

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, SEPTEMBER 6, 2017, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the Planning Commission regular meeting to order at 7:00 p.m. Planning Director Pedro called the roll.

Present: Commissioners Goulden and Hasko, Vice Chair Targ, and Chair Gilbert

Absent: Commissioner Von Feldt

Council Liaison: Jeff Aalfs, Councilmember

Staff Present: Debbie Pedro, Planning Director
Cynthia Richardson, Planner
Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

OLD BUSINESS

1. Architectural Review and Site Development Permit for a New Residence, 200 Goya Road, Anderson Residence, File #26-2017

Associate Planner Cassidy presented the staff report.

Chair Gilbert invited comment from the applicant. Hearing none, Chair Gilbert invited questions from the Commissioners.

Commissioner Hasko said the Trails Committee recommended that the southern rock dissipater not drain across the trail, but it is not reflected on the utility plans. Associate Planner Cassidy said that follow-up has not occurred, and they will request that it be included in the plans.

Commissioner Hasko asked for clarification regarding window shades. Associate Planner Cassidy said the ASCC was concerned about light spill from the second story windows. She said one of their recommended conditions is that programmable motorized window shades be installed, shown in the building plans, and installed prior to final inspection. In response to Commissioner Hasko's question, Associate Planner Cassidy said the skylights also have shades.

Chair Gilbert asked if the additional fill would cover existing chaparral and then be replanted. Associate Planner Cassidy said the area does not have heavy vegetation at this time, as does the rest of the downhill slope. She said the idea is that the fill will raise the elevation in that area, and the shrubs will grow on top.

Chair Gilbert noted the conditions of approval regarding runoff - providing peak flow and velocity calculations, detailed plans of drainage systems, etc. – and asked if it was typical for those requirements to be made after planning approval. Planning Director Pedro said the detailed report and calculations are reviewed as part of the building permit, and the building permit will not be issued until those conditions are satisfied.

With no further questions, Chair Gilbert invited public comment. Hearing none, Chair Gilbert brought the item back to the Commission for discussion.

Vice Chair Targ said it is a complicated project on an impaired location. He said the applicant has been responsive to the comments by the Planning Commission, the ASCC, and the neighbors. He said at this point he had no concerns and was supportive of the project.

Commissioner Hasko said she wanted the Trails Committee comment to be addressed, deferring to staff to handle it. She suggested that Condition #4 include that the skylights shades should be programmable and motorized and must be closed at night. Associate Planner Cassidy said the ASCC discussed that subject. She said they cannot condition and require that someone closes their shades at night, but can only condition and require that the shades are installed. Commissioner Hasko said it is an important enough issue for her that she wants clarification regarding legal enforceability. Planning Director Pedro said it can be required, but enforcement will be difficult.

Vice Chair Targ said he does not see any legal issues to include a use requirement, but agrees that enforcement would be challenging. He said he does not want to try to police the activities of people's use of their property. He said the applicants have made a good faith effort to be responsive, and there's no reason to think they won't be in the future. He said no adjacent land users have expressed any ongoing light spill issues. He would support including language recommending they should close the shades at night and requiring screening for the skylights to the extent feasible.

Commissioner Goulden was supportive of the project. He was supportive of requiring the skylight shades to be installed without getting into a use requirement. He also agreed the Trails Committee comment regarding the southern rock dissipater should be addressed. Planning Director Pedro said it will be a condition of approval that a utility plan shall address the rock dissipater to make sure it does not drain across the trail.

Chair Gilbert said after the field visit, she was comfortable with the extensive grading, considering that the site is already largely disturbed. She said because the house is situated at the top of a ridge, there are some additional sensitivities, and she appreciated the applicant's efforts to mitigate. She was supportive of adding a requirement for window shades on the skylights and a recommendation regarding their use at night.

Commissioner Hasko moved to approve the Architectural Review and Site Development Permit, with the additional condition to address the Trails Committee comment, with the requirement that the skylights have shades installed, and with the recommendation that the shades be used at night. Seconded by Vice Chair Targ; the motion carried 4-0.

Item #3 in New Business was moved ahead of Item #2 in Old Business on the Agenda.

NEW BUSINESS

3. Preliminary Review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Georgia Bennicas, 838 Portola Road, File #PLN USE 7-2017 and VAR 2-2017

Planner Richardson presented the preliminary plans for the project, as detailed in the staff report. She requested that the Commission provide comments, reactions, and direction to assist the applicant and project team make any plan adjustments or clarifications.

