



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, September 5, 2018
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

SPECIAL PLANNING COMMISSION FIELD MEETING

5:00 PM 844 Portola Road – Conditional Use Permit modification and Variance.

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Hasko, Kopf-Sill, Taylor, Vice-Chair Goulden, Chair Targ

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

PUBLIC HEARING

1. Architectural, Site Development Review for a New Residence, Removal of Significant Trees and Landscaping, and Variance Review for Uncovered Parking, File # 43-2017, 5588 Alpine Road, Ross Residence (Staff: A. Cassidy)

NEW BUSINESS

2. Preliminary review of a Conditional Use Permit modification and Variance, Request to:
 - Exceed the maximum allowable floor area to construct 2,910 sf where 1,715 sf is allowed,
 - Allow a 7 foot 9 inch side setback where 20 feet is required, and
 - Allow a 16 foot rear setback where 20 feet is required.For Pacific States Capital/John Hansen (Hallett Store) 844 Portola Road. File #1-2018 and X7D-178. (Staff: C. Richardson)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

3. News Digest: Planning Issues of the Day

APPROVAL OF MINUTES

4. Planning Commission Meeting of July 18, 2018
5. Planning Commission Meeting of August 1, 2018

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Arly Cassidy, Associate Planner

DATE: September 5, 2018

RE: Architectural and Site Development Review for a New Residence, Removal of Significant Trees, and Landscaping, and Variance Review for Uncovered Parking, File # PLN_ARCH 43-2017, 5588 Alpine Road, Ross Residence

RECOMMENDATION

Staff recommends that the Planning Commission approve a new residence, site improvements, and the variance for uncovered parking, subject to the conditions in Attachment 1.

PROJECT DATA

Lot Size	4.55 acres		
Average Slope	47.9%		
	Code Requirements	Proposed	Remaining
Max Floor Area	7,083	3,116	3,967
85% of MFA	6,021	3,116	2,905
Max Impervious Surface	11,614	1,276	10,338
Height	28'/34'	27'4"/29'4"	--
Front Setback	50'	150'	--
Side Setbacks	25'/25'	120'/198'	--
Rear Setback	25'	160'	--
Parking Spaces	2 covered 2 uncovered	4 uncovered	--

BACKGROUND

The proposal is for a 3,116 square foot home and detached parking on a 4.55 acre property located at 5588 Alpine Road. The lot is located in the M-R/7.5A/SD-3/DR zoning district and is accessed by Rapley Trail (also called Ruolf Trail), a private road. The property sits on a steeply sloped and forested hillside which faces northeast across Alpine Road. The property is primarily undeveloped and is surrounded by Mid-peninsula Regional Open Space District (MROSD) land to the northwest, north, east, and a small finger to the south. Farther south are larger parcels with single family homes, though no structures are visible from the property. Rapley Trail, a shared private road connecting to Alpine Road below the property, wraps the property on the north, east and south sides.

On May 16, 2018, the Planning Commission conducted a preliminary review of the proposed new residence and the variance application (Staff Report, Attachment 2 and Minutes, Attachment 3). After consideration of the complex site design and existing conditions, the Planning Commission provided feedback on the application; the Commission was generally in support of the project, and indicated that it believed it could make the findings for the variance application at the time of final review.

On June 25, 2018, the ASCC conducted its preliminary review of the project at both a field and evening meeting (Staff Report, Attachment 4, and Minutes, Attachment 5). The ASCC expressed support for the project in general and the variance specifically, and provided feedback on a number of smaller concerns.

The applicant made note of all input from both bodies and submitted updated plans. On August 13, 2018, staff presented this report to the ASCC, which responded positively to the changes made by the applicant (Minutes, Attachment 6). The ASCC recommended approval of the architectural, site development, and variance applications.

CODE REQUIREMENTS

As required by sections 18.64.010.A.1, 15.12.100.C, and 18.68.060 of the Municipal Code, this application has been forwarded to the ASCC and Planning Commission for review. In addition to the Municipal Code, the Design Guidelines were used to evaluate the project.

DISCUSSION

Planning Commission Comments

At its preliminary review of the project on May 16, 2018, the Planning Commission was generally in support of the development proposal and site design. Members shared a number of smaller concerns and suggestions which they felt would make the application stronger and would help the project further integrate into the peaceful woodland setting. (Comment titles in bold were shared by the ASCC.)

- 1. Lighting needed on path.** The original proposal shows a long decomposed granite path connecting from the detached parking area to the house, with no lighting proposed. Commissioners noted that the path will surely be used at night and should therefore have lighting. Sheet E1 of the resubmitted plans shows twelve path light connecting the parking to the house. The lights stand less than 2' tall and are spaced 30' apart.
- 2. Reduce/remove lighting on stair.** At the Planning Commission meeting it was noted that stair lighting would be exposed for someone looking up from the house grade; the

ASCC commented that the stair is primarily for firemen, who will have their own lighting, and that stair lighting should be removed all together. All stair lighting has been removed from Sheet E1 in the resubmittal.

3. **Limit to one light per door/deck.** The Planning Commission and ASCC agreed that only one light is needed for each exterior door. Lighting for the deck adjacent to the master suite has been reduced to only one light at the door on Sheet E1.
4. Concerns around generator noise. Sheet A5 now shows an insulated shed with roof and walls surrounding the generator, with an opening toward the house. A note states, "noise level at the property line must be 55 dBA or below or provide noise baffling enclosure."
5. Letters of support for variance application from neighbors. Two letters of support were emailed to staff expressing support of the project as proposed (Attachment 7).

ASCC Comments

The ASCC held a field meeting at the property before conducting its preliminary review of the project on June 25, 2018. Members were generally in support of the proposal and the variance application, but made a number of recommendations to the applicant regarding landscaping and design improvements. (ASCC comments are below, and also include bold comments, above.)

6. Landscaping should have no irrigation, or feed from water tanks/rain catchment system. The applicant is now proposing a greywater and rainwater catchment system to feed the landscaped area, as noted on Sheet A2.
7. Save trees where possible, especially madrones and maples. The applicant is making an effort to save the cluster of big leaf maples near the parking area. A note has been added to Sheets C-2.0 – C-4.0 stating that the trees will be removed only if the leech field expansion line is needed in that area; if not, they will stay.
8. Color of water tanks should be dark. A note on sheet A1 states that the water tanks will be painted black.
9. Invasives management, especially at construction. Sheet A1 includes notes regarding construction staging, but does not include any information about invasives or their prevention. Staff has added a condition of approval that the applicant shall make every effort to prevent the introduction of invasives and shall remove all invasives before final inspection (Condition 5).

In addition to the above responses to comments the applicant also added a traffic mirror, shown on Sheet A1, for added visibility and safety when maneuvering in and out of the proposed parking, and an electric vehicle charging station at the back of the parking area. The Town's Green Building Ordinance requires all new residents to have conduit installed in order to be ready for electric vehicle charging, but does not require the charging station itself be installed.

In response to these changes, the ASCC expressed its strong support for the project as modified. It added a condition of approval that a switch with a timer be added to the new path lights (Condition 3), and urged the applicant to be vigilant with invasives monitoring; no other changes were proposed.

Public Comments

Two emails were received by staff from neighbors in support of the project (Attachment 7); no other public comments were received.

ENVIRONMENTAL REVIEW

The project is categorically exempt per Section 15303, Class 3 of the State CEQA Guidelines which includes an exemption for the construction of a single family residence in a residential zone.

CONCLUSION

Architectural Review

The applicant and architect have resubmitted plans with modifications that address all comments made by both the Planning Commission and ASCC. The proposed project is in compliance with the General Plan and Design Guidelines based on the following findings:

- 1. The size, siting and design of buildings, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town. (Siting and Scale)**

The new residence is proposed at the center of the large property. The one-story house uses only half of the allowed floor area and is designed to blend with and respect the land. Off-the-grid infrastructure improvements are carefully sited and painted so as to be hidden from view off-site.

- 2. The proposed project will blend in with the natural environment in terms of materials, form and color. (Architectural Design)**

The design, materials and color palette of the proposed new residence will blend into the surrounding wooded area. The materials and treatments meet town reflectivity guidelines.

- 3. The location, design and construction of the development project will minimize disturbances to the natural terrain and scenic vistas. (Grading)**

A moderate amount of grading is proposed (320 cubic yards) given the size and slope of the property. Most grading is in association with the infrastructure improvements and retaining walls.

- 4. The proposed project utilizes minimal lighting so that the presence of development at night is difficult to determine. (Lighting)**

Two light fixture types are proposed: a wall sconce at each exterior door of the house, and twelve path lights connecting the parking area to the house. Lighting is at a minimum and reflects a desire to have a small impact on the night-time environment.

- 5. The proposed landscape plan will preserve the qualities of the natural environment through the use of native plant materials and provide a blended transition to adjacent open areas. (Landscaping)**

Landscaping consists of a small area of native trees and shrubs. Instead of lawn, a small field of woodland strawberries is proposed. Although 26 significant trees are proposed for removal, the applicant is attempting to preserve five of these, and upwards of 100 trees will remain on the property. The overall impact is one of preservation of the natural environment.

Variance

The granting of a variance typically relies on the uniqueness of the applicant's situation. This application meets the findings of a variance, in that the subject property contains unique constraints and conditions, as described below.

- 1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.**

The property is unique in its steep slope and heavy forestation. Its location is remote and distant from utility service. It includes large area of potential and moving landslides which strongly limit site design.

- 2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.**

Owing to the circumstances above, requiring covered parking for two parking spaces would require large soil movements and a heavily engineered structure. In addition, placing the structure in the current location in the setback would require its own variance, and ground movement mapping prevents other viable options.

- 3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.**

No special privilege shall be granted by allowing the parking to be provided uncovered. The property cannot be developed without parking, and the applicant is willing to forgo a garage or carport in order to live on the property.

- 4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.**

It can be seen that there is no detriment to the public welfare. The only impact is that all four cars will be visible to passing neighbors on the quiet mountain road. Two neighbors have written staff in support of the project, and staff has not received any comments against the project.

- 5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.**

No activity or use prohibited by the zoning regulations shall be granted by the approval of this variance.

- 6. That the granting of such variance shall be consistent with this title and the general plan.**

The variance is consistent with the General Plan, which speaks to respecting the natural conditions of the site and developing in a minimally-invasive manner.

Staff believes that findings for both the architectural and variance review can be made, and therefore recommends approval of the project, as modified by the proposed Conditions of Approval.

ATTACHMENTS

1. Recommended Conditions of Approval
2. Planning Commission Staff Report, dated May 16, 2018 [original attachments available at <http://www.portolavalley.net/Home/ShowDocument?id=11003> and the 9/5/18 meeting]
3. Planning Commission Minutes, dated May 16, 2018
4. ASCC Staff Report, dated June 25, 2018 [without attachments]
5. ASCC Minutes, Dated June 25, 2018
6. ASCC Minutes, Dated August 13, 2018
7. Comment Emails to Staff, dated July 23, 2018
8. Updated Architectural Plans, received 7/20/18 [Commissioners only]

Conditions of Approval

for a New Residence, Significant Tree Removal and Landscaping, and Uncovered Parking
5588 Alpine Road, Ross Residence, File PLN_ARCH 43-2017

A. PLANNING DEPARTMENT:

1. No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director, the ASCC, or the Planning Commission, depending on the scope of the changes.
2. At time of submittal, building permit plans shall not show a garage building or roof. The garage roof shown on sheet A6 is not approved, nor is any garage building.
3. At time of submittal, building permit plans shall show a light switch at either end of the path. Whenever activated, the path lighting shall turn off automatically after 30 minutes, maximum.
4. Tree removal as outlined on revised sheet C-2.0 shall be incorporated into the building permit application. No tree removals shall take place prior to building permit issuance.
5. A detailed construction logistics plan shall be submitted prior to building permit issuance.
6. A construction staging and tree protection plan for the construction shall be submitted to the satisfaction of the Public Works Director prior to building permit issuance. Special attention shall be taken to keep invasive plant materials from entering the project site on construction equipment. Existing invasive plants shall be removed from the project site prior to final inspection.
7. *Once the building or demolition permit has been issued, prior to beginning grading, demolition, or construction, tree protection measures shall be installed per the Arborist Report dated March 7, 2017 prepared by McClenahan Consulting, LLC. A certified arborist shall inspect the tree protection measures, including fencing and mulching, and submit a letter to the Planning Department summarizing the findings of the inspection. The tree protection measures shall be implemented throughout the course of construction. Town staff shall inspect the tree fencing after receipt and approval of the arborist letter noted above prior to commencement of grading, demolition, or construction. The project general contractor shall call for said inspection at least three days in advance of the inspection. No storage of equipment, vehicles or debris shall be allowed within the drip lines of these trees.*
8. The building permit plan set shall show the home to be infrastructure-ready for the following: conduit to support solar photovoltaic and plumbing to support solar thermal; a service panel for electric vehicle charging; and systems for graywater treatment, as described in the Town's Green Building Ordinance.
9. Construction access to the house site shall be created by widening an existing dirt road to the house. Spoils from the road widening shall held on site and returned to the dirt road prior to installation of the decomposed granite path.

10. This Architectural and Site Development Permit shall automatically expire two years from the date of issuance by the Planning Commission if, within such time period, a Building Permit has not been approved.

B. ENGINEERING/PUBLIC WORKS DEPARTMENT:

11. All items listed in the most current "Public Works & Engineering Department Site Development Standard Guidelines and Checklist" shall be reviewed and met. Completed and signed checklists by the project architect or engineer will be submitted with building plans. This document is available on the Town website.
12. All items listed in the most current "Public works & Engineering Department Pre-Construction Meeting for Site Development" shall be reviewed and understood. Document is available on the Town website.
13. Any revisions to the Site Development plan permit set shall be resubmitted for review. The revised items must be highlighted on the plans and each item listed on letterhead.
14. Address all plan review comments and subsequent review comments from NV5 to the Town's satisfaction.
15. Comply with the current San Mateo County stormwater quality control requirements.
16. Provide documentation of the total overall impervious area for pre-condition and post-development and evaluate if the project increases peak flows into creeks and can cause erosion (referred to as hydromodification) which requires mitigation. Provide a summary table providing the pervious and proposed impervious area.
17. Provide documentation determining the size of the retention system and its components.
18. All utilities shall be shown on the building permit plan set.
19. Provide documentation of post-development peak flow and velocity calculations. Post-development peak runoff must be less than or equal to pre-development or mitigation must be provided.
20. For the runoff calculations for existing and proposed, please provide the watershed delineation, time of concentration for peak flow and runoff coefficient used for hillside development.
21. The applicant shall provide calculations for the velocity for proposed storm drainage pipes and provide information for the sizing of rock slope protection.
22. The applicant shall provide documentation whether the project (a) replaces or creates between 2,500 and 10,000 square feet of impervious area which must incorporate site design measures; or (b) creates and/or replaces 10,000 square feet of impervious area and results in replacing or altering more than 50 percent of existing impervious surface which would be required to treat runoff from the entire site, per C.3 requirements.
23. The application shall provide for storm mitigation for all unpaved areas, including the parking pad.

C. GEOLOGY REVIEW:

24. Geotechnical Review - Development Plans - Structural plans for the residence shall be generated that incorporate the recommendations of the geotechnical consultant.
25. Geotechnical Plan Review - The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the project building plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, and retaining walls) to ensure that their recommendations have been properly incorporated. The structural plans and Geotechnical Plan Review shall be submitted to the Town for review and approval by the Town Staff prior to approval of building permits.
26. Geotechnical Construction Inspections – The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements and excavations for foundations prior to the placement of steel and concrete.

The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Consultant in a letter and submitted to the Town Engineer for review prior to final project (as-built) approval.

D. FIRE DEPARTMENT:

27. At the start of construction a 2' X 3' address sign shall be posted in front of the project.
28. At time of final inspection the permanent address shall be mounted and clearly visible from the street or road fronting the property with a minimum of four inch numbers on contrasting background.
29. A 100 foot defensible space around the proposed new structures shall be required prior to start of construction.
30. Upon final inspection a 30 foot perimeter defensible space shall be required per WFPD ordinance section 304.1.2.A.
31. The applicant shall provide an approved spark arrestor on all chimneys including outside fireplaces.
32. The applicant shall install smoke and CO detectors per 2016 CBC.
33. NFPA 13D Fire Sprinkler System shall be installed. Sprinkler plans/calculations to be submitted under separate cover WFPD. See WFPD standards (www.woodsidefire.org).
34. A new fire hydrant will be installed off (3) 12,500 gallon water tanks. The minimum fire flow for the new fire hydrants shall be 1,000 gallons per minute.

E. COUNTY HEALTH REVIEW

35. At the time of building permit submittal, a complete Onsite Wastewater Treatment System design shall be submitted for review. The design shall be approved before building permit is issued.

The permit(s) granted by this approval may be appealed if done so in writing within 15 days of the date of approval. The building permit cannot be issued until the appeal period has lapsed. The applicant may submit construction plans to the Building Department provided the applicant has completed all conditions of approval required prior to acceptance of plans for building plan check.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Arly Cassidy, Interim Planning Director

DATE: May 16, 2018

RE: Final Review of a Map Modification and Preliminary Architectural, Site Development and Variance Review for a New Residence, Uncovered Parking, Removal of Significant Trees and Landscaping, File # 43-2017, 5588 Alpine Road, Ross Residence

RECOMMENDATION

Staff recommends that the Planning Commission do the following:

1. Adopt the resolution (Attachment 1) approving the requested modifications to a portion of the Town's Ground Movement Potential Map.
2. Offer comments, reactions and directions to assist the applicant and project architect make any plan adjustments or clarifications that members conclude are needed before both commissions consider final action on the application.

PROJECT DATA

Lot Size	4.55 acres		
Average Slope	47.9%		
	Code Requirements	Proposed	Remaining
Max Floor Area	7,083	3,116	3,967
85% of MFA	6,021	3,116	2,905
Max Impervious Surface	11,614	1,276	10,338
Height	28'/34'	27'4"/29'4"	--
Front Setback	50'	150'	--
Side Setbacks	25'/25'	120'/198'	--
Rear Setback	25'	160'	--
Parking Spaces	2 covered 2 uncovered	4 uncovered	--

BACKGROUND

The proposal is for a 3,116 square foot home and detached parking on a 4.55 acre property located at 5588 Alpine Road (see Vicinity Map, Attachment 2). The lot is located in the M-R/7.5A/SD-3/DR zoning district and is accessed by Rapley Trail (also called Ruolf Trail). The property sits on a steeply sloped and forested hillside which faces northeast across Alpine Road. The property is primarily undeveloped and is surrounded by Mid-peninsular Regional Open Space District (MROSD) land to the northwest, north, east, and a small finger to the south. Farther south are larger parcels with single family homes, though no structures are visible from the property. Rapley Trail, which is a shared private road connecting below the property to Alpine Road, wraps the property on the north, east and south sides.

The proposed plans include a new single story residence with three bedrooms and two decks. A small 1,120 square foot landscaped area is proposed at the front of the house. The detached parking and adjacent guest parking spaces are proposed for the southeast corner, where a small flat(ter) area adjoins the road; a long path connects the parking to the house, and a separate stairwell runs uphill to Rapley Trail, above the house.

No accessory buildings are proposed, but additional infrastructure is scattered throughout the property. The house will be “off the grid”, meaning it will not connect to any utility systems. Therefore a well, spring box, spring box pump, three water tanks, propane tank and propane generator are all proposed, as well as a tank and leach fields for the septic system. Development of the property is constrained by multiple factors, including a private road easement, large yard and well setbacks, steep sloping, dense forestation, and various soil types. Given these constraints, not all of the required items fit within the building envelope. Therefore the applicant has submitted a Variance application for a spring box within the setback and to supply the house’s required parking as uncovered (where the code requires two covered spaces).

The proposal is further described in the set of architectural, landscape and civil plans received on May 7, 2018. In addition to the plans, the project submittal includes the information listed below (Attachments 6-8):

- Arborist Report, received 12/4/17
- Light Fixture and Generator cut sheets, received 12/4/17 and 3/29/18
- Outdoor Water Efficiency Checklist, received 3/29/18
- Color and Material Boards, received 3/29/18 (available at meeting)

CODE REQUIREMENTS

As required by sections 18.64.010.A.1 and 15.12.100.C of the Municipal Code, this application has been forwarded to the Planning Commission for review; ASCC review will follow. In addition to the Municipal Code, the Design Guidelines were used to evaluate the project.

DISCUSSION

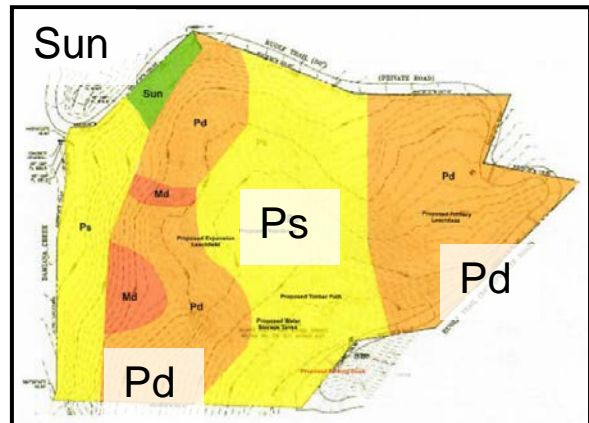
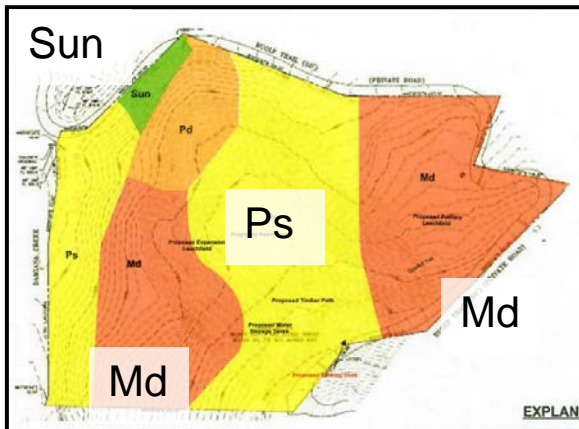
The applicant is applying for a modification to the Ground Movement Map, which is typically reviewed and voted on by the Planning Commission in a single meeting. Staff has included a resolution with the required findings, should the Commission be ready to approve this application.

The applicant has also submitted Architectural, Site Development and Variance applications, which are under preliminary review. In keeping with recent practice, staff is taking this application group to the Planning Commission first to gain a general indication on the variance’s “approvability.” If the variance cannot be approved, the applicant will need to make any required changes before proceeding. If the variance can be approved, the project will continue to ASCC for preliminary review and comments. This staff report reviews the proposal in this order, with separate sections for Map Modification, Architecture and Site Development (physical development) and Variance review, and summarizes with Unresolved Issues and Next Steps.

Map Modification

Pursuant to Town Council Resolution No. 2506-2010 (Attachment 3), the Planning Commission may, after recommendation from the Town Geologist, approve modifications to the Town’s geologic maps if it determines that such modifications are warranted. The Planning Commission is also required to hold a noticed public hearing before acting on the proposed map changes. Notices have been sent to property owners within 300’ of the subject property 10 days prior to the May 16, 2018 Planning Commission meeting.

The applicant provided a report prepared by Geosphere Consultants, Inc. dated November 30, 2017 (Attachment 4) proposing to reclassify certain areas of the property on the Town’s Ground Movement Potential Map. Based on site reconnaissance, the applicant’s geotechnical engineer concluded that the potential for moving deep landslides on the property involving soil in excess of 10 feet is low. The proposed modification includes reclassifying the eastern corner “Md” zones completely to “Pd”, and reclassifying the majority of the southern “Md” zone to “Pd”, with two small areas of “Md” remaining.



Sun	Unconsolidated granular material (alluvium, slope wash, and thick soil) on level ground and gentle slopes; subject to settlement and soil creep; liquefaction possible at valley floor sites during strong earthquakes.
Ps	Unstable, unconsolidated material, commonly less than 10 feet in thickness, on gentle to moderately steep slopes subject to shallow landsliding, slumping, settlement, and soil creep
Pd	Unstable, unconsolidated material, commonly more than 10 feet in thickness, on moderate to steep slopes; subject to deep landsliding
Md	Moving deep landslides, commonly more than 10 feet in thickness

The reclassification of the areas on the property from Md to Pd means that future development may be allowed in the areas classified as Pd, with additional review. In a peer review letter dated January 9, 2018, the Town Geologist concurs with the findings in the Geosphere Consultants, Inc. report and recommends approval of the proposed map modification changes (Attachment 5).

Based on the discussion above and the peer review report prepared by the Town Geologist, it is recommended that the Planning Commission adopt a resolution to approve the map modifications as proposed. If approved, the Town's Ground Movement Potential Map will be updated and the map modification data will be placed in the parcel file for the subject property.

Architectural and Site Development Plan

The proposed plan includes a 3,116 square foot one story house and four uncovered parking spaces at some distance from the house. The house includes two cantilevered decks and front porch and a 1,120 square feet landscaped front yard. In place of a lawn, a woodland strawberry field is proposed. A stair is proposed from the front yard up the hill to Rapley Road, where it connects with the fire truck pull out, which would widen the road.

A gravel path approximately 280 feet long connects the house to the gravel parking area, which is adjacent to the road at one of the few flat(ish) areas on the property. The parking area sits outside of the 25' road easement but within the 25' side setback, which must be measured from the back of easement. Previous plan iterations included a carport at the top of the stair. The easement prevents this within 25' of the property line, however, and the steep slope and height limit make adjacent placement impossible.

The 1,000 gallon propane tank and generator are proposed on a concrete pad adjacent to the stairwell; a note on the plans (Sheet A1) indicates the maximum noise level for the generator. Close by the plans show three water tanks, near the top of the hill. On the west side of the property, which is defined by Damiani Creek, the plans show a spring box and spring box pump shed. Along the northern property line is an existing well and its access road, which were approved by staff under a previous permit. No fences or gates are proposed.

Compliance with floor area, impervious surface, height, and setback standards

As shown in the table on page one of this staff report, all of the measurable aspects of the project are at or below the allowed maximums, including floor area, impervious surface and height. The proposed spring box sits on top of the 25' side setback line, just past the top of bank; the spring itself is below the spring box, and therefore cannot be relocated. The spring box projects approximately two feet into the side setback and is approximately three feet long; no other projections into the side setback are proposed. This projection into the setback can be permitted using the municipal code's setback averaging provision (PVMC Section 18.52.050).

The parking requirement of two covered spaces for residences with more than one bedroom is not met by the proposal. Instead, four uncovered parking spaces are shown, two for the house and two guest spaces. The applicant has applied for a variance to be exempted from the covered parking provision (discussed below).

Design Guidelines Review – Siting, Mass/Bulk, Scale, Exterior Materials

The project was reviewed against the Town's Design Guidelines. It was found to be substantially in conformance with the intent of the document, including the areas of site design, landscaping and lighting. Although the house is located on the small hillock at the center of the

property, it is off center and not atop a visible ridgeline. It is surrounded by mature trees and utilizes the remainder of the flat space as the small landscaped area, planted with natives appropriate to the micro-climate. Lighting at the site is minimal for safe pedestrian movement.

The finish treatments for the building include a muted natural color palette and simple materials. All materials and treatments meet town reflectivity guidelines. The light touch approach leads to a low impact design meant to integrate with the surroundings:

- Foundation coated with an integral-colored stucco in a deep olive
- Hardy-board siding and roof in dark beige
- Window and door trim in sage green and sash in claret
- A rusted steel plate will serve as a front door awning
- DG path connecting the house to the gravel parking area
- Wood decks and stair to the road, above
- Stainless steel cable railing to enclose the decks

The architectural style is contemporary, with an off-center cross form footprint. The three main roof components each have a single sloping roofline, low in the rear against the house and rising toward the deck area to access more light and views. The roof will be covered with solar panels and also shows three skylights, with a note that no lights shall be placed in nor shine out of the skylights (Sheet A6).

Grading and Drainage

The applicant is proposing minimal grading. Some cut is required for the building pad, and site work involves cut and fill for the parking area, landscaped area near the house, and to create the pads for the water and propane tanks. Judicious use of retaining walls allow these pads and the house to nestle into the uphill slope. A Site Development Permit requiring ASCC review is triggered by the 320 cubic yards of qualified grading proposed.

(cubic yards)	Cut	Fill	Total
Building Pad	50	0	50
Site Work & Landscaping	260	60	320
Site Development Permit	260	60	320
Site Total	310	60	370

In addition, some temporary grading will likely take place. The property currently has the overgrown remnants of a road leading from the parking area to the house; this is the line the path will follow once the project is complete. The applicant will use this road as construction access. Where the existing road does not have 10' clearance, the upper hillside will be cut to allow this clearance. The spoils will be stored on site, and used to restore the original grade when construction is complete. A Bay Area Habitat Seed Mix will be applied to the restored area, and the 4' wide path laid on top of the remaining flat area (See Construction Access Road note, sheet ER-1).

Landscaping

A 1,120 square foot landscaped area is proposed at the front yard of the house. Natives such as ceanothus, manzanita, and sugar berry are clustered around a "lawn" of woodland strawberry. (A previous iteration showed true lawn, now removed.) Landscaping is kept substantially clear of the drip line of an adjacent 28" live oak. Two vine maple trees are

proposed immediately adjacent to the house, with one flannel bush for accent at the outside edge.

An arborist report (Attachment 6) lists the trees within the development area and describes their size and health. A total of 26 significant trees are proposed for removal:

- 6 Big Leaf Maple
- 4 Douglass Fir
- 4 Bay Laurel
- 2 Live Oak
- 10 Madrone

Most of these trees are mature and quite large. Sheet C-2.0 shows their locations and lists their tree number (corresponding to the arborist report) as well as the trunk diameter. Many of the madrones are multi-trunk, in which case measurements are included for both the largest trunk and all trunks summed. In its review of the property and arborist report, the Conservation Committee expressed concern at the loss of so many significant and mature trees. It noted that the arborist's term "neglected," used for many of them, might be exchanged for "undisturbed." In reviewing the geotechnical report, the Committee found that the house is in the only buildable location and stated that, "under these circumstances, the committee reluctantly agrees to removal of the trees."

Lighting

Site lighting is minimal, is primarily focused on the stair up to Rapley Trail. Three discrete fixtures are proposed for the house and stair (Attachment 7). Twenty under-stair LED brackets are proposed for beneath the stair risers, spaced to every third step. Given the 78 stairs involved and the otherwise pitch-black setting, staff feels that this lighting is appropriate. Lighting at the house consists of one path light between the stair and building, and five wall lights at the front and rear doors, and doors to the deck. One of these lights, placed outside the bathroom window on the main deck, might be eliminated, but the application of lighting is otherwise understated and respectful of the wild and natural setting. All fixtures are downward facing or dark sky compliant.

Sustainability Aspects of Project

A WELO checklist (Attachment 8) was submitted showing 1,120 square feet of permanent irrigation for low and very low native plants. The maximum allowed water use is 18,561 gallons/year and the estimated total water use is far below this at 4,615 gallons/year. No water features or pools are proposed.

The project architect has provided the Build-It-Green checklist (Sheet GP1) targeting 88 points for the project, which is 10 points above required 78 points for the project (New Construction over 3,000 square feet requires 75 points base line, with 1 additional point for every 50 additional square feet of floor area). All new homes must also be ready for future installation of the following infrastructure: solar thermal (PV is provided in the current plans), electric vehicle charging, and greywater systems. A note on the Sheet A0 reflects this; building permit plans will need to show these installations in detail.

Committee Recommendations

Town Geologist. The Town Geologist, in his letter dated January 9, 2018 (Attachment 5), recommended approval of the site development permit, with continued involvement of the geotechnical consultant in the planning process.

Town Engineer. The Town Engineer, in his memorandum dated April 9, 2018 (Attachment 9), approved the project for ASCC review and submitted a number of comments which need to be addressed in the building permit submittal.

Fire Marshal. The Fire Marshal, in his comments received May 2, 2018 (Attachment 10), included standard conditions concerning fire code for conditional approval of the site development permit. The fire truck pull out and hydrant at the top of Rapley Trail shown on the drawings have been given preliminary approval.

Conservation Committee. The Committee's December 30, 2017 comments (Attachment 11) stated its approval of the limited and native plantings. Comments regarding the lawn and landscape under the oak were received by the applicant, who modified the landscape plans to reflect these comments (the lawn is now a strawberry field, and planting has been largely removed from the oak drip line). Plants with different water needs are still located adjacent to one another, and the Committee points out that the landscaped area may not need irrigation beyond an establishment period.

San Mateo County Environmental Health Department. The Health Officer, in his email dated April 20, 2018 (Attachment 12), noted that Sheet C-4.0 needs to show slope setbacks and a separate pump tank; the required spring setback is shown. The Health Officer also notes that a detailed OWTS (Onsite Wastewater Treatment System) must be provided in order for a variance to be granted at the building permit stage.

Comments from the Conservation Committee and the Health Department deserve further attention under this review process. Staff recommends that the applicant update the plans and proposal to address these comments before resubmitting for final review.

Variance

The purpose of this initial review is for the Planning Commission to offer initial reactions and guidance to the applicant regarding the variance requests. Based on Planning Commission feedback, the applicant will either proceed with preliminary ASCC review, or will seek to redesign the site layout without the need for a variance request. Such a redesign may prove impossible, however, due to the unique and complex nature of the site and off-the-grid infrastructure.

Development of the property is constrained by multiple factors, including a private road easement, large setbacks, steep sloping, dense forestation, and various soil types. The infrastructure requirements of an off the grid house have been carefully placed outside of the easement and leach field setback, where required; however, not all required improvements are proposed within the building envelope.

Staff would like to clarify one aspect of the variance application. In initial meetings with the applicant, staff noted Damiani Creek along the northwest property line. In response to the applicant's plans for a nearby spring box, staff informed them of the creek setback and the need for a variance for the proposed location. However, in researching the code, staff found that the creek setback requirement applies not to all named creeks, as previously thought, but only to Los Trancos, Corte Madera and Sausal Creeks. Damiani Creek, therefore, does not have a creek setback. The current spring box is shown straddling the 25' side setback;

projecting only 2' into the setback. As described above, this small projection can be permitted under the municipal code's setback averaging provision:

Where the wall or exterior line of a structure adjacent to a parcel line does not follow a continuous unbroken alignment, a portion of the structure may project into the required yard provided that:

- A. The average depth or width of yard is at least equal to the required least depth or width otherwise required in the district;*
- B. The yard is not less in depth or width at any point than eighty percent of the least width or depth otherwise required in the district (PVMC Section 18.52.050).*

A variance application is still triggered, however, around the required parking. As mentioned earlier, the applicant attempted to satisfy this requirement with a garage at the top of the proposed stair along Rapley Trail. Research into the private, non-exclusive road easement for Rapley (Ruolf) trail revealed that the easement measured 25' into the property, and did not allow for any improvements which would prevent use of the easement. According to the Town Attorney, the road widening to accommodate the fire truck pull out at this location can remain (though they hydrant requires further study), but a garage or other structure within the right of way would not be permitted. When attempting to shift the structure back into the property, the applicant ran into the problems of unstable soil, steep access slopes, and height limitations.

The applicant is now proposing four uncovered gravel parking spaces at the base of the path, where it reaches the "W" shape of Rapley Trail. The proposed parking is outside of the easement, but within the side setback. Surface improvements to allow for parking are allowed within the setback, but structures are not. The code requires that two of the parking spaces be covered. The location of the parking cannot move further into the site, as it is constrained by the leach field and 100' well setback, as well as existing trees and steep slopes. The applicant therefore requires a variance either for not providing coverage for two of their parking spaces (currently proposed), or for building a garage or carport within the setback.

