

REGULAR PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, MAY 4, 2005, TOWN CENTER, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Zaffaroni called the meeting to order at 8:03 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, McIntosh, McKitterick, and Wengert, and Chair Zaffaroni
Absent: None
Staff Present: Tom Vlastic, Dep. Town Planner
Leslie Lambert, Planning Manager
George Comstock, Council Liaison

ORAL COMMUNICATIONS: None

ELECTION OF CHAIR AND VICE CHAIR

Commissioner Zaffaroni nominated Chip McIntosh to serve as Chairman of the Planning Commission. Commissioner Elkind seconded, and the motion carried 4-0, with Commissioner McIntosh abstaining.

Commissioner Zaffaroni offered to serve as Vice Chair. By motion and second, Commissioner Zaffaroni was elected Vice Chair by a vote of 5-0.

REGULAR AGENDA

(1) Preliminary Review: Proposed CUP X7D-160, AT&T Wireless Facility

Ms. Lambert reviewed the staff report of 4/26/05 on the request to allow installation and operation of antennas and associated equipment for the AT&T wireless services network located within the Town's right of way adjacent to property located at 945 Portola Road. Responding to Commissioner Elkind, Mr. Vlastic said undergrounding of utilities along the road at the Town Center was not envisioned at this time. The cost was substantial, and nothing had been budgeted for undergrounding. Commissioner McKitterick suggested adding a condition that if the Town ever proposed undergrounding, the location of this pole would be revisited. Mr. Vlastic added that the aesthetics aspects would be considered more fully by the ASCC. He discussed communication limitations in Town and the pressure being placed on service providers by residents. He said AT&T had tried to identify areas where the equipment would be most effective. The Priority location served certain aspects of the system but not all; this was an addition to what was being done there.

Tom Spaulding said AT&T was very comfortable with removing all of the equipment if and when undergrounding was done in that area. He had no objection to that being a condition of approval. Responding to Commissioner Wengert, he said AT&T inspected the equipment 1-2 times/month. He noted that it was a collective group of entities (Joint Pole Association) that owned the pole, including PG&E and SBC. Additionally, AT&T and Cingular merged, and the new name was Cingular. Responding to Chairman McIntosh, he said, hopefully, other communication equipment would evolve that would replace this type of equipment.

Responding to Commissioner Zaffaroni, he said the location was very good as it was right on a curve of the road; there was clear line of sight both ways, and it fit with the coverage objective. He described other locations of equipment in Town. Responding to Commissioner Zaffaroni, he described the area and wireless systems the equipment would serve. He said the height was necessary to get above the tree line. Commissioner Zaffaroni said she would like to see some of the existing equipment. Mr. Spaulding described regulations set by the JPA on required distances from primary and secondary power to the pole.

Responding to Commissioner Zaffaroni, Ms. Lambert said she had not received any input from the church. Responding to Commissioner Wengert, she said, generally, the review period was 5-years. Commissioner

Wengert said with new technology, this equipment might be replaced sooner than 5 years.

Responding to Councilmember Comstock, Mr. Spaulding said with clear line of sight, it could cover up to a mile. Responding to Councilmember Comstock, he said the equipment would blend in as much as possible; it was located on a pole that was also carrying telephone service. Councilmember Comstock said it would be helpful for the Planning Commission to see what other locations/options had been considered—including locating a mono pole off the road out behind the feed and grain store. Chairman McIntosh noted that the existing pole would still be there; this would add a 10' extension.

Mr. Vlastic said poles could be 50' with a use permit on private property. He felt the real problem with the Village Square property or a similar location was the redwood trees. It would probably have to be higher or moved to the front of the property, but it could be looked into. Responding to Councilmember Comstock, Mr. Spaulding said the additional equipment would increase coverage and fill in gaps where there was no coverage.

Commissioner McKitterick suggested asking the church if it would consider having the pole inbound on its property if undergrounding was done along Portola Road.

Commissioner Wengert said she shared the concerns expressed about the height, which she would like to see addressed further. It would also be helpful to have an idea of what additional equipment was planned in the context of what already existed. She did not want to see a proliferation of more poles despite the pressure for better coverage.

