

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, OCTOBER 18, 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 Von Feldt; Chair Gilbert

Absent: Commissioner Hasko, Vice Chair Targ

Council Liaison: Ann Wengert

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

ORAL COMMUNICATIONS

None.

OLD BUSINESS

1. Final Review and Recommendation for a Conditional Use Permit, Architectural Review and Site Development Permit, 838 Portola Road, Owner: Georgia Bennicas, File # PLN USE 7-2017

Item continued at the request of applicant.

NEW BUSINESS

2. Review of a Proposal to Install and Operate a New Coffee Kiosk in the Valley Shopping Center Under Conditional Use Permit X7D-90

Associate Planner Cassidy explained the history of the existing Use Permit X7D-90 and the proposal to adopt a resolution finding the proposed coffee kiosk use to be a use similar to the bakery use included in the existing Use Permit, as detailed in the staff report.

Chair Gilbert said she understood there were some issues regarding whether this is considered a temporary structure or a food cart. Planning Director Pedro said the request tonight is for the Planning Commission to make the finding that serving coffee and baked goods is a use that is consistent and allowed under the current use permit. She said the details of the physical installation of the coffee cart or trailer will require further study before being brought before the ASCC.

Chair Gilbert invited the applicant to comment. The applicant said the project began shortly after he opened his salon, and his clients, who were enjoying the coffee drinks he was serving, suggested he provide a place outside to sit, relax, and drink their coffee. He said his clients actually put together an unsolicited list of signatures in support of the proposal. He said his landlord, Mr. Jelich, is also supportive of the project. He said he would like the opportunity to provide a nice place to sit, relax, and enjoy the rolling hills of Portola Valley with a croissant and a good cup of coffee prepared by a very experienced barista.

Chair Gilbert invited questions from the Commissioners.

Commissioner Goulden asked if the applicant was requesting to serve wine. The applicant said his clients also suggested wine would be nice, so he decided to combine that request with this one, instead of coming back with another request; however, he said serving wine is not the key goal. Planning Director Pedro said staff does not think wine and beer service would be allowed under the existing Use Permit or Zoning Code.

With no further questions, Chair Gilbert invited public comment.

Kent Mitchell, resident and a representative of Valley Shopping Center. He said the staff report indicates the trailer takes up approximately 100 square feet of the landscaped area, which the applicant would need to replace elsewhere on the property. He said they are in total support of the application, but pointed out there is no place on the property to relocate the landscaping without intruding on parking or areas devoted to other uses.

Associate Planner Cassidy suggested there is an area in the parking lot that is hardscaped and the pavement could be removed, planted, and become pervious surface.

Chair Gilbert asked who made the decision regarding the requirement to replace the 100 square feet of landscaping. Planning Director Pedro said that the existing landscaped areas on the property is at 9.7% and does not meet the Town's 30% requirement. Therefore, further reduction of landscaped areas would not be possible. Staff suggested that it may be possible to convert some walkways as well as some areas in the back.

Commissioner Von Feldt asked if they could request the addition of vegetation to the beds along the planting strip at the sidewalk, which would further soften the development. Associate Planner Cassidy said the applicant has indicated plans to improve the landscaping in the area around where the use is proposed, which could also include the front area.

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

In response to Commissioner Goulden's question, Associate Planner Cassidy said the discussion about landscaping and the aesthetics of the trailer will be under review by the ASCC. She said the question before the Planning Commission tonight is if the use as proposed with coffee and baked goods can be found to be of similar value and characteristics and fitting within the permitted uses under the existing Use Permit. Planning Director Pedro said the Planning Commission should also address the wine and beer request.

Chair Gilbert said if the Commission decided tonight that the bakery and coffee uses fit under the CUP, this does not mean it is approved and advised the applicant that they will still need to address the other issues raised.

Commissioner Goulden was supportive of the bakery and coffee use. He said he would not be comfortable recommending approval for serving wine or beer without more information.

Commissioner Von Feldt was supportive of the bakery and coffee use. She said the approved use for liquor is packaged only, so she cannot make the finding for serving alcohol.

Chair Gilbert was in agreement with her fellow Commissioners. She asked if staff felt comfortable that the landscaping would not be an issue. Planning Director Pedro said staff had not yet studied the site. She said the initial discussions were that some square footage would be replaced, but they have not yet received a proposal from the applicant.

