

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, DECEMBER 20, 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. Associate Planner Cassidy called the roll.

Present: Commissioners Goulden and Von Feldt; Vice Chair Targ (arrived late); Chair Gilbert

Absent: Commissioner Hasko

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

ORAL COMMUNICATIONS

None.

OLD BUSINESS

1. Final Review of a Proposal to Renew and Amend a Conditional Use Permit, Alpine Inn Beer Garden, 3915 Alpine Road, File #36-2016

Associate Planner Cassidy presented the background of the project and staff's recommendations, as detailed in the staff report.

The applicant's attorney said they agreed with the staff report, had nothing to add, and were ready to move forward.

Chair Gilbert called for questions from the Commissioners.

Commissioner Goulden asked regarding the current closing time for the business. The applicant said it was currently 9:00 p.m.

Chair Gilbert said the staff report referenced 25 police calls in the last 15 months, including three for noise. She asked the nature of the other police calls. Associate Planner Cassidy clarified that the 25 police calls included any traffic stops that happened on Alpine in front of the address. She said there were a number of traffic stops, a few suspicious activity checks regarding parked cars, and an occasional call to the property, but they were all cleared. Associate Planner Cassidy said she went through the list with the Corporal who submitted the report, and there did not appear to be any serious calls. She said two of the noise complaints were on the same night, 30 minutes apart, and one was on a different afternoon.

Chair Gilbert asked if the noise complaints came from the same direction. Associate Planner Cassidy said one property called in two of the noise complaints. She said there was a public comment at a past meeting from a gentleman who lived up the hill on Golden Oak who reported that the noise carries up the hill. Planning Director Pedro said staff has not received any code enforcement complaints regarding the Alpine Inn, and these complaints were provided by the Sheriff's Department.

Chair Gilbert asked if there were any safety concerns regarding the office storage building hanging over the creek. Associate Planner Cassidy said it has not been inspected from a building standpoint. She said Fire did visit the property to reevaluate the occupancy levels, and staff did not receive any feedback from them about the building itself. She said her understanding is that the manager uses it as

an office when he's not in the main building, and it is mostly storage. Planning Director Pedro said it is not red tagged or yellow tagged as a hazardous building.

Chair Gilbert invited comments from the public. Hearing none, she brought the item back to the Commission for discussion and vote.

Commissioner Goulden moved to approve Resolution 2017-17, Approving a Conditional Use Permit Renewal and Amendment for the Alpine Inn Beer Garden with the attached Conditions of Approval. Seconded by Commissioner Von Feldt; the motion carried 3-0.

Vice Chair Targ arrived.

2. Final Review of a Proposed Two-Lot Subdivision. YLCL Investments, LLC, 40 Firethorn Way, APN 079-080-030, File #03-2016, X6D-218

The applicant representatives introduced themselves -- Lars Nilsson, with Swatt Miers Architects; John Halbom, Lea and Braze Engineering; Joe Huettl of Huettl Landscape Architecture; and the property owner, Ling Yiu.

Planning Director Pedro presented the background of the project and staff's recommendations, as detailed in the staff report.

Chair Gilbert invited the applicant to comment. The applicant had nothing to add.

Chair Gilbert invited questions from the Commissioners.

In response to Commissioner Goulden's question, staff said the trees selected to remain work with the proposed grading and will not require a retaining wall.

Chair Gilbert asked if the trees were in the Town right-of-way. Planning Director Pedro said they straddle along the property line with some slightly over now that they have grown larger. An applicant representative said the oak at the end of Meadowcreek Court could not be retained with grading alone and would require a retaining wall. Planning Director Pedro said the ASCC wanted the applicant to confirm whether or not it could be preserved, but they did not ask for a retaining wall in order to preserve that tree. Planning Director Pedro said the ASCC has recommended approval of the proposal, which includes retaining the nine trees, and suggesting the oak tree in question be retained if possible, so the Planning Commission can leave the decision on that tree to the ASCC.

In response to Commissioner Von Feldt's question, Planning Director Pedro pointed out the pathway that leads to a lookout point. Commissioner Von Feldt asked if the path was on grade or raised. The applicant said there is an existing path and a new path in the same location, at grade, of crushed rock and dry base, and is not visible from the road.

Chair Gilbert invited public comment.

Joseph Krauskopf, 1 Meadowcreek Court. He said he lives in a cul-de-sac directly across from the subject property. He said they are not happy with the ASCC approving the house because of the massing and the obstruction of the skyline. He said they are not happy with the road widening. He said they appreciate the safety issue, but there will be unintended consequences as a result of widening the road. He said they do not want to see any trees removed, are pleased that now some will be retained, but overall they think the trees are important. He said there are eight or nine significant trees being removed, and now the replacement ratio has been dropped. He shared photographs taken in the last

couple of weeks along the road. He said because there is no cell phone reception at the top of the hill, drivers pull over to talk on their phones, and it becomes a parking lot. He said it was commented that people could not park in 5 feet, but that is not true. He said there will be more parking in front of their cul-de-sac, which will push bicyclists and children walking to school out into the street. He said the wider road will also cause more speeding on the road, which is already a problem, and is especially unsafe due to the limited visibility in the area. He said an already bad situation is being made worse by the road widening. He said they are not unhappy with the subdivision, per se, but are not happy with the unintended negative consequences he described.