(2) Board of Adjustment Public Hearing: Proposed Garage Exception and Variance X7E-128, 133 Santa Maria Ave, Olsson

Mr. Vlastic reviewed the staff report of 4/27/05 on the request for: 1) a front yard exception to permit construction of a new two-car garage within 7.5' of the front property line; and 2) a variance to permit construction of a guest parking deck and covered entry stairs within the 20' front yard setback area.

Responding to Commissioner Zaffaroni, John Olsson (applicant) said he had spoken to the neighbors who were fine with the plans. From the street, Commissioner Zaffaroni said the only visual aspect of the covered staircase was a beginning gable which went down and was basically invisible. Using the plans, Mr. Vlastic pointed out that the project was more in conformance in terms of side setbacks than the current conditions. Responding to Commissioner Zaffaroni, Mr. Vlastic said the geo-technical report had been completed after the ASCC review. It had more to do with the drainage feature on the northwest side of the property. Commissioner Zaffaroni suggested incorporating a condition that the applicant be bound by the findings of the geotechnical report. Responding, Mr. Vlastic said the intent of condition #2 shown in the ASCC minutes was that any and all requirements developed by the reviewing bodies would have to be adhered to.

Commissioner McKitterick said he had some concerns about the covered staircase fitting in in that neighborhood. But, this house had such a low impact, it was not really visible from the street. It was also a great project in terms of the parking improvement. Commissioner Elkind agreed.

Responding to Chairman McIntosh, Mr. Vlastic said when the zoning ordinance was crafted, it was recognized that for those smaller parcel zoning districts, you might need exceptions for garage locations because of the circumstances.

Commissioner Zaffaroni said it was important to make specific findings in terms of how you differentiated this particular application from other applications that might come forward with requests for covered staircases. She felt the argument could be made that this was an unusual situation. Mr. Vlastic said the Commission could specify the findings as stated in the staff report and also include comments from Commissioner McKitterick relative to the low impact, the minor nature of the project, etc. Those were distinctions that helped to support the findings. Commissioner McKitterick noted that the support of the neighbors was also

important.

Commissioner Zaffaroni said a covered staircase under many circumstances could add to visual massing and visual impacts. In this case, there apparently were no additional visual impacts to the neighbors or to the street view. That was a significant factor that would probably not exist in other circumstances. Chairman McIntosh said safety was also a factor. Commissioner Elkind said she did not think the steps would be kept dry when the wind blew and did not concur with the safety argument.

Commissioner Zaffaroni moved to find the project categorically exempt from filing an EIR pursuant to Section 15303(a) of the Town's CEQA guidelines. Chairman McIntosh seconded, and the motion carried 5-0.

Commissioner Zaffaroni moved to approve the requested exception to permit construction of a new 2-car garage within 7.5' of the front property line as shown on the plans dated 12/14/04 prepared by F. John Richards, architect, subject to compliance with the conditions of the March 28, 2005, ASCC approval. Commissioner Elkind seconded, and the motion carried 5-0.

Commissioner Zaffaroni moved to approve the requested variance to permit construction of a guest parking deck and covered entry stairs within the 20' front yard setback area as shown on the plans dated 12/14/04 prepared by F. John Richards, architect, subject to the conditions set forth in the 4/27/05 staff report (pp. 4-5) and comments made during the meeting with respect to the findings for the variance. Commissioner Elkind seconded, and the motion carried 5-0.

(3) PUBLIC HEARING: Application for CUP Amendment X7D-156, Jelich Ranch/White

Mr. Vlasic reviewed the staff report of 4/28/05 on the request for amendment to the CUP for the Jelich Ranch. He reviewed key permit modifications being requested as set forth in the staff review. He summarized discussions that had taken place since the Commission's preliminary review on the relocation of the Chilean Woodchoppers' House. He said the Council had asked an independent architect to examine the building, but a report had not yet been received. There had also been discussions between Council representatives and the Whites on potential options. There were some concerns about the overall structural integrity of the building and whether it could be moved and/or renovated in a cost-feasible way. At this point, no decision had been made on whether the Town would accept the building and relocate it. Condition #8 had been included and addressed the options. The applicants were hoping that the structure could be moved to a location that would be of more service to the community. They would, however, like to move ahead with the replacement of the main house.