Chair Gilbert invited comments from the applicant. The owner, Ms. Bennicas, described her business as a small investment advisory business with two staff members. She said they meet with clients throughout the day, one at a time. Peter Carlino, from Lea & Braze Engineering, said he is there to discuss the overhang design and the Use Permit. He said the Use Permit is consistent with others in

the surrounding area. He said they appreciate staff's time and diligence in researching historical records. He said he will appreciate any feedback and direction offered by the Commission regarding the front and rear roof extensions.

Chair Gilbert invited questions from the Commissioners.

In response to Vice Chair Targ's question, Ms. Bennicas said both of the staff members live in Belmont and often drive in together. Ms. Bennicas said she has one car. Vice Chair Targ asked if there was room for a fourth car to be parked at the business. Planner Richardson verified that there is one parking space in the carport, one tandem to the carport, a handicapped space, and one other space.

Chair Gilbert asked if there was room for any additional parking once the tree is removed. Mr. Carlino said they'd like to have another spot, but due to the landscaping requirements and paving in the front setback, it is not feasible.

Vice Chair Targ asked how the parking situation will be handled if Ms. Bennicas meets with two people at the same time. She said there is not space inside that building to meet with more than one client. She said it is not a usual occurrence but if there were more than one client, which only happens maybe once every 6 to 12 months, she would need to meet at the restaurant in Portola Valley. She said one reason she purchased the property was that it was single story and she has elderly clients. She said if the building needs to be redone, she will meet elsewhere, which she's been doing for quite a while anyway.

Chair Gilbert asked about the portion of the property that jogs off to the left outside of the leach fields. Ms. Bennicas said she wanted to use that space but it is not feasible because of the oak trees and the septic leach field. Chair Gilbert asked Ms. Bennicas if she had explored the idea of accessing the neighboring property to get to that spot. Ms. Bennicas said she will need an easement and that neighbor would not likely help her.

Commissioner Goulden asked if all three posts in the rear needed to be removed because of the leach field requirements. Staff confirmed that all three posts needed to be removed to address various issues, and the roof needs to be redesigned.

Vice Chair Targ asked about the rear patio overhang. Mr. Carlino said all three posts need to be removed, and they can have a smaller overhang that ties back to the building. Vice Chair Targ said he understands the restrictions regarding a structure that is built within the setback, but asked what the rationale was for disallowing a structure that is suspended over the creek setback. Planning Director Pedro said the overall purpose of the creek setbacks is to protect the scenic qualities and habitat values of the creek environment. She said while this house is already encroaching into the setback, the idea is to limit additional encroachment along creek corridors as they also serve as habitat and wildlife corridors.

Ms. Bennicas said it was never her intention to expand or extend the footprint of the building. She said the contractor is from out of the area and was not familiar with Town ordinances, and she apologized for the errors that were made. She said she is hoping to keep some of the roof because it is problematic for older clients to be exposed when in the rear yard. She asked if there was some way she could have some overhang that was not considered a structure. Chair Gilbert asked staff if there was anything that could be put there that would not conflict with the variance. Staff said nothing that would be considered a structure would be allowed. Ms. Bennicas asked if a trellis with plants, such as was there previously, would be allowed. Planning Director Pedro said the Town has no records of the trellis that Ms. Bennicas is referring to.

Commissioner Goulden asked about the applicant's request to replace the chain link fence next to the creek. Planner Richardson said it is in the right of way and is Town property. She said the purpose of

the fence is to keep pedestrians from falling into the creek. Ms. Bennicas said she would like to replace it with something more attractive. Commissioner Goulden asked if a cross-rail fence could be installed there. Planner Richardson said she would need to consult with the Public Works Director.

In response to Commissioner Goulden's question, Planning Director Pedro said the current roof eave encroaches 2 feet into the setback, and any addition will require a variance. Ms. Bennicas said 2 feet is quite narrow to stand under to get out of the rain. She said she thinks it would look more balanced to have a larger overhang. Chair Gilbert said that variances are not easily granted and there are specific findings that the Planning Commission must make in granting variances.

With no further questions, Chair Gilbert invited public comment. Hearing none, Chair Gilbert brought the item back to the Commission for discussion.

The Commissioners were supportive of removing the redwood tree in front. Vice Chair Targ said given the size of that tree, it had potential to be a remarkable tree. Commissioner Hasko said she would defer to the recommendations by the arborist and the Conservation Committee about the condition of the tree and its potential.