In response to Chair Gilbert's request, Mr. Krauskopf pointed out the children's walking routes.

Planning Director Pedro said the shoulder is being widened, not the roadway. Mr. Krauskopf said he understands it is very narrow there, but widening the shoulder creates the appearance of a wider road, cuts the hill back, and removes the trees, opening it up more which will create more speeding. He said there are no speed limit or no parking signs. He said it is like a raceway in the mornings and afternoons.

Len Lehmann, 850 Los Trancos Road, also known as Portola Vineyards, in the City of Palo Alto, County of Santa Clara. He said his property is across Los Trancos Road from the subject property. He said he has no objections to the proposed project, but wanted to point out that they were not noticed about meetings. He said he spoke with Planning Director Pedro who was very helpful and assured him she will review the proper procedures for noticing to ensure that in the future, properties in the City of Palo Alto are noticed when they are near projects in Portola Valley. He said they operate concerts pursuant to temporary use permits from the City of Palo Alto, and for each of those permits, they are required to notice all properties within 600 feet of their property. He said that courtesy is something of value to the communities. Planning Director Pedro explained that the properties outside of San Mateo County were not notified because the Town used the San Mateo County GIS system to create the 300-foot notification list, and did not have the addresses for properties that were outside of the County. She said they now have a procedure in place where any property within the 300 foot buffer noticing area will be correctly noticed.

Vice Chair Targ asked if Mr. Lehmann had any objection to the proposal going forward. Mr. Lehmann said he did not.

Ty Jagerson, 67 Los Trancos Road, adjacent to Alpine Hills. He said he is always impressed by the civility of these proceedings and thanked the Commissioners for their time. He said he is also concerned about speed on that road. He said children cross Los Trancos in that area, and it is dangerous. He said they are delighted that more trees are being retained, but alarmed by the language around changing the replacement ratio. He said he realized there will be another environmental assessment upon construction of the house, but thinks it is a shame to take out those trees, and he is concerned about the aesthetic impacts.

With no additional public comment, Chair Gilbert closed the public hearing and brought the item back to the Commission for discussion.

Chair Gilbert said she was the Planning Commission liaison for the ASCC meetings and could clarify some of the questions. She said the ASCC was concerned about not wanting to change the nature of the hillside, which is fairly open, and noted there are very few open grasslands left in town. She said they were concerned that by replacing every removed tree with two trees, the nature of that hillside would change to an oak woodland; no longer being open grassland. She said the ASCC wanted the ability to decide how many trees should be planted based on where they are being placed for screening of the house. Planning Director Pedro said not all of the trees are significant trees, so they

do not all require replacement. She said there are 21 trees proposed, including the 9 that will not be removed. Commissioner Goulden said he attended the Monday ASCC meeting. He said they want to put the trees up in the front area after the framing is up. He said the intention along Los Trancos was to eliminate the hedge of oaks. He said the ASCC felt that with fewer trees, they would end up being larger trees over time instead of the current situation where they are stunting each other. He said the ASCC did not address safety issues.

Chair Gilbert asked Planning Director Pedro to review the reason for the road widening. Planning Director Pedro said with all new subdivision applications there is the opportunity for the Town to require a standard road right-of-way to be dedicated to the Town. She said currently, it is a substandard road right-of-way. She said the Town Engineer looks at any substandard road conditions for the opportunity to increase safety conditions. She said there are other capital improvement projects in town creating 5-foot shoulders for safer travel-ways. She said this is a standard condition of approval for subdivisions, and in this case has the further goal of increasing safety for bicyclists.

Commissioner Von Feldt asked the length of the shoulder that would be widened. Planning Director Pedro said they cannot compel the next-door property owner to do anything at this point, and the only area that will be widened goes from the entrance of Lot B and ends just before Firethorn.

Commissioner Von Feldt asked why the Town Engineer feels it is necessary to widen only that small stretch. Planning Director Pedro said they look at long-range planning, and the Town wants to create consistent 5-foot shoulders whenever the opportunity arises.

Commissioner Von Feldt asked if an easement to access could be granted so the Town could delay the widening until a larger study is done regarding the traffic on that road. Planning Director Pedro said the Engineer has considered, as part of this shoulder-widening condition, traffic impacts and safety and has applied this condition based on the findings that there is no traffic or safety impact and, in fact, improves cyclist safety.

