been on "the civic mind" for many years, he said, and we don't have any policy. Certainly it's within the Planning Commission's scope to require a sewer connection for any particular property for appropriate reasons, he said, but he said he isn't enthusiastic about requiring a sewer hookup in this case. He noted that the Planning Commission required it in 2001, and with no Town policy 13 years later, he said his preliminary reaction is reluctance to go in that direction.

In terms of what uses to allow, Commissioner McKitterick noted that Community Commercial and Administrative Professional Districts differ. He said he'd previously expressed concern about proposals to modify Village Square due to the shrinking commercial space in Town. He said the Town seems to have a plethora of offices, but is losing commercial space. Although by right the applicants apparently can have 15% offices in their building and he would be comfortable with that, he said he wouldn't support 50%. He added that site restrictions for certain commercial uses might require Planning Commission dispensation regarding parking analysis, and he'd be willing to consider that. Like Mr. Ebner, he said he'd like to see the area back in business and stay Community Commercial to the extent possible.

Commissioner Von Feldt said she looks forward to the Health Department's input as to what the septic system can support. Having that key bit of information would make her more comfortable with any recommendation she would make, she said. She concurred with Commissioner McKitterick's point about retaining Community Commercial uses over office space, and the Planning Commission could look at being flexible in order to encourage C-C uses.

Commissioner Hasko said she agreed completely with Commissioner Von Feldt. She said she likes the word "vibrancy," and we should strive for vibrancy on this site. It has been vacant for too long, she said. Commissioner Hasko described a chicken-and-egg scenario, where the applicants don't know what they want to do and the Planning Commission needs to know what they want to do in order to be able to determine whether they can do it. She encouraged the Douglasses to work more with the Town staff and maybe draw up initial straw-man ideas about what would and would not work with the septic system to break through that scenario with options that also would work economically for the Douglasses. Commissioner Hasko also said she'd prefer not imposing a sewer hookup obligation if they can find acceptable uses that don't need it.

Acting Chair Targ said he also supports commercial uses, isn't wedded to the idea of a sewer hookup, and wants to ensure that uses would be compatible with parameters and constraints on the property. He asked whether the Planning Commission would be in a position to deny the application as a matter of general welfare of the Town if it comes forward with personal and professional offices that the Planning Commission doesn't support. Mr. Vlasic said the Planning Commission would clearly have to make specific judgments, on a strong basis, relative to exceeding the 15% professional office use limit that's in the Zoning Ordinance. He said the Douglasses tried to identify low-intensity uses, but they have not been vetted beyond that point, and staff needs to sit down with them and go through the options in some detail. Meanwhile, he said, unless the lack of need for continuing commercial use can be demonstrated, he expects the Planning Commission would find it hard to push beyond the 15% limit.

Acting Chair Targ indicated that providing flexibility through performance standards may be a way forward, and if the specific uses are defined with sufficient clarity, no MND probably would be needed under CEQA but a categorical exemption may be appropriate. As an example of a performance standard, he said one might limit the amount of effluent that could be generated. When Commissioner Hasko asked whether that's a standard the Health Department would prescribe, Mr. Vlasic said staff is working with the applicants to talk to the Health Department and have the Health Department characterize what they think the site can handle with a residential use and other uses in the building. He said we know what plumbing facilities are in the building. Acting Chair Targ said the same thing could be done with respect to parking.

Commissioner McKitterick asked whether staff or the Planning Commission can give applicants upfront anything that would help commercial property owners market their properties if their CUPs don't specify a particular use.

## UNAPPROVED DRAFT MINUTES

Mr. Vlastic said the Zoning Ordinance contains specific standards by type of use for parking, for example. With a restaurant, the number parking spaces is determined based on the number of tables. If there's no sewer connection, he said the driving force would be the Health Department's input on the range of uses. Overlaying that information with information on parking in the context of the proposed occupancy, he said, we can begin to put together performance standards such as what Acting Chair Targ suggested. If there's a commercial use for which parking is insufficient, another potential opportunity may be provisions for joint parking, if findings can be made that a neighbor is willing to allow parking on his/her property.

### (4) Continued Study Session: 2014 Housing Element

Acting Chair Targ drew Commissioners' attention to two draft portions of the housing element that had been included with Ms. Kristiansson's May 16, 2014 memorandum, *Evaluation of 2009 Housing Element and Constraints on Housing*.