With respect to the Chilean Woodchoppers' House, Commissioner Zaffaroni said she did not want to act on the amendment and incorporate the language unless it reflected the current understanding. Mr. Vlasic suggested rewording the condition to read:

"Pursuant to the February 8, 2005 Use Plan, there is an option for donation of the Chilean Woodchoppers' House to the Town. If the Town accepts and moves the house, a structure of similar or smaller size may be constructed on the property that adheres to the 50' front yard setback requirement. The final plan for the replacement structure design and location shall be subject to the approval by the ASCC. If, however, the Town does not accept the house donation, the house shall be rehabilitated to the satisfaction of the Town Council upon recommendation of the ASCC."

Responding to Commissioner McKitterick, he said the Historic Element of the General Plan recognized it as a structure for further consideration because there had been changes made to the structure. Responding to Commissioner Wengert, he said it might take some time to be resolved, and the applicants wanted to move ahead with the main house and other things that they wanted to do. They would continue to work with the Town on an appropriate solution for the Woodchoppers' House.

Nancy Lund, Town Historian, said there was anecdotal information that it was an 1850's house. There was some documentation that suggested there were some Chileans in the neighborhood at the time. The perfect thing to do was to rehabilitate it where it was. But, she understood the other issues and was appreciative of the fact that the Whites were doing everything they could to preserve that entire property. The anecdotal information indicated that there were 5-6 of these houses around the valley when the Ranchero family used the Chileans to chop the willows to make charcoal. The existing Chilean Woodchoppers' House was moved to that site in 1915. Therefore, she was less hesitant about moving it someplace else. A structural engineer and a house mover had looked at the building and believed it was sound enough to be moved. The Whites' architect was not so optimistic about the stability and strength of the house. She thought it would be excellent if the Town accepted the structure for some use. Her desire was that the building be preserved. It was the oldest building in Town, and she thought people would be as fond of it as the Schoolhouse.

Responding to Commissioner Zaffaroni, Ms. Lund said there were standards set by the Secretary of the Interior for historic preservation that included things like the significance of the architecture, how reflective it was of the era, etc. When there were only 1 or 2 buildings that reflected an era, they became really important. San Mateo was about to celebrate its sesquicentennial next year; that put the Chilean Woodchoppers' House exactly in that era. The County was asking towns to each do their own sesquicentennial event of some sort. Doing something with the Chilean Woodchoppers' House would be a perfect activity for Portola Valley. Responding to Commissioner Zaffaroni, she said her preference would have been that both the Jelich home and the Woodchoppers' House be included in the Historic Element. But, the Jelichs were very opposed because they did not want government interference in the use of the property. Based on anecdotal evidence, it was an important community resource that demonstrated how it was here 150 years ago.

Responding to Commissioner Zaffaroni, Mr. Vlasic said he thought the existing house and Woodchoppers' House were in the Williamson Act conservation area. The original permit was granted with the ability to reconstruct structures within that area within the same footprint. He said he would follow up with the Town Attorney on what was allowed.

Responding to Commissioner Elkind, Mr. Vlasic said there would be an additional 5-10' easement area for realignment of the trail along Portola Road. That would be addressed before they could occupy the rebuilt house. The Town had not yet pursued the trail along the rear of the property. When the Town did pursue that, the property owners were required to participate in that process. He did not feel an additional condition was necessary. Responding to Commissioner Elkind, he said the use permit did not provide for any subdivision opportunity. The use permit and square footages attendant to it were predicated on the uses (i.e., the preservation of the apple orchard and the historic uses along the Portola Road frontage). If someone wanted to subdivide the property, the use permit would have to be amended, and they would have to go through the subdivision process. Responding to Chairman McIntosh, he said as long as the use was in place, the use permit was in place. If they chose to change the use, the permit would have to be amended; otherwise, it ran with the property. Additionally, there was an annual review of the CUP, mainly because of the on-going outreach program to make sure that stayed within a reasonable context and the conditions were being complied with.

Responding to Commissioner Elkind, Cindie White, applicant, said mulch had been put on top of the mud on the road that went back through the orchard so the tractor wouldn't get stuck. Responding to Commissioner Elkind, she described wells that had been drilled, noting that Cal Water supplied the water for the site.