Consistency with the General Plan and Zoning Regulations

The granting of a variance typically relies on the uniqueness of the applicant's situation. Variances are meant to be rare, and used as a way to correct for unfair impacts when a general rule is applied to a specific property with exceptional or extraordinary conditions. Pursuant to Section 18.68.070.A. of the PVMC, the following findings must be made in granting a variance:

1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district;
2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning;
3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated;

4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located;
5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.
6. That the granting of such variance shall be consistent with this title and the general plan.

Public Comments

No neighbor comments have been received by staff.

SUMMARY OF UNRESOLVED ISSUES

The comments issued by the Site Development Committee represent real but relatively small issues, given the scope of the project. Staff recommends that the applicant incorporate responses to these comments in their next plan submittal, before requesting a final review from the Planning Commission.

NEXT STEPS

The Planning Commission should give feedback to the applicant on the architectural and site development applications, and on whether it believes the findings for a variance can be made. If they can, the applicant will submit a full ASCC application and progress through the review process with the design currently proposed. If not, the applicant will need to accommodate the required covered parking within the building envelope.

ATTACHMENTS

1. Resolution
2. Vicinity Map
3. Town Council Resolution No. 2506-2010 dated 9/22/10
4. Geotechnical (Soils) Report prepared by Geosphere Consultants, Inc., dated 11/30/17
5. Peer review letter prepared by Cotton, Shires and Associate, Inc. dated 1/9/18
6. Arborist Report, received 12/4/17
7. Light Fixture and Generator cut sheets, received 12/4/17 and 3/29/18
8. Outdoor Water Efficiency Checklist, received 3/29/18
9. Comments from Town Engineer, dated 4/9/18
10. Comments from Fire Marshal, received 5/2/18
11. Comments from Conservation Committee, dated 12/30/17
12. Comments from San Mateo County Health Officer, received 4/20/18
13. Architectural plans, received 5/7/18

2. Final Review of a Geologic Map Modification and Preliminary Architectural, Site Development and Variance Review for a New Residence, Detached Carport, Removal of Significant Trees and Landscaping, File #43-2017, 5588 Alpine Road, Ross Residence

Interim Planning Director Cassidy presented the staff report, addressing the multiple elements one at a time. She said the geologic map modification application was noticed as a final review and is approvable tonight. She said the remainder of the application under review tonight is noticed as a preliminary review. She said this is coming to the Planning Commission first because of the variances associated with the project. Staff recommended adoption of the resolution approving the requested modifications to a portion of the Town's Ground Movement Potential Map and requested comments, reactions and direction to assist the applicant and project architect make any plan adjustments or clarifications that members conclude are needed before both Commissions consider final action on the application. She said there was no field meeting today because there was not a quorum.

Chair Targ invited questions from the Commissioners.

Vice Chair Goulden asked why covered parking is required. Interim Planning Director Cassidy said she did not know the history for that requirement. She said any dwelling that has 0 to 1 bedroom is only required to have one covered parking space, and the guest parking is triggered if the property is 1 acre or more.

Commissioner Kopf-Sill asked if covered parking just referred to having a roof. Interim Planning Director Cassidy said a carport is sufficient.

Interim Planning Director Cassidy added that she had looked through the recently updated geologic resolution that encompasses the subject maps, and it appears there is no deviation from the map and the interpretation of it that would allow a structure to be built there.

Commissioner Kopf-Sill asked if the Town received many requests for relief from the structure requirement. Interim Planning Director Cassidy said she has seen one in the two years she's been here. She didn't know if there had been any before that. She said this body has taken a fairly strict approach to the interpretation of granting a variance, and staff attempts to convey that before an applicant pays a good amount of money and spends a lot of time and effort to apply for a variance. She said generally speaking, there are more people that come through to ask about variances than those who actually go through the process. She said in this application, staff got the impression this was a very unique property and felt the variance findings were possible.

Vice Chair Goulden asked if the off-the-grid approach had any bearing on discussions of variances. Interim Planning Director Cassidy said if the Commission wanted to make the argument that it is a self-imposed hardship, that the leach field is where the parking could go, then a self-imposed hardship could not trigger a variance. Interim Planning Director Cassidy said this leach field covers an area that is sloped at least 35%. She said grading could be done, but there are a number of constraints on the property. She said a request to look at every possibility would have to be put to the applicant and would require additional analysis. Chair Targ asked how the sewage would be handled if there was no leach field. Interim Planning Director Cassidy said they would have to connect to sewer which would be an exorbitant expense. She said the nearest sewage main was at least a mile away.

Chair Targ invited the applicant to comment.

Brian Ross, the owner, introduced his consultant team – the architect, the civil engineers, and the geotechnical engineer. He thanked Interim Planning Director Cassidy for all the work she did on presenting the report on this very challenging and complicated site. He said he's worked diligently with

the Planning Department, done his homework, and tried to address a lot of the issues ahead of time, so that at this point they are able to propose viable solutions. He said they have tried to minimize impact as much as possible to maintain the rural setting, opting for the off-grid system. He said the primary reason for the PV system is that although they actually have an easement to connect to power poles on the next property uphill, PG&E advised them that the amount of tree removal that would be required for the undergrounding would cost \$250,000. He said that didn't make sense economically or from an impact standpoint. Regarding the variance specifically, he said they originally thought they could put the carport near the Fire Department turnout; however, because of the easement and the slope, the easiest place to put it is down on the flat area by the leach field. He said they could do grading and significant modifications to the layout to get to the point where they could actually install a covered carport, but they don't think there is a lot of utility in having a covered carport given it's such a secluded site and they don't think the benefit to the community of a covered carport outweighs the additional work and impact to the site that would be necessary to fulfill that requirement. He said his geotechnical engineer has done extensive investigation over the last 18 months to support the project. He said the civil engineers have helped figure out the puzzle pieces and the layout of the leach field and the infrastructure.

Chair Targ invited questions for the applicant.

Commissioner Kopf-Sill commented that the family will be in great shape having to walk up that hill. She asked if they had considered the carport at the flat spot where the landscaping is located. Mr. Ross said they originally wanted to use the graded path as the driveway, but because it crosses a geotechnically unstable area, no structure or permanent access can be placed across that area because if there was any sliding, they would not be able to make it to the house. He said that's why instead they have the permanent access for the Fire Department from up above and they will walk. He said parking can't be by the house because technically they will not drive to the house.

Commissioner Taylor said it is very creative to do this off the grid on this a very difficult lot. He asked if someone was coming fast around the corner and someone was backing out of the guest parking at the same time, there would be enough visibility to avoid an accident or if vehicles could turn around without going out into the roadway. Mr. Ross said coming around that turn, there is still enough visibility and distance to see someone backing out of his property and enough space to manage it. He said they have not done an in depth traffic analysis.

Commissioner Taylor said there should be lighting for the path to the house.

Commissioner Taylor said he has some concerns about the solar generating enough power for the house, perhaps not when it's new, but as it degrades over the years.

Commissioner Taylor said he lives near an air conditioner that meets the Town's dB requirements, but it is very annoying. He said the applicant talked about an enclosure, and he wondered if there was some way to correlate the dB measurements, such as with a hum sound versus a grinding motor sound. Interim Planning Director Cassidy said the Town Ordinance is 55 dB steady noise daytime and 45 dB at night. Mr. Ross said the generator would only be used in emergency situations, for example due to mechanical failure of the PV system, which has five days of backup. Chair Targ said 30 dB is characterized as quiet, rural area, and 44 dB is library, birdcalls, lowest limit urban ambient sound. Interim Planning Director Cassidy said it is difficult to measure sound. She said she went out with a noise meter, and when a bicycle coasted by on Portola Road, it hit 85 dB. She said sound is a lot about distance. Commissioner Taylor said if the generator were running, he would guess it would be very noticeable on Razorback Trail. Commissioner Taylor said he appreciated where the applicants were going with this, but would be looking at how the noise restriction could be made enforceable in the event it became an issue.

Chair Targ invited public comment with regard to the geologic map modification. Hearing none, Chair Targ invited public comment regarding any other issues regarding this project. Hearing none, Chair Targ closed the public hearing and brought the item back to the Commission for discussion.

Chair Targ invited discussion regarding the geologic map modification.

Vice Chair Goulden moved to approve Resolution 2018-5, A Resolution of the Planning Commission of the Town of Portola Valley Approving Modifications to the Ground Movement Potential Map for the residence located at 5588 Alpine Road. Seconded by Commissioner Taylor, the motion carried 5-0.

Chair Targ invited discussion regarding the other items within this proposal.

Commissioner Kopf-Sill agreed it is a very difficult site. She was supportive of the project plans. She said the Town values the off-the-grid aspect with solar and said that septic is better for the ground. She was supportive of the parking solution.

Commissioner Hasko gave kudos to the applicant for figuring out how to work with a difficult site. She thanked Interim Planning Director Cassidy and her team for working with the applicants. She said it is clearly a challenging site with many unique aspects. She said she appreciates that it is not practical or economically feasible to connect to the sewers. She said she appreciated that they have not gone to maximum floor area. She suggested that in general, they pay attention to the lighting, although she said it seems they are being modest. She was not particularly concerned about the decibel level of the generator given the usage, but suggested the applicant make choices, if possible, that are appropriate for the very rural and peaceful site.

Commissioner Taylor said the applicants were doing a great job in designing around the site. He said the double light on the deck may be objected to because in general lighting should be minimal. He asked what would be used as the surface of the parking area. Mr. Ross said the parking area would be gravel, and the walkway would be decomposed granite.

Vice Chair Goulden was supportive of the project.

Chair Targ said the design was generous and sensitive to the constraints of the property. He said the location is spectacular, and he looked forward to visiting the site. He said the issue of light spill will be looked at, given the dramatic location of the house. He wondered if there was sufficient parking should the applicant have a party at the house. Mr. Ross said there were other nearby turnouts on the road. Chair Targ said there might be consideration given to having access to the house other than the stairs. He was supportive of the project.

Commissioner Taylor said the lighting on the stairs will not be visible while on the stairs, but he wasn't clear on how covered those lights are when looking from another direction.

Chair Targ invited discussion regarding the variance request and the findings required.

Commissioner Hasko offered to lead a discussion of each finding with Commissioners pausing to agree or disagree. Commissioner Hasko said the property is very unique, far, and remote from the Town Center and sewage. She said the property cannot be developed without providing parking. She said there is not a basis for seeing the variance as a special privilege. Chair Targ said this variance request is minimal for the purpose as opposed to seeking another kind of variance for a more radical request. Commissioner Hasko said the variance is not materially detrimental to the public welfare or injurious. She said she has no reason to believe the variance authorizes a use or activity not authorized by the zone regulations. She said the General Plan talks a lot about the primary drivers that

have been articulated for this project – respecting the natural site, minimally invasive by avoiding tree cutting in order to connect to electrical power, etc. She said she could make all of the findings to support granting the variance.

Commissioner Taylor said he could make the findings required to grant the variance. He said the only thing he'd like to understand is that while the Town is trying to get cars off the street, this leaves cars more on the street instead of forcing them back on the setback. He said, however, the road has very little car traffic so he does not see that as a big issue.

Vice Chair Goulden said he would be interested about any comments the neighbors might have.

Interim Planning Director Cassidy said there is a 300-foot noticing so there were likely very few neighbors noticed. She said staff has not received any comments. She said in addition to noticing on the agenda, notices are also posted at three places in Town – the Village Square, Nathhorst Triangle, and Town Hall bulletin boards.

Chair Targ said there is a potential issue of screening the car parking area from the road. He said a letter of support to two from neighbors, although perhaps not dispositive, wouldn't hurt.

Vice Chair Goulden said he could make the findings in support of the variance.

Chair Targ asked if anyone found any issues based on what's been presented with respect to the variance, other than it would be helpful to have some thoughts from neighbors. Hearing no objections, Chair Targ asked the applicant what else the Planning Commission could give to him and his team. Mr. Ross said the main question for him was whether they would need to make major modifications in order to move forward.

Chair Targ said there did not appear to be major modifications necessary other than perhaps potential lighting issues and noise issues to take into consideration.

Interim Planning Director Cassidy said the Planning Commission was unable to hold the field meeting, and the ASCC will be reviewing this in the future; however, the ASCC review of the project had been delayed for the variance indications. She said she will schedule a joint field meeting in the future. The applicant is out of town the next month so they will be looking for a July date for the ASCC preliminary review when perhaps the Planning Commission can attend. Mr. Ross said the story poles are up on the site and invited any Commissioners to visit the site and walk around.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

3. News Digest: Planning Issues of the Day

Interim Planning Director Cassidy shared articles of interest with the Commissioners – “School Choice May be Accelerating Gentrification,” “In this California city, houses probably earn more per hour than you do, report finds,” and “The World's Fifth Largest Economy Is About to Require Solar Panels for All New Homes.”

Interim Planning Director Cassidy asked the Commissioners to send her their summer vacation schedules and known absences. She said the July 4 meeting will be cancelled. She said she is considering cancelling the June 6 meeting, but otherwise anticipated heavy summer agendas.

Interim Planning Director Cassidy asked for input on how Commissioners would like to be reminded or contacted regarding field meetings. Suggestions included reminders that are flagged, colored, or in all

caps, separate notices regarding field meetings, and including the Commissioners in the date selection process.

APPROVAL OF MINUTES:

4. Planning Commission Meeting of May 2, 2018

Commissioner Taylor moved to approve the minutes of the May 2, 2018, meeting, as submitted. Seconded by Commissioner Kopf-Sill, the motion carried 5-0.

ADJOURNMENT [9:36 *p.m.*]



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

FROM: Arly Cassidy, Interim Planning Director

DATE: June 25, 2018

RE: Preliminary Architectural and Site Development Review for a New Residence, Removal of Significant Trees, and Landscaping, and Variance Review for Uncovered Parking, File # 43-2017, 5588 Alpine Road, Ross Residence

RECOMMENDATION

Staff recommends that the ASCC offer comments, reactions and directions to assist the applicant and project architect make any plan adjustments or clarifications that members conclude are needed before both commissions consider final action on the application.

PROJECT DATA

Lot Size	4.55 acres		
Average Slope	47.9%		
	Code Requirements	Proposed	Remaining
Max Floor Area	7,083	3,116	3,967
85% of MFA	6,021	3,116	2,905
Max Impervious Surface	11,614	1,276	10,338
Height	28'/34'	27'4"/29'4"	--
Front Setback	50'	150'	--
Side Setbacks	25'/25'	120'/198'	--
Rear Setback	25'	160'	--
Parking Spaces	2 covered 2 uncovered	4 uncovered	--

BACKGROUND

The proposal is for a 3,116 square foot home and detached parking on a 4.55 acre property located at 5588 Alpine Road (see Vicinity Map, Attachment 1). The lot is located in the M-R/7.5A/SD-3/DR zoning district and is accessed by Rapley Trail (also called Ruolf Trail). The property sits on a steeply sloped and forested hillside which faces northeast across Alpine Road. The property is primarily undeveloped and is surrounded by Mid-peninsular Regional Open Space District (MROSD) land to the northwest, north, east, and a small finger to the south. Farther south are larger parcels with single family homes, though no structures are visible from the property. Rapley Trail, which is a shared private road connecting below the property to Alpine Road, wraps the property on the north, east and south sides.

The proposed plans include a new single story residence with three bedrooms and two decks. A small 1,120 square foot landscaped area is proposed at the front of the house. The detached parking and adjacent guest parking spaces are proposed for the southeast corner, where a small flat(ter) area adjoins the road; a long path connects the parking to the house, and a separate stairwell runs uphill to Rapley Trail, above the house.

No accessory buildings are proposed, but additional infrastructure is scattered throughout the property. The house will be “off the grid”, meaning it will not connect to any utility systems. Therefore a well, spring box, spring box pump, three water tanks, propane tank and propane generator are all proposed, as well as a tank and leach fields for the septic system. Development of the property is constrained by multiple factors, including a private road easement, large yard and well setbacks, steep sloping, dense forestation, and various soil types. Given these constraints, not all of the required items fit within the building envelope. Therefore the applicant has submitted a Variance application to supply the house’s required parking as uncovered (where the code requires two covered spaces).

The proposal is further described in the set of architectural, landscape and civil plans received on May 18, 2018. In addition to the plans, the project submittal includes the information listed below (Attachments 2-5):

- Geotechnical (Soils) Report prepared by Geosphere Consultants, Inc., dated 11/30/17
- Arborist Report, received 12/4/17
- Light Fixture and Generator cut sheets, received 12/4/17 and 3/29/18
- Outdoor Water Efficiency Checklist, received 3/29/18
- Color and Material Boards, received 3/29/18 (available at meeting)

The applicant has submitted Architectural, Site Development and Variance applications, which are under preliminary review. In keeping with recent practice, staff took this application group to the Planning Commission first to gain a general indication on the variance’s “approvability.” On May 16, 2018, the Planning Commission conducted its preliminary review of the project and offered its comments and suggestions (staff report and minutes, Attachment 6). The Commission also reviewed and approved a Map Modification application for the property, which will alter the Ground Movement Potential Map but will not result in any change to the buildable areas or floor area calculations. The Planning Commission’s comments can be found below, at the end of the Discussion section.

CODE REQUIREMENTS

As required by sections 18.64.010.A.1 and 15.12.100.C of the Municipal Code, this application has been forwarded to the ASCC and Planning Commission for review. In addition to the Municipal Code, the Design Guidelines were used to evaluate the project.

DISCUSSION

This report reviews the Architecture and Site Development Permits in their entirety, and the reviews the Variance separately.

Architectural and Site Development Plan

The proposed plan includes a 3,116 square foot one story house and four uncovered parking spaces at some distance from the house. The house includes two cantilevered decks and front porch and a 1,120 square feet landscaped front yard. In place of a lawn, a woodland strawberry field is proposed. A stair is proposed from the landscaping up the hill to Rapley Road, where it connects with the fire truck pull out, which would widen the road.

A gravel path approximately 280 feet long connects the house to the gravel parking area, which is adjacent to the road at one of the few flat(ish) areas on the property. The parking area sits outside of the 25' road easement but within the 25' side setback, which must be measured from the back of easement. Previous plan iterations included a carport at the top of the stair. The easement prevents this within 25' of the property line, however, and the steep slope and height limit make adjacent placement impossible.

The 1,000 gallon propane tank and generator are proposed on a concrete pad adjacent to the stairwell; a note on the plans (Sheet A1) indicates the maximum noise level for the generator. Close by the plans show three water tanks, near the top of the hill. On the west side of the property, which is defined by Damiani Creek, the plans show a spring box and spring box pump shed. Along the northern property line is an existing well and its access road, which were approved by staff under a previous permit. No fences or gates are proposed.

Compliance with floor area, impervious surface, height, and setback standards

As shown in the table on page one of this staff report, a majority of the measurable aspects of the project are at or below the allowed maximums, including floor area, impervious surface and height. The proposed spring box sits on top of the 25' side setback line, just past the top of bank; the spring itself is below the spring box, and therefore cannot be relocated. The spring box projects approximately two feet into the side setback and is approximately three feet long; no other projections into the side setback are proposed. This projection into the setback can be permitted using the municipal code's setback averaging provision (PVMC Section 18.52.050).

The parking requirement of two covered spaces for residences with more than one bedroom is not met by the proposal. Instead, four uncovered parking spaces are shown, two for the house and two guest spaces. The applicant has applied for a variance to be exempted from the covered parking provision (discussed below).

Design Guidelines Review – Siting, Mass/Bulk, Scale, Exterior Materials

The project was reviewed against the Town's Design Guidelines. It was found to be substantially in conformance with the intent of the document, including the areas of site design, landscaping and lighting. Although the house is located on the small hillock at the center of the

property, it is off center and not atop a visible ridgeline. It is surrounded by mature trees and utilizes the remainder of the flat space as the small landscaped area, planted with natives appropriate to the micro-climate. Lighting at the site is minimal for safe pedestrian movement.

The finish treatments for the building include a muted natural color palette and simple materials. All materials and treatments meet town reflectivity guidelines. The light touch approach leads to a low impact design meant to integrate with the surroundings:

- Foundation coated with an integral-colored stucco in a deep olive
- Hardy-board siding and roof in dark beige
- Window and door trim in sage green and sash in claret
- A rusted steel plate will serve as a front door awning
- DG path connecting the house to the gravel parking area
- Wood decks and stair to the road, above
- Stainless steel cable railing to enclose the decks

The architectural style is contemporary, with an off-center cruciform footprint. The three main roof components each have a single sloping roofline, low in the rear against the house and rising toward the deck area to access more light and views. The roof will be covered with solar panels and also shows three skylights, with a note that no lights shall be placed in nor shine out of the skylights (Sheet A6).

Grading and Drainage

The applicant is proposing minimal grading. Some cut is required for the building pad, and site work involves cut and fill for the parking area, landscaped area near the house, and to create the pads for the water and propane tanks. Judicious use of retaining walls allow these pads and the house to nestle into the uphill slope. A Site Development Permit requiring ASCC review is triggered by the 320 cubic yards of qualified grading proposed.

(cubic yards)	Cut	Fill	Total
Building Pad	50	0	50
Site Work & Landscaping	260	60	320
Site Development Permit	260	60	320
Site Total	310	60	370

In addition, some temporary grading will likely take place. The property currently has the overgrown remnants of a road leading from the parking area to the house; this is the line the path will follow once the project is complete. The applicant will use this road as construction access. Where the existing road does not have 10' clearance, the upper hillside will be cut to allow the required clearance. The spoils will be stored on site, and used to restore the original grade when construction is complete. A Bay Area Habitat Seed Mix will be applied to the restored area, and the 4' wide path laid on top of the remaining flat area (See Construction Access Road note, sheet ER-1).

Landscaping

A 1,120 square foot landscaped area is proposed at the front yard of the house. Natives such as ceanothus, manzanita, and sugar berry are clustered around a "lawn" of woodland strawberry. (A previous iteration showed true lawn, now removed.) Landscaping is kept substantially clear of the drip line of an adjacent 28" live oak. Two vine maple trees are

proposed immediately adjacent to the house, with one flannel bush for accent at the outside edge.

An arborist report (Attachment 3) lists the trees within the development area and describes their size and health. A total of 26 significant trees are proposed for removal:

- 6 Big Leaf Maple
- 4 Douglass Fir
- 4 Bay Laurel
- 2 Live Oak
- 10 Madrone

Most of these trees are mature and quite large. Sheet C-2.0 shows their locations and lists their tree number (corresponding to the arborist report) as well as the trunk diameter. Many of the madrones are multi-trunk, in which case measurements are included for both the largest trunk and all trunks summed. In its review of the property and arborist report, the Conservation Committee expressed concern at the loss of so many significant and mature trees. It noted that the arborist's term "neglected," used for many of them, might be exchanged for "undisturbed." In reviewing the geotechnical report, the Committee found that the house is in the only buildable location and stated that, "under these circumstances, the committee reluctantly agrees to removal of the trees."

Lighting

Site lighting is minimal and primarily focused on the stair up to Rapley Trail. Three discrete fixtures are proposed for the property (Attachment 4). Twenty under-stair LED brackets are proposed for beneath the stair risers, spaced to every third step. Given the 78 stairs involved and the otherwise pitch-black setting, staff feels that this lighting is appropriate. Lighting at the house consists of one path light between the stair and building, and five wall lights at the front and rear doors, and doors to the deck. One of these lights, placed outside the bathroom window on the main deck, might be eliminated, but the application of lighting is otherwise understated and respectful of the wild and natural setting. All fixtures are downward facing or dark sky compliant.

Sustainability Aspects of Project

A WELO checklist (Attachment 5) was submitted showing 1,120 square feet of permanent irrigation for low and very low native plants. The maximum allowed water use is 18,561 gallons/year and the estimated total water use is far below this at 4,615 gallons/year. No water features or pools are proposed.

The project architect has provided the Build-It-Green checklist (Sheet GP1) targeting 88 points for the project, which is 10 points above required 78 points for the project (New Construction over 3,000 square feet requires 75 points base line, with 1 additional point for every 50 additional square feet of floor area). All new homes must also be ready for future installation of the following infrastructure: solar thermal (PV is provided in the current plans), electric vehicle charging, and greywater systems. A note on Sheet A0 reflects this; building permit plans will need to show these installations in detail.

Committee Recommendations

Town Geologist. The Town Geologist, in his letter dated January 9, 2018 (Attachment 7), recommended approval of the site development permit, with continued involvement of the geotechnical consultant in the planning process.

Town Engineer. The Town Engineer, in his memorandum dated April 9, 2018 (Attachment 8), approved the project for ASCC review and submitted a number of comments which need to be addressed in the building permit submittal.

Fire Marshal. The Fire Marshal, in his comments received May 2, 2018 (Attachment 9), included standard conditions concerning fire code for conditional approval of the site development permit. The fire truck pull out and hydrant at the top of Rapley Trail shown on the drawings have been given preliminary approval.

Conservation Committee. The Committee's December 30, 2017 comments (Attachment 10) stated its approval of the limited and native plantings. Comments regarding the lawn and landscape under the oak were received by the applicant, who modified the landscape plans to reflect these comments (the lawn is now a strawberry field, and planting has been largely removed from the oak drip line). Plants with different water needs are still located adjacent to one another, and the Committee points out that the landscaped area may not need irrigation beyond an establishment period.

San Mateo County Environmental Health Department. The Health Officer, in his email dated April 20, 2018 (Attachment 11), noted that Sheet C-4.0 needs to show slope setbacks and a separate pump tank; the required spring setback is shown. The Health Officer also notes that a detailed OWTS (Onsite Wastewater Treatment System) must be provided in order for a variance to be granted at the building permit stage.

Comments from the Conservation Committee and the Health Department deserve further attention under this review process. Staff recommends that the applicant update the plans and proposal to address these comments before resubmitting for final review.

Consistency with the General Plan and Zoning Regulations: Design Review Findings

In order to approve the Architecture permit, the ASCC will need to make the following findings at its next meeting:

1. The size, siting and design of buildings, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town. (Siting and Scale)
2. The proposed project will blend in with the natural environment in terms of materials, form and color. (Architectural Design)
3. The location, design and construction of the development project will minimize disturbances to the natural terrain and scenic vistas. (Grading)
4. The proposed project utilizes minimal lighting so that the presence of development at night is difficult to determine. (Lighting)
5. The proposed landscape plan will preserve the qualities of the natural environment through the use of native plant materials and provide a blended transition to adjacent open areas. (Landscaping)

Variance

Development of the property is constrained by multiple factors, including a private road easement, large setbacks, steep sloping, dense forestation, and various soil types. The infrastructure requirements of an off the grid house have been carefully placed outside of the easement and leach field setback, where required; however, not all required improvements are proposed within the building envelope.

A variance application is triggered around the required parking. As mentioned earlier, the applicant attempted to satisfy this requirement with a garage at the top of the proposed stair along Rapley Trail. Research into the private, non-exclusive road easement for Rapley (Ruolf) trail revealed that the easement measured 25' into the property, and did not allow for any improvements which would prevent use of the easement. According to the Town Attorney, the road widening to accommodate the fire truck pull out at this location can remain, but a garage or other structure within the right of way would not be permitted. When attempting to shift the structure back into the property, the applicant ran into the problems of unstable soil, steep access slopes, and height limitations.

The applicant is now proposing four uncovered gravel parking spaces at the base of the path, where it reaches the "W" shape of Rapley Trail along the southeast property line. The proposed parking is outside of the easement, but within the side setback. Surface improvements to allow for parking are allowed within the setback, but structures are not. The code requires that two of the parking spaces be covered. The location of the parking cannot move further into the site, as it is constrained by the leach field and 100' well setback, as well as existing trees and steep slopes. The applicant therefore requires a variance either for not providing coverage for two of their parking spaces (current proposal), or for building a garage or carport within the setback.

Consistency with the General Plan and Zoning Regulations: Variance Findings

The granting of a variance typically relies on the uniqueness of the applicant's situation. Variances are meant to be rare, and used as a way to correct for unfair impacts when a general rule is applied to a specific property with exceptional or extraordinary conditions. Pursuant to Section 18.68.070.A. of the PVMC, the following findings must be made in granting a variance:

1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district;
2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning;
3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated;
4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located;
5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.

6. That the granting of such variance shall be consistent with this title and the general plan.

Public Comments

No neighbor comments have been received by staff.

Planning Commission Comments

In its review of the project on May 16, 2018, the Planning Commission found the project to be fitting for the unique piece of land. Small concerns were raised around cars using the road to maneuver out of the parking spaces, the need for lighting on the path and the visibility of stair lighting from below, and the noise of the generator. In general, the Commissioners were in support of the project but requested that the applicant be cognizant of the quiet rural setting when making design decisions.

In reviewing the variance application, the Planning Commission indicated that it could find in support of the variance. It requested that the applicant reach out to neighbors regarding potential concerns around the uncovered parking and consider screening if possible.

SUMMARY OF UNRESOLVED ISSUES

The comments issued by the Site Development Committee represent real but relatively small issues, given the scope of the project. Staff recommends that the applicant incorporate responses to these comments in their next plan submittal, before requesting a final review from the ASCC and Planning Commission.

NEXT STEPS

The applicant will incorporate Planning Commission and ASCC comments into their plans and will return to both bodies for final review. Neither meeting has been scheduled at this time.

ATTACHMENTS

1. Vicinity Map
2. Geotechnical (Soils) Report prepared by Geosphere Consultants, Inc., dated 11/30/17
3. Arborist Report, received 12/4/17
4. Light Fixture and Generator cut sheets, received 12/4/17 and 3/29/18
5. Outdoor Water Efficiency Checklist, received 3/29/18
6. May 16, 2018 Planning Commission Staff Report and Minutes
7. Comment letter prepared by Cotton, Shires and Associate, Inc. dated 1/9/18
8. Comments from Town Engineer, dated 4/9/18
9. Comments from Fire Marshal, received 5/2/18
10. Comments from Conservation Committee, dated 12/30/17
11. Comments from San Mateo County Health Officer, received 4/20/18
12. Architectural plans, received 5/7/18

ASCC

June 25, 2018

ASCC Field Meeting, 5588 Alpine Road, Preliminary Architectural and Site Development Review for a New Residence, Removal of Significant Trees, and Landscaping, and Variance Review for Uncovered Parking

Chair Sill called the field meeting to order at 5:00 p.m.

ROLL CALL:

ASCC: Commissioners Breen, Ross, Willson, Vice-Chair Koch and Chair Sill

Town Staff: Interim Planning Director Arly Cassidy

Others present

Brian Ross, property owner

Patrick Finnigan, project architect

Jon Goulden

Interim Planning Director Arly Cassidy presented the report regarding the project which consists of a 3,116 square foot home and detached parking on a 4.55 acre property located at 5588 Alpine Road. The proposed plans include a new single story residence with three bedrooms and two decks. A small 1,120 square foot landscaped area is proposed at the front of the house. The lot is located on Rapley Road, a winding mountainous road off of upper Alpine Road. The property sits on a steeply sloped and forested hillside which faces northeast across Alpine Road. The property is primarily undeveloped and is surrounded by Mid-peninsular Regional Open Space District (MROSD) land to the northwest, north, east, and a small finger to the south.

Interim Director Cassidy explained that the architectural and site development permits were under preliminary review for the development of the house as well as the necessary infrastructure for the house to be off the grid. This includes a well, septic tank and leach field, spring box and pump, propane tank and generator, and water tanks. In addition, the proposal includes a path connecting from the house to the detached parking and a long set of stairs from the house up to the required fire truck pull out and fire hydrant. A variance application was also under preliminary review for the parking, which is proposed as four uncovered spaces, where two covered and two uncovered spaces are required by code.

Following her presentation, commissioners inquired about the covered parking and trees proposed for removal. Property Owner Brian Ross stated that covered parking would be allowed behind the setback, but the geotechnical report makes structures on the unstable soil at that location cost-prohibitive and unsafe, and the cluster of maple trees are proposed for removal due to an overlap with the leach field.

Commissioner Breen asked about the generator, which will be small and only backup for emergencies, as well as walled in. Chair Sill inquired and learned that there will be enough solar energy generation from the roof panels, according to the solar consultant, and that the retaining walls will be small. It was suggested that the hydrant at the top of the stairs could be fed off of the water tanks just below them.

Chair Sill stated that Commissioners would offer further comments on the proposal at the regular evening meeting that evening. Members thanked the applicant and architect for participation in the site meeting. The field meeting adjourned at 5:35 p.m.

CALL TO ORDER AND ROLL CALL

Chair Sill called the regular meeting to order at 7:00 p.m. in the Town Center Historic School House Meeting Room, 765 Portola Road.

Interim Planning Director Arly Cassidy called roll:

Present: ASCC: Commissioners Danna Breen, Dave Ross, and Jane Wilson; Vice Chair Megan Koch; Chair Al Sill
Absent: None
Planning Commission Liaison:
Town Council Liaison:
Town Staff: Interim Planning Director Arly Cassidy; Planner Cynthia Richardson

ORAL COMMUNICATIONS

None.

NEW BUSINESS

- (1) **Preliminary Review of Proposed Lot Line Adjustment for Parcel A, owned by Ralph & Renee Lewis, identified as APN: 079-074-010 and Parcel B owned by Michael & Susan McLaughlin, identified as APN: 079-074-020. Project located at 88 and 96 Hillbrook Drive, File # LLA 1-2018**

Planner Richardson presented the proposed lot line adjustment for two parcels located at 88 and 96 Hillbrook Drive, as detailed in the staff report. She said the proposal went before the Planning Commission last week for preliminary review. Staff recommended the ASCC offer comments and directions to assist the applicant to make adjustments or clarifications needed before the Planning Commission considers final action on the application.

Chair Sill invited questions from the Commissioners. Hearing none, Chair Sill invited the applicant to comment. Mr. McLaughlin said this proposal is an attempt to fix a lot line that was placed in the wrong location 57 years ago and was discovered four years ago. He said they've figured out how to swap equal square footage to keep everything in compliance.

Chair Sill invited questions for the applicant. Hearing none, he invited comments from the public. Hearing none, Chair Sill brought the item back to the Commission for discussion.

The Commission unanimously recommended that the Planning Commission approve the proposal.

- (2) **Preliminary Architectural and Site Development Review for a New Residence, Removal of Significant Trees, Landscaping, and Variance Review for Uncovered Parking; File # 43-2017, 5588 Alpine Road, Ross Residence**

Interim Planning Director Cassidy described the proposed project for a new 3,116-square-foot home with detached parking on a 4.55-acre property, as detailed in the staff report. A field

meeting was held at the site this afternoon. She said the project was reviewed by the Planning Commission on May 16, and the final map modification was approved at that time. Staff requested that the ASCC offer comments, reactions and direction to assist the applicant and project architect make any plan adjustments or clarifications that members conclude are needed before both Commissions consider final action on the application.

Chair Sill invited questions from the Commissioners.

Vice Chair Koch said it appeared the fire truck turnout will be the actual parking for the house. She said that appears to be the entrance of the house, where the lighting is proposed, where the staircase is located, and is the most direct route to the home. Interim Planning Director Cassidy said she does not believe that is the intent. She said the Town Attorney had advised that the easement is constricted to shared road use and the pullout for the fire truck is an expansion of the road which everyone can use with equal access. A parked car there would be a violation.