Chair Gilbert asked if the original approval of less landscaping than required by ordinance was done by a variance. Planning Director Pedro said it was done by resolution by the Planning Commission as part of the Use Permit. Chair Gilbert asked if the applicant was forced into a variance because they could not find the required square footage on which to replace the landscaping, there was anything the Planning Commission could do tonight. Associate Planner Cassidy said the square footage is for landscaping and not impervious surface numbers, so the issue is about greenery and vegetation. She said, for example, free-floating planters don't need to connect into the ground in order to be counted as increased vegetation and landscaping.

Commissioner Von Feldt said there are a lot of opportunities to improve the landscaping in the pervious areas, and planting in the semi-circle might mitigate the need.

The Commissioners discussed an additional Whereas to the Resolution to address the improved landscaping requirement: Whereas, the applicant and the owner of the parcel make their best efforts to find 100 square feet of area on the property to landscape and/or improve the existing landscaped areas, including free-standing planters. The finding for this additional Whereas is that the project is in standard conformance with the existing minimum requirement of 9.7% landscaped area.

Lisa Douglas said she is supportive of providing coffee and baked goods, but is concerned that allowing the additional trailer, which is adding additional square footage outside of the building itself, will open the doorway for everyone to add trailers or food trucks if they fit within their original Use Permits.

Associate Planner Cassidy said it is a legitimate concern and staff is aware of the floor area limit and the consideration of what is and is not considered floor area. She said the final answer to that should come from the ASCC who will look at a site plan, what is being proposed, how it attaches to the ground, how it sits, how long it will be there, etc. She said those issues will be looked at closely going forward, but tonight the focus of the Planning Commission is on whether or not the proposed use fits within the existing Use Permit.

Commissioner Von Feldt moved to approve the Resolution No. 2017-9, as amended. Seconded by Commissioner Goulden, the motion carried 3-0.

3. Review of Modification of the Town's Ground Movement Potential Map File #PLN GMM 2-2017, 171 Trinity Lane, Corwin/Allen Residence

Associate Planner Cassidy presented the background and discussion items regarding staff's recommendation of the adoption of a resolution approving the requested modification to a portion of the Town's Ground Movement Potential Map, as detailed in the staff report.

Chair Gilbert invited questions from the Commissioners.

In response to Commissioner Von Feldt's question, Planning Director Pedro said Ps soils still require an engineered solution.

Chair Gilbert asked if only an addition to the existing residence would have to be engineered or if the entire residence would need to be retrofitted. Town Geologist Ted Sayre said the geotechnical consultant has recommended retrofitting the entire house, but it is only required for the addition.

Chair Gilbert asked for an explanation of what was done to result in this recommendation. Mr. Sayre said, as stated in the staff report, there was a reconnaissance at the site. He said a Certified Engineering Geologist and a geotechnical engineer were hired, who reviewed aerial photographs,

mapping, site reconnaissance, and performed exploratory borings. Chair Gilbert asked if the Ps zone likely extends beyond the investigated parcel. Mr. Sayre said it is logical that the Ps zone might extend into the hills. The Certified Engineer Geologist said that typically the Md zones, which encroaches the southwestern portion of the site, are completely surrounded by a Pd zone as a buffer.

With no additional questions, Chair Gilbert brought the item back to the Commission for discussion.

Commissioner Von Feldt moved to approve Resolution 2017-8, Approving a Modification to the Ground Movement Potential Map for 171 Trinity Lane. Seconded by Commissioner Goulden; the motion carried 3-0.

4. Review of Modification to Resolution 2506-2010 and Updates to the Portola Valley Geologic and Ground Movement Potential Map

Associate Planner Cassidy presented the background and discussion items regarding staff's recommendation of the adoption of a resolution recommending approval of the proposed updates to the Town's Geologic and Ground Movement Potential Map, as detailed in the staff report.

Chair Gilbert disclosed that in 2008, she looked at the property located at 4860 Alpine Road, prior to the current house being built. She said she hired a geologist who trenched the property. She said she did not purchase the property, but disclosed that she was involved in the geologic investigation of it.

In response to Chair Gilbert's question, Director Pedro said that Chair Gilbert may participate in the discussion and can either abstain or vote on this project.