Phil White, applicant, said he had not heard about the 5-10' easement for the trail in front of the property. Asphalt had recently been removed in front of the Woodchoppers' House to make it safer. He wanted to know what else was needed for the trail. Secondly, this was a working orchard with equipment, etc. If there was a trail across the back of the orchard, he said he would not be liable for having people back there. Additionally, he said he met with Councilmember Driscoll to discuss the Woodchoppers' House. The people who had looked at it didn't think it could be rebuilt. He offered up to \$10,000 to help the Town move it to

some other location. The Town had asked that the siding be taken off, the house be torn down, and then rebuilt. He felt the amount of labor involved in taking off the siding, which was of unknown condition, was cost prohibitive. He did not want the proposed wording that said "it shall be renovated" in the permit. He was not sure whether he wanted it or the Town wanted it, but "shall be renovated" was prohibitive and that language should be removed. He discussed the historic renovations already completed on the property. He did not want his application held up by the Woodchoppers' House. He also questioned whether it was 150 years old. To require renovation without any consideration of cost was not acceptable. The house was also uninsurable, and he did not let his children get close to it. He also questioned whether the siding could be salvaged. Responding to Commissioner McKitterick, he said he wanted to start the main house as soon as possible.

Ms. White added that there was no time frame on the Woodchoppers' House, but she did not want it to stall the work on the main house. They were open to negotiation, but they did not want to mislead the Town by indicating that the structure would definitely be rehabilitated if all else failed. Furthermore, it was her impression from Councilmember Driscoll that the Town could not take the Woodchoppers' House because the Town was financially overwhelmed by the Town Center project, and there was no place to put it. While she did not think the siding could be re-used and the house could be rebuilt, she said they would look into it. She reiterated that they could not guarantee that they would be able to rehabilitate it.

Responding to Chairman McIntosh, Mr. Vlasic said it was clear in the first permit that the structure would be used for offices associated with the outreach program. The way the wording was set now, the burden was placed on the Whites to do something with that structure. The General Plan was not specific as to the overall importance of the structure. Ms. Lund had indicated an important perspective that led to this provision for further consideration. At this point, there was no Council directive. He felt interaction between the property owners and the Council was appropriate. Additionally, the language in the condition might be softened to say "...If, however, the Town does not accept the house donation, the house may be repaired, rehabilitated or otherwise treated to the satisfaction of the Town Council." It was vague, but would address the concerns expressed by the property owner. Responding to Chairman McIntosh, Mr. and Mrs. White concurred with the modified language. Mr. Vlasic confirmed that this would mean the Council would make the decision.

Mr. White suggested: "...treated to the mutual satisfaction of the Town Council and the Whites."

Chairman McIntosh said it was important that there not be any right conveyed to destroy the structure at this point.

Commissioner Elkind suggested the Commission convey its preference to have the structure restored in some form. She felt it would be feasible to build a new structure and put the old redwood planking on the outside. Mrs. White said the structure would have to be upgraded to code; the size and shape of the building would change, the windows couldn't be replaced, some of the siding might not work, etc. She questioned how all of that could be put together so that it looked right. Commissioner Elkind encouraged the Whites to look into that further.

Ms. Lund said she did not want the Woodchoppers' House to delay everything else. Additionally, Mayor Davis had indicated this afternoon that there was nothing that had happened that would prevent the Town from accepting the donation. She said she would be comfortable with language that said if it was structurally or financially unreasonable or impossible to restore/rehabilitate it, then a replica could be built using as much of the original material as possible.

Mr. White reiterated that the operative words were "mutually agreeable."

After discussion, Mr. Vlasic said he felt keeping it vague and putting it in the Council's purview was appropriate. He felt, however, that "mutually agreeable" could be a problem; the decision should be with the Council. The Council would work with the Whites; everyone was appreciative of what they had done with

the ranch. He reiterated his suggested wording: "...If, however, the Town does not accept the house donation, the house may be repaired, rehabilitated, or otherwise treated to the satisfaction of the Town Council." He added that he did not want to include "removal" because there was still too much that needed to be hammered out. The Commission could offer a recommendation on what its preference was, but all of the facts would need to be developed over some period of time. As proposed, the burden would fall on the Council to make the decision.

Commissioner Wengert said Commissioners had expressed their discomfort at punting on such a critical decision. But, in recognition of the amount of work that had been put into it to date, that was probably the only responsible choice. She would feel more comfortable weighing in on the entire application, but the data was not available. To move forward with the majority of the plan, she agreed it should be punted up to the Town Council. She also thought the vague wording suggested by Mr. Vlasic was appropriate. The Town Council would ultimately be the group to work with the Whites and staff to come up with an acceptable solution.