Vice Chair Targ said that given the form of the ordinance, while he is sympathetic to the applicant's situation, he cannot make a finding of hardship to add a further a non-conforming element to the property. He said if the creek setback doesn't make sense, the applicant could request an amendment to the ordinance itself so no variance would be required. The applicant respectfully declined that suggestion.

Commissioner Goulden said he could not make the findings to grant a variance. He said it would not be consistent with what the Town has required of other applicants in terms of adhering to the existing code.

Commissioner Hasko concurred.

Chair Gilbert also agreed with her fellow commissioners.

Ms. Bennicas asked if there was any other type of covered structure that could be added on the property. She said she has been tied up in this project financially, and needs clarity and the ability to move forward. Planning Director Pedro said that ornamental garden structures may be allowed subject to the PVMC.

The Commissioners were supportive of the requested Conditional Use Permit.

In response to Ms. Bennicas' question, Planning Director Pedro explained that the Planning Commission is the final authority to approve variances, and based on the preliminary review comments this evening, there is consensus that a variance would be very difficult to grant in this case. Planning Director Pedro said the ASCC will review this project on Monday and Ms. Bennicas can explain what she wants to do in response to the Planning Commission's feedback. She said the ASCC should not spend time discussing design changes related to a variance if it is not likely to be granted. Mr. Carlino said they will consider the Planning Commission's feedback and modify the project accordingly. He said they would like to have the red tag removed so they can move forward with the project.

OLD BUSINESS

2. Amendment of a Conditional Use Permit, Spring Down Equestrian Center, 725 Portola Road, File #PLAN USE 6-2017

Associate Planner Cassidy presented the staff report. She noted a typo in Section 4.e. of the recommended conditions referring to Condition 6. She said the condition should state "...abide by the provisions of Condition 3.g of this permit."

Chair Gilbert invited comment by the applicant. Hearing none, she invited questions from the Commissioners.

Chair Gilbert asked staff regarding Condition 3.b. Associate Planner Cassidy said the word "train" should be "trail."

Chair Gilbert noted a previous requirement to provide a written report regarding annual water quality testing and asked if it has ever occurred. Staff said it had not. Planning Director Pedro said the Storm Water Control Ordinance says if there is a complaint or issue, then the Public Works Director could request that a test be conducted and a report submitted, which is the practice for all properties in Town. She said that Commissioner Von Feldt had originally expressed concern regarding that condition, but after the field visit and seeing how the manure area was managed, she had no further concerns regarding water quality being impacted.

Vice Chair Targ asked if the site would be covered by a State storm water pollution prevention plan that would need to be registered with the San Francisco Regional Water Quality Control Board. Associate Planner Cassidy said there are requirements between the business owner and the County, so storm water is not directly regulated by the Town, which is the reason for the Town's interest in removing themselves as a third-party intermediary. The applicant said their water quality has improved since they sold the front of the property to the Town and installed an arena in the rear, constructed of permeated asphalt underneath the footing. She said all the water filters through rocks and a drain pipe. She said these are some of the things they've done since 2008 to make sure the water is pure and the manure is not getting into it. She said they also pick up manure as it's dropped in the arena, so there is no trampling through it. She said all the water is directed to certain drain areas surrounded by bumpers so that any debris is stopped and only water goes through.

Commissioner Goulden said Condition #2 references an annual inspection by the horse stable inspector, which does not occur. Planning Director Pedro said the Town is working with the County to train the Building Inspector in horse facility inspections. She recommended keeping the condition because the intention is to resume the annual inspections.

With no further questions, Chair Gilbert invited public comment.

Donna Colton, 725 Portola Road. Ms. Colton asked for clarification about Condition 3.b which reference a connecting trail. Chair Gilbert said it is not a trail that exists, but at some point, if a trail on the general trail map ever gets built outside of her property, then it needs to be continued into her property. Planning Director Pedro said it is a carryover condition from the last CUP, and it is not new or amended. Ms. Colton said she wanted to ensure that any future trail would not bring horses in through the Spring Down parking lot or near the lessons. Associate Planner Cassidy said the future trail would run along the southwest property edge.

John Bulkeley, 25 Woodview Lane. Mr. Bulkeley said he has lived across the street from Spring Down for almost 40 years and has had an almost consistent problem with noise. He said the excessive microphone and loudspeaker noise is quite annoying. He said the outdoor ring has three loudspeakers – one facing east, one facing west, and one facing north. He said the covered arena has two loudspeakers facing north and south. He would like the east-facing speaker moved to face south or be eliminated. He said he spoke to Associate Planner Cassidy a few months ago and there was apparently no condition in the use permit regarding the placement of the loudspeaker, and therefore he

is asking for it now. He said Associate Planner Cassidy told him the owner has adjusted the decibel level so the noise level is reduced but he would still like to have the loudspeaker relocated.