Commissioner Breen asked if there was any rain catchment system for the roof. She said it seemed like a good opportunity to catch water, especially with the shed roof forms. The applicant said they have not yet explored that, but will look into it. He said water is an issue on the site so they would be interested in anything they can do to offset the pull from the spring or the use of the well.

With no further questions, Chair Sill invited comment by the applicant. The applicant said Interim Planning Director Cassidy has done a great job of highlighting the various challenges and considerations they've gone through to fit all the puzzle pieces together. He said they have put a lot of thought and effort into making sure the house accommodates the rural nature of the lot and the aesthetic of Portola Valley. He said they would not use the fire truck pullout for parking because it is difficult to drive around the hairpin turn to get up there. He said the primary parking will be down below, and they will walk up. He said in a pinch, they may use that area for quickly unloading something, but it will definitely not be the primary parking for the residence.

Vice Chair Koch said it appeared the applicant based the energy usage off of solar and asked if the solar study was completed. The applicant said he has the solar study, although it was not included in this packet. He said it will be included in the final application. Vice Chair Koch asked if he felt the solar numbers were significant. The applicant said it was one of the major concerns in developing the lot and designing the home. He said a solar consultant conducted a study and developed a report recommending the size and design of the system as well as home design recommendations.

Vice Chair Koch asked if there were any lighting fixtures in the skylights. The applicant said there will be no lights in the skylights.

Commissioner Breen asked if there were covers on the skylights for nighttime. The applicant said the skylights are mostly tucked under the solar panels and are not visible from above.

Commissioner Ross asked the applicant if they had considered solar tubes. The applicant said he did not find them very effective. He said the largest skylight to be installed is 3' x 4' and is screened by the solar panels.

Chair Sill asked if they had considered doing anything with gray water. The applicant said they had not. Chair Sill said he was surprised the applicant was going to irrigate the landscaping and

suggested it would make sense to do it with simple gray water system. Interim Planning Director Cassidy said being gray water-ready is a requirement of the Green Building Ordinance and will be shown on the building plans. With no further questions, Chair Sill invited public comment. Hearing none, Chair Sill brought the item back to the Commission for discussion.

Commissioner Wilson said it is a fascinating site with a lot of challenges. She supported granting the variance. She was appreciative of the reduction in floor area, impervious surface, and water and appreciated exceeding the setbacks. She was supportive of the color board. She suggested removing one of the lights on the doorway as recommended by the Planning Commission. She said the applicant has done a very good job working with a very difficult site.

Commissioner Breen said she completely supported the direction of the project. She was supportive of granting the variance for parking. She said all of the lighting up to the fire truck turnout should be removed. She said she regretted the loss of the really good trees and requested they attempt to save whatever possible. She agreed that irrigation was not necessary. She said the applicants could hand water it for a year and be done with it. She said they need to deal with the broom and thistle now before it starts to scatter. She said many people are allergic to flannel bush, and it should be moved away from pedestrian traffic. She said the applicant's response was creative, and she was supportive of the project.

Commissioner Ross said he was impressed with the applicant's level of commitment to this tricky project. He said the constraints have pushed the applicants in a direction that works for them; however, he thought a lot of people would not be willing to walk with two children and six bags of groceries up the gravel pathway in the rain. He was supportive of the variance for the carport. He was supportive of the color board, the massing of the house, and the siting. He agreed that lighting on the stairs to the fire truck pullout is unnecessary. He said there is so little lighting in the area, the ambient lighting from the windows may be more noticeable; however, he is not concerned about that on this project. He suggested the applicant try to save a couple of the trunks on the maple tree at the pathway, if possible.

Vice Chair Koch was supportive of the color board. She supported the variance for the parking, but wished there was a way to get parking closer to the site. She was supportive of the siting, the architecture, and the style of the house. She asked for more detail on the color of the water tanks. She asked that they limit the removal of significant and unique trees as much as possible. She requested the path lighting from the parking be shown in the landscape plan. She said they will likely need a cart system for getting items to and from the parking area. She agreed the applicants need to revisit the proposed lighting for the stairs to the fire truck pullout. She said only one light is needed at the door at the back of the deck. She said gray water and roof runoff water collection are good ideas. She was supportive of the project.

Chair Sill was supportive of the project. He said the applicant has come up with very creative solutions to a very constrained site. He said lighting did not appear to be necessary on the stairs to the fire truck pullout. He said if there is lighting there, it must be on a separate switch. He was supportive of the landscape plan and said it conformed well to the design guidelines. He was supportive of the variance for the parking. He also suggested they try to save more of the madrones or maples.

Commissioner Breen said when the plans come back, she would like to see more explanation about the path, how it will work, and if there will be lighting. She also wants to see construction staging and invasives management plans.

ARCHITECTURAL AND SITE CONTROL COMMISSION
Regular Evening Meeting, 765 Portola Road**AUGUST 13, 2018****CALL TO ORDER AND ROLL CALL**

Chair Sill called the regular meeting to order at 7:00 p.m. in the Town Center Historic School House Meeting Room, 765 Portola Road.

Planning & Building Director Laura Russell called roll:

Present: ASCC: Commissioners Danna Breen, Dave Ross, and Jane Wilson; Vice Chair Megan Koch; Chair Al Sill
Absent: None
Planning Commission Liaison: Jon Goulden
Town Council Liaison: Craig Hughes
Town Staff: Planning & Building Director Laura Russell; Associate Planner Cassidy; Planner Cynthia Richardson

ORAL COMMUNICATIONS

None.

OLD BUSINESS

(1) **Architectural and Site Development Review for a New Residence, Removal of Significant Trees, and Landscaping, and Variance Review for Uncovered Parking, File #PLN ARCH 43-2017, 5588 Alpine Road, Ross Residence**

Associate Planner Cassidy presented the project data, background, and discussion items regarding this project, which has already gone through the preliminary reviews of the ASCC and Planning Commission as detailed in the staff report. Staff recommended that the ASCC recommend Planning Commission approval.

Chair Sill invited questions from the Commissioners. Hearing none, Chair Sill invited the applicants to comment. The applicant said they have incorporated all of the previous suggestions, feel they've addressed all the comments, and look forward to moving forward with the project.

Vice Chair Koch asked regarding the switching plan for the path lighting. The applicant said there will be a switch at both ends of the path. The Commissioners suggested including a timer.

Chair Sill invited comments from the public. Hearing none, Chair Sill brought the item back to the Commission for discussion.

Vice Chair Koch was supportive of the off-the-grid concept. She said it is a challenging site and the applicants have done a good job providing a unique home that embraces the beautiful environment. She was supportive of the path lighting, the EV charging station, the water catchment system, and the elimination of the stair lighting. She was supportive of the project and the variance.

Commissioner Wilson was supportive of the project and the variance. She said the applicants

DRAFT MINUTES

have addressed all of the suggestions offered and have gone the extra mile with the traffic mirror and EV charging station.

Commissioner Breen was appreciative of removing the upper lights and adding the water catchment system. She stressed that consistent management of the invasives is important. She was supportive of the project and the variance.

Commissioner Ross was supportive of the project and the variance. He suggested a handout be created showing color photos of the various invasives in their immature states so that workers on the site can pull them as they see them.

Chair Sill was appreciative of the applicant's responses to the suggestions provided. He was supportive of the reduced exterior lighting, the shed around the generator, and the rainwater catchment system. He was supportive of the project and the variance.

Commissioner Ross moved to recommend approval by the Planning Commission of the proposed new residence, site improvements, and the variance for uncovered parking, subject to the staff conditions and with the additional condition of timers for the pathway lights. Seconded by Commissioner Wilson; the motion carried 5-0.

NEW BUSINESS

(2) **Preliminary Architectural Review and Site Development Permit for a New Residence, Removal of Significant Trees, and Landscaping, 42 Santa Maria, Byland Residence, File # PLN ARCH 41-2017**

Planner Richardson presented the project data, background, and discussion items regarding the proposed project, as detailed in the staff report. There was a field visit at the site earlier this afternoon. Planner Richardson noted that trees numbered 17, 18, 21, 22 and 23 are shown to be removed on the plans; however at the field meeting the property owner indicated that they would like to keep those trees.

Chair Sill invited questions from the Commission.

Commissioner Wilson asked if there was a plan for the oaks on the side of #16 and #42 Santa Maria. She said the new trees would be overlapping and unnecessary. The landscape designer, who is the designer for both properties, clarified where the oaks would be placed.

Commissioner Ross asked about the potential for development of Louise Lane. Planner Richardson said they did a lot of research and showed a slide of what the Town Surveyor had put together. Town Councilmember Hughes said his understanding was that the easement was not in favor of the Town. He said the easement and the road is in favor of the original subdivider. He said the original property developer who did the subdivision is who would be able to develop and build that road.

Vice Chair Koch asked why anyone would need access from their driveway from both Hayfields and Santa Maria. Planner Richardson said they may not, but it is not known how the other property may be developed.

Commissioner Ross said his thinking would be influenced by knowing the chances of that property ever being developed. He said it would be very expensive to develop that road.

Arly Cassidy

From: Jon ELSE <else@berkeley.edu>
Sent: Friday, July 20, 2018 9:44 PM
To: Arly Cassidy
Cc: Brian Ross; Nina Else
Subject: No issue with Ross parking slots

Hi Arly,

This is to let you know that we have no objections or issues with the prospect of our new neighbors Brian and Elsie Ross having uncovered parking places. We look forward to having the Ross family in the neighborhood.

If you have any questions, give us a call.

Jon and Nina Else

5600 Alpine Road
Portola Valley
CA 94028

415 279-8962 c.
650 851-7255 h.

Arly Cassidy

From: Joshua Harmssen <imyourjosh@yahoo.com>
Sent: Friday, July 20, 2018 3:38 PM
To: Arly Cassidy; Brian Ross
Subject: Re: Progress on Ross lot development

Hello Arly-

I just reviewed Brian's plans and don't have an issue with the design. If there is anything I could do to help in the process please let me know. We are just as eager as Brian is to having his home completed! Great addition to the neighborhood.

Sincerely,
Joshua Harmssen
650-796-6464

On Friday, July 20, 2018, 11:29:24 AM PDT, Brian Ross <brossian@gmail.com> wrote:

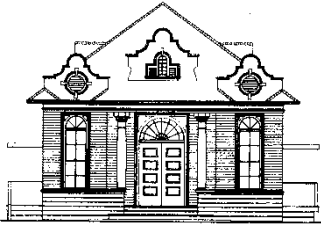
Josh,

How's it going? I wanted to give you an update on our progress with development on the lot, and ask a small favor. We have gone through preliminary review of our plans with the Town of Portola Valley planning and architectural committees, with positive results, and are getting ready to submit for final approval. Because of some of the geotechnical considerations on the lot, we are requesting a variance from the Town requirement to have two covered parking spots (we'll just have four uncovered spots just off the road - see the attached layout plan), and the planning commission asked me to reach out to our "neighbors" to get input on whether you had any issue with not having the parking spots covered. It would be a huge help if you could send an e-mail directly to Arly Cassidy (cc'd) at the Planning department and let her know if you have any concerns about not having the parking spots covered, or the project in general, that the planning department should consider (I'm sending a similar request to Jon and Nina Else as well).

Let me know if you have any questions. You can reach out to Arly as well if you have any questions about the Town requirements and process.

Thanks,

Brian Ross
415-312-2224



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Cynthia Richardson, Planner

DATE: September 5, 2018

RE: Preliminary review of a Conditional Use Permit modification and Variance, Request to:

- Exceed the maximum allowable floor area to construct 2,910 square feet where 1,715 square feet is allowed,
- Allow a 7 foot 9 inch side setback where 20 feet is required, and
- Allow a 16 foot rear setback where 20 feet is required.

For Pacific States Capital/John Hansen (Hallett Store) 844 Portola Road. File #1-2018 and X7D-178.

RECOMMENDATION

Staff recommends that the Planning Commission direct the applicant to return with a conforming project by reducing the project to that portion of the structure that is conforming according to PVMC Section 18.58.020.3.c.

BACKGROUND

The property is zoned AP (Administrative Professional) and is located within the Town Center Area Plan that is a sub-area plan within the General Plan. The .35 acre (15,272 square feet) property is accessed directly off of Portola Road. Located to the west is Village Square Shopping Center, to the east an office building, to the rear are two vacant parcels and across the street is Christ Church. The property is connected to the sanitary sewer system.

On April 5, 2017 the Planning Commission approved a Conditional Use Permit subject to the Resolution and Attachment A containing the conditions of approval (Attachment 1). In addition the Planning Commission approved a variance request and site development permit to locate a 180 square foot addition to the existing non-conforming structure 35 feet from the front property line where 50 feet is required subject to the Resolution and findings (Attachment 2). Further information regarding the previous project can be found in the attached staff report dated April 5, 2017 (Attachment 3) and minutes (Attachment 4).

The scope of the project approved in 2017 included the remodeling of the existing office building, new parking, trash enclosure, decks and fencing. The existing structure was to be extensively remodeled with portions of the existing walls to remain. Since the structure held legal non-conforming status, the approval process included discussion related to exactly what would be removed, would remain, and the cost of those improvements.

On October 12, 2017 the applicant obtained a building permit for the approved project and began construction. On June 7, 2018 the Building Inspector issued a Stop Work Notice (Attachment 5) for exceeding the scope of work permitted. The notice states that the non-conforming portion of the building was conditioned and permitted to remain as existing. The notice further states that the non-conforming portion of the building was demolished and therefore has lost its legal non-conforming status.

Staff has allowed construction of the front portion of the structure which is conforming due to PVMC Section 18.58.020.3.c which allows properties with non-conforming structures within the Portola Road Scenic Corridor to remodel and rebuild that portion of the structure. Specifically the ordinance allows the remodeling and rebuilding of existing structures located within the Portola Road setback. The ordinance goes further to deem the building envelope in the area that does not comply with the setbacks as conforming. Because the ordinance describes the building envelope as being conforming, the floor area in excess of what would otherwise be allowed can be deemed conforming. All repairs and even complete reconstruction is allowed under this section.

Therefore, the section of the existing structure in the Portola Road Scenic Corridor is allowed to be rebuilt, while the rear portion has lost its legal non-conforming status and requires a variance to allow the construction as previously approved in 2017 to continue.

PROJECT DESCRIPTION

Per PVMC Section 18.48 Table 2 the allowed floor area for this lot is 13% which results in a floor area of 1,715 square feet. The structure exceeds the maximum allowed by 1,195 square feet with an existing nonconforming floor area of 2,910 square feet. In addition the structure sits within the setback on the side and rear of the property.

Project Data Table

Lot Size 13,192 sf			
AP Zone District	Base Code Requirement	Allowed under PVMC Section 18.58.020.3.c	Proposed
Max Floor Area (13%)	1,715	1,948	2,910
Landscape Coverage (40%)	5,277	8,107	7,145
Landscape Front Setback (25%)	1,867	2,599	2,599
Height	28'	19'-6"	19'-6"
Front Setback	50'	3'	3'
Side Setbacks	20	West side 30' East side 9'	West Side 30' East Side 8'
Rear Setback	20	53'	16'

In the diagram below, the setback requirements of the AP Zoning District are shown in red dashed line. The blue portion of the building is within the Portola Road Scenic Corridor and is allowed to be rebuilt Per PVMC Section 18.58.020.3.c. although it already exceeds the maximum allowed floor area by 233 square feet. The green area is non-conforming in regard to floor area. The yellow area is non-conforming in regard to floor area and setback.



DISCUSSION

Due to the loss of the non-conforming status of the rear portion of the structure, the applicant is requesting a variance as follows:

1. To exceed the maximum allowable floor area by 962 square feet (PVMC Section 18.68.010.B).
2. To allow a 7 foot 9 inch side setback where 20 feet is required (PVMC Section 18.48.010 Table 2). The east side of the property is encumbered by a 20 foot access easement providing access to three lots behind the project site. The side setback adjacent to the access easement is taken from the interior boundary line of the easement.
3. To allow a 16 foot rear setback where 20 feet is required.

These requests also require that a modification to the approved Conditional Use Permit be made, specifically condition 4 which requires the project to conform to the plans dated February 15, 2017.

The applicant has provided their analysis of the findings in support of the requests (Attachment 6). However, the conclusion of staff's analysis is that the findings cannot be made. The findings and staff analysis are as follows:

1. *There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.*

2. *That owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.*
3. *The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.*
4. *The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.*
5. *A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.*
6. *That the granting of such variance shall be consistent with this title and the general plan.*

Staff Analysis: There are not special circumstances applicable to the property that do not apply to other properties in the district because other nearby properties in the AP Zoning District are similar in size and have the same setback constraints. A Lot Line Adjustment was approved in 2016 that discussed and disclosed the limitations on several nearby properties. The project would therefore constitute a grant of special privilege inconsistent with limitations on other properties.

The applicant is allowed to maintain the portion of the existing structure located within the front setback. This floor area of the remaining portion is 14.7% of the lot size which is consistent with other floor area on surrounding properties within the Town Center Area (Attachment 7).

NEIGHBOR COMMENTS AND COMMUNITY OUTREACH

No neighbors have commented as of the writing of this report.

CONCLUSION

Based on preliminary analysis, staff concludes that the findings for a variance cannot be made. Therefore, staff recommends that the Planning Commission direct the applicant to return with a conforming project by reducing the project to that portion of the structure that is conforming according to Section 18.58.020.3.c.

ATTACHMENTS

1. Resolution Conditional Use Permit approved April 5, 2017
2. Resolution Variance approved April 5, 2017
3. Planning Commission Staff Report dated April 5, 2017
4. Planning Commission minutes April 5, 2018
5. Stop Work Notice June 7, 2018
6. Applicant Statement with Findings
7. Town Center Properties Table
8. Architectural plans (Planning Commission only)

Report approved by: Laura Russell, Planning and Building Director

RESOLUTION NO. 2017 - 3

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY APPROVING A CONDITIONAL USE PERMIT
FOR WILLOW GROVE, LLC (HALLETT STORE)
844 PORTOLA ROAD (formerly 846 Portola Road), FILE #37-2015 AND X7D-178.**

WHEREAS, Willow Grove, LLC submitted an application for a Conditional Use Permit for use of the existing office building, with some modifications, on property located at 844 Portola Road (formerly 846 Portola Road); and

WHEREAS, the Architectural and Site Control Commission (ASCC) held a duly noticed public hearing on March 13, 2017 and after reviewing and considering the staff report, all related information and public comment recommended the Planning Commission approve the Conditional Use Permit; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 19, 2017 to consider the Conditional Use Permit, and the entire record of proceedings, including the staff reports and public comment; and

WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15302 of the Public Resources Code.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby RESOLVE as follows:

The Planning Commission makes the following findings regarding the Conditional Use Permit:

- a. ***The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.***

The property is located within the Town Center Area Plan that is a sub-area plan within the General Plan. Office uses exist to the east of the project site and commercial uses are located to the west. The site was developed as a country store in 1904. The office building is well located close to the Town Center and is accessed by Portola Road.

- b. ***The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.***

The existing structure has operated as an office use for the past 40 years with adequate parking and landscaping. No substantial changes will be made to the use of the site and the office use will be compatible with the surrounding land uses.

- c. ***The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

The project is located on a Portola Road which is a major thoroughfare within the Town. There will be no change in use and a decrease in the number of offices therefore no increase in traffic is expected to be generated by this project. The parking impacts have been analyzed and the proposed 13 spaces will serve the day to day needs of the office building.

- d. ***The proposed use will not adversely affect the abutting property or the permitted use thereof.***

An office building is located to the east and a commercial building maintains uses that serve the Town are located to the west. The structure has been located at this site since 1904 and operated as an office for the past 40 years. No complaints have been received by the Town for this use.

- e. ***The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.***

The proposed project would not have a geologic impact because the project site is located outside of any Geotechnical and Seismic Hazard Zones as shown on the Town's Geotechnical and Seismic Hazard Zone Map. In addition the project is located outside of any flood zone as noted on the FEMA maps for the Town. However conditions of approval from the Public Works Director (memo dated 11/7/16) require that the applicant address requirements or conditions outlined in the hydrology report by Schaaf & Wheeler dated 1/31/05 and resulting follow up requirements and communications with the Town.

- f. ***The proposed use will be in harmony with the general purpose and intent of this title and the general plan.***

The proposed office building will comply with the regulations and conditions specified in the zoning ordinance. Specific conditions of approval will regulate the use such that compliance with the zoning ordinance will be maintained. The Town Center Plan objective is to maintain an integrated area for businesses and institutional type uses serving the residents of Portola Valley. The office use meets this goal.

- g. ***The proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence.***

The A-P (Administrative-Professional) District is intended to provide space for administrative and professional offices and related uses serving primarily the town and its spheres of influence. Provisions under the A-P District regulations allows for administrative and professional offices under a conditional use permit. The office building will contain two new office uses, TSG is a boutique consulting firm which

focuses on small businesses and residents and provides personal cyber security, computer repair, video conferencing, and home and business automation solutions and services. There are no other businesses within the town that are similar. TSG has identified a market for these services in town as they focus on small businesses and residents within the Interstate 280 corridor between Woodside and Los Altos which includes the town. The second business is Pacific States Capital which is a residential real estate brokerage and development firm which is a current owner and developer of property in town. There are approximately five other real estate companies that are all located at the Nathhorst Triangle. There are no real estate companies in the Town Center area.

Conditional Use Permit X7D-178 is hereby granted for the Hallett Store, subject to conditions attached hereto as Attachment A and incorporated herein by this reference.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 5, 2017.

For: Chair Gilbert, vice Chair Targ, Commissioners Goulden, Hasko, Von Feldt

Against: (none)

Absent: (none)

By: _____
Denise Gilbert, Chairperson

ATTEST: _____
Debbie Pedro, Planning Director

Attachment A
Conditional Use Permit For
Willow Grove, LLC (Hallett Store)
844 Portola Road, File #37-2015, X7D-178

1. **Property and Nature of the Use.** This Conditional Use Permit shall apply to the property owned by Willow Grove, LLC. (Hallett Store) with a total land area of .35 acres (15,272), commonly known as 844 Portola Road, Assessor's Parcels: 076-261-170 (Property).
2. **Use.** The uses within the Hallett's Store building shall be limited to business and professional offices serving the community and adjoining residential areas which comply with the Town of Portola Valley Zoning Ordinance or any other use contained in PVMC Section 18.22.030 such as medical and dental clinics, Veterinary Clinics, Real Estate and Insurance Offices, Convenience Goods, Residential Care Facilities and any other use which is determined by the Commission to be found to be the same character as another use. Compliance with this provision shall be determined by staff review through the zoning permit issuance procedure.
3. **Conditional Use Permit Review.** No later than one (1) year after the date of occupancy, Willow Grove LLC shall request and the Planning Commission shall then review the Conditional Use Permit at a noticed public hearing to determine that the use remains in compliance with the conditions of approval.
4. **Conformance to Plans and Use.** The development of the Property shall conform to the approved Conditional Use Permit plans entitled Willow Grove, LLC dated 2/15/2017.
5. **On-site Parking.** There shall be 12 regular parking spaces and 1 handicapped space provided at all times. Handicap parking on the project site shall be provided pursuant to the standards set forth in the uniform building code to the satisfaction of the building official.
6. **Refuse.** All trash areas shall be effectively screened from view, covered, and maintained in an orderly state and trash shall be picked up regularly.
7. **Sign Approval.** One free standing sign shall be located on the front of the office building as shown on the approved plans not to exceed 24 square feet maximum for two signs.
8. **Historic Recognition.** A suitable marker shall be installed on the site to signify the location of the original Hallett Store. The Plaque shall be located where it can be read by the public without entering private property subject to the approval of the Town Historian.
9. **Street Number Visibility.** Street numbers of the building shall be easily visible from the street at all times, day and night.
10. **Landscaping.** Planting and irrigation shall be provided, as indicated, on the Approved Plan Set. Landscaped areas shall be maintained.
11. **Lighting.** Lighting shall be the minimal amount for safety only and lighting controls shall be in place to ensure all lights are off when the site is not in use.
12. **Compliance With Local and State Laws.** The use shall be conducted in full compliance

with all local and state laws. The permit shall be subject to revocation if the use is not conducted in compliance with these conditions and all applicable laws.

13. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the Town Council on appeal, at any time, whenever, after a noticed hearing in accordance the Town of Portola Valley Municipal Code and when the Planning Commission finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any Town ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation.
14. **Covenants Run with the Land.** All of the conditions contained in this Conditional Use Permit shall run with the land and shall be binding upon, and shall inure to the benefit of Willow Creek, LLC and its heirs, successors, assigns, devisees, administrators, representatives and lessees.
15. **Defend, Indemnify and Hold Harmless.** Willow Grove, LLC shall defend, indemnify and hold harmless the Town, and its elective and appointive boards, commissions, agents, officers and employees from any and all claims, causes of action or proceedings arising out of or in connection with, or caused on account of, the development and occupancy of Willow Grove, LLC and the approval of this Conditional Use Permit or any related approvals.

RESOLUTION NO. 2017 -**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY APPROVING A VARIANCE FOR
WILLOW GROVE, LLC (HALLETT STORE) TO ADD 180 S.F. OF
STRUCTURE IN THE FRONT YARD SETBACK AND WITHIN THE
PORTOLA ROAD SCENIC CORRIDOR**

WHEREAS, Willow Grove, LLC applied to construct an addition of 180 square feet in the front setback and within the Portola Road Scenic Corridor at the property located at 844 Portola Road (formerly 846 Portola Road); and

WHEREAS, pursuant to Municipal Code Section 18.58.020 the front special building setback line is 50 feet; and the Municipal Code Section 18,58.020.3.c provides conforming status to the existing building envelope within the front setback; and

WHEREAS, the Town of Portola Valley ASCC held a duly noticed public hearing on March 13, 2017 and recommended to the Planning Commission approval of a variance to permit 180 square feet of new structure to be located in the front setback; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 5, 2017 to consider the variance, and the entire record of proceedings, including the staff report and public comment; and

WHEREAS, the Planning Commission determined the project to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15302 and 15301 of the CEQA guidelines; and

WHEREAS, a 180 square foot portion of the existing building is being removed from the east side of the building located in the front setback to accommodate a significant redwood tree.

NOW, THEREFORE, the Planning Commission of the Town of the Town of Portola Valley, sitting as the Board of Adjustment does hereby RESOLVE as follows:

1. ***There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.***

An eleven foot diameter significant redwood tree is located directly adjacent to the structure and has caused significant damage to the structure. The tree has grown into the foundation of the structure uplifting and causing significant damage. Since the tree is has been deemed safe and is located in an appropriate planting location the redwood guidelines call for its preservation. Redwood trees are considered an iconic part of the town landscape and heritage and are to be treasured.

2. ***That owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.***

The Hallett Store is a small office building located within the commercial zone. Other commercial properties in the near vicinity were also constructed close to Portola Road and are considered non-conforming. The structure has legal nonconforming floor area that exceeds the maximum allowed on the site. Floor area to be removed is within the front setback and the applicant is replacing the floor area in a similar location on the opposite side of the building not increasing the setback encroachment. A 1,040 square foot cottage was previously demolished in the same location and the proposed new floor area is far less than once occupied this site.

- 3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.***

The even swap of floor area does not increase the degree of non-conformity of the building's encroachment within the front setback and will not constitute a grant or special privilege that is inconsistent with the limitations on other properties as the removal of floor area around the significant tree will help to retain the historic value of the structure.

- 4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.***

The proposed structure will be located no closer than the one story cottage that existed between the building and the property line. The variance will result in the preservation of a significant redwood tree in the Portola Road scenic corridor.

- 5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.***

The property is located within a commercial zone and the use of the Hallett Store is for professional offices therefore it is consistent with the zoning of the property and a use permit is granted.

- 6. That the granting of such variance shall be consistent with this title and the general plan.***

The variance request to relocate 192 square feet from the east side of the building to the west side of the building within the front setback would allow the structure to be reconstructed with no change in use and no increase in floor area. The General Plan Land Use Element objective is to control commercial development in a manner that will minimize its impact on neighboring residential areas. It also states that Commercial and Research-Administrative uses are to provide goods and services to satisfy the most frequently recurring needs of local residents. The granting of the variance will be consistent with the General Plan.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 5, 2017.

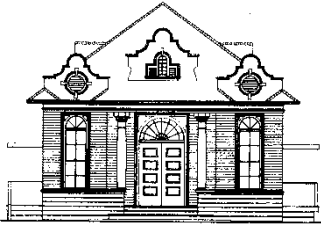
For:

Against:

Absent:

By: _____
Denise Gilbert, Chairperson

ATTEST: _____
Debbie Pedro, Planning Director



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Cynthia Richardson, Planner

DATE: April 5, 2017

RE: Review of a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Willow Grove, LLC (Hallett Store) 844 Portola Road (formerly 846 Portola Road). File #37-2015 and X7D-178.

RECOMMENDATION

Staff recommends that the Planning Commission review the complete record of the application including the recommendations of the Architectural and Site Control Commission (ASCC) for a Conditional Use Permit (CUP), two Variances and Site Development Permit for Willow Grove, LLC (Hallett Store). The Planning Commission is the final decision maker regarding the project.

At the conclusion of the public hearing, the following actions should be made.

1. **CEQA compliance.** Find the project to be categorically exempt as provided for in Sections 15301 and 15302 of the CEQA guidelines.
2. **Conditional Use Permit.** Move to approve the requested CUP subject to (Attachment #1) Resolution and Attachment A containing the conditions of approval.
3. **Variance to relocate floor area.** Move to approve the variance request to locate a 180 square foot addition to the existing non-conforming structure 35 feet from the front property line where 50 feet is required subject to (Attachment #2) Resolution and findings.
4. **Variance to construct a deck.** Move to deny the variance request to locate a raised deck 20 feet from the front property line where 50 feet is required subject to (Attachment #3) Resolution and findings of denial.
5. **Site Development Permit.** Move to approve the requested site development permit subject to (Attachment #4) the conditions of approval.

BACKGROUND

The .35 acre (15,272 square feet) property is accessed directly off of Portola Road. Located to the west is Village Square Shopping Center, to the east an office building, to the rear are two vacant parcels and across the street is Christ Church. The property is connected to the sanitary sewer system.

Hallett Store is one of two remaining structures from the little town of Portola that was established at the turn of the twentieth century. Over the years the structure has been extensively remodeled and has lost its historic integrity however the building retains much of its historic essence. The store was constructed in 1904 and originally provided goods and supplies to the community. In 1908 an addition was added to the front of the structure to accommodate a saloon. In 1972 the structure was extensively remodeled by Wright & Co. for professional offices.

The original CUP was approved in 1971 (X7D-46). A number of amendments were subsequently made and, in 1982, Wright & Co. requested renewal of a lapsed CUP (X7D-96, Resolution 1982-242). Condition 8 of that CUP required renovation of structures on the site within 3 months or the CUP would expire. No building permits have been found to show that these improvements were ever made within the 3 month time frame so the CUP has expired.

In 1988 the property was sold and the new owner obtained entitlements for a Tentative Map, PUD and CUP for five senior housing lots in 1996 (X7D-139). That project was approved but was not constructed and the permit has since expired.

In 2015, a lot line adjustment was approved to reconfigure the existing four non-conforming lots. (File # 43-214, recorded on July 14, 2016). This allowed for each lot to be developed individually as permitted under the zoning code. At that time the existing Hallett Store structure was allowed to remain as a legal nonconforming structure.

The property is zoned AP (Administrative Professional) and is located within the Town Center Area Plan that is a sub-area plan within the General Plan. The project includes the remodeling of the existing office building, new parking, trash enclosure, decks and fencing. The existing structure will be extensively remodeled and will reduce the number of offices from five to two office suites. The use within the building is limited to business and professional office serving the community and adjoining residential areas which comply with the Town of Portola Valley Zoning Ordinance or any other use contained in PVMC Section 18.22.030 such as medical and dental clinics, veterinary clinics, real estate and insurance offices, convenience goods, residential care facilities and any other use which is determined by the Commission to be found to be the same character as another use. Each of the offices cannot exceed 1,500 square per Municipal Code Section 18.54.052 for commercial and office uses.

Project Timeline

The ASCC held a preliminary review on November 14, 2016 and generally indicated they would support the variance request to keep the large redwood tree. Additional information is contained within the attached staff report and minutes (Attachment #5). No changes have been made to the plans since the ASCC reviewed the project in November.

On December 15, 2016, the Planning Commission conducted a preliminary review of the application. Additional information is contained within the attached staff report and minutes (Attachment #6).

The ASCC held a review meeting on March 13, 2017. Additional information is contained within the attached staff report and minutes (Attachment #7). The ASCC recommended the following:

Commissioner Koch moved to recommend approval of the Conditional Use Permit. Seconded by Vice Chair Sill; the motion carried 5-0.

Commissioner Breen moved to recommend approval of the variance to exchange the floor area from one side of the building to the other to create space for the redwood tree. Seconded Commissioner Wilson; the motion carried 5-0.

Commissioner Breen moved to recommend approval of the variance for the deck within the front setback with the condition of no railing. Seconded by Commissioner Koch; the motion carried 3-2 (Breen, Koch, Ross – in favor; Sill, Wilson- against)

Commissioner Breen moved to recommend approval of the architectural design and site development permit with the condition of no railing on the deck. Seconded by Vice Chair Sill; the motion carried 5-0.

DISCUSSION

Willow Grove, LLC is requesting a new Conditional Use Permit for office use, Architectural Review, a setback variance to relocate a portion of the building from the east side of the building to the west side of the building along with a setback variance to locate a deck and structure within the front setback. On January 12, 2017 the applicant withdrew his request for removal of the large redwood tree that is causing significant damage to the building.

Conditional Use Permit

In reviewing a CUP the Portola Valley Municipal Code (PVMC) Section 18.72.030 outlines the purpose of the CUP review and Section 18.72.040 outlines the factors to be considered. The Planning Commission should use these sections to help formulate your decision. These sections are as follows:

18.72.030 - Review—Purposes.

- A. Determine whether the location proposed for the conditional use applied for is properly related to the development of the neighborhood or community as a whole;
- B. Determine whether or not the use proposed in the particular location would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- C. Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- D. Determine whether the site is or can be made safe from hazards of storm water runoff, soil erosion, earth movement, earthquake, and other geologic hazards;
- E. Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this title and the objectives of the general plan would be served.

18.72.040 - Review—Factors to be considered.

- A. The relationship of the location proposed to:
 1. The service or market area of the use or facility proposed,
 2. Transportation, utilities and other facilities required to serve it,
 3. Uses of other lands in the vicinity,

4. The suitability of the soils, geology and hydrology for the proposed use;
- B. Probable effects on persons, land uses, and properties adjoining and the general vicinity, including:
 1. Probable inconvenience, economic loss, or hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people,
 2. Probable hazard from explosion, contamination or fire,
 3. Probable inconvenience, damage or nuisance from noise, smoke, odor, dust, vibration, radiation or similar causes;
- C. The compliance of the proposed use with service area or market area requirements established by this title and/or the town general plan.

To approve a CUP, the Planning Commission must make findings as identified in PVMC Section 18.72.130. The attached CUP Resolution contains these findings for approval and includes conditions associated with the operation of the office building. The conditions relate to such things as hours of operation, parking minimums, periodic review and the need for individual renters to obtain zoning permits.

The CUP required findings area as follows:

- a. *The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.*
- b. *The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.*
- c. *The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*
- d. *The proposed use will not adversely affect the abutting property or the permitted use thereof.*
- e. *The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.*
- f. *The proposed use will be in harmony with the general purpose and intent of this title and the general plan.*
- g. *The proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence.*

Staff has prepared findings and conditions of approval as they pertain to the CUP in support of the new Conditional Use Permit (Attachment #1).