Councilmember Comstock said he found Mr. Vlasic's phraseology okay and felt the rest of the Council would as well. It would also allow the rest of the project to move forward.

Responding to Commissioner Elkind, Mr. Vlasic said no new fencing was being proposed at this time. If there ever was a proposal for fencing, it would have to go through the ASCC review process. The current plan was to preserve the existing post and rail fence along the front of the property and to provide some gates at the two entry points. The ASCC had not accepted a proposed gate system that punched into the property. They wanted to see a final plan that was more in keeping with the post and rail design.

Commissioner Zaffaroni pointed out that the Whites, in the original permit, had agreed to restore the Woodchoppers' House to aesthetically look the same, thus preserving the structure. This was not a new condition being imposed. Additionally, the original structures on the property were considered with respect to the overall square footage that would be allowed because the Town did not want to encourage the Whites to raze those structures, which were considered to have historic value. Because the existing buildings were going to be preserved, the Commission allowed 17,000+ sf which would not be allowed on a single parcel of this size. It was all part of the original negotiations.

Commissioner Elkind said there had been a lot of emphasis on the preservation of the buildings. The preservation of the orchard vistas and open space was also very important, and she thought the CUP should place greater emphasis on that. The style of the old house was being preserved, but not totally. At this point, what was being preserved was the vista, apple orchard and that sense of open space. Mr. Vlasic noted that the ASCC also felt that the open character of the site was essential.

Responding to Commissioner Wengert, Mr. Vlasic said he did not recommend setting a time period for resolving the Woodchoppers' House issue; if it was not resolved, the whole CUP would need to come back to the Commission. Commissioner Zaffaroni pointed out that improvements to the barn, etc., allowed in the original use permit were being done.

Commissioner Wengert moved to find the project categorically exempt from CEQA pursuant to Section 15305, Class 5 of the CEQA guidelines. Chairman McIntosh seconded, and the motion carried 5-0.

Commissioner Wengert moved to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the amendment request subject to the conditions set forth in the staff report of 4/28/05, including modification to condition 2.c.8) to read: "...If, however, the Town does not accept the house donation, the house may be rehabilitated, repaired or otherwise treated to the satisfaction of the Town Council." Chairman McIntosh seconded, and the motion carried 5-0.

(4) Board of Adjustment Public Hearing: Asborno Appeal of ASCC Approval of Plans for House Additions at 243 Canyon Drive

Mr. Vlastic reviewed the staff report of 4/28/05 on Dean Asborn's appeal of the ASCC's approval of plans for additions to the Kosling residence. He noted that an additional letter had been received today from Nancy Powell indicating that she had joined in the appeal. Because the revised plans had not been reviewed by the ASCC, he recommended: 1) opening the hearing and taking comments; 2) scheduling a site meeting with the ASCC, Planning Commission and neighbors; and 3) allowing the ASCC to discuss the revised plan and made recommendations to the Planning Commission for final action. He used photos to describe the existing site in relation to the neighboring properties.

Tobin Dougherty, architect, said this did not need to be further prolonged. This was a simple addition to a home that he had been working on for the last 5-6 years. There had been three very simple, laid out plans for this home: a garage addition, an entry addition, and this last portion designed to take care of the Koslings. The original size was a 900 sf box with difficult egress and no carport or garage. Unfortunately, there were neighbors on either side who had harassed the Whites for the last 5-6 years over every single move. The house fit the neighborhood. It was a hillside home set on a knoll in both directions. Environmental issues, neighbors, heights, square footage, etc., had all been considered. For the last 4-5 months, the Koslings had been constantly put on hold for this very simple 1,400 sf addition that did not exceed or go beyond any of the Town's criteria. The neighbors just basically wanted to hold the job up. The roof had been lowered and clipped, and there had been no response from the neighbors. Additionally, the trees had been protected by going out the back. Everything had been moved in to stay away from either neighbor. It did not loom over the person behind the property; it was almost 65' away from the property lines. This was a normal little addition. Builders had been lost, interest rates had been lost, and it just continued on. He did not understand it.