Ms. Kristiansson said *Evaluation of 2009 Housing Element* discusses the 13 programs that were approved as part of that Housing Element and the status of each one. It incorporates information from the *Annual Element Progress Report* that the Planning Commission reviewed during its meeting on May 7, 2014. As the *Evaluation* shows, Ms. Kristiansson said, the Town has done most of the actions the 2009 Housing Element called for, including adoption of several Zoning Ordinance amendments and development of a second-unit manual.

She described the *Constraints on Housing* inventory as one of the longer, more technical parts of the Housing Element. With contents largely specified by state law, she said this document is based on and follows the format used in the 2009 Housing Element. The first section discusses governmental constraints such as land-use regulations permit processes, fees, etc. The analysis then looks at non-governmental constraints such as the costs of land and construction, and ease/difficulty in getting financing. The final section addresses constraints to housing for people with disabilities, including developmental disabilities.

Ms. Kristiansson indicated that the full draft of the 2014 Housing Element update will come to the Planning Commission at its meeting on June 4, 2014, and asked Commissioners to forward any typographical errors or minor corrections from review of individual sections to her to incorporate. The Town Council has a special meeting scheduled for June 18, 2014, to discuss the full draft. She said she is putting information about these meetings on the Town website, sending emails to those on the housing notification list, and asking town staff to post it on the PV Forum.

Ms. Kristiansson said she met last week with three representatives of the California Department of Housing and Community Development (HCD) to provide them with information on and a context for the town, including geology, physical conditions, actions since the 2009 Housing Element and approach to the 2014 update. She said it was a very positive meeting, and she came away with some advice and tips for expediting review and using the new streamlined review process, which the Town is now eligible for due to the Town Council's approval of the State Density Bonus Law (SDBL) ordinance.

Commissioner Hasko asked how the Town was doing in terms of the housing element evaluation. Ms. Kristiansson said we are doing pretty well. For all of the programs, the Town has gone at least some distance if not the entire distance. Specifically, she cited:

- Six programs for Zoning Ordinance amendments, all implemented in 2011
- Steps in terms of inclusionary housing, with the sale of the Blue Oaks lots
- Discussions with both the Priory and The Sequoias about multi-family housing
- Development of the second-unit manual
- Issuing enough permits for second units to come close to the number projected in the 2009 Housing Element

## UNAPPROVED DRAFT MINUTES

Commissioner McKitterick noted that *Evaluation of 2009 Housing Element* paragraph 2411f states that Town intends to use proceeds from the sale of the Blue Oaks lots for eight units of affordable housing in addition to the housing allocated to the Town for the 2014-2022 plan period. He said he wants those units to count toward Regional Housing Needs Allocation (RHNA) numbers. Ms. Kristiansson explained that she phrased it the way she did because "it buys us time." It leaves the door open to, for instance, partnering with The Sequoias for employee housing. She said the point is to let the state know that we intend to get at least eight moderate-income units out of those funds. Commissioner McKitterick said he sees the flexibility her choice of words built in.

Commissioner Von Feldt said staff has done a great job in parsing apart the state requirements and making sure the Town is well-covered. She pointed out also that although we've made progress in setting out and meeting targets, Portola Valley's economic diversity – as discussed at the Town Council, Planning Commission and ASCC retreat on May 18, 2014 – hasn't improved. While we're heading in the right direction in terms of meeting state requirements, she is concerned that we haven't even started to "crack that nut" about improving economic diversity. Ms. Kristiansson said that given the timeframe for finalizing the 2014 Housing Element update, a logical place to address that might be in the goals. She also pointed out that Program 7, the vision component, could also reflect the intention to broaden economic diversity. Commissioner Von Feldt clarified that her point was not necessarily related to this particular update but was more an observation that despite meeting requirements, the big picture is getting worse instead of better.

Commissioner McKitterick said for him it's not so much economic diversity as a goal because that term is open to so much interpretation, but more the idea of people being able to live where they work. He mentioned teachers and employees of The Sequoias as examples. He said some people want that for reasons of economic diversity; he said he wants it because it would strengthen the community. When Commissioner Von Feldt said it would reduce traffic, too, he added to the list of positives – environmental benefits, more time to volunteer for the community and other lifestyle reasons.