Code Compliance

The building setbacks for the AP Zone District per PVMC Section 18.48.010 Table 2 are 50 feet in the front and 20 feet on the side and rear. Coverage limits are as follows:

Site Information			
Lot Size			
Gross 15,272 Sq. Ft.			
Net 13,192 Sq. Ft.			
	Maximum Sq. Ft.	Existing Sq. Ft.	Proposed Sq. Ft.
Floor Area Ratio for AP Zone (13%)	1,715	2,910	2,910
Max Coverage Limit (15%) (floor area plus covered porches)	1,979	3,116	3,116
Landscape Coverage (40%)	5,277	7,145	5,345
Landscape Front Setback (25%)	1,867	2,599	2,599
Impervious Surface Limit	*		

*Maximum impervious surface limits will be established by the hydrologic calculations contained in a hydrology study that will be prepared for the site drainage.

Parking

Staff evaluated the parking requirements for the project using the Zoning Ordinance, Table 5 of Section 18.060.110 "Schedule of required off-street parking spaces". The Ordinance requires 1 space for each 200 square feet of floor area for Banks, Businesses, or professional offices. The Zoning Ordinance defines floor area in Section 18.60.040 as follows "For the purpose of this section, "floor area" shall mean the gross floor area in the building other than floor space designated and used exclusively for parking and loading spaces, building service and maintenance, or storage of equipment and furnishings belonging to the occupants of the building but not in current use."

The project site plan shows parking for 13 spaces with one driveway entrance onto the site. The driveway will eventually serve as the entrance to the other lots beyond. For determination of the necessary parking, staff ran an analysis of the storage and maintenance spaces within the structure and found the project to meet code requirements. Based on parking space requirements, the following table evaluates the spaces needed for the project.

Space	Parking Spaces Required
Office Space (597 sf)	3
Office Space (1,541 sf)	8
Common area minus storage areas (416 sf)	2
Total	13

Non-Conforming status of Building

The Hallett Store is considered legal non-conforming in the following ways:

- Setbacks - The structure is located within the front setback which is also the Portola Road Scenic Corridor. It is also located within the side and rear setbacks.
- Maximum Floor Area - The structure exceeds the maximum floor area of 1,715.

If a structure is voluntarily demolished and the reconstruction meets or exceeds fifty percent of the structure's current appraised value, the structure must adhere to all current requirements of the zoning regulations. In accordance with PVMC Section 18.46.020 the applicant has provided an appraisal of the building and a construction cost estimate (Attachment #8) that covers all renovations being made to the structure including but not limited to foundation repair, interior remodel, new roofing and windows.

The appraised value of the structure is \$137.46 per square foot for a total value of \$400,000. The graphic below shows the building setback lines in a dashed red line. This line at the front of the property is also the Portola Road Scenic Road setback line. The construction cost estimate outlines the cost of construction in the area in front of the setback (shown in blue) at \$179.74 per square foot, the area (shown in green) will cost \$67.89 per square foot and the non-conforming area in the setback (shown in yellow) will cost \$59.66 per square foot. The table below outlines the areas and the cost associated with the construction.



Structure	Area (SF)	Cost to Repair (per SF)	Total Cost to Repair	Appraised Value (\$137.46/SF)
Within front setback (Blue)	1,948	179.74	350,133	267,772
Conforming area (green)	605	67.89	41,073	83,163
Non-conforming area (yellow)	357	59.66	21,298	49,073
Total	962		62,371	132,236

Setbacks

The building setbacks for the AP Zone District per PVMC Section 18.48.010 Table 2 are 50 feet in the front and 20 feet on the side and rear. The existing building is located closer to the front side and rear property lines than is allowed. The east side of the property is encumbered by a 20 foot access easement providing access to three lots behind the project site. The side setback adjacent to the access easement is taken from the interior boundary line of the easement. PVMC Section 18.58.020.3.c discusses properties with nonconforming structures within the Portola Road Scenic Corridor. Specifically the ordinance allows the remodeling and rebuilding of existing structures located within the Portola Road setback. The ordinance goes further to deem the building envelope in the area that does not comply with the setbacks as conforming. Because the ordinance describes the building envelope as being conforming, the floor area in excess of what would otherwise be allowed can be deemed conforming. All repairs and even complete reconstruction is allowed under the below cited section.

PVMC Section 18.58.020.3.c

“Structure existing as of the date of adoption of the ordinance codified in this subdivision (August 28, 1991), which do not comply with the setback requirements described herein are not thereby deemed nonconforming structures as provided for in Chapter 18.46 and are not subject to the provisions contained therein. For such a structure, the three-dimensional space it occupies which does not comply with the setbacks stipulated in subsection D.3.a. and b. of this section becomes a building envelope. Remodeling and rebuilding may occur within such a building envelope subject to normal design review requirements provided for in this section. In addition, the architectural and site control commission may allow architectural details to extend up to two feet from any wall surface on no more than ten percent of the building perimeter within the setbacks in subsection D.3.a. and b. of this section when such details will better ensure compatibility with the character and quality of the Portola Road corridor.”

Maximum Floor Area

The existing structure is non-conforming as it relates to floor area per PVMC Section 18.48 Table 2. The allowed floor area for this lot is 13% which results in a floor area of 1,715 square feet. The structure exceeds the maximum allowed by 1,195 square feet with an existing nonconforming floor area of 2,910 square feet. Staff evaluated this proposal and considered everything in the front setback as conforming for setbacks and floor area. Since the area in the front setback is allowed to be completely reconstructed staff only took into consideration the area behind the front setback as it pertains to PVMC Section 18.46.040. Based on the information provided by the applicant, the reconstruction of the area behind the front setback line does not exceed fifty percent of the structure’s current appraised value.

Variance

The applicant is requesting two variances. 1) To locate an addition to the existing non-conforming structure 35 feet from the front property line where 50 feet is required and; 2) to construct a deck 20 feet from the front property line where 50 feet is required. The findings that the Planning Commission must consider are as follows:

1. *There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.*
2. *That owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.*

3. *The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.*
4. *The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.*
5. *A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.*
6. *That the granting of such variance shall be consistent with this title and the general plan.*

1) Setback Variance for Addition

A variance is required per PVMC Section 18.68.010.B to move the floor area within the front setback. The applicant would like to remove 180 square feet of floor area that is impacted by the redwood tree at the eastern side of the building and relocate it to the western side of the building within the front setback. The applicant has provided findings in support of the requests (Attachment #9). Staff was able to make the findings in support of the setback variance because of the even swap within the front setback, the historic nature of the building and the location of the redwood tree (Attachment #2).

2) Setback Variance for Deck

Staff does not support the setback variance for the deck because the deck far exceeds the minimum requirements of the California Building Code and there is no hardship. The code only requires a 44 square inch landing be provided outside of each door opening. The proposed deck is design driven in that it is approximately 520 square feet, wraps around the building beyond the exit locations and is elevated to match the future finished floor of the building. The west side of the building currently does not have any doors exiting to this area. The new floor plan was designed with doors exiting on the west side where none existed before so this is a hardship of the applicants own making. The applicant has suggested that the deck is preferred as opposed to a patio (concrete on grade which is allowed within the setbacks) so that the root system of the surrounding trees would not be harmed. The applicant has not submitted an arborist report to support this claim. If the Commission wishes to move forward with consideration of the variance staff would suggest that the size of the deck be as minimal as possible to meet Building Code exiting requirements only. However, staff does not recommend approval of the variance for the deck located within the front setback and has prepared a Resolution and findings (Attachment #3) for denial of the deck variance.

The ASCC reviewed the two variance requests at their meeting on March 13, 2017 (see Attachment #7 for minutes) and provided the following comments.

1. The deck would not be visible from Portola Road.
2. The site has unique qualities.
3. The deck will enhance user experience of the environment.
4. A ground level patio would be conforming but also destructive to the environment.
5. The deck would create an outdoor space for the users of the building.
6. The deck is an enhancement to the building.
7. The deck is only 12" to 18" higher off the ground than a patio.

Site Development Review

This structure should be evaluated against the Portola Valley Design Guidelines as well as the Portola Road Corridor Plan and the Town Center Area Plan. The Town's Design Guidelines discusses the need to site structures, driveways and parking area with respect to the natural site conditions and to design structures around mature trees. The parking areas along with the new construction on the west side of the building all avoid the removal of any trees as long as the variance is approved. The colors and materials have a reflectivity value less than 40% and the materials blend well with the site (Attachment #21). The lighting plan is minimal and maintains the rural unlit character of the environment. Specific conditions of approval relating to the development of this property can be found in Attachment #4.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 and 15302 of the CEQA guidelines.

NEIGHBOR COMMENTS AND COMMUNITY OUTREACH

No neighbors have commented as of the writing of this report.

CONCLUSION

The Planning Commission should review the complete record of the application including the recommendations of the Architectural and Site Control Commission for a Conditional Use Permit, variances and Site Development permit for Willow Grove, LLC (Hallett Store).

ATTACHMENTS

1. Resolution Conditional Use Permit
2. Resolution Variance for approval of a setback variance
3. Resolution Variance for denial of a setback variance for a deck
4. Site Development Conditions of Approval
5. ASCC Staff Report and minutes dated November 14, 2016
6. Planning Commission Staff Report and minutes dated December 15, 2016
7. ASCC Staff Report and minutes dated March 13, 2017.
8. Construction Cost Estimate provided by Willow Grove LLC
9. Applicants Findings
10. CUP Resolution 1982-233 and Resolution 1982-242
11. Historic Resource Evaluation, Architectural Resources Group dated March 9, 2016
12. Arborist Report, Ralph Osterling Consultants dated December 22, 2015
13. TSG memo
14. Pacific States Capital memo dated May 19, 2016
15. Outdoor Water Use Efficiency Checklist
16. Town Public Works Director memo dated November 7, 2016
17. Woodside Fire Protection District memo dated October 17, 2016
18. Conservation Committee Memo dated September 25, 2016
19. Town Historian memos dated February 2, 2016 and April 19, 2016
20. Architectural plans
21. Color Board

Report approved by: Debbie Pedro, Planning Director



RESOLUTION NO. 2017 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY APPROVING A CONDITIONAL USE PERMIT
FOR WILLOW GROVE, LLC (HALLETT STORE)
844 PORTOLA ROAD (formerly 846 Portola Road), FILE #37-2015 AND X7D-178.**

WHEREAS, Willow Grove, LLC submitted an application for a Conditional Use Permit for use of the existing office building, with some modifications, on property located at 844 Portola Road (formerly 846 Portola Road); and

WHEREAS, the Architectural and Site Control Commission (ASCC) held a duly noticed public hearing on March 13, 2017 and after reviewing and considering the staff report, all related information and public comment recommended the Planning Commission approve the Conditional Use Permit; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 19, 2017 to consider the Conditional Use Permit, and the entire record of proceedings, including the staff reports and public comment; and

WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15302 of the Public Resources Code.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby RESOLVE as follows:

The Planning Commission makes the following findings regarding the Conditional Use Permit:

- a. ***The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.***

The property is located within the Town Center Area Plan that is a sub-area plan within the General Plan. Office uses exist to the east of the project site and commercial uses are located to the west. The site was developed as a country store in 1904. The office building is well located close to the Town Center and is accessed by Portola Road.

- b. ***The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.***

The existing structure has operated as an office use for the past 40 years with adequate parking and landscaping. No substantial changes will be made to the use of the site and the office use will be compatible with the surrounding land uses.

- c. ***The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.***

The project is located on a Portola Road which is a major thoroughfare within the Town. There will be no change in use and a decrease in the number of offices therefore no increase in traffic is expected to be generated by this project. The parking impacts have been analyzed and the proposed 13 spaces will serve the day to day needs of the office building.

- d. ***The proposed use will not adversely affect the abutting property or the permitted use thereof.***

An office building is located to the east and a commercial building maintains uses that serve the Town are located to the west. The structure has been located at this site since 1904 and operated as an office for the past 40 years. No complaints have been received by the Town for this use.

- e. ***The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.***

The proposed project would not have a geologic impact because the project site is located outside of any Geotechnical and Seismic Hazard Zones as shown on the Town's Geotechnical and Seismic Hazard Zone Map. In addition the project is located outside of any flood zone as noted on the FEMA maps for the Town. However conditions of approval from the Public Works Director (memo date 11/7/16) require that the applicant address requirements or conditions outlined in the hydrology report by Schaaf & Wheeler dated 1/31/05 and resulting follow up requirements and communications with the Town.

- f. ***The proposed use will be in harmony with the general purpose and intent of this title and the general plan.***

The proposed office building will comply with the regulations and conditions specified in the zoning ordinance. Specific conditions of approval will regulate the use such that compliance with the zoning ordinance will be maintained. The Town Center Plan objective is to maintain an integrated area for businesses and institutional type uses serving the residents of Portola Valley. The office use meets this goal.

- g. ***The proposed use shall serve primarily the town and its spheres of influence, the approving authority must find that it is reasonable to conclude, based on the evidence before it, that the proposed use will meet a need in the town and that a majority of the clientele of the proposed use will come from the town and its spheres of influence.***

The A-P (Administrative-Professional) District is intended to provide space for administrative and professional offices and related uses serving primarily the town and its spheres of influence. Provisions under the A-P District regulations allows for administrative and professional offices under a conditional use permit. The office building will contain two new office uses, TSG is a boutique consulting firm which

focuses on small businesses and residents and provides personal cyber security, computer repair, video conferencing, and home and business automation solutions and services. There are no other businesses within the town that are similar. TSG has identified a market for these services in town as they focus on small businesses and residents within the Interstate 280 corridor between Woodside and Los Altos which includes the town. The second business is Pacific States Capital which is a residential real estate brokerage and development firm which is current owner and developer of property in town. There are approximately five other real estate companies that are all located at the Nathhorst Triangle. There are no real estate companies in the Town Center area.

Conditional Use Permit X7D-178 is hereby granted for the Hallett Store, subject to conditions attached hereto as Attachment A and incorporated herein by this reference.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 5, 2017.

For:

Against:

Absent:

By: _____
Denise Gilbert, Chairperson

ATTEST: _____
Debbie Pedro, Planning Director

Attachment A
Conditional Use Permit For
Willow Grove, LLC (Hallett Store)
844 Portola Road, File #37-2015, X7D-178

1. **Property and Nature of the Use.** This Conditional Use Permit shall apply to the property owned by Willow Grove, LLC. (Hallett Store) with a total land area of .35 acres (15,272), commonly known as 844 Portola Road, Assessor's Parcels: 076-261-170 (Property).
2. **Use.** The uses within the Hallett's Store building shall be limited to business and professional offices serving the community and adjoining residential areas which comply with the Town of Portola Valley Zoning Ordinance or any other use contained in PVMC Section 18.22.030 such as medical and dental clinics, Veterinary Clinics, Real Estate and Insurance Offices, Convenience Goods, Residential Care Facilities and any other use which is determined by the Commission to be found to be the same character as another use. Compliance with this provision shall be determined by staff review through the zoning permit issuance procedure.
3. **Conditional Use Permit Review.** No later than one (1) year after the date of occupancy, Willow Grove LLC shall request and the Planning Commission shall then review the Conditional Use Permit at a noticed public hearing to determine that the use remains in compliance with the conditions of approval.
4. **Conformance to Plans and Use.** The development of the Property shall conform to the approved Conditional Use Permit plans entitled Willow Grove, LLC dated 2/15/2017.
5. **On-site Parking.** There shall be 12 regular parking spaces and 1 handicapped spaces provided at all times. Handicap parking on the project site shall be provided pursuant to the standards set forth in the uniform building code to the satisfaction of the building official.
6. **Refuse.** All trash areas shall be effectively screened from view, covered, and maintained in an orderly state and trash shall be picked up regularly.
7. **Sign Approval.** One free standing sign shall be located on the front of the office building as shown on the approved plans not to exceed 24 square feet maximum for two signs.
8. **Historic Recognition.** A suitable marker shall be installed on the site to signify the location of the original Hallett Store. The Plaque shall be located where it can be read by the public without entering private property subject to the approval of the Town Historian.
9. **Street Number Visibility.** Street numbers of the building shall be easily visible from the street at all times, day and night.
10. **Landscaping.** Planting and irrigation shall be provided, as indicated, on the Approved Plan Set. Landscaped areas shall be maintained.
11. **Lighting.** Lighting shall be the minimal amount for safety only and lighting controls shall be in place to ensure all lights are off when the site is not in use.
12. **Compliance With Local and State Laws.** The use shall be conducted in full compliance

with all local and state laws. The permit shall be subject to revocation if the use is not conducted in compliance with these conditions and all applicable laws.

13. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the Town Council on appeal, at any time, whenever, after a noticed hearing in accordance the Town of Portola Valley Municipal Code and when the Planning Commission finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any Town ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation.
14. **Covenants Run with the Land.** All of the conditions contained in this Conditional Use Permit shall run with the land and shall be binding upon, and shall inure to the benefit of Willow Creek, LLC and its heirs, successors, assigns, devisees, administrators, representatives and lessees.
15. **Defend, Indemnify and Hold Harmless.** Willow Grove, LLC shall defend, indemnify and hold harmless the Town, and its elective and appointive boards, commissions, agents, officers and employees from any and all claims, causes of action or proceedings arising out of or in connection with, or caused on account of, the development and occupancy of Willow Grove, LLC and the approval of this Conditional Use Permit or any related approvals.

RESOLUTION NO. 2017 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY APPROVING A VARIANCE FOR
WILLOW GROVE, LLC (HALLETT STORE) TO ADD 180 S.F. OF
STRUCTURE IN THE FRONT YARD SETBACK AND WITHIN THE
PORTOLA ROAD SCENIC CORRIDOR**

WHEREAS, Willow Grove, LLC applied to construct an addition of 180 square feet in the front setback and within the Portola Road Scenic Corridor at the property located at 844 Portola Road (formerly 846 Portola Road); and

WHEREAS, pursuant to Municipal Code Section 18.58.020 the front special building setback line is 50 feet; and the Municipal Code Section 18,58.020.3.c provides conforming status to the existing building envelope within the front setback; and

WHEREAS, the Town of Portola Valley ASCC held a duly noticed public hearing on March 13, 2017 and recommended to the Planning Commission approval of a variance to permit 180 square feet of new structure to be located in the front setback; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 5, 2017 to consider the variance, and the entire record of proceedings, including the staff report and public comment; and

WHEREAS, the Planning Commission determined the project to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15302 and 15301 of the CEQA guidelines; and

WHEREAS, a 180 square foot portion of the existing building is being removed from the east side of the building located in the front setback to accommodate a significant redwood tree.

NOW, THEREFORE, the Planning Commission of the Town of the Town of Portola Valley, sitting as the Board of Adjustment does hereby RESOLVE as follows:

1. ***There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district.***

An eleven foot diameter significant redwood tree is located directly adjacent to the structure and has caused significant damage to the structure. The tree has grown into the foundation of the structure uplifting and causing significant damage. Since the tree is has been deemed safe and is located in an appropriate planting location the redwood guidelines call for its preservation. Redwood trees are considered an iconic part of the town landscape and heritage and are to be treasured.

2. ***That owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning.***

The Hallett Store is a small office building located within the commercial zone. Other commercial properties in the near vicinity were also constructed close to Portola Road and are considered non-conforming. The structure has legal nonconforming floor area that exceeds the maximum allowed on the site. Floor area to be removed is within the front setback and the applicant is replacing the floor area in a similar location on the opposite side of the building not increasing the setback encroachment. A 1,040 square foot cottage was previously demolished in the same location and the proposed new floor area is far less than once occupied this site.

- 3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated.***

The even swap of floor area does not increase the degree of non-conformity of the building's encroachment within the front setback and will not constitute a grant or special privilege that is inconsistent with the limitations on other properties as the removal of floor area around the significant tree will help to retain the historic value of the structure.

- 4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located.***

The proposed structure will be located no closer than the one story cottage that existed between the building and the property line. The variance will result in the preservation of a significant redwood tree in the Portola Road scenic corridor.

- 5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.***

The property is located within a commercial zone and the use of the Hallett Store is for professional offices therefore it is consistent with the zoning of the property and a use permit is granted.

- 6. That the granting of such variance shall be consistent with this title and the general plan.***

The variance request to relocate 192 square feet from the east side of the building to the west side of the building within the front setback would allow the structure to be reconstructed with no change in use and no increase in floor area. The General Plan Land Use Element objective is to control commercial development in a manner that will minimize its impact on neighboring residential areas. It also states that Commercial and Research-Administrative uses are to provide goods and services to satisfy the most frequently recurring needs of local residents. The granting of the variance will be consistent with the General Plan.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 5, 2017.

For:

Against:

Absent:

By: _____
Denise Gilbert, Chairperson

ATTEST: _____
Debbie Pedro, Planning Director

RESOLUTION NO. 2017 -

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY DENYING A VARIANCE TO FOR WILLOW GROVE, LLC
(HALLETT STORE) TO LOCATE A RAISED WOOD DECK WITHIN THE FRONT YARD
SETBACKS.AND WITHIN THE PORTOLA ROAD SCENIC CORRIDOR**

WHEREAS, a variance application has been made by Willow Grove, LLC to construct a raised deck to be located within the front setback and within the Portola Road Scenic Corridor, located at 844 Portola Road (formerly 846 Portola Road; and

WHEREAS, the Zoning Ordinance of the Town of Portola Valley does not allow decks to project into the setback; and

WHEREAS, a duly noticed public hearing was held on April 5, 2017 at which time the matter was heard by this Board; and

WHEREAS, based on the staff reports and the discussions at the November 14, 2016 ASCC preliminary hearing, the December 15, 2016 Planning Commission preliminary hearing and the March 13, 2017 ASCC hearing, the Planning Commission determined that the required findings for a variance could not be made; and

WHEREAS, based on the information provided, the Planning Commission determined that the required findings for a variance per Section 18.68.070 of the PVMC could not be made for this project;

NOW, THEREFORE, be it resolved:

1. That there are no special circumstances or conditions applying to the property involved, or to the intended use of the property, that do not apply generally to other property or uses in the same district due to the topography and geology of the parcel which is unusual for the Zoning District.
2. That the granting of a variance would constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same Zoning District.
3. That since there are no special circumstances, the literal enforcement of the provisions of the Ordinance would not result in practical difficulty or deprive the property owner of privileges enjoyed by other property in the vicinity under the identical zoning.
4. That the variance is not necessary for the preservation of a substantial property right of the owner.
5. That the granting of such variance would be materially detrimental to the public welfare and injurious to the property or improvements in the vicinity or in the district in which the property is located.
6. That the granting of a variance would not be in harmony with the general purpose and intent of the Portola Valley General Plan.

NOW, THEREFORE, be it resolved that the Planning Commission, sitting as the Board of Adjustment denies this variance request.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on April 5, 2017.

For:

Against:

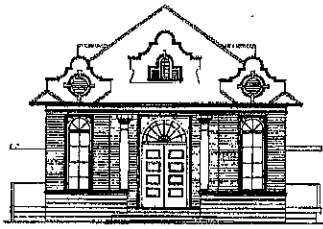
Absent:

By: _____
Denise Gilbert, Chairperson

Attest: _____
Debbie Pedro, Planning Director

Conditions of Approval for Site Development Permit
Remodel of an existing office building including an
addition, new parking lot and signage.
Willow Grove, LLC (Hallett Store)
844 Portola Road, APN NO. 076-261-170
File #37-2015 and X7D-178

1. No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director or the ASCC, depending on the scope of the changes.
2. The addition to the west side of the structure located within the front setback shall not exceed 180 square feet. The resulting total floor area of the structure shall not exceed 2,910 square feet
3. A final landscape plan with details of the type, size, and location of all proposed screen trees and plantings shall be submitted for review and approval by a designated ASCC member, prior to issuance of building permit.
4. A detailed construction logistics plan with a schedule shall be submitted prior to building permit issuance. A construction staging and tree protection plan shall be submitted to the satisfaction of the Public Works Director prior to building permit issuance.
5. All comments contained within the Public Works Director memo dated 11-7-2016 shall be met.
6. All comments contained within the Fire Marshal memo dated 10-17-16 shall be met.
7. All recommendations contained in the Arborist Report prepared by Ralph Osterling Consultants dated 12/22/15 shall be implemented during construction.
8. A plaque approved by the Town Historian shall be installed by the applicant prior to final inspection. The plaque shall outline the historic significance of the Hallett Store and shall be located where it can be read by the public without entering private property.
9. On-site lighting is approved as shown on the approved plans. Any additional on-site exterior lighting shall be subject to review and approval by the ASCC. All new on-site, exterior lighting shall conform to the Town's Outdoor Lighting Policy.
10. All building colors and materials are to be those specified on the Site Development Approved Plan Set and color board.
11. The project shall be connected to the sanitary sewer. Any existing septic system shall be abandoned in accordance with the San Mateo County Environmental Health Department regulations.
12. All non-native plants must be removed from the site prior to final inspection.
13. Prior to building permit submittal the applicant shall obtain an Arborist Report for all trees on the property. Tree protection measures shall be included in the building permit plan set.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC and Planning Commission

FROM: Cynthia Richardson, Planner

DATE: November 14, 2016

RE: Preliminary review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Sausal Creek, LLC (Hallett Store) 846 Portola Road. File #37-2015 and X7D-178.

BACKGROUND

The .35 acre (15,272 square feet) property is accessed directly off of Portola Road. Located to the west is Village Square Shopping Center, to the east an office building, to the rear are two vacant parcels and across the street is Christ Church. The property is connected to the sanitary sewer system.

Hallett Store is one of two remaining structures from the little town of Portola that was established at the turn of the twentieth century. Over the years the structure has been extensively remodeled and has lost its historic integrity however the building retains much of its historic essence. The store was constructed in 1904 and originally provided goods and supplies to the community. In 1908 an addition was added to the front of the structure to accommodate a saloon. In 1972 the structure was extensively remodeled by Wright & Co. for professional offices.

The original CUP was approved in 1971 (X7D-46). A number of amendments were subsequently made and in 1982, Wright & Co. requested renewal of a lapsed CUP (X7D-96, Resolution 1982-242). Condition 8 of that CUP required renovation of structures on the site within 3 months or the CUP would expire. No building permits have been found to show that these improvements were ever made within the 3 month time frame so the CUP has expired.

In 1988 the property was sold and the new owner obtained entitlements for a Tentative Map, PUD and CUP for five senior housing lots in 1996 (X7D-139). That project was approved but was not constructed and the permit has since expired.

In 2015, a lot line adjustment was approved to reconfigure the existing four non-conforming lots. (File # 43-214, recorded on July 14, 2016). This allowed for each lot to be developed individually as permitted under the zoning code. At that time the existing Hallett Store structure was allowed to remain as a legal nonconforming structure. The staff report for the lot line adjustment is attached for your information and includes historic information on the property (Attachment 2).

The property is zoned AP (Administrative Professional) and is located within the Town Center Area Plan that is a sub-area plan within the General Plan. The project includes the remodeling of the existing office building, new parking, trash enclosure, decks and fencing. The existing structure will be extensively remodeled and will reduce the number of offices from five to two office suites. The use within the building is limited to business and professional office serving the community and adjoining residential areas which comply with the Town of Portola Valley Zoning Ordinance or any other use contained in PVMC Section 18.22.030 such as medical and dental clinics, veterinary clinics, real estate and insurance offices, convenience goods, residential care facilities and any other use which is determined by the Commission to be found to be the same character as another use. Each of the offices cannot exceed 1,500 square per Municipal Code Section 18.54.052 for commercial and office uses.

In addition to the architectural and landscape plans the project submittal includes the information listed below:

- Historic Resource Evaluation prepared by Architectural Resources Group dated March 9, 2016 (Attachment 3).
- Tree Assessment Report prepared by Ralph Osterling Consultants dated December 22, 2015 (Attachment 4).

DISCUSSION

The applicant is requesting preliminary review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for the property located at 846 Portola Road. The Conditional Use Permit for this property has expired and a new CUP is required. The current structure maintains five offices where the new remodeled structure will maintain only two offices. The current structure will be remodeled both internally and externally. The applicant would like to remove approximately 200 square feet of floor area that is impacted by the giant redwood tree at the eastern side of the building and relocate it to the western side of the building. The addition is proposed within the front 50 foot setback. The applicant has submitted a Historic Resource Evaluation which determined that the structure does not qualify as a historic resource according to CEQA.

Conditional Use Permit

The Conditional Use Permit for this property was last held by Wright and Company (CUP X7D-96) and expired in 1982. Wright and Company requested a renewal of the use permit in 1987 however notes in the file indicate that the property was sold and the renewal never proceeded. Sausal Creek Associates purchased the property in 1988 and obtained planning approval for a reclassification from CC to AP Zoning. The applicant also gained approval for a CUP, PUD and Subdivision for five single family detached homes for senior housing and the use of the existing Hallett Store as an office building. The applicant found it difficult to implement this plan and ultimately withdrew the tentative map and PUD. In 2015 Sausal Creek Associates applied for a lot line adjustment to reconfigure the lots into more evenly divided lots. They received approval for the Lot Line Adjustment of the four parcels and demolition of all the structures except for the Hallett Store. All previous approvals were withdrawn.

The AP District lists administrative and professional offices as one of the uses allowed under the conditional use permit process (Municipal Code Section 18.22.030). Specifically the ordinance allows:

“Administrative and professional offices that meet the domestic needs of the residents of the town and its spheres of influence or which provide services to other businesses or institutions in the town or its spheres of influence meeting domestic needs, provided any such establishment conforms to the floor area limitations of Section 18.54.052;”

The proposal only pertains to the front lot and the remaining lots will go through individual separate approval process at a later date. The Planning Commission will evaluate the conditional use permit for compliance with the provisions of Municipal Code Section 18.72.130. The findings must be made to approve the project. The plan package will establish design and use controls for the project along with CUP conditions. The current project includes the remodel of the structure which will result in two office suites and a shared area that includes restrooms, meeting room and a galley/kitchen.

The Zoning Ordinance section 18.72.030 outlines the purpose of the review as follows:

- A. Determine whether the location proposed for the conditional use applied for is properly related to the development of the neighborhood or community as a whole;
- B. Determine whether or not the use proposed in the particular location would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- C. Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- D. Determine whether the site is or can be made safe from hazards of storm water runoff, soil erosion, earth movement, earthquake, and other geologic hazards;
- E. Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this title and the objectives of the general plan would be served.

Variance

The applicant would like to remove approximately 200 square feet of floor area that is impacted by the giant redwood tree at the eastern side of the building and relocate it to the western side of the building. The addition is proposed within the front 50 foot setback. The ASCC should provide input to the applicant regarding the new addition. The very large redwood tree has caused considerable damage to the structure and the new plan proposes to reduce the size of the structure around the tree to allow it to continue to grow without harming the newly remodeled building. The reduction in the footprint on the east side of the building is equal to the increase on the west side of the building and will be placed no closer to the front property line than the existing removed floor area. In addition the proposed deck should also be considered in the variance application. Because of the uncertainty of a variance approval, the applicant has discussed with staff that if the “swapping” of floor area requires a variance then they will apply for a Tree Removal permit and take down the large Redwood and leave the footprint the way it exists. The following variance findings would need to be made in order to approve the variance.

1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district;
2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning;

3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated;
4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located;
5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.
6. That the granting of such variance shall be consistent with this title and the general plan.

Architectural Review

Exterior materials and finishes, exterior lighting, and signage.

The plan set includes architectural elevations on sheet ASCC-3. The front elevation has been modified to reduce the front false façade on the western side of the elevation. The use of vertical and horizontal siding is used throughout the elevations with stone siding (Canyon Creek LedgeStone) introduced on the north and rear portion of the building. The roof will be replaced with a Corten 7/8 corrugated panel weather roofing material. Doors and windows will be a bronze material. The horizontal wood siding will be painted Benjamin Moore Cottage Red. The Town Historian indicates that the colors of the siding should be more similar to one another than the current plans indicate. She felt that the change would be more reflective of the era. The applicant will present a full color board at the meeting.

Proposed exterior lighting and landscape lighting for the project can be found on sheet ASCC -2. Path lights are shown as a small hooded light fixture. Path lighting is shown along with minimal lighting at the rear of the structure. No lighting is shown for the parking areas. Lighting on the structure are wall mounted warehouse gooseneck lights at each door.

The proposed sign plan can be found on sheet ASCC-3. The sign meets the requirements of the Zoning Ordinance.

Landscaping and fencing.

A conceptual landscape plan can be found on sheet L-101. In addition the landscape plan is subject to the Water Efficient Landscape Ordinance (Attachment 7).

The Arborist report comments only on the 11 foot diameter multi-trunk redwood tree located near the structure. The report provides specific guidelines consistent with standard practices for tree protection and preservation. The applicant has not addressed the remainder of the trees on the property such as the redwood grove on the west side of the building or the oak tree near Portola Road. All of the trees need specific protection during construction. Prior to final review the applicant shall obtain an Arborist Report on the remainder of the trees. These tree protection requirements will become mitigation measures in the CEQA document.

The applicant is proposing a new split rail fence along the eastern border of the property and at the western side of the existing structure. The Conservation Committee discourages perimeter fencing.

Code Compliance

The Hallett Store is considered a legal non-conforming structure. If a structure is voluntarily demolished and the reconstruction meets or exceeds fifty percent of the structure's current appraised value, the structure must adhere to all current requirements of the zoning regulations. According to PVMC Section 18.46.020 the applicant will need to provide an appraisal of the building. The current appraised value of the structure must be prepared by an independent appraiser, retained by the property owner and approved by the town. The applicant will also need to supply the Town with a construction cost estimate that covers all renovations being made to the structure including but not limited to foundation repair, interior remodel, new roofing and windows. Once this information is received staff can evaluate the non-conforming conditions associated with this project. Coverage limits are as follows:

Site Information			
Lot Size			
Gross 15,272 Sq. Ft.			
Net 13,192 Sq. Ft.			
	Maximum Sq. Ft.	Existing Sq. Ft.	Proposed Sq. Ft.
Floor Area Ratio for AP Zone (13%)	1,715	2,910	2,910
Max Coverage Limit (15%) (floor area plus covered porches)	1,979	3,116	3,116
Landscape Coverage (40%)	5,277	7,145	5,345
Landscape Front Setback (25%)	1,867	2,599	2,599
Impervious Surface Limit	*		

*Maximum impervious surface limits will be established by the hydrologic calculations contained in a hydrology study that will be prepared for the site drainage.

Parking

Staff evaluated the parking requirements for the project using the Zoning Ordinance, Table 5 of Section 18.060.110 "Schedule of required off-street parking spaces". The Ordinance requires 1 space for each 200 square feet of floor area for Banks, Businesses, or professional offices. The Zoning Ordinance defines floor area in Section 18.60.040 as follows "For the purpose of this section, "floor area" shall mean the gross floor area in the building other than floor space designated and used exclusively for parking and loading spaces, building service and maintenance, or storage of equipment and furnishings belonging to the occupants of the building but not in current use."

The project site plan shows parking for 11 spaces with one driveway entrance onto the site. The driveway will eventually serve as the entrance to the other lots beyond. In addition two spaces are shown at the right of the entrance as reserved for future needs. For determination of the necessary parking, staff ran an analysis of the storage and maintenance spaces within the structure and found the project to meet code requirements.

Based on parking space requirements, the following table evaluates the spaces needed for the project.