Kelly Tejada, Portola Green Circle, said the Koslings' home was well-done and a beautiful addition to the neighborhood. Responding to Ms. Tejada, Mr. Vlastic said the home met the floor area, height, setback limits, etc. A subjective judgment had been made by the ASCC to allow more than 85% of the floor area limit in the main house. That required special findings, which the ASCC made. Responding to Ms. Tejada, he said the appeal related to: 1) view impact; and 2) the feeling that the house did not fit within the character of the neighborhood. Ms. Tejada said she disagreed and felt the house fit in. It was beautiful and matched the house across the street.

Mr. Dougherty added that the Koslings' home was not the only one in this neighborhood that exceeded 85%. Mr. Vlastic added that this was not a variance issue; it was an exception that the ASCC dealt with on a fairly regular basis. A lot of lots had constraints that met the requirements of this subjective review. That said, all of the factors associated with the architectural review process that were not numerical were subjective. There were very few appeals of ASCC decisions, but there were differences of opinion. Mr. Dougherty added that with the addition, there would be 2,800 sf of livable area, which was not a big house. The total building site coverage was 94% which included the garage.

Responding to Jill Caskey, Chairman McIntosh said the neighbor of the Koslings would not have the final word over the Town's word. The Planning Commission would make a decision on the appeal. Mr. Vlastic added that the appeal raised specific issues and was made within the appeal time period. The Town encouraged the neighbors to work together to find a resolution, which happened all the time. In this case, the Koslings were willing to respond to the concerns expressed by the neighbors. They modified the plans, and the hope was that that would satisfy the neighbors. Within the last two weeks, it became clear that the neighbors wanted to continue with the appeal and that the changes that had been made did not address the concerns that they expressed in the appeal. It was brought to the Commission, and the burden was now on the Commission, sitting as the Board of Adjustment, to hear the case and judge the merits of the comments offered.

Responding to Colleen Kosling, Mr. Vlastic said the requirements for architectural review addressed very specific things but they also addressed subjective areas. The ASCC judged those issues in making the decision on the project. They approved the technical requirements as well as the subjective areas. The

neighbors had contended that some error was made in process and/or the decision-making relative to fitting in with the neighborhood. There was no contention that the technical/numerical standard had been violated.

It was up to the Commission to look at the requirements that were set forth in the ordinance and make a judgment. They would take into account comments that they heard because subjective areas had been identified. On the other hand, they had to look at the plans because it was a part of how this related to the neighborhood.

Responding to Ms. Tejada, Mr. Vlasic said the ASCC and Planning Commission typically made their decisions based on standards set forth in the General Plan and zoning ordinance. They were influenced by information that was presented. Judgments were made based on the merits of the project within the standards set forth in the General Plan and zoning ordinance.

Dean Asborno, appellant, thanked the Koslings for installing the story poles. He said he was not trying to hold up anybody's project, nor was he harassing anybody. It was difficult to grasp the project without visiting the site and viewing it from several different angles and different properties. He believed the ASCC made a decision with inadequate and false information. He wanted everyone involved to have an opportunity to view the impact from his property, Nancy Powell's property and everyone impacted. Additionally, he felt it was a bad judgment call not to have had the story poles installed. No one came to his property and viewed the project from his decks, living room, family room, and dining room. He questioned how the ASCC could grasp the impact of the project. He wanted the ASCC to have all of the information in front of them to understand the project from all points of view and then make an educated, logical decision.

Nancy Powell, downhill neighbor, referred to her 2/15/05 letter which she said addressed two fundamental issues. She wanted an opportunity for a fair hearing and fair decision-making process by the ASCC. At least two of the ASCC members had been given false and misleading information by the applicants—whether innocently or intentionally. She simply wanted her fair day in court with the ASCC, and she thought she deserved that. The Town's process was very fair, but it was not fair if the tribunal that had the information was given false information. When the architect commented about harassing neighbors, she said she was the harassing neighbor. Referring to her letter of 2/15/05 (p. 2), she discussed three incidents which she said exemplified the Koslings' total disregard of the plans and Town ordinances. She wanted the ASCC to make a decision that was not based on false information. From the past background, it would be absurd for the ASCC to be told that she approved the plans that were submitted. The reason she had not been shown the plans was because they figured she would be a harassing neighbor. She had always questioned things. The ASCC acted on the assumption that she liked the plans and had agreed with them. That was not a fair way for the ASCC to go into any type of hearing. The fact that they were misled spoke volumes about the whole process. For that reason, she simply wanted a fair hearing before the ASCC. Even if they granted approval, she just wanted them to look at it from a neutral standpoint—not from a standpoint of believing that she agreed to what was before them.