Commissioner Von Feldt referred to paragraph 2415c which relates to the Human Investment Project (HIP) shared housing program. She said she personally knows five people who work for nonprofits who would be wonderful matches for elderly citizens. They're right out of school, vetted by AmeriCorps and looking for a place to live for a year. She said it takes so little to make a shared-housing match, there must be more we can do to help publicize the program. Ms. Kristiansson said she's spoken someone at HIP Housing about getting more information and making it more accessible on the Town's website. She said once the Housing Element update project is complete, she intends to re-work the housing information on the website, adding links to basic information and showcase HIP Housing with links to its site. She also noted that HIP Housing brochures are available at Town Hall. Commissioner Von Feldt suggested supplementing efforts with some low-tech initiatives such as Saturday morning coffee where residents might meet potential home-sharers. Ms. Kristiansson said we also ought to publicize that HIP Housing conducts background checks on both housing providers and housing seekers to minimize worries.

Mr. Ebner said that to bring in a flood of people wanting to take advantage of HIP Housing, post the information at Stanford, where housing-seekers are very motivated. Mr. Ebner also said the Town has no obligation to build or make available any particular number of units; it's only an obligation to show that it hasn't created an atmosphere that discourages affordable housing, such as prohibitive zoning. He said somehow the number eight has become attached to the outcome of Blue Oaks, but the more fundamental issue is how fungible the return from Blue Oaks is.

According to Mr. Ebner, suggestions have been made to set up a sinking fund, or an in-Town bank, to promote below market-rate (BMR) housing of various kinds, such as short- or medium-term loans to develop second units, or maybe construction loans. The idea, he said, would be to use the money as a rolling fund or seed capital to encourage creative production of this kind of housing, not necessarily buy a piece of property or build a certain number of units. He described it as a different template, which has a future to it, for approaching the problem of BMR housing. Mr. Ebner said that to his knowledge, nothing in the law would militate against that.

Commissioner Hasko asked whether there are constraints on the Town's ability to use the Blue Oaks proceeds for units versus programs. As she recollects it, the Ad Hoc Affordable Housing Committee was asked for ideas of what to do with the Blue Oaks money to support affordable housing, but that was a big question and with so much already on its plate, the Committee was unable to follow up. Ms. Kristiansson said the Town Council would

## UNAPPROVED DRAFT MINUTES

have to make decisions on how to spend those funds. She explained that the eight units Mr. Ebner mentioned originated in the fact that the Blue Oaks lots were intended to hold eight moderate-income units, but we're not necessarily committed to that exact number.

Town Council Liaison Hughes said those eight units were part of our previous Housing Element, so when the update is approved, the eight units go away unless we reintroduce them. Assuming the state accepts the updated Housing Element, it need not be eight units.

Commissioner McKitterick said it could be six units or 16. Commissioner Hasko suggested it could be as broad as subsidizing fees for affordable housing. Ms. Kristiansson said she would discuss the options further with the Town Attorney before coming back to the Planning Commission with the full draft.

Acting Chair Targ suggested asking the Town Attorney about the Town's maximum flexibility in this regard. He wondered whether we could devote \$2 million to HIP Housing or to make the environment as hospitable as possible for affordable housing in Portola Valley. Commissioner Von Feldt said we may be able to get more than eight units out of it.

### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Commissioner Hasko reported that she and Chair Gilbert, as agreed, have begun reviewing the Ad Hoc Affordable Housing Committee's report in light of the Housing Element goals and policies, and are working on integrating some of the language. They will resume when Chair Gilbert returns.

Ms. Kristiansson said a special joint field meeting of the Planning Commission with the ASCC is scheduled for May 27, 2014, beginning at 3:30 p.m. at the White property, 688 Portola Road and moving on to meet at 17 Redberry Ridge at 4:30 p.m. As Ms. Kristiansson explained, the site meetings will give Planning Commissioners the opportunity to comment on those projects – a CUP for 688 Portola Road and a site development permit at 17 Redberry – and that these projects will not be agendaized for preliminary discussion in front of the Planning Commission due to the high level of work and the cancellation of the June 18<sup>th</sup> meeting.

Ms. Kristiansson said she would send out an email to confirm which Commissioners will be able to attend which meetings this summer and to request a general picture of their availability for scheduling purposes if anything needs to be rescheduled.

### APPROVAL OF MINUTES

Commissioner McKitterick moved to approve the minutes of the May 7, 2014 Regular Planning Commission meeting. Seconded by Commissioner Von Feldt, the motion carried 4-1.

### ADJOURNMENT [9:30 p.m.]

---

Denise Gilbert, Chair

---

Karen Kristiansson, Interim Town Planner