Space	Parking Spaces Required
Office Space (597 sf)	3
Office Space (1,541 sf)	8
Common area minus storage areas (416 sf)	2
Total	13

Grading and Drainage

The .35 acre (15,273 square feet) site is relatively level. The property measures approximately 150 along Portola Road and is approximately 98 feet deep. The driveway serves as a 20 foot wide access and public utility easement serving the rear properties. The applicant will be required to submit a grading and drainage plan prior to the final hearing. In addition the applicant will need to submit a flood plain elevation report by a registered engineer. This report will determine the finished floor elevation necessary for the new floor area and the existing structure if a new foundation is proposed.

The Public Works Director has provided a memo dated November 7, 2016 (Attachment 8) where he calls for improvements to the driveway approach and to storm drainage. In addition he calls for maintenance of existing landscaping and trees along the frontage of the property to provide an adequate clearance for pedestrians, bicycles, and vehicles. Historically the property owner has expressed concern to the Town regarding flooding on this property. The applicant will need to prepare a grading and drainage plan and will need to take into consideration recommendations from the previous hydrologic report from Schaaf & Weeler dated 1/31/05.

Fire Department Review

The Fire Marshal has prepared a memo dated October 17, 2016 (Attachment 9) and has outlined 9 comments relating to combustible materials, fire sprinklers, signage, fire alarms, fire extinguishers, defensible space and driveway turnouts and turnarounds.

Conservation Committee

The Conservation Committee reviewed the project on September 25, 2016 (Attachment 10) and would like the invasive weeds removed. They commented that the redwoods on the property were local treasures and were happy to see that they were going to be retained. The Committee would like the applicant to prepare an arborist report on the redwood grove on the west side of the building and the large oak tree next to Portola Road and that specific tree protection measures be in place during construction.

Historic Review

The Historic Resources section of the Town's General Plan lists the Hallett's Store as a resource to be noted with a plaque. Plaques are intended to assist the public in identifying sites of former structures. The plaque should be located where the public can read about the structure without entering private property.

Planning staff requested the applicant prepare a historic evaluation of the structure to make a determination if the structure is considered significant according to CEQA. Architectural Resources Group prepared a Historic Resource Evaluation of the project site. The report concluded that the building at 846 Portola Road appears significant under California Register Criterion 1 for its association with the early development of Portola Valley; however, the building

does not retain a level of historical integrity that would qualify it for listing on the California Register. Therefore, the property does not qualify as a historic resource per CEQA.

The Town Historian appreciates the attempt to retain and enhance its historic essence and applauds the applicant for taking steps to rehabilitate the building rather than demolishing it. The Town Historian in her memo of February 2, 2016 and April 19, 2016 (Attachment 11) provides some concern with the colors and siding of the remodeled structure. However, she agrees with the finding in the Architectural Resource Group report and supports the modifications to the structure.

Zoning Permit

The applicant has provided information regarding the two businesses to be located within the remodeled structure. The businesses will have to apply for zoning permits which may be done concurrently with this project. The front office unit will be rented by TSG which is a boutique consulting firm that focuses on providing personal cyber security, computer repair, video conferencing and home and business automation solutions and services to small businesses and residents. The business intends to secure more than 50% of their long term relationships with residents and businesses from the Town of Portola Valley and its area of influence (Attachment 5).

The second suite will be occupied by Pacific States Capital which is a residential real estate brokerage and development firm. Pacific States Capital is also the owner/developer of the property (Attachment 6)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This project is subject to CEQA review and an Initial Study and Mitigated Negative Declaration will be required. Specific topics that will be further evaluated will be; Scenic Corridor, drainage, tree removal and historic status.

NEIGHBOR COMMENTS AND COMMUNITY OUTREACH

No neighbors have commented as of the writing of this report.

CONCLUSION

The ASCC and Planning Commission should conduct the November 14, 2016 preliminary review, including the site visit, and offer comments, reactions and directions to assist the applicant and project architect with any plan adjustments or clarifications that members conclude are needed. Specifically each Commission should review the project and provide comments as follows:

The ASCC should review the architectural review of the site plan, building layout, visual character of the project including materials and landscaping and make suggestions and comments to the applicant as to the scale and design quality of the project.

The Planning Commission should review the Variance and Conditional Use Permit and offer any comments or suggestions to the applicant. Staff is requesting commission comments and feedback on the following items, included but not limited to:

1. The proposed addition within the front yard setback and the deck addition and weather removal of the significant tree or a variance would be more appropriate.

2. The Conditional Use Permit and any conditions the Commission would like to see developed.

Next Steps

This project will require additional meetings and hearings. The following is a list of required hearings for this project.

Committee	Review
ASCC	Preliminary review
Planning Commission	Preliminary review
CEQA review and circulation	Staff preparation of Initial Study and Mitigated Negative Declaration and 20 day circulation/noticing.
ASCC	Public hearing
Planning Commission	Public hearing

ATTACHMENTS

1. Vicinity Map and recorded lot line adjustment map
2. Staff Report dated December 3, 2014
3. Historic Resource Evaluation, Architectural Resources Group dated March 9, 2016
4. Arborist Report, Ralph Osterling Consultants dated December 22, 2015
5. TSG memo
6. Pacific States Capital memo dated May 19, 2016
7. Outdoor Water Use Efficiency Checklist
8. Town Public Works Director memo dated November 7, 2016
9. Woodside Fire Protection District memo dated October 17, 2016
10. Conservation Committee Memo dated September 25, 2016
11. Town Historian memos dated February 2, 2016 and April 19, 2016
12. Architectural plans

Report approved by: Debbie Pedro, Planning Director



500 cubic yards would be off hauled. ASCC Vice Chair Breen asked about plate heights; Chappelle informed that the total plate height was approximately 20 feet.

Conservation Committee Member Murphy commented that the committee's recommended removal of the Portuguese laurel trees was due to their invasiveness in the Northwest, but seemed unnecessary in California, where they were not invasive. She found the landscape plans terrific and highly natural. She mentioned that the open slope below the pool and pool house would need regular clearing of broom and other fast growing or invasive species for a few years after construction.

Both Planning Commissioners agreed that smoother topo lines are desirable to avoid deep cuts or steep rises.

After the site discussions, other ASCC members agreed that they would offer comments on the proposal at the regular evening ASCC meeting. Members thanked the architects for participation in the site meeting. The field meeting adjourned at 4:20 p.m.

Special Joint ASCC/Planning Commission Field Meeting, 846 Portola Road, Preliminary Review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Sausal Creek, LLC (Hallett Store)

Chair Ross called the special joint site meeting to order at 4:30 p.m.

Roll Call:

ASCC: Koch, Sill, Vice Chair Breen and Chair Ross

Planning Commission: Vice Chair Gilbert and Chair Hasko

Town Staff: Planning Director Debbie Pedro and Planner Cynthia Richardson

Others present relative to the proposal for 846 Portola Road

Carter Warr, Project Architect

Michael Douglass, Neighbor

Louis Ebner, Neighbor

Consulting Planner Cynthia Richardson presented the report. Project architect Carter Warr gave a presentation explaining that they would like to preserve the large redwood tree and remove 200 sq. ft. of area impacted by the tree at the eastern side of the building and relocate it to the other side of the building. The group walked around the project site and viewed the story poles.

Planning Commission Vice Chair Gilbert asked for clarification on the amount of renovation work needed and whether it would comply with the 50% requirement for nonconforming structures. Architect Warr said they will be able to meet the requirement.

Conservation Committee member Murphy said they are appreciative of the applicant's plan to preserve the large redwood tree.

Vice Chair Breen said the grove of redwoods in the area are all connected and commended the applicant for designing the improvements around saving the tree.

After the site discussions, commission members agreed that they would offer further comments on the proposal at the regular evening meeting. The field meeting adjourned at 5:00 p.m.

once the house is built, it will have much less impact than the neighbors fear. He said there is already good screening and, with the pruning that has occurred, it will get vigorous and fill in. He said there will need to be screening and a secure fence for the pool area, but he would not mind seeing the chain link replaced. He agreed that the fence in the setback at the front property line should come down to 4 feet high. He said the proposed linear planting at the south property line needs to be more varied and irregular so it is not a hedge. He said he would like to see the lawn area reduced. He agreed the down lights in the barbecue area needed to be screened. He agreed that the wing walls at the entry gate were out of character with the rest of the project and could be handled more elegantly without the massive feel of the stone walls.

In response to Vice Chair Breen's question, the applicant said the driveway is asphalt up to the entry and then turns to gravel. Vice Chair Breen suggested the applicant consider pulling the fence up to the entrance of the house, eliminating the perimeter fencing along the front.

Commissioner Koch agreed with Vice Chair Breen's suggestion for thinning the redwoods, and said it would afford better views for the property owner.

(b) **Preliminary review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Sausal Creek, LLC (Hallett Store) 846 Portola Road, File #37-2015 and X7D-178.**

Planner Cynthia Richardson presented the staff report. She said the Conservation Committee has reviewed the landscaping plans and were in support of the plant materials used. She said the ASCC should review the variance request, decide if the tree removal is more appropriate or if the 200 square feet on the west side of the property is more appropriate, provide comments and recommendations to the Planning Commission regarding the Conditional Use Permit, and review the materials, signage, landscaping, and lighting.

Chair Ross called for questions for staff.

Commissioner Wilson asked if the corrugated roof was only being added to the new addition. Project Architect Carter Warr said the corrugated roof would cover the entire building.

In response to Chair Ross's question, Planning Director Pedro said the Planning Commission would be making the findings on the variance request and the ASCC was tasked with providing recommendations. Planner Richardson said the applicant was also looking for direction on that issue.

With no further questions for staff, Chair Ross called for comments from the applicant.

Project Architect, Carter Warr, described the history of the project and welcomed comments and guidance from the Commission in moving forward.

Chair Ross called for questions for the applicant.

Commissioner Koch asked about the pathway that previously accessed a mailbox near the oak tree. Mr. Warr pointed out the path on the landscape plan. He said it was a concrete pathway that was demolished during the house demolition and they want to put that back. He said the path would be used upon exiting the deck, going to the mailbox or to the restaurant.

Vice Chair Breen said the building is wonderful but she would prefer a floating deck rather than one with railing that is being proposed. Mr. Warr said it will be a floating deck, if possible, but

they are not sure yet what the elevation is, and he does not want to create a public area where people will fall off of the deck. In response to Vice Chair Breen's question, Mr. Warr said the sign would be parallel to the road, and placed more in front of the building to not obstruct the sight line.

Chair Ross said he noticed on the demolition plan that the proposal was to retain the exterior walls at the back side. He said that would be tricky because of the subsidence in that area. He said the applicant needs to be mindful of the 50% rule. Mr. Warr said they were aware of that challenge and confirmed that the 50% rule applied to the value of the building and not the floor area.

With no further questions, Chair Ross called for public comment. Hearing none, Chair Ross closed the public hearing and brought the item back to the Commission for discussion.

Vice Chair Breen said she supported the variance to retain the tree. She supported the materials and colors. Vice Chair Breen said she had asked staff earlier if the applicants would be able to add more square footage if the tree ended up having to be removed 10 years from now. Planning Director Pedro clarified that this property is at the floor area limit. She said if there were a proposal for additional swapping of floor area, there would no longer be a hardship finding without the tree being there.

Commissioner Sill said this project will be a great improvement, is a striking design, and will look wonderful from the street. He supported the variance to retain the tree. He was supportive of the materials. He said the landscape plan was limited but appeared to be going in the right direction.

Commissioner Wilson said she would normally support buildings before trees, but in this case she supported keeping the tree and the variance. She was supportive of the color plan.

Commissioner Koch supported the variance to keep the tree. She was supportive of the materials.

Chair Ross said it was a great project. He said it will make a non-descript building a memorable one. He said the historical references and respect to the original use and look of the building is wonderful – redeveloping the front porch, the old signage, old-fashioned looking materials. He said there are not many places in Town where redwood trees belong, but this is one of them. He was supportive of the variance to keep the tree. He would like to see the deck done without a significant hand or guardrail. He said the 200-square-foot swap is well placed in an unobtrusive area. He was supportive of the materials palette.

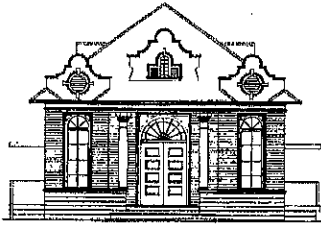
(5) COMMISSION AND STAFF REPORTS: [8:18 p.m.]

Planning Director Pedro said the ASCC vacancy applications are due on November 30.

Commissioners Sill and Koch advised that they reviewed the follow-up planting and fencing plans for 50 Iroquois Trail.

(6) APPROVAL OF MINUTES: October 27, 2016. Vice Chair Breen moved to approve the October 27, 2016, minutes as submitted. Seconded by Commissioner Sill, the motion passed 4-0; Commissioner Koch abstained. It was noted that Commissioner Wilson left halfway through the meeting, so she approved Items 1, 2, 3, 4(a), 5, and 6 of the minutes and abstained from Items 4(b) and 7.

(8) ADJOURNMENT [8:35 p.m.]



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Cynthia Richardson, Planner

DATE: December 15, 2016

RE: Preliminary review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Sausal Creek, LLC (Hallett Store) 846 Portola Road. File #37-2015 and X7D-178.

RECOMMENDATION

Staff recommends that the Planning Commission review the related information and give the application direction on the following items that are discussed in detail below:

1. Conditional Use Permit
2. Site Development Permit for Tree Removal
3. Variance Request
4. Non-Conforming status and Reconstruction/Maintenance of the building

BACKGROUND

On November 14, 2016, a joint Field meeting was held at the property. Members of the ASCC were generally supportive of the project and preservation of the redwood tree adjacent to the east side of the building. The ASCC and the Conservation Committee members commented that this site was appropriate for redwoods due to the close proximity to Sausal Creek. Two Planning Commissioners were present and questioned the ability to repair the building under the 50% nonconforming rule (Portola Valley Municipal Code Section 18.46.040). At the regular ASCC meeting that evening ASCC members expressed general support of the variance in order to save the large redwood tree. They supported the colors and materials and indicated the landscape plan was headed in the right direction. ASCC members were appreciative of the applicant's willingness to preserve the historic references of the building. The staff report and minutes from the November 14, 2016 meeting are attached for reference and additional background information (Attachment #1).

DISCUSSION

The applicant is requesting preliminary review for a new Conditional Use Permit for office use, Architectural Review and Site Development Permit for tree removal for the property located at 846 Portola Road. The Conditional Use Permit for this property has expired and a new CUP is required. The variance pertains to the removal of approximately 200 square feet of floor area that is impacted by the giant redwood tree at the eastern side of the building. The new floor area is to

be relocated to the western side of the building. Both the removal and addition are proposed within the front 50 foot setback. In addition a complete interior and exterior renovation is proposed. The applicant has submitted a Historic Resource Evaluation which determined that the structure does not qualify as a historic resource according to CEQA (Attachment #2).

Conditional Use Permit

The Conditional Use Permit and an amendment for this property expired in 1983 (Attachment #3). Section 18.22.030 of the Zoning Ordinance, A-P (administrative-professional) District lists administrative and professional offices as one of the conditional uses allowed. The Zoning Ordinance Section 18.72.030 outlines the purpose of the review as follows:

- A. Determine whether the location proposed for the conditional use applied for is properly related to the development of the neighborhood or community as a whole;
- B. Determine whether or not the use proposed in the particular location would be reasonably compatible with the types of uses normally permitted in the surrounding area;
- C. Evaluate whether or not adequate facilities and services required for such use exist or can be provided;
- D. Determine whether the site is or can be made safe from hazards of storm water runoff, soil erosion, earth movement, earthquake, and other geologic hazards;
- E. Stipulate such conditions and requirements as would reasonably assure that the basic purposes of this title and the objectives of the general plan would be served.

Staff has determined that use permit findings pursuant to PVMS Section 18.72.130 can be made and that the conditions required for a new conditional use permit would be limited to such things as hours of operation, parking minimums, periodic review and the need for individual renters to obtain zoning permits.

Site Development Permit for Tree removal.

The applicant on November 29, 2016 submitted an application for removal of the giant redwood tree located at the east side of the building. The applicant suggests that if the variance is not able to be granted then they will have no choice but to remove the tree and repair the building.

Chapter 15.12, Site Development and Tree Protection, is applicable to all site development within the town. Section 15.12.030 identifies that the purpose of the chapter is, among other things, to promote public safety and the general public welfare, to promote and enhance a superior community environment, to maintain the rural character, and to ensure the maximum preservation of the natural scenic character of major portions of the town by establishing minimum standards and requirements relating to protection of trees. It is intended that this chapter be administered with the foregoing purposes in mind and specifically so as to protect significant trees in order to retain as many trees as possible consistent with the purposes set forth in the chapter and also consistent with reasonable economic enjoyment of private property.

The Conservation Committee is charged with reviewing all landscaping within 75 feet of Portola Road based on the Portola Road Corridor Plan. In addition, the Town adopted Redwood Guidelines in 2013 and incorporated them into the Design Guidelines (Attachment #4). Section III - Removal of Existing Redwoods defines a significant redwood tree as one with a total circumference of 54 inches for a diameter greater than 17.2 inches. The guideline goes on to

say that the Conservation Committee would need a compelling safety reason to approve the removal of redwoods growing in appropriate planting locations. The removal of redwood trees requires a balancing of esthetic, safety, neighborly and economic considerations. The Conservation Committee reviewed the applicants request for removal and recommends to the Planning Commission that the tree be retained. The email indicates that the tree is healthy and vigorous based on their inspection and per the arborist report and that it is located in a microclimate in town where the native redwoods thrive with no care. It was once one of many in our pre-colonial redwood forest.

According to PVMC Section 15.12.070 the removal requires a Site Development Permit. Therefore this request is being incorporated into the overall project approval process.

Variance

The applicant has not formally submitted for a variance because they do not agree with staff that there is a need for a variance due to the equal exchange of square footage within the front setback. The applicant has submitted a check for the fees and deposit with the note "Paid under protest" do not cash until after preliminary review at Planning 12-15-16". Staff has analyzed the variance within the November 14, 2016 staff report and offers the below additional information.

A variance is required per PVMC Section 18.68.010.B to add new floor area within the front setback. The applicant would like to remove approximately 200 square feet of floor area that is impacted by the giant redwood tree at the eastern side of the building and relocate it to the western side of the building. In addition the proposed deck should also be considered in the variance application. Both additions are proposed within the front 50 foot setback. The following variance findings would need to be made in order to approve the variance.

1. There are special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings that do not apply generally to other properties or uses in the district;
2. Owing to such special circumstances the literal enforcement of the provisions of this title would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning;
3. The variance is subject to such conditions as are necessary to assure the adjustment authorized will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and zone in which such property is situated;
4. The variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity or in the district in which the property is located;
5. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not authorized by the zone regulation governing the parcel of property.
6. That the granting of such variance shall be consistent with this title and the general plan.

Non-Conforming status of Building.

The building setbacks are 50 feet in the front and 20 feet on the side and rear. The east side of the property is encumbered by a 20 foot access easement providing access to three lots behind the project site. The setback must be taken from the interior boundary line of the access easement. The structure is not only located within the front setback but also within the side and rear setbacks. When these setbacks are applied to the property, the conforming building

envelope size is approximately 2,175 square feet. The allowed floor area for this lot (13% of the net area) is 1,715 square feet. The existing structure exceeds the maximum allowed with a nonconforming floor area of 2,910 square feet.

Demolition plans are provided in the plan submittal package and can be found on sheet ASCC-4. The demolition plan addresses the interior remodel and the window and door openings on the exterior of the structure. In addition exterior siding and roofing will be replaced. Based on our site visit of the property it appears that considerable foundation repair needs to be performed to this building not only near the large redwood tree but on other areas of the structure not affected by the tree.

PVMC Section 18.58.020.3.c discusses properties with nonconforming structures within the Portola Road Scenic Corridor. Specifically the ordinance allows the remodeling and rebuilding of existing structures located within the Portola Road setback. The ordinance goes further to deem the building envelope in the area that does not comply with the setbacks as conforming. All repairs and even complete reconstruction is allowed under the below cited section.

PVMC Section 18.58.020.3.c

“Structure existing as of the date of adoption of the ordinance codified in this subdivision (August 28, 1991), which do not comply with the setback requirements described herein are not thereby deemed nonconforming structures as provided for in Chapter 18.46 and are not subject to the provisions contained therein. For such a structure, the three-dimensional space it occupies which does not comply with the setbacks stipulated in subsection D.3.a. and b. of this section becomes a building envelope. Remodeling and rebuilding may occur within such a building envelope subject to normal design review requirements provided for in this section. In addition, the architectural and site control commission may allow architectural details to extend up to two feet from any wall surface on no more than ten percent of the building perimeter within the setbacks in subsection D.3.a. and b. of this section when such details will better ensure compatibility with the character and quality of the Portola Road corridor.”

This would mean that staff must evaluate the portion of the building behind the front setback for its nonconformities including setbacks (side and rear) and the excess floor area per PVMC Section 18.46.040. Staff will require the applicant to provide an appraisal for only that portion of the building behind the front setback so that an evaluation can be done to make sure the repairs do not exceed 50% of the structure's current appraised value. If that portion of the building does exceed the 50% threshold then that portion of the structure would need to be brought into conformance with setbacks, floor area and height limitations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This project is subject to CEQA review and an Initial Study and Mitigated Negative Declaration will be required. Specific topics that will be further evaluated will be; Scenic Corridor, drainage, tree removal and historic status.

NEIGHBOR COMMENTS AND COMMUNITY OUTREACH

No neighbors have commented as of the writing of this report.

CONCLUSION

The Planning Commission should offer comments, reactions and directions to assist the applicant and project architect with any plan adjustments or clarifications that members conclude are

needed. Specifically the applicant would like the Planning Commission to give them direction on the need for a variance and/or the removal of the giant redwood tree.

Next Steps

This project will require additional meetings and hearings. The following is a list of required hearings for this project.

Committee	Review
ASCC	Preliminary review (Completed)
Planning Commission	Preliminary review
CEQA review and circulation	Staff preparation of Initial Study and Mitigated Negative Declaration and 20 day circulation/noticing.
ASCC	Public hearing
Planning Commission	Public hearing

ATTACHMENTS

1. Staff Report and minutes dated November 14, 2016
2. Historic Resource Evaluation, Architectural Resources Group dated March 9, 2016
3. CUP Resolution 1982-233 and Resolution 1982-242
4. Redwood Guidelines
5. Architectural plans

Report approved by: Debbie Pedro, Planning Director



APPROVED
MINUTES

PLANNING COMMISSION SPECIAL MEETING, TOWN OF PORTOLA VALLEY, DECEMBER 15, 2016, COUNCIL CHAMBERS (HISTORIC SCHOOLHOUSE), 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Hasko called the Special Planning Commission meeting to order at 7:00 p.m. Ms. Pedro called the roll.

Present: Commissioners McKitterick, Von Feldt and Targ; Vice Chair Gilbert; Chair Hasko

Absent: None

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

ORAL COMMUNICATIONS

Chair Hasko announced that today is Commissioner McKitterick's last day as a Planning Commissioner. She thanked Commissioner McKitterick for his 12 years of commitment to the Commission and presented him with a gift of appreciation.

NEW BUSINESS

- (a) Preliminary Review for a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Sausal Creek, LLC (Hallett Store) 846 Portola Road. File #37-2015 and X7D-178.

Planner Cynthia Richardson presented the staff report for the project. She described the history of the property and the field visits, as detailed in the staff report. She said the applicant proposes to relocate approximately 200 square feet of floor area from an area impacted by a giant redwood tree at the eastern side of the building. She said the alternative would be to remove the tree and reconstruct the building where it is. She said the Conservation Committee has recommended that the tree should remain because it is a value to the Portola Road Corridor and the Town. She advised that the applicant disagrees with staff that there is a need for a variance due to the equal exchange of square footage within the front setback and has not yet formally applied for a variance pending preliminary review by the Planning Commission.

Chair Hasko called for questions from the Commissioners.

Commissioner Von Feldt asked if it was one variance request for both moving the floor area and the deck or two separate variances. Planner Richardson said one variance would be needed for adding the square footage to the eastern side of the building because of its placement in the front setback, and a variance for the deck would be required because it is a structure elevated off the ground and also in the front setback.

Vice Chair Gilbert said Section 18.58.020.3.c of the Municipal Code says that the portion of the building within the front and side setbacks is now determined to be conforming. She asked how the portion within the building envelope is now nonconforming and therefore restricted by the 50 percent rule. Planner Richardson said the entire structure is nonconforming in floor area, being approximately 2,900 square feet where only 1,700 square feet is allowed. She said additionally, there are nonconforming areas outside the building envelope. Vice Chair Gilbert asked if there could be an appraisal for part of the building if the 50 percent rule only applies to the back section. Planner

Richardson said the Town Attorney has advised that if they are provided with an appraisal for the entire structure, divided equally by the square footage, they will have a per-square-foot value.

Vice Chair Gilbert asked if the Planning Commission is the body making the decision regarding the tree. Planning Director Pedro said typically that would be determined by the Conservation Committee; however, because this is associated with the site development permit, it's coming as part of this application. She said the ASCC and Planning Commission will be deciding on the project in its entirety, including the tree removal. She said the applicant is requesting that if a variance is granted, they will not need to remove the tree, but if the Commission does not grant a variance, they would like to request the removal of the tree.

Project Architect Carter Warr said they would like to have the initial application approved, to include the preservation of the tree with the exchange of the floor area. He said the tree removal permit request is a fallback position should the process not be approved as proposed. He said the project desire is to preserve the tree, which they see as a great asset, although it has damaged the building.

Chair Hasko asked for additional questions for staff.

Commissioner McKitterick asked regarding a rule or standard for the Planning Commission regarding the removal of a tree. Planning Director Pedro said the Commission should take into consideration the recommendation of the Conservation Committee and the ASCC. Town Attorney Prince cited Municipal Code Section 15.12.110, which provides that if the approving authority finds that the work as proposed by the applicant is contrary to the purposes of the site development and tree protection chapter, the site development permit shall be denied. She said the Town's Design Guidelines provide that the Conservation Committee, or in this case, the Planning Commission, is tasked with reviewing the removal of significant trees, significant redwoods, or any tree with a trunk or multiple trunks with a total circumference of 54 inches or a diameter greater than 17.2 inches. She said the Design Guidelines state that the Committee, or in this case the Planning Commission, needs a compelling safety reason to approve the removal of redwoods growing in appropriate planting locations. She said appropriate planting locations are identified in the Design Guidelines and include the tree being far enough from existing or proposed structures and that their extensive root systems will not cause damage. She said existing redwoods in Portola Valley that are not in appropriate planting locations were planted in the past before the current redwood guidelines. As redwoods grow, their roots may damage buildings, septic systems, roads, or other infrastructures. Whether or not these trees should be removed requires a balancing of esthetic, safety, neighborly and economic considerations. Commissioner McKitterick asked if the Planning Commission could require removal of the tree if it is impacting a building, even if it is in an appropriate planting area. Town Attorney Prince said appropriate planting locations identified include the tree being far enough from existing structures.

In response to Vice Chair Gilbert's question, Planner Richardson said if the deck was a concrete patio, it would not require a variance. But since the deck is a structure affixed to the ground, it requires a variance.

Vice Chair Gilbert asked if the deck and the additional 200 square feet were all part of the same variance. Planner Richardson said they could be split.

In response to Vice Chair Gilbert's question, Planning Director Pedro said the allowable extension of 2 feet or no more than 10 percent of the perimeter does not refer to floor area, but refers to architectural detail such as roof eaves, overhangs, bay windows, etc.

Commissioner Targ asked regarding the impact to the required findings since the variance is being requested for a project in the Portola Road Scenic Corridor. Town Attorney Prince said it should be

considered that the project is in the Portola Road Scenic Corridor, but there are no additional findings required because of the location.

With no further questions from the Commission, Chair Hasko invited the applicant to comment.

Project Architect Carter Warr said they have thoughtfully designed the project to comply with the intent of the General Plan and Town ordinances. He said they felt confident the way the ordinances were structured concerning nonconforming structures in the Scenic Corridor and that the floor area exchange should have been easy. He said it has taken a very long time and hard work to preserve the tree. He said they need to remove 192 square feet on one side and exchange it for a small addition on the other side of the structure, far enough away from the other redwoods, and also so they can develop parking closer to a responsive number, while maintaining the open space by the oak tree on the Village Square side. He said the Conditional Use issues are also frustrating because there is a history of the Use Permit issuance in the late-'70s, the expiration in '81, the re-approval in '82, and the expiration in '88, and the lack of zoning violations since then. He said they were confident that this building has been occupied and used for its entire lifetime. He said the use they are proposing is similar if not exactly the same for at least the period from 1977 to present. He said they want to receive approval to remove the 192 square feet to better ensure the health of the magnificent 11-foot-diameter redwood. He said from a processing standpoint, if there is a favorable response from the Commissions that the project as proposed will move forward, they will withdraw the tree removal application, file the variance applications as suggested by the Planners, and look forward to completing their review with the ASCC and the Planning Commission.

Vice Chair Gilbert asked Mr. Warr what special circumstances would apply to the variance. Mr. Warr said he does not believe a variance is required because the ordinance is clear that involuntary damage, such as the damage caused by the tree, does not necessitate the need for a variance and an exchange would be allowed under that section in the ordinance. He said the special circumstances, if he were forced to respond, would be that this building was built in 1904, has been continuously used, is identified as an historical resource in the General Plan, and the redwood tree is healthy.

Vice Chair Gilbert asked the project architect if the presence of the tree that close to the building was part of the special circumstances. Mr. Warr said it was because it was pushing on the building and has damaged it. He said one or the other has to give. He said if they are required to comply completely with the ordinance, they would remove the tree because that part of the building is conforming and he can completely rebuild it. He said they would prefer to preserve the tree.

Vice Chair Gilbert asked Mr. Warr if he felt comfortable with the opinions of his experts that after removing that 200 square feet of the building, he would not have the same issue in a few years when the tree has grown. Mr. Warr said the arborist, who is also a forester, agrees it is a safe distance from the building with the removal of the 200 square feet of the existing building.

Vice Chair Gilbert asked the project architect if the special circumstances would no longer apply if the 200 square feet of building was removed. Mr. Warr said the special circumstances include the desire to maintain the original square footage of the building.

Vice Chair Gilbert said that Variance Finding #2 talks about special circumstances depriving the property of privileges enjoyed by other properties. She said if the 200 feet were removed, giving more space for the tree, the special circumstance of the excess floor area does not really deprive the applicant of anything and is an advantage. Mr. Warr said the applicant would be deprived of 192 square feet. He said they are asking to remove conforming floor area to preserve the tree.

Vice Chair Gilbert asked staff for clarification that even though the total floor area is over what normally would be allowed, the applicant's definition is that the floor area within the setback is conforming and not considered excess. Planning Director Pedro said the nonconformity is the setback and the floor area is still being considered for the entire property. Mr. Warr said the floor area being removed is conforming.

Commissioner McKitterick said he wanted to hear the applicant's argument against the requirement for a variance. Mr. Warr said involuntary damage can be repaired and/or exchanged with some other configuration under the ordinance. He said staff does not agree that the damage caused by the tree was involuntary and assert that it needs to be a sudden calamity that caused the damage. Mr. Warr said his argument is that the damage from the tree was involuntary, incremental, and took 100 years.

Vice Chair Gilbert asked staff hypothetically, if a tree were to fall on the corner and damage the building, whether or not the applicant would be allowed to rebuild in a different area. Planning Director Pedro cited Section 18.46.030(B) regarding voluntary versus involuntary damage of nonconforming structures. Town Attorney Prince read from 18.46.030(A), "A nonconforming structure or a structure occupied by a nonconforming use that is involuntarily damaged to less than fifty percent of the structure's current appraised value at the time of damage, may be repaired or reconstructed to the same height, floor area, building coverage, yard, special building setbacks and impervious surfaces that existed prior to the structure being damaged, provided all other provisions of the zoning regulations are complied with and the extent of the nonconformity is not enlarged." Code Section 18.46.030(c) says: "For the purpose of this chapter, involuntary damage is defined as damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or force majeure." Town Attorney Prince said she did not interpret a tree growing as force majeure and understands force majeure to be something unexpected, a sudden unanticipated event, as opposed to the slow growth of a tree over time that could have been maintained and trimmed.

Commissioner Targ said the clause, "provided all other provisions of the zoning regulations are complied with and the extent of the nonconformity is not enlarged" indicates that this situation requires a variance. Mr. Warr disagreed saying he was exchanging and not enlarging. Commissioner Targ said he was comfortable with the Town Attorney's interpretation.

Mr. Warr said if the project is approved, the applicant will apply for whatever variances they feel are necessary, and the applicant will withdraw the application for the tree removal.

With no further questions for the applicant or staff, Chair Hasko called for public comment.

Judith Murphy of the Conservation Committee said they did an initial site visit and were impressed that the plan was designed around the tree. She said they visited the site again with the ASCC, who were supportive of the plan. Ms. Murphy said they then received a permit request to remove the tree. She said the redwood tree is 11 feet in diameter, a huge, bold, and incredibly important heritage tree. She said that tree could not have been maintained in any way to prevent the damage to the building. She said that this plan goes out of the way to make sure the tree is maintained and gives it room to grow for another 100+ years. She said where the applicant is asking to swap the square footage at the other side of the building is a parking lot so it is not the same as intruding into something else where a variance would make a huge difference. She said the Conservation Committee does not want to see anything done that will put that tree at risk.

Chair Hasko asked Ms. Murphy if she was comfortable with the arborist report regarding the health and safety of the tree. Ms. Murphy said it is a very healthy tree.

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

Commissioner Targ said it was a thoughtful plan that respects the natural environment, which is the cornerstone of the General Plan. He said it could not be more subservient than to create space for the tree to grow and improves the growing conditions. He said he was impressed by the ASCC findings, which were wholly supportive of the design. He was supportive of making the findings for a variance and said it was a thoughtful, adaptive use for the maintenance of an important historical building and the preservation of a valued tree. He said he also saw no issue with the deck or the CUP.

Commissioner Von Feldt was supportive of keeping the tree. She said she agreed there should be a variance and was supportive of the square footage swap. She said she could not make some of the findings for the deck, especially since a patio could achieve the same purpose and would not require the variance. She said she was supportive of the CUP findings.

Vice Chair Gilbert was supportive of saving the tree. She said she attended the ASCC meeting when this was discussed. She said while the minutes from that meeting indicated that Vice Chair Breen and Commissioner Sill were supportive of the variance to save the tree, she said Breen and Sill were looking at it as an either/or situation, and they would rather approve the variance than remove the tree. Vice Chair Gilbert said if the Planning Commission approved protecting the tree and removing the 200 square feet of the building around it, but did not approve the variance, the floor area would be reduced, but would still be above the floor area normally allowed. She said she has trouble reaching the finding that they are removing a barrier that is depriving the applicant, when actually the applicant has a big advantage on floor area and is thus, not deprived.

Commissioner McKitterick asked if the applicant would need a variance if they added the 200 square feet in the regular building envelope. Planner Richardson said they would not because it didn't exceed the existing floor area. In response to Vice Chair Gilbert's question, Commissioner McKitterick said the applicant could keep the same square footage anywhere they want to put it, except for the fact of the 50-foot setback. He was also supportive of the CUP. Commissioner McKitterick said he supported the variance for the square footage swap. He said he understood Mr. Warr's argument that the variance was not needed due to force majeure, but he is unclear about the definition of force majeure. He said he would need to have more information regarding the deck essentially increasing the nonconformity of the structure in the Portola Road Corridor.