Chair Gilbert asked if the Planning Commission could require a crosswalk or take measures to reduce speeding. Planning Director Pedro said they could not make those requirements for this project. She said the Bicycle, Pedestrian, and Traffic Safety Committee (BPTS) is currently looking at safety as a separate Town-wide effort, and this is the most recent intersection being studied.

Chair Gilbert asked why they can require widening of the road but not require safety precautions. Planning Director Pedro said a warrant study would be required for a crosswalk. Chair Gilbert asked if a study could be required. Vice Chair Targ asked regarding the nexus between the expansion of the shoulder and the proposed project. Planning Director Pedro said the application is to create two legal lots, which includes having an adequate right-of-way that abuts the property and also includes things such as driveway improvements and shoulder improvements, which are things the Town can require as part of a subdivision. However, she said the Town does not have a nexus for requiring a crosswalk to be added.

Vice Chair Targ asked if, as a separate matter not related to this project, the Planning Commission could make the recommendation to the Public Works Director to consider adequacy of signage and crosswalks to serve the needs of children and to maintain public safety of the road, which may be a vulnerable space to begin with. Planning Director Pedro said the Town usually discourages putting up signs.

Commissioner Von Feldt asked if the Planning Commission could disallow the road widening with this application. Planning Director Pedro said the Town is recommending the road widening as a condition

for subdividing the lot so that there is an adequate shoulder, just as they are requiring the dedication of the half-width right-of-way.

Vice Chair Targ said if the road widening is not mandatory, they can recommend something else be done, or that a further analysis be done to determine the necessity of it for the purposes of safety of this site-specific condition.

Chair Gilbert said if faced with that choice, from the perspective of a cyclist and a pedestrian, she'd want more room. She said two safety hazards are being weighed, and she would prefer to widen it to fix the existing problem. Vice Chair Targ said it is a technical issue, and if they widen it to resolve the current safety issue for cyclists and pedestrians, others have put forward incredible argument that it does exactly the opposite. He said if the Town has an ordinance requiring the road widening in order to have a conforming lot, then there would need to be a variance to not widen it, requiring different facts.

Chair Gilbert said she thought there was reference to an ordinance, but she could only find the Town's Consultant Civil Engineer's letter of June 10, 2016, requesting a road widening, but not mentioning that it was a requirement. Planning Director Pedro said the project could be continued subject to the Town Engineer's presence at the next meeting to answer some of these questions.

Commissioner Goulden asked how critical timing was, from the applicant's perspective, considering it's been a very long time already. The applicant said they'd like to move forward with this. The project architect said the owner would be paying a significant amount of money to have some of this work done so would like to know if it is or is not required.

Planning Director Pedro said one option would be to not require the applicant to widen the shoulder as a subdivision improvement, but to provide a bond if the Town chooses to do it at a later date. Chair Gilbert said her inclination would be to delay it one more meeting to get clarification. The project architect said widening the shoulder is not something they would have requested, and it doesn't benefit their client.

Vice Chair Targ said there are members of the public who do not want the road widened, and the applicant doesn't particularly want to widen it, but the Commission doesn't have enough information to know if it's required or if it's something they would want in principle.

Commissioner Von Feldt said her son crosses Los Trancos daily to and from school, and the traffic is a serious problem. She said this issue merits further analysis to know if this widening makes it safer or not.

Chair Gilbert said the question is whether or not the Planning Commission can require some sort of safety study.

Commissioner Goulden said if it wasn't for the safety issue, he had no other concerns about approving the project. He said he acknowledges there are concerns about the tree removal, but he would defer to the ASCC on that.

Commissioner Von Feldt said the linear line of trees is not in keeping with the Town's design guidelines, but she also agrees with the loss of habitat in removing the trees. She said mitigating for loss of habitat is not necessarily a tree-for-tree or 2:1 ratio, but can also be square footage, such as ground covers and shrubs because that still provides habitat value, but is more in keeping with the historic landscape of that hillside.

Planning Director Pedro said she believes the Town Engineer referred to Municipal Code 17.40.100 for the minimum paved width of the road, requiring the additional shoulder. "Except as otherwise required or permitted by the General Plan or any specific plans which have been adopted, street rights-of-way and pavement widths shall conform with the following minimum standards." She said, for residential streets, a major collector street right-of-way is 70 feet, and the pavement width is 28 feet. Vice Chair Targ said they would need to make an exception based, in this case, on the General Plan, which probably calls out something about not creating an unsafe situation for children crossing a street. Chair Gilbert said it could also be argued that the General Plan may say to open up the hillside.