Chair Gilbert asked if Mr. Bulkeley would be satisfied if the loudspeaker was moved or relocated. Mr. Bulkeley said he had no idea if that would solve the problem. In response to Chair Gilbert's question, Mr. Bulkeley said to his knowledge, no decibel reading has been taken from his property.

Rick Anderson, 50 Woodview Lane. Mr. Anderson said his exposure is different in that he gets more noise from the soccer and baseball fields, and he has not experienced the same level of noise from Spring Down as Mr. Bulkeley. He said when the speakers previously pointed toward their street, he contacted the owner, and it was taken care of. He said Spring Down is a good neighbor. He does not see an issue in increasing the number of horses to 60.

The owner, Carol Goodstein, said Spring Down is a valuable community asset because it gives people a chance to communicate with animals and nature in a very nice setting.

With no further public comment, Chair Gilbert brought the item back to the Commission for discussion.

Commissioner Hasko said the conditions require future owners of the property to maintain the standards of operation per the current Facilities Management and Operations Plan. She said it should be clearly stated in the Facilities Plan that boarders should be required to maintain the horses in the same way. She said there are places in the Facilities Plan that indicate if the horses are not exercised, Spring Down will do it, but she suggested the boarder should have that responsibility. She suggested adding a statement to that effect. Ms. Goodstein said if the horses are not taken care of by the owners, they would be asked to move. She said in her 35 years, it has never been a problem. Commissioner Hasko said she understood that, but if Spring Down is sold, the only thing missing from the Facilities Plan to ensure the continued quality operation is a statement saying that the same standard will be adhered to for boarder horses. Ms. Goodstein was in agreement with Commissioner Hasko's suggested addition.

Commissioner Hasko said she thought they didn't use the speakers in the covered arena. Ms. Goodstein said the only time they use speakers in the covered arena is during a horse show to communicate with the announcer in the ring. She said they are not used for lessons. Ms. Goodstein said the east-facing speaker Mr. Bulkeley is referring to is facing downward. Mr. Bulkeley said that change was done in the last three or four months, and he does not live there during the summer so does not yet know if it has made a difference. He said he does hear instructors talking to their students. Ms. Goodstein said there is a microphone they talk into, but the volume is turned down to almost nothing.

In response to Vice Chair Targ's question, Ms. Goodstein said that microphone is broadcast through the loudspeakers so the riders can hear the instructors. She said it is a big ring, and the riders must be able to hear the instructors for safety reasons.

Commissioner Goulden said it is clear that the current management does a wonderful job in making sure the horses are cared for properly. He said the Commission wants to make sure that, if management changes hands, there is some recourse to come back and say the reason they were allowed to have that many horses was due to the excellent care of those horses.

Chair Gilbert said it is not the Planning Commission's intent to police everything in the applicant's operations plan, the standards by which they operate. However, if the ownership changes, and an issue arises regarding the care of horses, she said the Town can go back to this requirement to ensure that the owners follow the management plan.

Associate Planner Cassidy said the missing link here is a Stable Inspector, a position that has been vacant since 2013, and the Town is working on filling that role. She said Spring Down will be receiving an annual inspection, much like the annual fire inspection. She said the Building Inspector will receive training and take on the additional role of Stable Inspector, which has been the Town's practice in the past for issuing horse facility permits.

In response to Chair Gilbert's question, the Commission agreed they were comfortable that there was no longer any mention of storm water in the CUP, referring it to the Town Ordinance, even though it is less restrictive than what was articulated in the prior CUP.

In response to Chair Gilbert's question, Ms. Goodstein said in 2008 an acoustic consultant designed their microphones and loudspeakers, the positioning of the loudspeakers, and the cameras.

Commissioner Goulden said if there is too much noise, as shown by decibel readings, then that should be approached through the normal Town processes for dealing with those issues. He said there was not a need to specifically apply special conditions to this CUP regarding noise.

Planning Director Pedro said the Town has not conducted noise measurements at the neighbor's property. She said if there is a code complaint, staff will go take a reading as the incident is occurring. If the reading is found to be over the Town's noise limits, they will contact the applicant to have the issue mitigated.

Commissioner Hasko agreed an additional condition regarding noise on this particular property in addition to the existing Town Ordinance is unnecessary.