Vice Chair Gilbert asked Commissioner McKitterick if he was able to reach the variance finding that the applicant is deprived. Commissioner McKitterick said that other properties are not deprived of losing square footage even though they have more than would typically be allowed. He said that the zoning ordinance states that existing structures that are not in compliance with the Portola Road Corridor setback are allowed to keep that square footage just as if it were conforming. Commissioner Von Feldt agreed with Commissioner McKitterick.

Chair Hasko agreed with her fellow Commissioners and said it was a carefully thought out project. She said she could support the variance for the square footage swap and the CUP. She said she recalls discussion about a deck being better for the tree roots than a patio. Mr. Warr said there is a big oak tree next to the old front walkway. Chair Hasko said she would consider that in looking at the deck as part of the overall plan. She said the building has to be usable and there needs to be access to and from the new square footage area. She said she was unsure if the variance was needed or not, and it may become a moot point since the Commission is generally saying they're supportive. Mr. Warr said if they receive a position of support, they are not averse to the variance.

Commissioner Targ asked if the finding of a unique hardship with respect to the deck could be made predicated on the root system.

Commissioner McKitterick said his concern was the precedent. Mr. Warr said it should be remembered that there was a 700-square-foot cottage on the property removed to give space to the redwood grove. He said that more than 50 percent of that building including the front porch was in the front setback.

Chair Hasko asked if the tree roots were a factor on whether or not a patio would succeed. Mr. Warr said that was why it was designed as a deck, to keep the ground open and let light, air, and water get to the ground.

(b) Site Development Permit for Grading for a New Residence, Pool & Pool House, and Shed, File #33-2016, 45 Granada Court, Klemchuk Residence.

Associate Planner Arly Cassidy presented the staff report regarding the project. She said the ASCC has approved the architectural proposal. She said additional conditions were added by the ASCC including moving the two air conditioner units and the garbage enclosure away from the southern property line. The applicants were also conditioned to return to the ASCC with a final landscape plan, including adding two deciduous trees to help screen the windows at the stairs, provide a specific plan to replace the west side redwoods, and replace the proposed sugar bush with Arbutus.

Chair Hasko called for questions from the Commissioners.

Vice Chair Gilbert asked if there was any rendering that showed the footprint of 35 Granada Court matched up with the back of this proposed house. Associate Planner Cassidy said there was not an architectural drawing of that footprint, but showed the vicinity map.

Commissioner Targ asked if there were any other views expressed by the ASCC, aside from the conditions they recommended. Associate Planner Cassidy said in general there was approval. She said there had been a proposal through public comment from Paul Curfman, an environmental consultant hired by a neighbor, Susan Nycom at 35 Granada Court. Associate Planner Cassidy said Mr. Curfman proposed that a variance be granted to change the setback lines, specifically relaxing the front setback to match some of the surrounding properties on Granada Court, which were built before the setback existed. The proposal was that the house could then be relocated further from the property line. She said not all of the Commissioners addressed the point, but most of the comments were negative toward that proposal. Planning Director Pedro said the ASCC unanimously recommended approval of the project to the Planning Commission, in terms of both the grading and siting.

Commissioner Targ asked regarding the nature of the negative comments by the ASCC about the alternate proposal by the neighbor. Planning Director Pedro said the variance was not discussed at the ASCC meeting.

Vice Chair Gilbert said it sounded like the ASCC had changed some of the lighting and added some trees to address the neighbor's concerns. She said they also added the condition to relocate the air conditioning units and trash enclosures. In response to Commissioner Targ's question, the applicant said they accepted those conditions.

Commissioner McKitterick asked if the location of the new driveway was on ground that had been previously disturbed. Associate Planner Cassidy said part of it had been previously disturbed. She said the proposed siting of the house is also on previously disturbed ground. She pointed out that the arborist said the trees on the property had not been well managed.

With no further questions, Chair Hasko invited the applicant to comment.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

FROM: Cynthia Richardson, Planner

DATE: March 13, 2017

RE: Review of a Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Willow Grove, LLC (Hallett Store) 844 Portola Road. File #37-2015 and X7D-178.

RECOMMENDATION

Staff recommends that the ASCC review the information and give specific recommendations to the Planning Commission for their final review. Specifically give the Planning Commission your recommendations on the following items that are discussed in detail below:

1. Conditional Use Permit (CUP)
2. Variance Request for a deck and structure to be located within the setbacks
3. Site Development Permit for Tree Removal

BACKGROUND

The .35 acre (15,272 square feet) property is accessed directly off of Portola Road. Located to the west is Village Square Shopping Center, to the east an office building, to the rear are two vacant parcels and across the street is Christ Church. The property is connected to the sanitary sewer system.

Hallett Store is one of two remaining structures from the little town of Portola that was established at the turn of the twentieth century. Over the years the structure has been extensively remodeled and has lost its historic integrity however the building retains much of its historic essence. The store was constructed in 1904 and originally provided goods and supplies to the community. In 1908 an addition was added to the front of the structure to accommodate a saloon. In 1972 the structure was extensively remodeled by Wright & Co. for professional offices.

The original CUP was approved in 1971 (X7D-46). A number of amendments were subsequently made and in 1982, Wright & Co. requested renewal of a lapsed CUP (X7D-96, Resolution 1982-242). Condition 8 of that CUP required renovation of structures on the site within 3 months or the CUP would expire. No building permits have been found to show that these improvements were ever made within the 3 month time frame so the CUP has expired.

In 1988 the property was sold and the new owner obtained entitlements for a Tentative Map, PUD and CUP for five senior housing lots in 1996 (X7D-139). That project was approved but was not constructed and the permit has since expired.

In 2015, a lot line adjustment was approved to reconfigure the existing four non-conforming lots. (File # 43-214, recorded on July 14, 2016). This allowed for each lot to be developed individually as permitted under the zoning code. At that time the existing Hallett Store structure was allowed to remain as a legal nonconforming structure.

The property is zoned AP (Administrative Professional) and is located within the Town Center Area Plan that is a sub-area plan within the General Plan. The project includes the remodeling of the existing office building, new parking, trash enclosure, decks and fencing. The existing structure will be extensively remodeled and will reduce the number of offices from five to two office suites. The use within the building is limited to business and professional office serving the community and adjoining residential areas which comply with the Town of Portola Valley Zoning Ordinance or any other use contained in PVMC Section 18.22.030 such as medical and dental clinics, veterinary clinics, real estate and insurance offices, convenience goods, residential care facilities and any other use which is determined by the Commission to be found to be the same character as another use. Each of the offices cannot exceed 1,500 square per Municipal Code Section 18.54.052 for commercial and office uses.

The ASCC held a preliminary review on November 14, 2016 and generally indicated they would support the variance request to keep the large redwood tree. Additional information is contained within the attached staff report and minutes (Attachment #1). No changes have been made to the plans since the ASCC reviewed the project in November.

On December 15, 2016, the Planning Commission conducted a preliminary review of the application. Additional information is contained within the attached staff report and minutes (Attachment #2).

DISCUSSION

Willow Grove, LLC is requesting a new Conditional Use Permit for office use, Architectural Review, a setback variance to relocate a portion of the building from the east side of the building to the west side of the building along with a setback variance to locate a deck and structure within the front setback. If the variance request is not approved the applicant is requesting a Site Development Permit for removal of the large redwood tree that is causing significant damage to the building.

Conditional Use Permit

To approve a use permit, the Planning Commission must make the findings as identified in Portola Valley Municipal Code (PVMC) Section 18.72.130. Staff has prepared conditions related to such things as hours of operation, parking minimums, periodic review and the need for individual renters to obtain zoning permits. Staff has prepared conditions and findings in support of the new Conditional Use Permit (Attachment #3).

Site Development Permit for Tree removal

The applicant on November 29, 2016 submitted an application for removal of the giant redwood tree located at the east side of the building. The applicant suggests that if the variance is not able to be granted then they will have no choice but to remove the tree and repair the building.

According to PVMC Section 15.12.070 the removal requires a Site Development Permit. Therefore this request is being incorporated into the overall project approval process.

The Conservation Committee reviewed the applicants request for removal and recommends that the tree be retained. Redwood tree removal guidelines are found in the Town of Portola Design Guidelines. The Committee would need a compelling safety reason to approve the removal of redwoods growing in appropriate planting locations. The guidelines go on to say that redwoods are an iconic part of our landscape and heritage and are to be treasured. The Planning Commission also considered the request in their preliminary review hearing and gave the applicant direction to retain the tree.

Code Compliance

The building setbacks for the AP Zone District per PVMC Section 18.48.010 Table 2 are 50 feet in the front and 20 feet on the side and rear. Coverage limits are as follows:

Site Information			
Lot Size Gross 15,272 Sq. Ft. Net 13,192 Sq. Ft.			
	Maximum Sq. Ft.	Existing Sq. Ft.	Proposed Sq. Ft.
Floor Area Ratio for AP Zone (13%)	1,715	2,910	2,910
Max Coverage Limit (15%) (floor area plus covered porches)	1,979	3,116	3,116
Landscape Coverage (40%)	5,277	7,145	5,345
Landscape Front Setback (25%)	1,867	2,599	2,599
Impervious Surface Limit	*		

*Maximum impervious surface limits will be established by the hydrologic calculations contained in a hydrology study that will be prepared for the site drainage.

Parking

Staff evaluated the parking requirements for the project using the Zoning Ordinance, Table 5 of Section 18.060.110 "Schedule of required off-street parking spaces". The Ordinance requires 1 space for each 200 square feet of floor area for Banks, Businesses, or professional offices. The Zoning Ordinance defines floor area in Section 18.60.040 as follows "For the purpose of this section, "floor area" shall mean the gross floor area in the building other than floor space designated and used exclusively for parking and loading spaces, building service and maintenance, or storage of equipment and furnishings belonging to the occupants of the building but not in current use."

The project site plan shows parking for 11 spaces with one driveway entrance onto the site. The driveway will eventually serve as the entrance to the other lots beyond. In addition two spaces are shown at the right of the entrance as reserved for future needs. For determination of the necessary parking, staff ran an analysis of the storage and maintenance spaces within the structure and found the project to meet code requirements.

Based on parking space requirements, the following table evaluates the spaces needed for the project.

Space	Parking Spaces Required
Office Space (597 sf)	3
Office Space (1,541 sf)	8
Common area minus storage areas (416 sf)	2
Total	13

Variance

A variance is required per PVMC Section 18.68.010.B to move the floor area within the front setback. The applicant would like to remove 180 square feet of floor area that is impacted by the redwood tree at the eastern side of the building and relocate it to the western side of the building. In addition, the applicant has requested a variance for the proposed deck. Both requests are proposed within the front 50 foot setback. The applicant has proposed findings in support of the request (Attachment #4). Staff recommends approval of the variance request for the structure only due to the location of the large redwood tree. Staff was able to make the findings in support of the setback variance because of the historic nature of the building and the location of the redwood tree (Attachment #5). Staff does not support the setback variance for the deck because the deck far exceeds the minimum requirements of the California Building Code. The code only requires a 44 square inch landing be provided outside of each door opening. The proposed deck is approximately 520 square feet and is design driven in that it wraps around the building beyond the exit locations. Discussions with the Building Official indicate that handicap access to the building would be required on the east side of the structure closest to the handicapped parking stall. Staff does not recommend approval of the variance for the deck located within the front setback because findings cannot be made to support the variance.

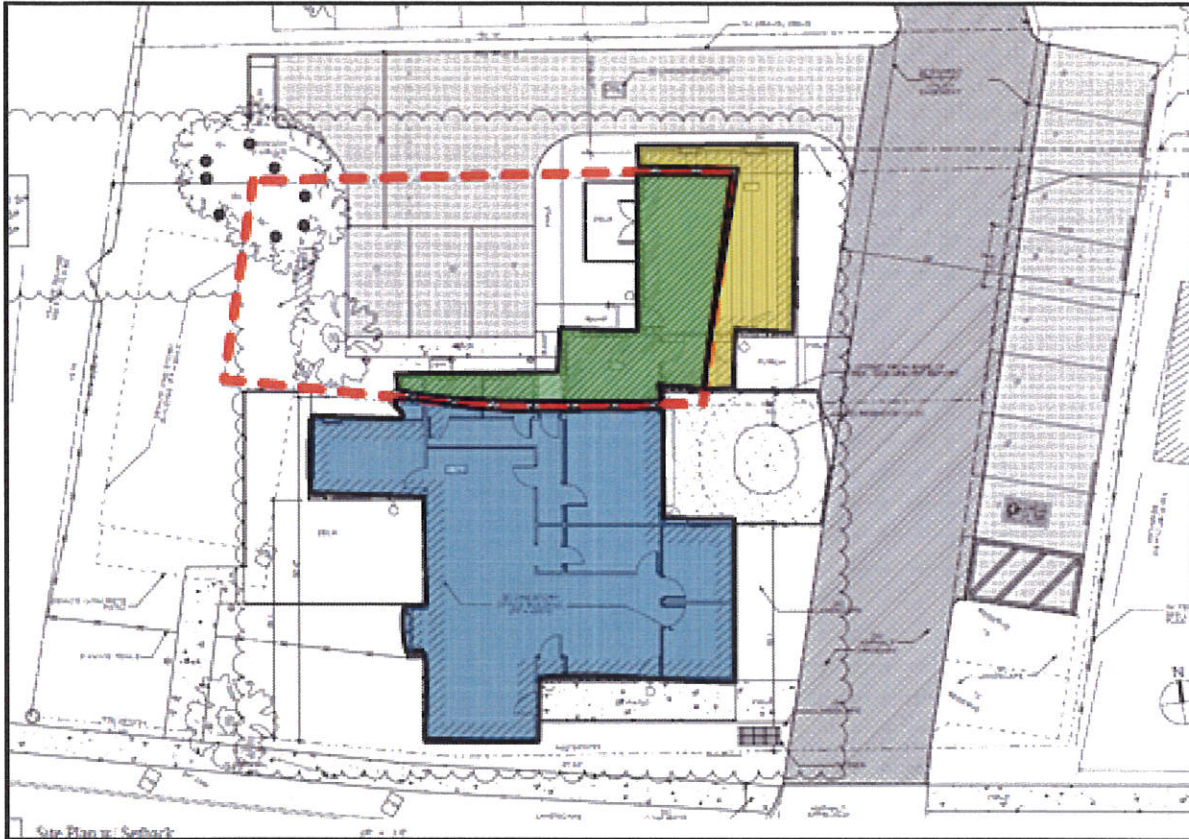
Non-Conforming status of Building

The Hallett Store is considered legal non-conforming in the following ways:

- Setbacks - The structure is located within the front setback which is also the Portola Road Scenic Corridor. It is also located within the side and rear setbacks.
- Maximum Floor Area - The structure exceeds the maximum floor area of 1,715.

If a structure is voluntarily demolished and the reconstruction meets or exceeds fifty percent of the structure's current appraised value, the structure must adhere to all current requirements of the zoning regulations. In accordance with PVMC Section 18.46.020 the applicant has provided an appraisal of the building and a construction cost estimate (Attachment #6) that covers all renovations being made to the structure including but not limited to foundation repair, interior remodel, new roofing and windows.

The appraised value of the structure is \$137.46 per square foot for a total value of \$400,000. The graphic below shows the building setback lines in a dashed red line. This line at the front of the property is also the Portola Road Scenic Road setback line. The construction cost estimate outlines the cost of construction in the area in front of the setback (shown in blue) at \$179.74 per square foot, the area (shown in green) will cost \$67.89 per square foot and the non-conforming area in the setback (shown in yellow) will cost \$59.66 per square foot. The table below outlines the areas and the cost associated with the construction.



Structure	Area (SF)	Cost to Repair (per SF)	Total Cost to Repair	Appraised Value (\$137.46/SF)
Within front setback (Blue)	1,948	179.74	350,133	267,772
Conforming area (green)	605	67.89	41,073	83,163
Non-conforming area (yellow)	357	59.66	21,298	49,073
Total	962		62,371	132,236

Setbacks

The building setbacks for the AP Zone District per PVMC Section 18.48.010 Table 2 are 50 feet in the front and 20 feet on the side and rear. The existing building is located closer to the front side and rear property lines than is allowed. The east side of the property is encumbered by a 20 foot access easement providing access to three lots behind the project site. The side setback adjacent to the access easement is taken from the interior boundary line of the easement. PVMC Section 18.58.020.3.c discusses properties with nonconforming structures within the Portola Road Scenic Corridor. Specifically the ordinance allows the remodeling and rebuilding of existing structures located within the Portola Road setback. The ordinance goes further to deem the building envelope in the area that does not comply with the setbacks as conforming. Because the ordinance describes the building envelop as being conforming, the floor area in excess of what would otherwise be allowed can be deemed conforming. All repairs and even complete reconstruction is allowed under the below cited section.

PVMC Section 18.58.020.3.c

“Structure existing as of the date of adoption of the ordinance codified in this subdivision (August 28, 1991), which do not comply with the setback requirements described herein are not thereby deemed nonconforming structures as provided for in Chapter 18.46 and are not subject to the provisions contained therein. For such a structure, the three-dimensional

space it occupies which does not comply with the setbacks stipulated in subsection D.3.a. and b. of this section becomes a building envelope. Remodeling and rebuilding may occur within such a building envelope subject to normal design review requirements provided for in this section. In addition, the architectural and site control commission may allow architectural details to extend up to two feet from any wall surface on no more than ten percent of the building perimeter within the setbacks in subsection D.3.a. and b. of this section when such details will better ensure compatibility with the character and quality of the Portola Road corridor.”

Maximum Floor Area

The existing structure is non-conforming as it relates to floor area per PVMC Section 18.48 Table 2. The allowed floor area for this lot is 13% which results in a floor area of 1,715 square feet. The structure exceeds the maximum allowed by 1,195 square feet with an existing nonconforming floor area of 2,910 square feet. Staff evaluated this proposal and considered everything in the front setback as conforming for setbacks and floor area. Since the area in the front setback is allowed to be completely reconstructed staff only took into consideration the area behind the front setback as it pertains to PVMC Section 18.46.040. Based on the information provided by the applicant, the reconstruction of the area behind the front setback line does not exceed fifty percent of the structure’s current appraised value.

Architectural Review

This structure should be evaluated against the Portola Valley Design Guidelines as well as the Portola Road Corridor Plan and the Town Center Area Plan. The Town’s Design Guidelines discusses the need to site structures, driveways and parking area with respect to the natural site conditions and to design structures around mature trees. The parking areas along with the new construction on the west side of the building all avoid the removal of any trees as long as the variance is approved. The colors and materials have a reflectivity value less than 40% and the materials blend well with the site. The lighting plan is minimal and maintains the rural unlit character of the environment. Draft conditions of approval for the Site Development Permit have been provided in Attachment #7.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15302 and 15301 of the CEQA guidelines.

NEIGHBOR COMMENTS AND COMMUNITY OUTREACH

No neighbors have commented as of the writing of this report.

CONCLUSION

The ASCC should offer comments and recommendations to the Planning Commission for the following:

1. Conditional Use Permit (see attached findings and conditions of approval)
2. Variance request (see attached findings and conditions of approval)
3. Site Development (see attached conditions of approval)

Next Steps

This project will require additional meetings and hearings. The following is a list of required hearings for this project.

Committee	Review
ASCC	Preliminary review (Completed)
Planning Commission	Preliminary review (Completed)
ASCC	Public hearing
Planning Commission	Public hearing

ATTACHMENTS

1. ASCC Staff Report and minutes dated November 14, 2016
2. Planning Commission Staff Report and minutes dated December 15, 2016
3. Resolution for Conditional Use Permit Findings and Conditions of Approval
4. Variance Findings prepared by the applicant
5. Resolution for Variance Findings
6. Construction Cost Estimate provided by Willow Grove LLC
7. Site Development Conditions of Approval
8. Architectural plans

Report approved by: Debbie Pedro, Planning Director



rather than a prescriptive one, which will change as frequently as technology changes. He said an ordinance sets limits and does not necessarily give the right to be at the maximum limit.

Mr. Warr wanted to clarify that he likes the current guidelines regarding ornamental lighting being discouraged, but not forbidden. He said ornamental light that has no offsite impact has no impact. Planning Director Pedro said that while ornamental lighting on a well screened property may not be visible to neighbors, they do affect migratory birds and other wildlife. Commissioner Breen agreed that offsite impact includes animals and birds.

Ms. Romani said her husband is an astronomer. She said ornamental lights impacts the dark sky and would affect someone trying view the milky way from their yard.

Chair Ross suggested that a straightforward, declaratory set of frequently asked questions and answers on lighting that are easily available on the website would be helpful.

Planning Director Pedro asked if in the FAQ it should be stated that motion sensor security lights are discouraged, but are not prohibited, and provide guidelines for motion sensor lights that are considered acceptable. Chair Ross suggested that because a light says "security" in its description it is not necessarily discouraged, but should be considered the same way as other lights. He agrees with Commissioner Breen that we could create darker skies if we encourage motion sensors, especially for lights that are only needed occasionally.

The Commission agreed that staff should modify the language in the Design Guidelines regarding motion sensor lighting and bring it back to the Commission for an amendment.

The Commission agreed that rather than developing guidelines on the use of motion sensor security lights, an FAQ document should be created that provides information regarding lighting and safety and provides information regarding motion sensitive switches and motion sensitive lights.

The Commission agreed that a comprehensive update to the Town's Outdoor Lighting Ordinance is necessary and of high priority.

Commissioner Breen suggested it would also be helpful to have a handout for contractors regarding lighting.

Resident Craig Taylor said it should be noted that the motion sensor switch is often a three-way switch so it would need to be verified that the electrical connections are set up to handle that.

Karen Vahtra suggested the FAQ could also address adding motion sensor porch lights to enhance their security camera images.

Chair Ross asked Planning Director Pedro to provide a link on the website to the lighting information that was included in this staff packet.

(b) Review of Conditional Use Permit, Variance, Architectural Review and Site Development Permit, File #37-2015 and X7D-178, 844 Portola Road (formerly 846 Portola Road, Hallett Store), Willow Grove LLC

Planner Cynthia Richardson presented the report for a Conditional Use Permit, a Variance Request for a deck and structure to be located within the setbacks, and the Site Development

Permit for Tree Removal. Staff requested that the ASCC review the information and provide specific recommendations to the Planning Commission for their final review.

Chair Ross called for questions from the Commissioners.

Hearing no further questions, Chair Ross invited the architect to comment.

Carter Warr, project architect, described the history of the building. He said the oak tree is destroying the building and they'd like to preserve both the tree and the building. He said the project is a reasonable and rational approach in compliance with the General Plan, the Design Guidelines, and the Scenic Corridor. He said they are asking for ASCC support of the deck because of the lovely outdoor space and view of the ranch and walnut orchard. He said the outdoor lights will be on motion sensors.

Chair Ross called for questions from the Commission. Hearing none, Chair Ross invited public comment. Hearing none, he brought the issue back to the Commission for discussion.

Vice Chair Sill was supportive of the Conditional Use Permit and the variance to move the 192 square feet of floor area to the other side of the building. He said the new deck proposed in the setback, however, is not consistent with the General Plan and is a grant of a special privilege.

Mr. Warr said the deck is a consequence of preserving the old building. He said if they were to build a new building on the site inside the setbacks, they would likely have a patio or some outdoor space on the view side. Vice Chair Sill said a patio is different than a deck. Mr. Warr said the deck is very short. He said the elevation of the building and topography are the reasons for a deck instead of a patio. He said alternately they could bring fill in and install a patio on the ground, requiring less than 50 cubic yards of grading, but they are working with the building and the existing elevation. He said they continue to ask for a variance because it is a natural place for outdoor space, and it would have been outdoor space if a new building was built. Planning Director Pedro said the deck is a design feature and not a required element of the building. She said grading and fill for a patio would require a site development permit and also an arborist report to confirm that the fill and patio would not injure or harm any of the surrounding trees. Mr. Warr said the deck would have much less impact on the trees which have a monstrous root zone.

Commissioner Breen said it was a very thoughtful and careful design that respects the site and the tree. She said the tree is part of a tree system and is very important. She appreciated the design around the tree and the historic paradigm of the site and the old building. She was supportive of the project and was supportive of the deck because it is a better solution for the preserving the tree. She suggested the oak that is with the redwood remain. She said she could make the findings for the Conditional Use Permit and the variance and she supported the project.

Commissioner Wilson supported the CUP and the square footage exchange, but did not support the deck.

Commissioner Koch was supportive of the materials board and appreciated that it was different and unique and would draw attention to something very special. She was supportive of transfer of the square footage to save the tree. She understands why they want the deck. She reminded the Commissioners that the deck is not visible from the street and while the deck does not reflect something they would normally approve on the Scenic Corridor, neither do other aspects

of the project. She said this is a unique site and a project that deserves ASCC flexibility. She said the deck will enhance the user experience, and a patio will be destructive to the environment. She was supportive of the CUP and the variance.

Chair Ross said the building is clearly an interesting piece of Portola Valley, even though it's not preserved well enough to be on the historic register. He said it is an interesting location unlike anywhere else in Town and belongs as part of the Scenic Corridor. He said it is an old-fashioned building, is part of a rural environment, and he is supportive of the project. He said he is supportive of the square footage transfer and saving the redwood tree. He said he was swayed in favor of the deck because it creates an opportunity for the users of the building to be outdoors and enjoy that particular part of Town, and he can see the deck as a real enhancement to the building. He said the deck will be 12 to 18 inches further off the ground than a patio, the environmental impact will be less, and the enjoyment of the users will be improved. He said he supported the variance request for the deck, for the square footage transfer, and the recommendation for approval of the Conditional Use Permit.

Planning Director Pedro said if the Commission is going to support the variance for the deck, they should articulate the six required findings to assist the Planning Commission in their decision.

Chair Ross said the installation of the deck in front of the building and along the Corridor is particularly suited for this building because it is a similar use to other nearby buildings within the setback and creates a consistency not just from the outside observer but also from the people using it. He said it would be a much less attractive and less usable feature if it were behind the building.

Commissioner Breen asked about a railing. Mr. Warr said if the grade is less than 30 inches, a railing is not required and it could be conditioned to not have a railing.

Chair Ross said the deck is 12 inches off the ground than it otherwise might be. He said if there were a landing and a step coming out of the door and pavers on the soil, it would not require a variance, but it would be much less in character with the building and a greater disturbance to the site.

Planning Director Pedro reiterated that a deck is a design-driven feature that is not required.

Commissioner Breen said the deck is a better design solution for the tree and the building. Commissioner Koch agreed.

The Commission was in agreement for support of the materials board and the Conditional Use Permit.

Planning Director Pedro asked the Commissioners to vote on the four recommendations separately.

Commissioner Koch moved to recommend approval of the Conditional Use Permit. Seconded by Vice Chair Sill; the motion carried 5-0.

Commissioner Breen moved to recommend approval of the variance to exchange the floor area from one side of the building to the other to create space for the redwood tree. Seconded Commissioner Wilson; the motion carried 5-0.

Commissioner Breen moved to recommend approval of the variance for the deck within the front setback with the condition of no railing. Seconded by Commissioner Koch; the motion carried 3-2 (Breen, Koch, Ross – in favor; Sill, Wilson- against)

Commissioner Breen moved to recommend approval of the architectural design and site development permit with the condition of no railing on the deck. Seconded by Vice Chair Sill; the motion carried 5-0.

Agenda change moving Item 5(a) up:

(5) NEW BUSINESS [9:15 p.m.]

(a) **Review of Proposed Lot Merger, File #LLA-01-2016, 120 and 130 Golden Hills Drive (APN #s 077-211-140 & 130), Qi Lin Family LLC**

Planner Richardson summarized the background and discussion items regarding this project as detailed in the staff report.

Chair Ross invited comments from the applicant. Hearing none, he called for questions from the Commission.

Commissioner Koch said she recalled this property had a lot of nonconforming lights. Amy Walker, the landscape architect, said she unaware of any nonconforming lights.

Commissioner Breen said she thought they had previously conditioned removal of the lawn in the Blue Oak forest, and the graphic still shows the lawn. She asked if the lawn had been removed. Ms. Walker said a portion of the lawn had been removed. Commissioner Breen said any lawn there will compromise the forest over time.

Commissioner Koch said there were lights added after previous ASCC approval a few years ago. Planning Director Pedro said there is currently no active code enforcement case on the property. She said the previous violations should have been abated and she will follow up on it.

In response to a question from Chair Ross, Ms. Walker said the owners want to locate a spa off one of the decks that would encroach into the setback, which is why they want to merge the lots.

With no further questions, Chair Ross invited public comment. Hearing none, he brought the issue back to the Commission for discussion or action.

Vice Chair Sill moved to recommend approval of the lot merger with conditions as specified in the staff report. Seconded by Commissioner Koch; the motion carried 5-0.

Continue with original agenda (4) Old Business:

(c) **Architectural Review and Site Development Permit for a New Residence, Pool, Detached Accessory Dwelling Unit, Teahouse and Studio, File #37-2016, 228 Westridge Drive, Dolin Residence**

Associate Planner Arly Cassidy described the proposed project as detailed in the staff report. The ASCC conducted a preliminary review of the project on January 23. Planner Cassidy said

Landmark Development Corp.
1307 S. Mary Avenue, Suite 120
Sunnyvale, California 94087
(408) 733-9693
California Contractors License Number 483349

ESTIMATE

To:
Mr. Carter Warr
CJW Architecture
130 Portola Road
Portola Valley, CA 94028

Estimate No: 20184
Invoice Date: 03/01/17
Terms: To be determined

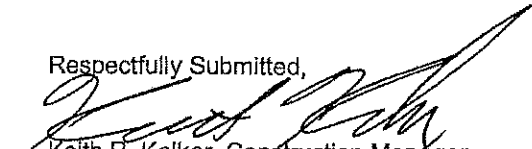
Project:
Willow Grove, LLC.
844 Portola Road
Portola Valley, CA 94028

**Construction Cost Estimate
Office building rehabilitation**

A. Cost of construction in front yard setback, exempt from cost limitations. <i>Square footage 1,948</i>	\$350,128.00 \$179.74/sf
B. Cost of construction behind the front yard setback, not exempt from cost limitations <i>Square footage 605</i>	\$41,073.00 \$67.89/sf
C. Cost of construction for areas within existing non-conforming side and rear setbacks, subject to cost limitations. <i>Only includes newer back building with no plumbing and retains existing foundation Square footage 357</i>	\$21,300.00 \$59.66/ \$59.66/sf
D. Cost of site improvements exempt from cost limitations.	not included
Total Construction Estimate.	\$412,500.00

This estimate is provided in accordance with the Architectural and Landscape Drawings provided by CJW Architecture dated 2/15/2017. The estimate has been broken down in compliance with the Structure/Setback Information Table.

Respectfully Submitted,


Keith R. Kolker, Construction Manager
c.c John Hansen, Willow Grove LLC

Hallett Store

Variance Request

1. The request is to allow the removal of an existing portion of the 1904 Hallett Store building within the front yard setback currently being damaged by the adjacent to the very large heritage redwood tree and construct replacement floor area away from the effects of the tree in the front yard setback. The proposal is for an equal exchange of existing to new floor area where the new area is no more nonconforming. The proposal is the only viable way to preserve the floor area of the building and the existing heritage tree.
2. Allow the construction of the proposed raised wooden deck in the front yard setback to provide outdoor access and accessible means of egress on the northwest courtyard space adjacent to the existing redwood grove. The Federally required access must be within 1/2" in elevation of the interior space. The courtyard space is lower than the existing interior elevation. The existing interior elevation exists and is predicated on the elevation determined and set by the 1904 original construction. The wooden deck is the only way to provide outdoor access and accessible egress while protecting the root zones of the adjacent heritage redwood grove.

Variance Findings Support

1. There are special circumstances on this property that necessitate the variance. This property has a 1904 building that is listed within the Town's Historic Element as a valuable resource. The property has one of the largest living redwood trees on the property. These two important vestiges of Portola Valley heritage reside in too close proximity. Neither can be readily moved. Both are worthy of protection. This condition does not to our knowledge exist on other properties with the same zoning designation.
2. The literal enforcement would deprive the owner of the opportunity to preserve his property use and ability to protect his building without the approval of the tree removal. The tree removal permit was recommended for denial. The special circumstances of this property are the reason for the variance application.
3. The granting of the variance will represent not special privilege because the special circumstances of the building configuration, the position of the very large tree, the health of the tree, and the configuration of the property are unique and not found on other properties of the same size in the same zoning district.
4. The granting of the variance will have no effect on the public welfare or any other property.
5. The current and proposed use and activities on the property will be unchanged by the granting of the variance.
6. The granting of the variance will be completely consistent with the General Plan and the Zoning Ordinance.

RESOLUTION NO. 1982-233

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY MAKING DETERMINATION ON ENVIRONMENTAL IMPACT; AUTHORIZING CATEGORICAL EXEMPTION AND DIRECTING FILING OF NOTICE OF EXEMPTION AND GRANTING CONDITIONAL USE PERMIT TO WRIGHT & COMPANY/REALTORS USE PERMIT APPLICATION X7D-96

RESOLVED, by the Planning Commission of the Town of Portola Valley, California, that

WHEREAS, application has been made on behalf of Wright & Company/Realtors, by Samuel L. Wright, Jr., for renewal of a lapsed conditional use permit under Section 6935.10 of the Zoning Ordinance comprising a permit to grant conforming status and to allow reinstatement of a previously granted use permit which had lapsed by its own limitations on Assessor's Parcel No. 086-261-040, which proposed use is a conditional use, within the C-C zoning district in which the parcel is located;

WHEREAS, this Commission caused notice to be given of a public hearing to be held on June 16, 1982;

WHEREAS, evidence as to the environmental impact of the proposed use permit was submitted to the Commission as a part of the staff report which indicated that the proposed use would be consistent with the designation of the property on the General Plan and that the proposed use which might, in some circumstances, have a significant effect on the environment, did not in the particular application appear so to do and recommended findings to the Commission which would permit the Commission to authorize making of a categorical exemption for the project as existing facility pursuant to Class 4.6 A of the Town guidelines and 15101 of the State guidelines to be attached to the notice of exemption following action by the Planning Commission; and

WHEREAS, this Commission has heard and considered the evidence and facts presented, which evidence and facts included a study of the requirements of the zoning regulations of the Town;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, as follows:

1. That the use of the property in accordance with the use permit authorized herein is consistent with the General Plan and that the impact on the environment of the proposed method of use will not be substantial and that the Commission does hereby find and determine that in this particular instance there would not be a significant effect in the environment from the continued use and concurs in and makes the findings contained in the staff report and does hereby determine, authorize and direct the preparation of a categorical exemption for the continued use of the lands covered by the application for the conditional use permit as requested in said application and hereby authorizes and directs the filing of a notice of exemption, with a copy of the preliminary environmental assessment attached, following adoption of this resolution.

2. That the use is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.

3. That the site for the use is adequate in size and shape to accommodate the use and that all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as may be required by the zoning ordinance or are, in the opinion of the Commission, needed to assure that the uses will be reasonably compatible with land uses normally permitted in the surrounding area have been, or will be, provided.

4. That the site for the use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the use.

5. That the use will not adversely affect the abutting property or the permitted use thereof.

6. That the use of the Portola Building is hereby granted conforming status. Nothing contained herein, however, shall be deemed to validate or cure any existing nonconforming uses or any existing uses other than the Portola Building in violation of the planning and zoning regulations of the Town or to prejudice any enforcement or abatement rights of the Town in regard to such nonconforming uses or any uses in violation of the planning, zoning and other regulations of said Town.