Vice Chair Targ said he would be supportive of continuing the issue and looking more at the issue of safety. Chair Gilbert said the question is if the Planning Commission has the authority to require a bond conditioned on a safety study. Planning Director Pedro said the Municipal Code section says that part of the subdivision must meet certain standards, so she would suggest they have the BPTS Committee elevate this area as a high priority to look at pedestrian safety because there is already an effort underway for that.

The Commission decided to continue the matter to the next meeting after reviewing the General Plan and checking with legal counsel whether it is in the Planning Commission's purview to choose not to widen it or if it is a requirement.

Commissioner Von Feldt said this creates precedent. She agrees there are conflicting safety issues that should be studied, but if a finding is created that says the General Plan supports instances of not following the Town's guidelines on road widths, then every widening could be questioned. She said if that is the direction the Commission goes, then the code that requires those widths should also be examined. Chair Gilbert said they will research what their options are and then decide the direction to take at the next meeting.

Vice Chair Targ said there was a question raised that approving the CEQA Mitigated Negative Declaration (MND) would be making it easier for the next house to move forward, if the two projects were being segmented or piecemealed such that they're only considering the first house in the subdivision. In response to Vice Chair Targ's question, Planning Director Pedro said the MND references both houses, in addition to the subdivision, and talks about access.

Chair Gilbert referred to the MND, Section XVI, where it was checked "no impact" for Item D. She asked if the Planning Commission could disagree with that finding and require mitigation if the road widening is found to have a significant impact. Commissioner Von Feldt asked if the MND included the road widening or was just for the subject parcel. Vice Chair Targ said the road widening gets pulled in because it is something the applicant has to do as part of their project. Commissioner Von Feldt asked if the applicant would have to pay for whatever mitigation is required to slow down traffic if it is found that widening will increase the speeding. Planning Director Pedro said if it is determined that parking is a problem, the applicant could be required to add "no parking" signs along the road; however, in talking to Public Works Director Young, he is not aware of any parking issues along Los Trancos, and the Town discourages the installation of more signs along roadways. Chair Gilbert said she supports the road widening as part of the subdivision because it is a safety improvement for bicyclists and pedestrians. She said, however, she thinks widening it may exacerbate existing issues such as increasing speed on the road, the cars parking, and the children crossing. She said, from her perspective, she could find that Item D under Section XVI could be "less than significant impact with mitigation incorporation." She asked regarding the consequences of recommending a change on the MND. Planning Director Pedro said she would need to have some technical evidence that it required mitigation. She said if the Commission feels strongly about going forward with this project, she will bring the Town Engineer to the next meeting to address these questions.

Vice Chair Targ said the Commission can review the same facts brought to staff and reach a contrary conclusion and reassign the categorization of an impact based upon its own judgment.

Commissioner Goulden said there is an active project in town already looking at safety of intersections. He said that committee's recommendations should have some bearing. Planning Director Pedro said they are studying several different intersections, including this area. Chair Gilbert asked Planning Director Pedro to provide any data they have at the next Planning Commission meeting.

Commissioner Von Feldt said part of this process is accepting the MND, and she does not have the technical expertise or data to say that widening the road has no impact on the safety. She supports delaying the approval until they can get information to be confident in that statement.

Vice Chair Targ said he would encourage members of the public who are concerned about it to raise the issue with the Director of Public Works to make sure their issues are understood and considered before a recommendation is brought back to the Planning Commission.

Planning Director Pedro asked if the only outstanding issue with regard to this subdivision was primarily the traffic or if there were other aspects the Commission wanted staff to further investigate.

Chair Gilbert pointed out that Section IX, Item E is checked "less than significant with mitigation incorporation" but no mitigation is listed. She said the wording in the "discussion" section should be in the "mitigation" section, which currently indicates "none," and it should also be listed in the summary of mitigations.

Chair Gilbert said all of the findings in the draft CUP resolution are listed in the negative, and the word "not" should be removed or added as appropriate.

The Commission was supportive of the tree proposal and the subdivision. The issue of the road widening will be discussed at the next meeting, and the vote on the subdivision will occur at that meeting.

Vice Chair Targ moved to continue the Final Review of a Proposed Two-Lot Subdivision at 40 Firethorn Way, to the next meeting. Seconded by Commissioner Goulden; the motion carried 4-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Planning Director Pedro announced that Craig Taylor has been appointed to be a Planning Commissioner, with his first meeting on January 17, 2018, replacing Alex Von Feldt.

Planning Director Pedro said this will be her last meeting with the Planning Commission as she has accepted another job in the City of Saratoga, with her last day here being January 15. She said Associate Planner Cassidy will be the Interim Planning Director. She said it has been a pleasure and privilege working with the Commission.

The Commissioners congratulated Planning Director Pedro and wished her success.

Vice Chair Targ said the ad-hoc committee regarding cannabis has had two meetings which have been very educational. He said there will be one more meeting before reporting out.

ADJOURNMENT [8:32 p.m.]