Commissioner Von Feldt asked regarding the traces from the main fault line. Town Geologist Ted Sayre said part of the reason for the update was the revisiting of photographs taken in 1906 across Alpine Road, showing the rupture, accurately locating where those photographs were taken, and then moving the fault to where the historic evidence shows it to be located.

Chair Gilbert asked if the change in that fault line has influenced building decisions. The Town Geologist said there have been small additions to a house (living space above a garage) near the corner of Willowbrook and Alpine, but the additions were on the northern side of the structure, away from the fault setback. He said the owners did not previously have a fault setback zone on their property. Chair Gilbert asked why the ADU was allowed to be built even though it was known it would probably fall within the fault setback. Mr. Sayre said at the time of the permit application, they suspected the fault was not underneath the structure but may have infringed within 50 feet of the structure. He said there were measures taken during construction to make sure it was not beneath the structure.

Chair Gilbert said part of the residence located on the other corner is clearly within the setback and asked what those owners would be allowed to do in terms of renovations. Associate Planner Cassidy said the rule is 50 percent of the valuation of the structure that is within the nonconforming area. Planning Director Pedro said it is also subject to geologic review depending on the scope of work.

Commissioner Von Feldt asked why the gap of green was closed in the eastern setback. Mr. Sayre said it was a situation where two closely-spaced fault traces can cause effects between them and, due to the uncertainty of exactly where those traces are located, they didn't want to open up a window so people could build without any fault study.

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

Commissioner Goulden moved to approve Resolution 2017-10, Approving of Updates to the Geologic and Ground Movement Potential Maps of the Town of Portola Valley. Seconded by Commissioner Von Feldt; the motion carried 2-0, with Chair Gilbert abstaining.

#### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

##### 5. Priory School Annual Report per Conditional Use Permit X7D-30

Chair Gilbert invited questions or comments from the Commissioners regarding the Priory CUP Annual Report September Update included in the staff report.

Commissioner Von Feldt said the school still has more students than allowed. Planning Director Pedro said the school has made some progress, with five less students than at the time of their last report. She said they are using the average daily attendance, which is closer to the 350 student limit.

Commissioner Goulden asked if the reference to compliance in June, toward the end of the school year, indicated there was a timing associated with how many students they have. Planning Director Pedro said the school submits two reports. She said in June, they have the acceptance, which is typically higher, and then the more accurate enrollment number comes in September.

In response to Commissioner Von Feldt's question, Planning Director Pedro said there had been no complaints from Town residents regarding The Priory. She said there was an initial complaint about the brightness of the scoreboard, but it has been since resolved.

Commissioner Von Feldt asked if anybody from Town is monitoring the dittrichia. Planning Director Pedro said she received a call from Judith Murphy who said she would be reaching out to Tim Molak to remind him to take care of the dittrichia.

**Commissioner Goulden** attended the ASCC meeting on November 27 where they did the final review and recommendations regarding the 838 Portola Road project. He said the variance requests have been withdrawn, and the ASCC was supportive of the project. He said Windmill School proposed some color changes and, due to financial constraints, the family lounge will not undergo a major remodel. The Commission reviewed new residences on Firethorn Way and Wayside, both of which were supported.

**Chair Gilbert** announced that she plans to leave the Planning Commission at the end of 2017 after ten years of service.

**Commissioner Von Feldt** announced that she will also be leaving the Planning Commission at the end of 2017, after nine years of service.

Town Councilmember Ann Wengert thanked Chair Gilbert and Commissioner Von Feldt for their years of service. She said the timing of the Commission's vacancies is problematic and said she may ask if either would be willing to provide a six-month extension if they do not receive enough applications.

Planning Director Pedro said staff will advertise for the vacancies beginning in November. She said the Council is tentatively scheduled to interview potential candidates on December 13, 2017.

#### APPROVAL OF MINUTES: September 6, 2017.

##### 6. Planning Commission Meeting of September 6, 2017

Meeting minutes approval continued to next meeting.

7. Planning Commission Meeting of September 20, 2017

Commissioner Goulden moved to approve the minutes of the September 20, 2017, meeting, as submitted. Seconded by Chair Gilbert, the motion carried 2-0.

ADJOURNMENT [8:08 p.m.]