7. That the existing use of the Portola Building and the other buildings on the site, subject to the additional conditions imposed herein, will comply with the regulations and conditions specified in the zoning ordinance for such existing use; and permit is hereby granted for the existing use of the Portola Building as an Administrative-Professional office.

8. That the use, subject to the conditions imposed herein, will comply with the regulations and conditions, specified in the zoning ordinance for such use, and permit is hereby granted for the use of said property for the continued operation of the Portola Building, the residences fronting on Portola Road and two residences on the rear of the parcel.

9. That a conditional use permit for the continued operation of the Portola Building and the residences in accordance with the present use of the site is granted subject to the following conditions:

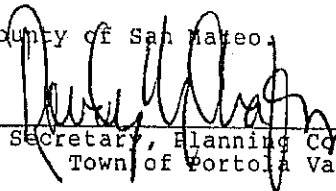
- a. The conditional use permit will be effective for a period of one (1) year but will be extended for four additional years by the Planning Commission, without hearing, upon determination of satisfactory compliance with Subsection f. hereof.
- b. The Portola Building shall be limited to business and professional offices complying with Section 6601.2 D. of the zoning ordinance.
- c. The residence fronting on Portola Road may continue to be used as a single-family dwelling for the duration of this permit. It shall comply with the requirements of the Health Officer.

- d. The planting area in front of the fence at the southeastern boundary of the parking area shall be planted within three months of the effective date of this permit with plants approved by the Conservation Committee.
- e. The fence adjacent to the Village Square shall be improved to the satisfaction of the Architectural and Site Control Commission if the fence is on the applicant's property.
- f. The two residences on the rear of the property are not granted conforming status with respect to the zoning ordinance requirements by approval of this conditional use permit. The applicant shall present a plan within three months of the effective date of this permit for bringing these residences into conformity with the zoning regulations. If the plan requires an amendment to this permit, the applicant shall apply for such amendment within this time period. If the applicant has not obtained approval from the Planning Commission of such plan within six months of the effective date of this permit, this conditional use permit shall immediately become null and void as it applies to the entire property unless such time period has been extended by the Planning Commission.
- g. No additional buildings or facilities to those shown on the site plan (Proposed Renovations, The Portola Building, 1977, 1/16" = 1') submitted with the application, except for minor modifications approved by the Architectural and Site Control Commission, shall be permitted without amendment to this permit.

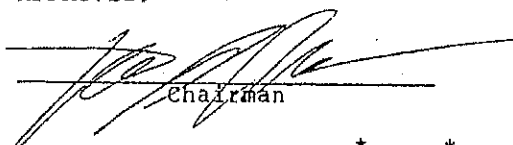
10. That the Secretary of the Planning Commission shall cause the formal conditional use permit to be issued to the applicant. Said conditional use permit shall become effective on the thirty-first day following the date of adoption of this Resolution unless the issuance of said permit shall have been appealed or the Town Council shall have determined, from a review of the decision, to set the matter for public hearing.

11. That copies of this Resolution be transmitted to the applicant, to the Town Clerk of the Town of Portola Valley and to the Building Inspector; and, within thirty days of the effective date of this Resolution, or in the event of modification hereof by the Town Council, the effective date of such modification, the Secretary of the

Planning Commission shall transmit a copy of this Resolution and/or the resolution of the Town Council providing for any modification hereof to the Office of the Assessor of the County of San Mateo.


Secretary, Planning Commission
Town of Portola Valley

APPROVED:


Chairman

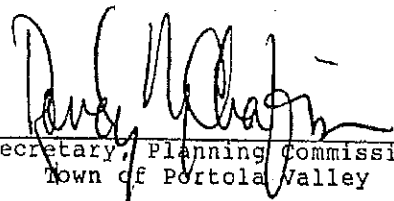
* * * * *

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Commission of the Town of Portola Valley at a meeting thereof held on the 16th day of June, 1982, by the following vote of the members thereof:

AYES, and in favor thereof, Members: Eastman, James, Merk, Stanford, Weaver

NOES, Members: None

ABSENT, Members: None


Secretary, Planning Commission
Town of Portola Valley

RESOLUTION NO. 1982-242

A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF PORTOLA VALLEY AUTHORIZING THE DETERMINATION
OF A CATEGORICAL EXEMPTION AND GRANTING AMENDMENT
TO EXISTING CONDITIONAL USE PERMIT TO
WRIGHT & COMPANY/REALTORS
USE PERMIT APPLICATION X7D-96

RESOLVED, by the Planning Commission of the Town of Portola
Valley, California, that

WHEREAS, application has been made on behalf of Wright &
Company/Realtors, by Samuel L. Wright, Jr., for renewal of a lapsed
conditional use permit under Section 6935.10 of the Zoning Ordinance
comprising a permit to grant conforming status and to allow
reinstatement of a previously granted use permit which had lapsed by
its own limitations on Assessor's Parcel No. 086-261-040, which
proposed use is a conditional use, within the C-C zoning district in
which the parcel is located;

WHEREAS, this Commission caused notice to be given of a
public hearing to be held on June 16, 1982;

WHEREAS, on June 16, 1982, this Commission granted a
conditional use permit based on said application which permit
included Section 9.f, which required applicant to present plans for
bringing two residences into conformity with the zoning regulations
and, if necessary, to apply for an amendment to said permit;

WHEREAS, plans have been submitted and applicant has filed
for an amendment to said permit and this Commission caused notice to
be given of a public hearing to be held November 3, 1982;

WHEREAS, application has been made by Wright &
Company/Realtors by Samuel L. Wright, Jr., for an amendment of the
conditional use permit on Assessor's Parcel No. 086-261-040 granted
pursuant to said Resolution No. 1982-233;

WHEREAS, this Commission caused notice to be given of a
public hearing to be held on November 3, 1982, on the proposed
amendment to said permit;

WHEREAS, evidence as to the environmental impact of the proposed amendment to the use permit was submitted to the Commission as a part of the staff report which indicated that the proposed amendment of said permit would be consistent with the designation of the property on the General Plan and that the proposed uses which might, in some circumstances, have a significant effect on the environment, did not in the particular application appear so to do and recommended findings to the Commission which would permit the Commission to authorize the determination of a categorical exemption for the project; and

WHEREAS, this Commission has heard and considered the evidence and facts presented, which evidence and facts included a study of the requirements of the zoning regulations of the Town;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, as follows:

1. That the development of the property in accordance with the use permit and in accordance with the amendment permitted herein as requested is consistent with the General Plan and that the impact on the environment of the proposed method of development will not be substantial and that the Commission does hereby find and determine that in this particular instance there would not be a significant effect on the environment from the proposed use and concurs in and makes the findings contained in the staff report and does hereby determine that the project is categorically exempt as an existing facility pursuant to Section 4.6,A of the Town's Local Environmental Quality Act Guidelines and pursuant to Section 15101 of the State Guidelines and hereby authorizes and directs the filing of a notice of exemption following adoption of this resolution.

2. That the existing and proposed use and the permit as proposed to be amended is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.

3. That the site for the proposed existing use of the two residences on the rear of the property covered by the permit is adequate in size and shape to accommodate the proposed use and that all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as may be required by the zoning ordinance or are, in the opinion of the Commission, needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area, have been or will be provided.

4. That the site for the existing and proposed modified use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the existing and proposed use, as modified.

5. That the existing and proposed modified will not adversely affect the abutting property or the permitted use thereof.

6. That the existing and proposed use, with the structural modification shown on the plan, subject to the conditions imposed herein, will comply with the regulations and conditions, specified in the zoning ordinance for such existing and proposed use, and permit is hereby granted for the existing use, as proposed to be modified, of said premise for a single-family residential occupancy.

7. That an amendment to the existing conditional use permit for Wright and Company/Realtors, pursuant to use permit application X7D-96, as shown on the application for an amendment of the use permit is hereby granted subject to the conditions contained in the original use permit, as amended herein, and subject to the additional conditions hereinafter stated which shall be in lieu of Condition 9.f. contained in said permit granted pursuant to said Resolution No. 1982-233 reading, as follows:

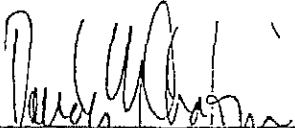
9.F. The two residences on the rear of the property may continue to be used as single-family residences for the duration of this permit subject to the following provisions:

- 1) Electrical - Both houses shall be rewired to comply with code specifications. One electrical meter may serve both dwellings. Each unit shall have its own circuit breaker panel with disconnect. Appropriate amperage necessary for each unit shall be calculated and suitable circuit breakers will be installed. Ground fault intercept circuit breakers shall be installed in both bathrooms.
- 2) plumbing - All fixtures shall be inspected and replaced as necessary. Pipes shall be inspected and repairs made on leaks and improper connections. The toilet in middle dwelling shall be properly vented, a sink shall be installed in middle dwelling bathroom and loose fixtures shall be secured. Water heaters in both dwellings shall be inspected and repaired as necessary to insure safe operation.
- 3) Heating - New electrical baseboard heaters shall be installed in middle dwelling. Heater in rear structure shall be inspected and replaced if necessary.
- 4) Other - The window in the front of the middle unit shall be enlarged to provide for emergency access. The bathroom in middle unit shall be completely enclosed. Both roofs shall be inspected and necessary repairs will be made.
- 5) Dry grass shall be kept removed within 30 feet of the houses.
- 6) If solid fuel appliances are used in the houses, stove pipes or chimneys shall have a screen on top of the outlet.
- 7) The separation between the two houses shall meet the requirements of the fire district. This may require structural modification.
- 8) The changes required by conditions 1) - 7) above shall be completed within three months of the effective date of this amendment to the conditional use permit X7D-96. If they are not completed within said time, the permit shall expire unless the Planning Commission shall have granted an extension of the time for compliance prior to such expiration.

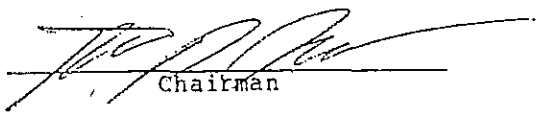
8. That the Secretary of the Planning Commission shall cause the formal amendment to the conditional use permit to be issued to the applicant. Said amendment to the conditional use permit shall

become effective on the thirty-first day following the date of adoption of this Resolution unless the issuance of said permit shall have been appealed or the Town Council shall have determined, from a review of the decision, to set the matter for public hearing.

9. That copies of this Resolution be transmitted to the applicant, to the Town Clerk of the Town of Portola Valley and to the Building Inspector; and, within thirty days of the effective date of this Resolution, or in the event of modification hereof by the Town Council, the effective date of such modification, the Secretary of the Planning Commission shall transmit a copy of this Resolution and/or the resolution of the Town Council providing for any modification hereof to the Office of the Assessor of the County of San Mateo.


Secretary, Planning Commission
Town of Portola Valley

APPROVED:


Chairman


* * * * *

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Commission of the Town of Portola Valley at a meeting thereof held on the 3rd day of November, 1982, by the following vote of the members thereof:

AYES, and in favor thereof, Members: Eastman, James, Merk, Stanford, Weaver

NOES, Members: None

ABSENT, Members: None ~~Stanford~~


Secretary, Planning Commission
Town of Portola Valley



Architectural
Resources Group



846 Portola Road
Portola Valley, California
Historic Resource Evaluation

prepared for

Pacific States Capital Corp.

prepared by

Architectural Resources Group

9 March 2016





Historic Resource Evaluation

846 Portola Road
Portola Valley, CA

9 March 2016

TABLE OF CONTENTS

1. Introduction	1
1.1 Project Background	1
1.2 Previous Evaluations	1
1.3 Scope and Methodology.....	1
1.4 Summary	2
2. Property & Building Descriptions.....	2
2.1 Neighborhood Description	2
2.2 Property and Building Descriptions – 846 Portola Road.....	2
3. Site History & Development	4
3.1 Occupant Chronology.....	4
3.2 Construction Chronology.....	4
4. Historic Contexts.....	6
4.1 Portola Valley	6
4.2 Hallett’s Store.....	7
5. Evaluative Framework	9
5.1 California Register of Historical Resources	9
6. Evaluation	10
6.1 California Register of Historical Resources	10
6.2 Integrity Assessment	12
6.3 Conclusion	13
7. Bibliography.....	14

Appendices

Appendix A: Existing Conditions Photographs

(this page intentionally left blank)

1. INTRODUCTION

1.1 Project Background

At the request of Pacific States Capital Corp. and the Town of Portola Valley, Architectural Resources Group (ARG) has completed this Historic Resource Evaluation (HRE) for the property at 846 Portola Road in Portola Valley, California. The purpose of this evaluation is to determine if the property qualifies as an individual historic resource per the eligibility criteria of the California Register of Historical Resources (California Register) for purposes of the California Environmental Quality Act (CEQA).

1.2 Previous Evaluations

To date, the subject property has not been formally evaluated for its eligibility as a historic resource. However, the property is included in the Historic Element section of the Town of Portola Valley's General Plan. Since the building has been altered, it has been identified as not requiring "preservation," but rather identification with a plaque.¹ According to the Historic Resources Inventory (included as Appendix 1 in the Historic Element portion of the General Plan):

The building [at 846 Portola Road] has been greatly renovated throughout the years. Although it has lost its architectural integrity, the building retains much of its historic essence.

Coinciding with the closure in 1902 of the Hallidies' "Portola Store," Harry E. Hallett purchased a 100 foot square lot across the Portola Road east of the first store, and in 1904 constructed a small store with residence in the rear. This was the origin of the present structure. Across its typical false facade was painted "Portola Store," the name of its predecessor, but the local populace referred to it as "Hallett's Store."

In 1906, the building was shaken off of its foundation. In 1908, an addition was made on the front to accommodate another enterprise, a saloon, which immediately became the chief source of revenue. Hallett sold the property in 1918. Through the years, the building ran a gauntlet of owners and lessees, operating as a well patronized speak-easy. After Prohibition it was known as The Portola Club, or "Pearl's." In 1972, it was extensively remodeled by Wright & Co. for professional offices.²

1.3 Scope and Methodology

Since renovation of the building at 846 Portola Road is proposed, ARG was engaged to complete a HRE for the property. To complete this HRE, ARG:

- Conducted a site visit to examine and photograph the project area and its surroundings on March 3, 2016;
- Performed research at the Town of Portola Valley's archives and consulted with Nancy Lund, Town Historian of Portola Valley, regarding the subject property;

¹ Historic Element, Town of Portola Valley General Plan (amended April 22, 1998), 6, accessed February 29, 2016, <http://www.portolavalley.net/home/showdocument?id=1986>. The Historical Element does not include designation criteria or definitions for properties that qualify for "plaque" status.

² Ibid., Appendix 1: 11.

- Reviewed historical aerial photographs of the vicinity from the U.S. Geological Survey; and
- Searched local newspapers, including the *San Mateo Times* and the Almanac Online.

1.4 Summary

The building was originally constructed in 1904 by Harry Hallett and served as a general store and saloon for many decades. It was remodeled in the 1970s upon conversion into real estate offices. The property appears to be significant for its association with early development of Portola Valley; however, due to extensive alterations, the building does not retain sufficient integrity to convey its significance. Because a property must both be historically significant and retain physical integrity, 846 Portola Road does not qualify for listing on the California Register and would not be considered a historic resource per CEQA.

2. PROPERTY & BUILDING DESCRIPTIONS

2.1 Neighborhood Description

The property at 846 Portola Road is located in a semi-rural neighborhood. The subject property is surrounded some commercial and converted residential-to-commercial properties that line Portola Road. Many of the buildings were constructed in the post-World War II years. Immediately across the street is an Episcopal church and an open field. All buildings are small in scale, most not rising more than one story in height.

2.2 Property and Building Descriptions – 846 Portola Road

The property at 846 Portola Road is occupied by a single building at the western half. A paved parking lot occupies the remainder of the property.



Aerial image of 846 Portola Road and immediate vicinity; outline indicates approximate boundary of property (Google Earth, amended by author)

The building at 846 Portola Road is one-story in height and is generally L-shaped in plan. The building's parapet disguises a gabled roof clad in a composite material. A significant portion of the building is clad in textured stucco. Much of the building's west façade is clad in horizontal wood siding, and may be some of the original cladding material. Fenestration includes a mix of fixed multi-light windows, as well as wooden double-hung single- and multi-light windows. Many of the windows on the north and west façades may be original, but are in poor condition. However, some windows have been replaced with modern metal or vinyl sliding casement windows.

A large redwood tree is located immediately adjacent to the building's east side and is dislodging it from its foundation.



Primary (south) and east façades
(Architectural Resources Group, March 2016)



West and north façades
(Architectural Resources Group, March 2016)



Example of damage at east facade
(Architectural Resources Group, March 2016)

3. SITE HISTORY & DEVELOPMENT

3.1 Occupant Chronology

The building was originally occupied by Hallett's store in the early 1900s, and operated as both a general store and saloon by Harry Hallett. After Hallett sold the store in 1918, the building continued to operate as such under the names Pearl & Art's, and later the Portola Club. Wright and Company, a real estate agency, purchased the building in 1972 and converted it to offices.³ At present, the building remains largely unoccupied, with the exception of an equine clinic at the front portion and another office in the rear.

3.2 Construction Chronology

For this report, ARG did not review past construction permits, because an analysis of historic photographs, a site inspection, and previous documentation revealed that the building has undergone numerous alterations since its construction in 1904. According to a Portola Valley resident's account, the building was thrown off its foundation during the 1906 earthquake.⁴

Originally, the main façade did not have the projection at the west end as it does today; this addition, however, dates to an early period of the building's history. Newspaper articles indicate this addition was constructed in 1908

³ Nancy Lund and Pamela Gullard, *Life on the San Andreas Fault: A History of Portola Valley* (San Francisco: Scottwall Associates, 2003), 90.

⁴ Notes from Hallett Folder, Portola Valley Archives.

and served as the saloon portion of the business.⁵ Later that year, Hallett constructed a blacksmith shop on the property, though that building is no longer extant.⁶

The building has undergone extensive renovations and remodeling since its construction in 1904. According to historic photographs, the building was originally clad in horizontal wood siding, not the textured stucco that is present today. The parapet was flat, rather than stepped as it appears today, and featured trim along the cornice line. The roof over the front porch has also been completely replaced, with a shed roof rather than the current hipped roof. Turned wooden porch columns have replaced simple wooden posts and a wooden railing has been added.

A comparison of historic photographs and existing conditions also suggests that a significant proportion of the original doors and windows have been replaced. The windows on the primary façade appear to be smaller than those in the historic photograph below and the original main entry door did not have a transom. Historic photographs depict only the primary façade, but an inspection of materials on the site visit show that all doors and many windows are composed of modern materials that were not available in the early 1900s.



Primary (south) façade, ca. 1909
(Overland Monthly, Portola Valley Archives)

⁵ *Redwood City Democrat*, April 16, 1908, from the Portola Valley Archives.

⁶ *Redwood City Democrat*, September 24, 1908, from Portola Valley Archives.

4. HISTORIC CONTEXTS

4.1 Portola Valley

The area in which present-day Portola Valley is located was originally inhabited by the Ohlone, a loosely related group of independent tribelets, each with its own territory, customs, and language. Spanish explorers collectively referred to the natives as *Costaños*, although each tribelet was distinct.⁷ The group that inhabited the lower San Francisquito Creek encompassing present-day Portola Valley has been named the Puichon Ohlone.⁸ Different tribelets often traded with each other, and even intermarried. The Ohlone relied on hunting and gathering, subsisting on a variety of wild plants and animals.⁹

In 1834, the valley became part of the 13,316-acre Rancho el Corte de Madera granted to Maximo Martinez by the Mexican government. The rancho extended south to present-day Skyline Boulevard and north to parts of Woodside, including the entirety of Portola Valley. During the rancho era, the land was used for cattle grazing. In 1863 when Martinez died, his descendants began selling off the land and the rancho was subdivided among numerous individuals.



Official Map of San Mateo County, California, compiled and drawn by Davenport Bromfield, County Surveyor, 1894, detail showing a portion of the Rancho el Corte de Madera (Library of Congress)

⁷ Malcolm Margolin, *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area* (Berkeley: Heyday Books, 1978), Kindle edition.

⁸ Nancy Lund and Pamela Gullard, *Life on the San Andreas Fault: A History of Portola Valley*, 16.

⁹ Malcolm Margolin, *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*.

Modern-day Portola Valley's roots began with the small town of Searsville, which stood along Sand Hill Road from the 1850s until the early 1890s. The town provided services to loggers who worked in the nearby redwood forests. By the end of the century, however, the redwoods were largely depleted and Searsville had been abandoned.

During the late nineteenth century, Andrew Hallidie, the inventor of San Francisco's cable cars, lived on an estate that extended from present-day Portola Road to Skyline Boulevard. The Hallidie family donated a portion of their land as a school site to replace the one at Searsville that closed in 1894. The new school was located near the existing historic schoolhouse and library, just south of the subject property.¹⁰ The town of Portola developed around this site, including a store, post office, blacksmith shop, and hotel. The town, however, was short lived. One provision the Hallidie family insisted upon was that no liquor was to be served in the town of Portola. Once liquor began to be served, Andrew Hallidie's widow, Martha, repurchased the land they had donated. Within a short time, all the original businesses were closed and the buildings removed or relocated.¹¹

The town reemerged shortly thereafter in the early 1900s, when the first Catholic church in the valley was established. A precursor to the existing Our Lady of the Wayside, the church, which was housed in the original town's dance hall, opened around 1902. Hallett's store opened shortly thereafter.

The area became occupied primarily by small farms and large estates; extensive residential development did not occur in the area until after World War II. By the mid-1950s, many residents became concerned about the increasing pressures for housing and business expansion. Nearly a decade later, in 1964, the residents voted to incorporate in order to have local control over development and government. Since then, the town has grown, but has largely maintained its bucolic character.

4.2 Hallett's Store

Hallett's Store, also known as Portola Store, was established around 1904 by Harry Hallett, a native of San Mateo County. Hallett purchased the property from Antone Silva for \$10 in gold coins on March 9, 1901. Harry Hallett and local carpenter Black Jack Walters constructed the building in 1904.



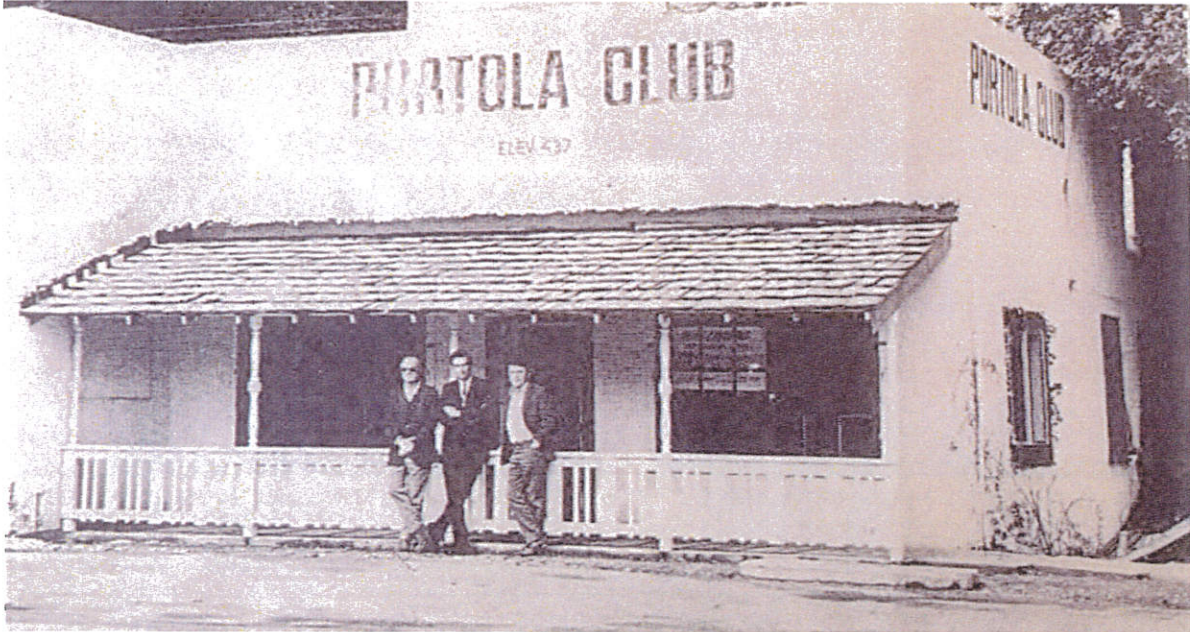
Hallett's Store, no date
(Portola Valley Archives)

¹⁰ The existing school house is not the one constructed in 1894, but rather a later one built in 1909.

¹¹ Town of Portola Valley, "Portola Valley History," accessed February 17, 2016, <http://www.portolavalley.net/about-portola-valley/history-of-portola-valley>.

Hallett opened the store that year, and, according to the *Overland Monthly* magazine, by 1909 it was “the center of commercial life in Portola.”¹² Hallett expanded the store in 1908 to include a saloon, and soon that became a more lucrative business. According to historical accounts in the Portola Valley Archive’s records, Hallett’s store served as a registration place for WWI soldiers.

Hallett sold the store to Ben Race in 1918, and afterward went into business operating a market in Redwood City with his son Ralph. Hallett retired in 1947.¹³ After Race’s death in 1920, his wife Clara operated the store. She went into business with a French-Canadian named Al Bushay and they installed a gas pump out front, which no longer remains. The two ran the store until 1940.



Hallett’s Store, when it was known as the Portola Club, ca. 1972
(Portola Valley Archives)

The property changed ownership a few times until Louie Gambetta, Sr. purchased it in the early 1940s. He leased it to Art and Pearl Morris, who operated Pearl and Art’s from 1945 until 1958. Gambetta’s son then reopened it as the Portola Club until its conversion to offices in the early 1970s. The building has served as an office building since that time. It is largely unoccupied at present.

Harry E. Hallett

Harry Emmett Hallett was born February 25, 1878 to Joseph Hamblin, a sea captain, and his wife, Annie. Both were originally from the East Coast. Harry was born in San Mateo County, but spent his formative years in Monterey County. Harry returned to San Mateo County in the 1890s and, along with his family, became a longtime resident of Redwood City. He relocated to Menlo Park in 1949.¹⁴

Harry Hallett was first married to Louise Florence Guerin in the late 1890s. According to census records, they had a daughter named Susan, although no subsequent records mentions her. They also had three other children: Ralph, Isabel, and Clement. In 1905, Louise, who was pregnant at the time, suffered a fall, which killed the unborn child.

¹² Halsey Rixford, “The Portola Discovery,” *Overland Monthly and Out West Magazine* 54:4 (October 1909): 336.

¹³ Unlabeled article, Harry Hallett folder, Portola Valley Archives,

¹⁴ Notes in Harry Hallett folder, Portola Valley Archives,

Louise died a few days later. Harry remarried a woman named Teresa around 1908 and they had a daughter named Dorothy in 1911.¹⁵ Teresa died in 1917. Harry remarried twice afterward: to Annie from 1920 until her death in 1937, and then to Amabel Mecchi until his death in 1960.¹⁶

Local residents credit Harry Hallett with being “mainly responsible” for building the second school in Portola Valley in 1903.¹⁷ Hallett served as a school trustee for several years and was head of the committee that spearheaded construction of the teacher’s cottage in 1916.

5. EVALUATIVE FRAMEWORK

5.1 California Register of Historical Resources

The California Register of Historical Resources (California Register) is the authoritative guide to the State’s significant historical and archeological resources. It serves to identify, evaluate, register, and protect California’s historical resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for historic preservation grant funding and affords certain protections under the California Environmental Quality Act. All resources listed on or formally determined eligible for the National Register of Historic Places (National Register) are automatically listed on the California Register. In addition, properties designated under municipal or county ordinances are eligible for listing in the California Register.

Significance Criteria

The California Register criteria are modeled on the National Register criteria discussed above. An historical resource must be significant at the local, state, or national level under one or more of the following criteria:

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, state or the nation.

Like the National Register, evaluation for eligibility to the California Register requires an establishment of historic significance before integrity is considered. California’s integrity threshold is slightly lower than the federal level. As a result, some resources that are historically significant but do not meet National Register integrity standards may be eligible for listing on the California Register.

Integrity

Second, for a property to qualify under the National Register’s Criteria for Evaluation, it must also retain “historic integrity of those features necessary to convey its significance.”¹⁸ While a property’s significance relates to its role

¹⁵ Census records from 1910 indicate Harry Hallett’s wife was named Mary, but accounts in the Portola Valley Archives indicate his wife at around this time was named Teresa.

¹⁶ “Rites Tomorrow for Mrs. Hallett,” *The Times (San Mateo)*, April 20, 1937.

¹⁷ Skrabo, December 1958, Harry Hallett folder, Portola Valley Archives.

¹⁸ National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, accessed February 17, 2016, http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_3.htm.

within a specific historic context, its integrity refers to “a property’s physical features and how they relate to its significance.”¹⁹ Since integrity is based on a property’s significance within a specific historic context, an evaluation of a property’s integrity can only occur after historic significance has been established. To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

Location is the place where the historic property was constructed or the place where the historic event occurred.

Setting is the physical environment of a historic property.

Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.

6. EVALUATION

6.1 California Register of Historical Resources

Below is an evaluation of the subject property for individual significance under each California Register criterion:

California Register Criterion 1 [Association with Significant Events]

To be considered eligible for listing under Criterion 1, a property must be associated with one or more events important in a defined historic context. This criterion recognizes properties associated with single events, a pattern of events, repeated activities, or historic trends. The event or trends, however, must clearly be important within the associated context. Further, mere association of the property with historic events or trends is not enough, in and of itself, to qualify under this criterion: the specific association must be considered important as well.²⁰

The property at 846 Portola Road is associated with the early development of Portola Valley in the beginning of the nineteenth century. The store was not part of the development in the area initiated by the Hallidies in the late 1890s, but rather was constructed during the second wave of development that occurred after Andrew Hallidie’s death. No commercial or municipal buildings remain from the first development period. However, the subject building and the school house, located about a quarter mile south on Portola Road, are the only remaining buildings from the second wave of development. This part of the valley soon became the town’s commercial and social center, with Hallett’s store the “center of commercial life in Portola.”

¹⁹ National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, accessed February 17, 2016, http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm.

²⁰ National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, accessed February 17, 2016, http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_6.htm.

For the reasons discussed above, the building at 846 Portola Road appears to be individually eligible for the California Register at the local level under this criterion.

California Register Criterion 2 [Association with Significant Persons]

This criterion “applies to properties associated with individuals whose specific contributions to history can be identified and documented.” It identifies properties associated with individuals “whose activities are demonstrably important within a local, State, or national historic context,” and is typically limited to those properties that have the ability to illustrate a person’s important achievements.²¹

Aside from operating one of the earliest general stores in Portola Valley, Harry Hallett does not appear to have made any significant contributions to the town or local history in general. He was active in the community, helping to establish a second schoolhouse and teacher’s cottage. However, these activities do not appear “demonstrably important” to the degree that would warrant eligibility for association with Harry Hallett. Further, Hallett does not appear to have made significant contributions to the retail industry.

For the reasons discussed above, the property does not appear individually eligible for the California Register under Criterion 2.

California Register Criterion 3 [Architectural Significance]

This criterion applies to properties that “embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.”²² “Distinctive characteristics” are the physical and design features that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular style.²³ A master “is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality.”²⁴

The building at 846 Portola Road was not designed within the vocabulary of a specific architectural style and does not possess high artistic values. The building was not constructed by a master architect, but rather by Hallett himself and a local carpenter. Originally the building appeared more like an early pioneer general store, but today, it is more reminiscent of an adobe building. The current configuration and appearance of the building was largely established decades after the building’s original construction and is not a historic condition.

Hallett’s Store originally appeared similar to the existing Alpine Inn located on Alpine Road in Portola Valley. The Alpine Inn dates to the 1850s, when it was known as Casa de Tableta, and is recognized as California Historical Landmark 825. It has been in continuous operation as a roadhouse and saloon since its original construction, and is a better representative example of this building type from this early period in the area.

For the reasons discussed above, the subject property does not appear eligible for the California Register under this criterion.

²¹ Ibid.

²² National Park Service, National Register Bulletin: How to Apply the National Register Criteria for Evaluation, 3, accessed January 16, 2015, <http://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf>.

²³ Ibid.

²⁴ Ibid.

California Register Criterion 4 [Potential to Yield Information]

Criterion 4 is generally applied to archaeological resources and evaluation of the subject property for eligibility under this criterion was beyond the scope of this report.

Period of Significance

According to the National Register Bulletin *How to Complete the National Register Registration Form*:

Period of significance is the length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for National Register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often a date of construction.²⁵

The building's period of significance dates to 1904, marking the date of its original construction.

6.2 Integrity Assessment

Integrity is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Integrity involves several aspects including location, design, setting, materials, workmanship, feeling, and association.

In general, the building at 846 Portola Road does not retain sufficient integrity to convey its significance. Below is an examination under each of the seven aspects of integrity.

Location is the place where the historic property was constructed or the place where the historic event occurred. The building is in its original location and retains its integrity of location.

Setting is the physical environment of a historic property. Only one building dating to the same period (ca. 1904) as the subject building remains nearby. Most of the buildings in the immediate vicinity were constructed in the postwar years. The adjacent house of unknown age was recently demolished. Although the area largely remains rural and development has been limited, the subject property retains diminished integrity of setting.

Design is the combination of elements that create the form, plan, space, structure, and style of a property. The building's general form and massing seem to be intact, but the exterior stylistic and architectural elements have been altered considerably. Textured stucco has replaced the original horizontal wood siding and the parapet has a stepped roofline, rather than the original straight roof line. Further, the porch roof appears to have been replaced as it features a different roofline today (shed) than it does in historic photographs (hipped). A significant proportion of the windows and doors have been altered. As a result, the building does not retain integrity of design.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Many of the building's original materials have been replaced or significantly compromised. A comparison of historic photographs and the building's present condition suggest that most or all of the original windows have been replaced. Based on observations made during the site visit, the original horizontal wood siding appears to be present; however, it has been covered by stucco and may have been compromised in the process. Therefore, the building does not retain integrity of materials.

²⁵ National Park Service, *How to Complete the National Register Registration Form, National Register Bulletin 16A*, Washington, DC: United States Department of the Interior, 1997, 42.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Since most of the original building materials have been replaced, any hint of craftsmanship has been compromised. As a result, the building does not retain integrity of workmanship.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. Historic photographs show that the subject building originally looked much more similar to the Alpine Inn (also called Casa de Tableta and Rossotti's) located at 3915 Alpine Road, which dates to the 1850s. Both buildings had a similar function. The subject building still retains the character of a small-scale commercial property, but doesn't have the stylistic elements associated with early pioneer-style general store, particularly the horizontal wood siding and configuration of the primary façade. As a result, the building does not retain integrity of feeling.

Association is the direct link between an important historic event or person and a historic property. The building is no longer used for its original purpose and does not present as it did when it was originally constructed. Therefore, the subject property does not retain integrity of association.

6.3 Conclusion

The building at 846 Portola Road appears significant under California Register Criterion 1 for its association with the early development of Portola Valley; however, the building does not retain a level of historical integrity that would qualify it for listing on the California Register. Therefore, the property does not qualify as a historic resource per CEQA.