Mr. Asborno said his biggest concern was visual massing. The proposed addition projected up higher from the existing ridge, went straight up, and, before the hip change, went straight down on a slope. That was a visual massing. It was a huge tall massive wall. He questioned whether that was appropriate for Portola Valley or consistent with the neighborhood.

Karl Kosling said it might not seem consistent with the neighborhood, but the height of the roof would be just as high and would go out just as far as Mr. Asborno's. He was sorry Mr. Asborno had to live next to a small little house for the last 1 ½ year, but his (Kosling's) plans had been in process since 1997. It probably wouldn't even be as large as Mr. Asborno's home. The roof line was the same height and maybe not even as high. Both of the properties dropped, and there was only one way to go. He didn't build up, he built down. It took up the least amount of footprint on the property as possible. During one of the meetings, Mr. Vlasic read from the minutes that indicated that the downhill neighbor not only came in and saw the plans but gave her approval and offered to let the contractor use her property for parking if needed.

Ms. Powell reiterated that she did not know the height. Architecturally, this was an adorable house and she

agreed with comments that this was a visually attractive home. Her argument was that it went up unnecessarily. She felt they could accomplish the same objective with keeping the roof line at the original height. That would drop the entire house down two feet. It went up and allowed the neighbor to look down over into her back yard; therefore, she lost all her privacy.

Mr. Asborno said it was not known whether the highest ridge of his roof was lower or higher than the proposed addition. The proposed addition could be higher than any point on his ridge. Given that this property was lower than his, it would be inconsistent that it would be as high or higher.

Mr. Dougherty said the maximum height of this building was 25'6" from grade to the peak of the roof. It was irrelevant what the neighbor's height was. What was relevant was that the Koslings were adding a 700' footprint—700 sf on the ground floor and approximately 700 sf on the upper floor for a total of 1,400 sf. It had a standard 8' high plate on the lower floor and a 9' high plate on the upper floor. These were standard building heights for a standard second-story addition.

Chairman McIntosh said this kind of situation was fairly rare in the community. Obviously, there was a misunderstanding between the parties and some hard feelings. The most important thing was for everyone to get all of the facts and for the Commission and ASCC to meet at the site as soon as possible.

Mr. Vlastic clarified that the revised plans still had the ridgeline somewhat higher than the existing ridgeline. Responding, Mr. Dougherty confirmed that it could be lowered by another foot, but it would be a compromise of the architecture. There had already been compromises. He questioned at what point the owner actually got a certain amount of what he desired. He confirmed for Mr. Vlastic that the plan approved by the ASCC was about 2' over the height of the existing ridge. If it was not increased, the master bedroom would have a 7' ceiling. From the standpoint of at least one comment, whether it was a foot lower or not, the reality of an extension of the house looking down on the neighbor would not change. The design would have to dramatically change in terms of the use of those areas; the setbacks were already more generous with the design solution than would be normally required. The view impacts would have to be judged from the field as to the unusual nature of them.

Responding to Commissioner Zaffaroni, Mr. Vlastic said the ASCC process was put on hold pending Planning Commission action on the appeal. The applicants made adjustments to their plan to address the concerns of the neighbors. The neighbors' position was that it didn't do enough. The applicants would have to choose to take their revised plans back to the ASCC of their own volition to pursue it. Staff's understanding was that they would only be willing to do that if they worked out a compromise with the neighbors.

The hearing was continued to a site meeting scheduled for May 9, 2005, at 5:00 p.m.

APPROVAL OF MINUTES

By motion and second, the minutes of the February 22, 2005, special meeting were approved as submitted by a vote of 4-0, with Commissioner Wengert abstaining.

By motion and second, the minutes of the March 2, 2005, meeting were approved as submitted by a vote of 3-0, with Commissioners McIntosh and McKitterick abstaining.

Commissioner Elkind submitted a change to the minutes of the joint Planning Commission/Council meeting on April 6, 2005. By motion and second, the minutes were approved as amended by a vote of 4-0, with Commissioner McKitterick abstaining.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said the meetings on June 1 and July 20 would be cancelled due to lack of quorum.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 p.m.

Chip McIntosh, Chair
Planning Commission

Leslie Lambert
Planning Manager