Vice Chair Targ said there is precedent for requiring additional conditions to mitigate noise, such as was done at Windmill. Chair Gilbert said that project involved a new use for a property next to a residential area, whereas this is a long-time existing use. In response to Vice Chair Targ's question, Associate Planner Cassidy said there have been previous noise complaints; however, as part of the current Use Permit update, the only neighbor who expressed concern was Mr. Bulkeley. Ms. Goodstein said when they had the front property, the noise was heard by more people, but now that they are in the back, she is surprised there are any complaints at all. Vice Chair Targ asked if the Town was able to measure noise in real time. Planning Director Pedro said they have not been called out to Mr. Bulkeley's house for a complaint. Vice Chair Targ said validating or testing the conditions during ordinary use, lessons, and shows might be useful. He said there will be an increase in density at the site and, if there is a code violation, the Town should be attentive.

Chair Gilbert asked if Vice Chair Targ was suggesting a wording change in the CUP. Vice Chair Targ said he would be agreeable to staff and Spring Down conducting a test under a simulated event; however, he does not think it's necessary as a condition of approval. He said he also did not like having special rules for individual projects, but if there is a repeated complaint by a resident, it should be investigated.

Ms. Goodstein pointed out that having 10 more horses would not create additional noise because these are boarders, and they're quiet. She said more boarded horses will not change the number of lessons or entrants in a horse show. She said they hope things will get better, and they will have more lessons, but at this point they can't balance their budget while keeping it affordable for people without boarding 10 additional horses.

Planning Director Pedro said arrangements can be made with Ms. Goodstein to confirm they are in conformance with the Town's noise ordinance. Ms. Goodstein was agreeable.

Commissioner Goulden moved to find the project categorically exempt pursuant to Section 15305 of the California Environmental Quality Act (CEQA) Guidelines. Seconded by Vice Chair Targ; the motion carried 4-0.

Commissioner Hasko moved to approve Resolution No. 2017-7, making the required findings and approving the requested modification to the Spring Down Equestrian Center Conditional Use Permit and Exhibit "A" Conditional Use Permit Conditions of Approval (Attachment 1), as amended. Seconded by Commissioner Goulden; the motion carried 4-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Planning Director Pedro said that at the next meeting on September 20 there will be a joint ASCC/ Planning Commission information meeting on wireless communications facilities.

Vice Chair Targ said there had been discussion for a study session involving streamlining a process to approve micro-use or pop-ups. Planning Director Pedro said she met with Antonio Cremona after he came before the Commission requesting the coffee kiosk. She said that his coffee kiosk does not quite fit into the pop-up or micro-use category, but there is another track for review that does not involve an amendment to the Valley Shopping Center use permit. She said he also needs a Site Development Permit in order to build that structure. She said if the Commission is still interested in looking at pop-ups or micro-uses, staff will be happy to explore it, but there are no other requests.

Chair Gilbert asked Vice Chair Targ if he wanted to further explore this issue considering there is no demand, or that maybe there is no demand because there is no streamlined process. Vice Chair Targ said if there is no interest, it may be a poor use of staff time and effort. Planning Director Pedro said if there is an increase in requests for these types of uses, she will bring it to the Commission's attention to discuss a study session. Chair Gilbert asked if the neighboring communities have such a process. Planning Director Pedro said larger cities have permit process for minor or temporary uses, but she has not researched the smaller neighboring communities with regard to this issue.

Vice Chair Targ asked about the status of a survey to determine the housing needs of local workers, such as teachers, in the Town. Planning Director Pedro said the Affordable Housing Committee is wrapping up their work and may have a timeline to start the survey process. She said the Council, as part of the Affordable Housing Strategic Plan, has identified a survey as one of eleven items on the to-do list.

Chair Gilbert said the Town has historically not had a problem meeting the State requirements on the number of affordable housing units, but the Town has no idea of how they are really being used or what the need is in Town. She said conducting a survey will provide useful data for the Housing Element.

APPROVAL OF MINUTES:

4. Planning Commission Field Meeting of August 2, 2017

Commissioner Hasko moved to approve the minutes of the August 2, 2017, field meeting, as amended. Seconded by Commissioner Goulden, the motion carried 2-0; Chair Gilbert and Vice Chair Targ abstained.

5. Planning Commission Meeting of August 16, 2017

Commissioner Hasko moved to approve the minutes of the August 16, 2017, as amended. Seconded by Commissioner Goulden, the motion carried 3-0; Vice Chair Targ abstained.

ADJOURNMENT [9:09 p.m.]