7. BIBLIOGRAPHY

- Ancestry.com. *1880 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2010.
- . *1900 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2004.
- . *1910 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2006.
- . *1920 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2010.
- . *1930 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2002.
- . *California, Death Index, 1940-1997* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2000.
- California Office of Historic Preservation. *California Register of Historical Resources: The Listing Process, Technical Assistance Series 5*. Sacramento, CA: California Department of Parks and Recreation, n.d.
- Lund, Nancy and Pamela Gullard. *Life on the San Andreas Fault: A History of Portola Valley*. San Francisco: Scottwall Associates, 2003.
- Margolin, Malcolm. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Berkeley: Heyday Books, 1978. Kindle edition.
- National Park Service. *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. Accessed February 17, 2016, <http://www.nps.gov/nr/publications/bulletins/nrb15/>.
- Portola Valley, Past and Present. "Historic Vignettes." Accessed February 17, 2016. <http://www.pv.beaucamera.com/category/portola-valley-history/historic-vignettes/>.
- Portola Valley Archives, Portola Valley Public Library
- Rixford, Halsey L. "The Portola Discovery." *Overland Monthly and Out West Magazine (1868-1935)* 54:4 (October 1909): 333-338. <http://search.proquest.com.libproxy2.usc.edu/docview/137420345?accountid=14749>.
- Town of Portola Valley. "Portola Valley History." Accessed February 17, 2016. <http://www.portolavalley.net/about-portola-valley/history-of-portola-valley>.

Historic Resource Evaluation
846 Portola Road • Portola Valley, California

Appendix A
Existing Conditions Photographs



(this page intentionally left blank)



South (primary) and east façades, view looking northwest
(Architectural Resources Group, March 2016)



Southern portion of east façade, view looking west
(Architectural Resources Group, March 2016)



Northern portion of east façade, view looking west
(Architectural Resources Group, March 2016)



East and north façades, view looking southwest
(Architectural Resources Group, March 2016)



North and west façades, view looking south
(Architectural Resources Group, March 2016)



North and west façades, view looking southeast
(Architectural Resources Group, March 2016)



Southern portion of west façade
(Architectural Resources Group, March 2016)

SAN FRANCISCO

Pier 9, The Embarcadero, Suite 107
San Francisco, California 94111
T: 415.421.1680
F: 415.421.0127

argsf.com

PASADENA

8 Mills Place, 3rd Floor, Suite 300
Pasadena, CA 91105
T: 626.583.1401
F: 626.583.1414

arg-la.com

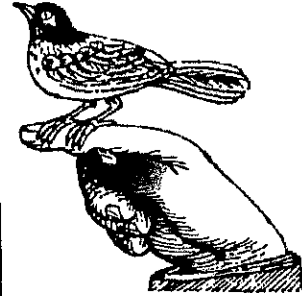
PORTLAND

111 SW Fifth Avenue, 24th Floor
Portland, OR 97204
T: 971.256.5324

arg-pnw.com

Ralph Osterling Consultants, Inc.

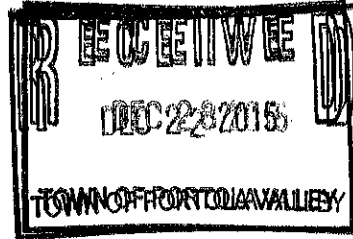
1650 Borel Place, Suite 204
San Mateo, CA 94402-3508



RALPH OSTERLING
CONSULTANTS, INC.
PHONE (650) 573-8733
1650 BOREL PLACE #204
SAN MATEO, CA 94402

December 22, 2015

John Hansen
Pacific States Capital
PO Box 7602
Menlo Park, CA 94026



Re: Redwood at 846, Portola Road, Portola Valley

Dear Mr. Hansen:

Below is an assessment of the large redwood tree located adjacent to the existing structure at the above address. The purpose of this assessment and report is to provide guidance and recommendations for the development on this site.

OBSERVATIONS

1. This redwood is approximately 11 feet in diameter as measured at dbh (4.5 feet above ground).
2. The root collar at ground line has considerable spread, estimated at 6 to 8 feet in diameter beyond the central trunk.
3. The height is estimated at 200 + feet with a multiple 3 trunk top.
4. The crown is full with good color and terminal growth, indicating healthy growth.
5. An increment boring showed growth at $\frac{1}{4}$ to $\frac{1}{2}$ inch in diameter per year for the past several years.
6. The root collar and stem growth has disrupted the structure, the foundation and walkways leading to the entrances to the building.
7. No surface roots were noted in the driveway or area adjacent to the structure.
8. No inspection was completed under the structure.

John Hansen

December 22, 2015

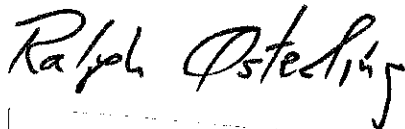
Page 2

RECOMMENDATIONS

1. Any foundations and soil disturbance for removal of the existing structure and site preparation for future improvements must be completed carefully and under the field direction of the Registered Forester.
2. New foundations shall be on piers. Continuous foundations may only be allowed based on root locations and when approved by the Registered Forester.
3. The structure and piers shall be a minimum of 12 inches from the root collar as measured at ground line. Piers shall have a spacing of 6 feet or more when within 4 feet of the root collar to prevent damage to major roots of 3 inches in diameter or more. Air spading shall be provided to locate and avoid large roots.
4. Tree protection shall be provided with a chain link fence located 12 inches or more beyond the edge of the root collar. Steel posts with a spacing of 6 feet shall be driven in a minimum of 12 inches and the fabric firmly attached. The protection fence shall be intact for the duration of all construction and landscape activities on the site.
5. Prior to any construction or demolition activities a blanket of wood chips a minimum of 8 inches deep shall be spread and maintained over the equipment work and laydown areas.
6. The structure and beams shall be high enough to allow air circulation under the structure.
7. Regular inspections by the Registered Forester shall be provided during the excavation activities. Regular reports shall be provided to the Owner.

With the above precautions with regular monitoring, it is my professional opinion this specimen size redwood will continue to thrive. Should you or others have questions or comments, please contact me at your convenience.

Respectfully,



Ralph Osterling, President, ACF, CLFA
Registered Professional Forester #38
State of California



RSO:js

Phone: (650) 573-8733

Fax: (650) 345-7890

Email: ralph@ralphosterling.com



171 Main St, #290, Los Altos, CA 94024
(+1) 800 406 6745 www.tsg.io
start@tsg.io

To whom it may concern:

TSG intends to become a tenant in the building at 846 Portola Road.

TSG is a boutique consulting firm which focuses on small businesses and residents within the 280 corridor between Woodside, CA and Los Altos, CA.

TSG's current focus is on providing personal cyber security, computer repair, video conferencing, and home and business automation solutions and services to small businesses and residents.

TSG intends to secure more than 50% of our business based upon long term relationships with residents and businesses from the town of Portola Valley and its area of influence. We are excited to be able to provide superior professional services close to our clients to provide near immediate response to our client's needs. In the future TSG plans to push further into home automation, personal cyber security solutions and turn key products for security. Our goal would be to provide the same level of functionality and security large enterprises have at a cost attractive and obtainable to small businesses and residents looking to protect their data.

Sincerely,

A handwritten signature in black ink, appearing to read "MO", with a long horizontal flourish extending to the right.

Marcus Olson
Managing Partner
TSGCA, INC

 **PACIFIC STATES CAPITAL**

May 19, 2016

Dear Town of Portola Valley,

Pacific States Capital Corporation is a residential real estate brokerage and development firm. We are also the current owner/developer of the property at 846 Portola Road in Portola Valley.

Once the office remodel is completed, we would like to occupy about 600 square feet of space. By locating in Portola Valley, we hope to expand our services to residents of the city and meet their recurring real estate needs.

Sincerely,


Pacific States Capital Corp.

OUTDOOR WATER USE EFFICIENCY CHECKLIST

RECEIVED

To Be Completed by Applicant

I certify that the subject project meets the specified requirements of the Water Conservation in Landscaping Ordinance. 2/2/2015

Signature: S. Kelley Bryant

Date: 12/17/15

TOWN OF PORTOLA VALLEY

Project Information

Single Family Multi-Family Commercial Institutional Irrigation only Industrial Other:

Applicant Name (print): S. KELLEY BRYANT

Contact Phone #: 650-851-9335

Project Site Address: 846 PORTOLA RD

Agency Review

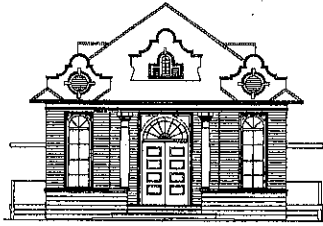
Project Area (sq.ft. or acre): 15,273 S.F. (.35 Acres) # of Units: 0

of Meters: 1

(Pass) (Fail)

For a single-family project, or a single-family development project, enter this information on an average per unit basis. For all other projects, input an aggregate value for the entire project.	Total Landscape Area (sq.ft.): <u>1,420 S.F.</u>	<input type="checkbox"/> Tier 1 (1,000 - 2,500 sq.ft.) <input type="checkbox"/> Tier 2 (> 2,500 sq.ft.)	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Turf Irrigated Area (sq.ft.): <u>- 0 -</u>		<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Non-Turf Irrigated Area (sq.ft.): <u>1,420 S.F.</u>		<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Special Landscape Area (SLA) (sq.ft.): <u>- 0 -</u>		<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Water Feature Surface Area (sq.ft.): <u>- 0 -</u>		<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)

Landscape Parameter	Requirements	Project Compliance	Agency Review
Turf	Less than 25% of the landscape area is turf	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	All turf areas are > 8 feet wide	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	All turf is planted on slopes < 25%	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Non-Turf	At least 80% of non-turf area is native or low water use plants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Hydrozones	Plants are grouped by Hydrozones	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Mulch	At least 2-inches of mulch on exposed soil surfaces	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation System Efficiency	70% ETo (100% ETo for SLAs)	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	No overspray or runoff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation System Design	System efficiency > 70%	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Automatic, self-adjusting Irrigation controllers	<input checked="" type="checkbox"/> No, not required for Tier 1 <input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Moisture sensor/rain sensor shutoffs	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	No sprayheads in < 8-ft wide area	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Irrigation Time	System only operates between 8 PM and 10 AM	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Metering	Separate irrigation meter	<input checked="" type="checkbox"/> No, not required because < 5,000 sq.ft. <input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Swimming Pools / Spas	Cover highly recommended	<input type="checkbox"/> Yes <input type="checkbox"/> No, not required	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Water Features	Recirculating	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Less than 10% of landscape area	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Documentation	Checklist	<input type="checkbox"/> Yes	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Landscape and Irrigation Design Plan	<input checked="" type="checkbox"/> Prepared by applicant <input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
	Water Budget (optional)	<input type="checkbox"/> Prepared by applicant <input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)
Audit	Post-installation audit completed	<input checked="" type="checkbox"/> Completed by applicant <input type="checkbox"/> Completed by certified professional	<input type="checkbox"/> (Pass) <input type="checkbox"/> (Fail)



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Cynthia Richardson, Consultant Planner
FROM: Howard Young, Public Works Director
DATE: 11/7/16
RE: Site Development Permit – Halletts-846 Portola Road – drawings dated 10/10/16

Public Works and Engineering Department Site Development Grading, Drainage, and erosion Control plan comments:

1. All items listed in the most current “Public Works & Engineering Department Site Development Standard Guidelines and Checklist” shall be reviewed and met. Completed and signed checklist by the project architect or engineer will be submitted with building plans. Document is available on Town website.
2. All items listed in the most current “Public Works & Engineering Department Pre-Construction Meeting for Site Development” shall be reviewed and understood. Document is available on Town website.
3. Any revisions to the Site Development plan permit set shall be resubmitted for review. The revised items must be highlighted on the plans and each item listed on letterhead.

In addition:

4. The driveway approach in the right of way shall be repaired or replaced to Town requirements. Storm drainage onto the approach and along the property front will need to be properly addressed with designed improvements. This may require coordination with the adjacent neighbor to the south. In addition, any applicable requirements or conditions outlined in the previous hydrology report by Schaaf & Wheeler dated 1/31/05 and resulting follow up requirements and communications with the Town.
5. Maintenance of landscaping and trees along the frontage of the property to provide adequate clearance for pedestrians, bicycles, and vehicles

WOODSIDE FIRE PROTECTION

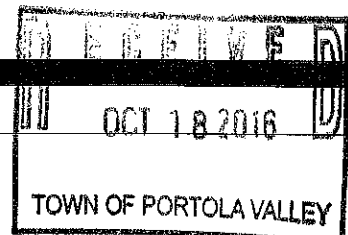
Prevention Division

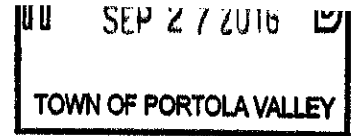
4091 Jefferson Ave, Redwood City CA 94062 ~ www.woodsidefire.org ~ Fire Marshal Denise Enea 650-851-6206

ALL CONDITIONS MUST MEET WFPD SPECIFICATIONS – go to www.woodsidefire.org for more info

BDLG & SPRINKLER PLAN CHECK AND INSPECTIONS

PROJECT LOCATION: 846 Portola Rd	Jurisdiction: PV	
Owner/Architect/Project Manager: Sausal Creek	Permit#: 37-2015/CUPX7D-96	
PROJECT DESCRIPTION: Addition/Remodel		
Fees Paid: <input checked="" type="checkbox"/> \$YES <input checked="" type="checkbox"/> See Fee Comments Date: 10/17/16		
Fee Comments: CH#2150.....\$60.00 (plan check fee) paid by: Pacific States Capitol. MH		
BUILDING PLAN CHECK COMMENTS/CONDITIONS: THE FOLLOWING REQUIREMENTS MUST BE MET IN ORDER TO PASS FINAL INSPECTION WITH FIRE: <ol style="list-style-type: none"> 1. Must comply to Portola Valley Building Code Section 15.04.020, Residential Building Code Section R327 or CA Building Code Section 7A for ignition resistant construction & materials; (All wood siding shall be noncombustible or ignition resistant material shall provide protection from intrusion of flames and embers in accordance with standards SFM 12-7A-1. Foundation, attic, gable, soffit and eave vents must be Brandguard or Vulcan type. Windows to be tempered and roof to be class A. 2. Address clearly posted and visible from street w/minimum of 4" numbers on contrasting background. 3. Approved spark arrestor on all chimneys including outside fireplace. 4. Install Smoke and CO detectors per code. 5. NFPA 13D Fire Sprinkler System to be installed 6. 100' defensible space around proposed new structure prior to start of construction. 7. Upon final inspection 30' perimeter defensible space will need to be completed. 8. Driveway will require a turnout if over 350' and a FD turnaround if over 150' see driveway requirements if driveway continues back further (not shown on plans) (www.woodsidefire.org) 9. Fire Hydrant - Hydrant needs to be within 500' of the front door measured, on a driveable roadway and capable of producing 1,000 GPM. *** PLEASE SHOW DISTANCE AND LOCATION OF HYDRANT ON PLANS*** NOTE: Permitted plans will be stamped approved pending any major changes.		
Reviewed by: M. Hird	Date: 10/17/16	
<input type="checkbox"/> Resubmit <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Approved without conditions		
Sprinkler Plans Approved: NO	Date:	Fees Paid: <input type="checkbox"/> \$350 <input type="checkbox"/> See Fee Comments
As BUILTS Submitted: -----	Date:	As BUILTS Approved Date:
Fee Comments:		
Rough/Hydro Sprinkler Inspection By: ----- Date:		
Sprinkler Inspection Comments:		
Final Bldg and/or Sprinkler Insp By: ----- Date:		
Comments:		





Preliminary Conservation Committee Comments

**846 Portola Road
9/25/16**

Committee members at site visit: Chiariello, Eastman, Murphy

Volume of Grading 0

Impermeable Surfaces

Impermeable surfaces should be kept to a minimum. This plan has parking and rear driveway admirably of gravel.

Landscape Plan:

We appreciate and encourage areas left open and native.
We appreciate that no turf is included in this plan.

The following invasive weeds are seen on the property and should be eliminated. Dittrichia is present here and in adjacent undeveloped property. It can be expected to spread as ground is disturbed with construction. This will take continued attention to removal over several years.

Trees

Redwoods planted in riparian areas are local treasures. The old redwoods on this property have admirably survived with no irrigation watering. Keeping them all adds immeasurable charm and value to the site. We see the detailed report on the large, multitrunked redwood that will be a focal point of the new building. We do not see any report on the redwood grove on the west side or the huge old oak tree on Portola Road. Both need a specific tree protection during construction plan.

No trees of heritage size are due to be removed. There is a small (8" diameter at chest height) live oak that fits into an angle of the building on the north that should be considered for retention. It would add canopy to this area and relieve the starkness of the parking area and elevation.

It is not clear how drainage from the roof will be handled. Does the arborist think it is a good idea to direct it to the redwoods? As the creek is

compromised by ongoing drought and the local water table lowers, this might add protection for the redwoods.

Plants List

We appreciate that the plants are appropriately low water use and not invasive .

We recommend checking with the nursery that the Carex tumulicola is really what they provide. We see nurseries sell completely different and invasive plants under this name.

Fencing

The Committee discourages perimeter fencing. The plan shows an existing 6' wood fence on the east side which we do not find when we visit the site.

Lighting

The lighting fixtures are appropriate and minimize light spread.
The number of light fixtures are appropriate.

The Committee would like to accompany ASCC on their site visit to see if additional comments from us are warranted.

Submitted by Judith Murphy, Chair

Comments on plans for 846 Portola Road, the 'Hallett store'

This fragile building is one of two remaining structures from the little town of Portola that was established at the turn of the twentieth century when the rising waters of Searsville Lake caused the town on that site to be abandoned. The other is the historic schoolhouse. Through the century it has changed appearance several times with different owners and has lost its original architectural integrity. Early residents may remember it as 'Pearl and Art's' or as the Portola Club. Although it is listed in the Historic Element of the General Plan in the 'Plaque' category rather than the more significant 'Preserve,' it retains much of its historic essence.

I applaud the applicant for taking steps to rehabilitate the building rather than submitting a request for demolition. And I appreciate the attempt to retain and enhance its historic essence. The three photographs which I have attached to this report are the only evidence we have of its original appearance. The one with the women and children shows a portion of the back of the structure about 1903. The one with Harry Hallett standing on the front porch (with three unidentified people) was taken by George O'Sullivan on a "Sunday after church" before 1910, according to a notation on the back. The image with the buggy in front appeared in the *Overland Monthly*, a popular magazine of the era, in October of 1909.

Thus, with such limited information, we cannot reasonably hope for complete accuracy. I am satisfied that the architectural plans are close enough to convey the age of the building, especially on the street side. However, I believe that having the colors of the siding be more similar to one another than the present plans indicate would be more reflective of the era. Portola was a little country town and such color variations as proposed would not have been a feature of a store. Further, I believe the stonework is inappropriate. Rather it appears to be an attempt to create an attractive modern building, which conflicts with the attempt to have it appear historic. It is my hope that the stonework can be replaced with wood siding stained in a color very similar to that in the rest of the building.

I am appreciative that the building is being renovated before it melts away or succumbs to the encroachment of the redwood tree. And I am glad to see that the building and the tree will continue to co-exist side by side. I look forward to seeing the new 'old' building ready for occupants in a new century while it continues to remind passersby of the historic roots of our community.

Nancy Lund
Town Historian

February 2, 2016

To: Planning Commission

From: Nancy Lund, Town Historian

Subject: Comments on Historic Structures Evaluation of 846 Portola Road

Date: April 19, 2016

I have examined the Architectural Resources Group's evaluation of 846 Portola Road. I agree with its finding that the structure is not eligible for listing on the California Register. However, I believe that it is most appropriate that it has been listed in the Historic Element of our General Plan at the plaque level. I encourage the placement of such a plaque on the building when its renovation is completed.

For our historic record, I do wish to offer mild disagreement with two points of ARG's evaluation.

6.1 California Register Criterion 2 (Association with Significant persons.): It is my opinion that Harry Hallett made a significant contribution to local history. Just the fact that his name is known a century later is an indication of the important role he played. Running the general store that was the "center of commercial life in Portola," serving on the school board from 1908 until 1922 and managing to get a new school and teacher's cottage in the-then remote area are significant accomplishments. His is the only surviving recognized name from the era with the sole exception of "Father Steve" of Our Lady of the Wayside.

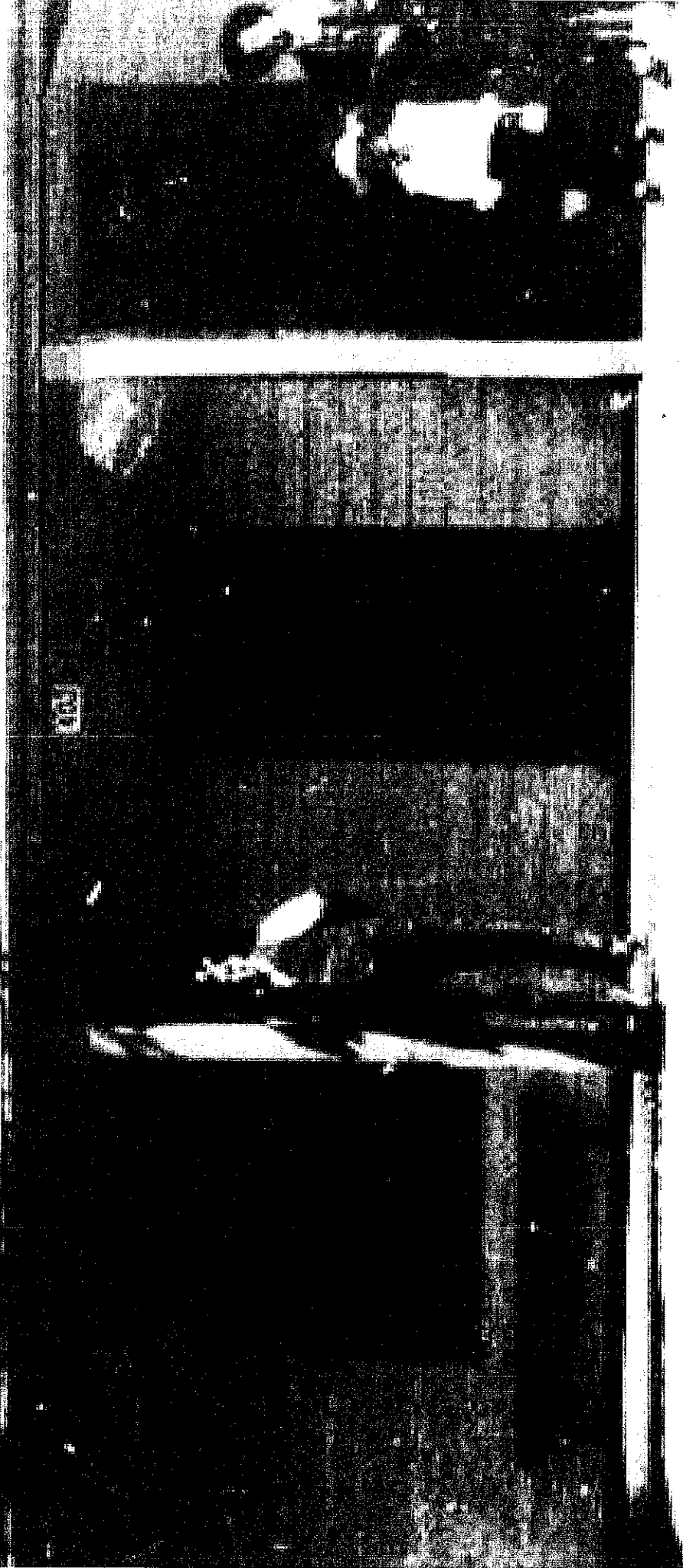
6.2 Integrity Assessment: Stating that the building has "diminished integrity of setting" because other buildings of the era no longer exist and when it has maintained its "integrity of location" seems almost contradictory. Since it is a survivor of the very early twentieth century, albeit in greatly modified form—along with the historic schoolhouse 1909, and Our Lady of the Wayside 1912—I feel it should meet the criterion.

I am appreciative of the fact that the applicant and his architect recognize the historic significance of this humble little building and are retaining the 'feeling' of the era in its renovation. Continuing the use of the Hallett name on the building is a fine way to keep the knowledge of the origins of our town alive in the minds of current residents.

PORTOLA BLDG

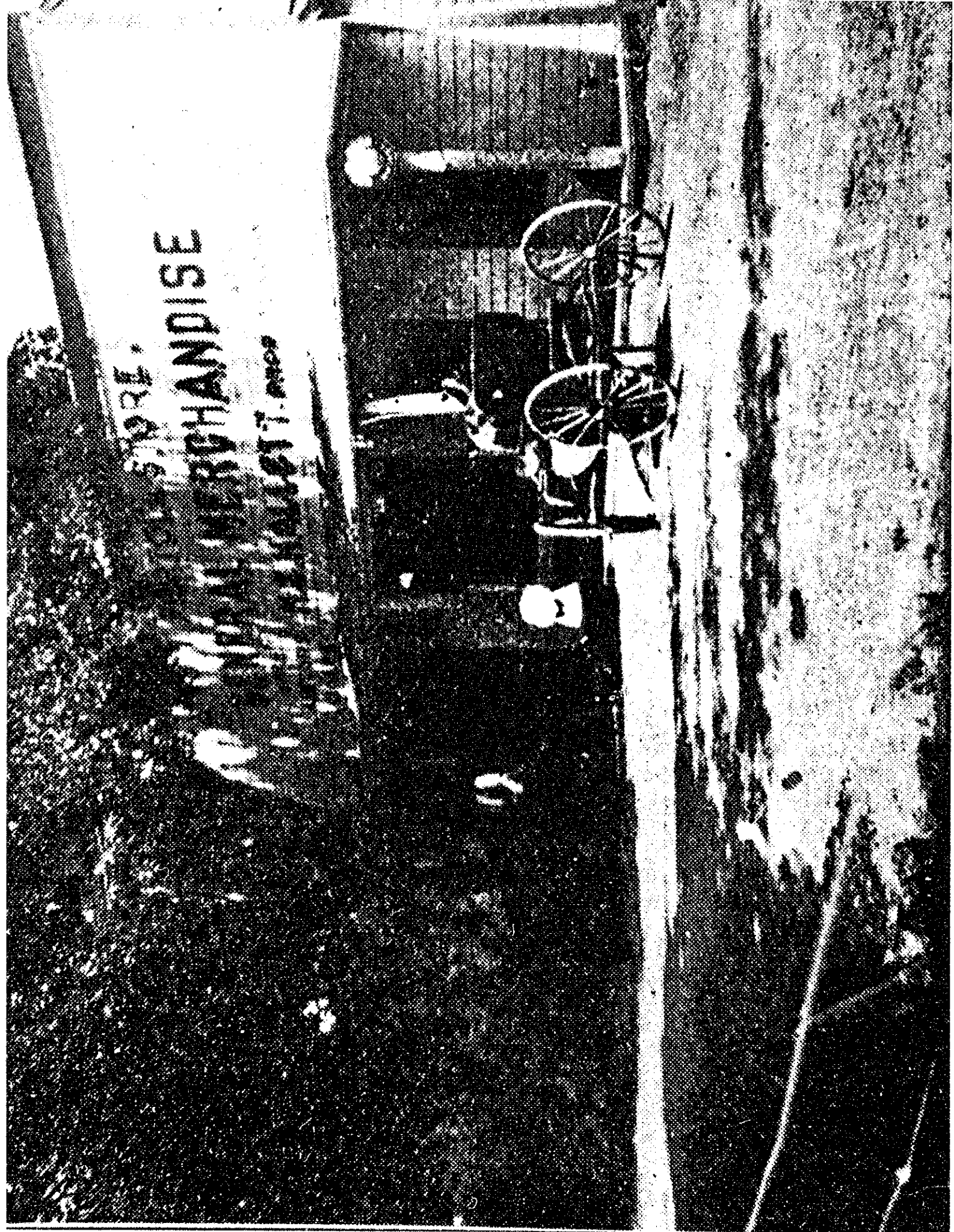
WALMERC HANDBE

W. MALLETT, PROP.



PORT,
MERCHANDISE

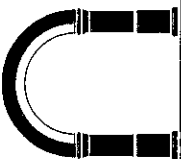
1887



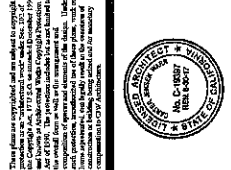


Sausal Creek

ASCC SUBMITTAL



CIW ARCHITECTURE
130 Brooks Road, Suite A
Petaluma, CA 94958
(415) 461-1935 / (415) 461-9337



DRAWING INDEX

ASCC SUBMITTAL	ASCC SUBMITTAL
----------------	----------------

GENERAL NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.

GENERAL NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.

GENERAL NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AGENCIES INVOLVED IN THE PROJECT.

PROJECT TEAM

ARCHITECT CIW ARCHITECTURE 130 Brooks Road, Suite A Petaluma, CA 94958	GENERAL CONTRACTOR [Empty]	STRUCTURAL ENGINEER [Empty]	PAVEMENT ENGINEER [Empty]
--	--------------------------------------	---------------------------------------	-------------------------------------

SYMBOLS LEGEND

INVERT	SECTIONAL	UNREINFORCED CONCRETE	REINFORCED CONCRETE
[Symbol]	[Symbol]	[Symbol]	[Symbol]

MATERIALS LEGEND

CONCRETE	WOOD	STEEL	ASBESTOS CEMENT
[Symbol]	[Symbol]	[Symbol]	[Symbol]

PROJECT DATA

CITY: SAN FRANCISCO
PROJECT ADDRESS: 845 PORTOLA ROAD, PORTOLA VALLEY, CA
ASSIGNMENT NUMBER: 94-15-1-10-1

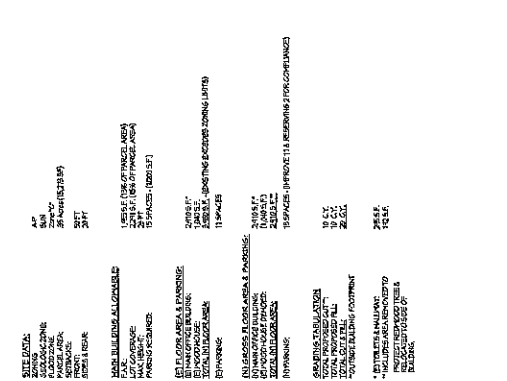
PERMITS
COUNTY PERMIT NO. 94-15-1-10-1

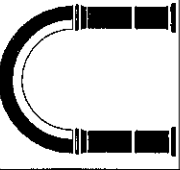
ABBREVIATIONS

AC	ACCESSORY
AD	ADDITIONAL
AS	ASBESTOS
BE	BELIEF
BL	BUILDING
BR	BROOK
CA	CALIFORNIA
CH	CHINA
CL	CLAY
CO	CONCRETE
CU	CUP
DA	DRAINAGE
DE	DECK
DI	DRAINAGE
DN	DOWN
DU	DRAINAGE
EA	EARTH
EE	ELECTRICAL
EQ	EQUALIZER
ER	ERRATA
ES	ESTABLISHED
EX	EXISTING
FR	FLOOR
GA	GAS
GL	GLENE
GR	GRASS
GR	GRASS
GS	GRASS
HA	HARDWARE
HE	HEAVY
HM	HANDMADE
HO	HOME
HR	HARDWARE
IC	INTERIOR
IS	INTERIOR
IS	INTERIOR
LA	LANDSCAPE
LC	LANDSCAPE
LD	LANDSCAPE
LE	LANDSCAPE
LF	LANDSCAPE
LH	LANDSCAPE
LK	LANDSCAPE
LI	LANDSCAPE
LJ	LANDSCAPE
LK	LANDSCAPE
LL	LANDSCAPE
LM	LANDSCAPE
LN	LANDSCAPE
LO	LANDSCAPE
LP	LANDSCAPE
LQ	LANDSCAPE
LR	LANDSCAPE
LS	LANDSCAPE
LT	LANDSCAPE
LU	LANDSCAPE
LV	LANDSCAPE
LW	LANDSCAPE
LY	LANDSCAPE
LZ	LANDSCAPE

PERMITS

1. PERMIT NO. 94-15-1-10-1	2. PERMIT NO. 94-15-1-10-1
3. PERMIT NO. 94-15-1-10-1	4. PERMIT NO. 94-15-1-10-1
5. PERMIT NO. 94-15-1-10-1	6. PERMIT NO. 94-15-1-10-1
7. PERMIT NO. 94-15-1-10-1	8. PERMIT NO. 94-15-1-10-1
9. PERMIT NO. 94-15-1-10-1	10. PERMIT NO. 94-15-1-10-1
11. PERMIT NO. 94-15-1-10-1	12. PERMIT NO. 94-15-1-10-1
13. PERMIT NO. 94-15-1-10-1	14. PERMIT NO. 94-15-1-10-1
15. PERMIT NO. 94-15-1-10-1	16. PERMIT NO. 94-15-1-10-1
17. PERMIT NO. 94-15-1-10-1	18. PERMIT NO. 94-15-1-10-1
19. PERMIT NO. 94-15-1-10-1	20. PERMIT NO. 94-15-1-10-1
21. PERMIT NO. 94-15-1-10-1	22. PERMIT NO. 94-15-1-10-1
23. PERMIT NO. 94-15-1-10-1	24. PERMIT NO. 94-15-1-10-1
25. PERMIT NO. 94-15-1-10-1	26. PERMIT NO. 94-15-1-10-1
27. PERMIT NO. 94-15-1-10-1	28. PERMIT NO. 94-15-1-10-1
29. PERMIT NO. 94-15-1-10-1	30. PERMIT NO. 94-15-1-10-1
31. PERMIT NO. 94-15-1-10-1	32. PERMIT NO. 94-15-1-10-1
33. PERMIT NO. 94-15-1-10-1	34. PERMIT NO. 94-15-1-10-1
35. PERMIT NO. 94-15-1-10-1	36. PERMIT NO. 94-15-1-10-1
37. PERMIT NO. 94-15-1-10-1	38. PERMIT NO. 94-15-1-10-1
39. PERMIT NO. 94-15-1-10-1	40. PERMIT NO. 94-15-1-10-1
41. PERMIT NO. 94-15-1-10-1	42. PERMIT NO. 94-15-1-10-1
43. PERMIT NO. 94-15-1-10-1	44. PERMIT NO. 94-15-1-10-1
45. PERMIT NO. 94-15-1-10-1	46. PERMIT NO. 94-15-1-10-1
47. PERMIT NO. 94-15-1-10-1	48. PERMIT NO. 94-15-1-10-1
49. PERMIT NO. 94-15-1-10-1	50. PERMIT NO. 94-15-1-10-1
51. PERMIT NO. 94-15-1-10-1	52. PERMIT NO. 94-15-1-10-1
53. PERMIT NO. 94-15-1-10-1	54. PERMIT NO. 94-15-1-10-1
55. PERMIT NO. 94-15-1-10-1	56. PERMIT NO. 94-15-1-10-1
57. PERMIT NO. 94-15-1-10-1	58. PERMIT NO. 94-15-1-10-1
59. PERMIT NO. 94-15-1-10-1	60. PERMIT NO. 94-15-1-10-1
61. PERMIT NO. 94-15-1-10-1	62. PERMIT NO. 94-15-1-10-1
63. PERMIT NO. 94-15-1-10-1	64. PERMIT NO. 94-15-1-10-1
65. PERMIT NO. 94-15-1-10-1	66. PERMIT NO. 94-15-1-10-1
67. PERMIT NO. 94-15-1-10-1	68. PERMIT NO. 94-15-1-10-1
69. PERMIT NO. 94-15-1-10-1	70. PERMIT NO. 94-15-1-10-1
71. PERMIT NO. 94-15-1-10-1	72. PERMIT NO. 94-15-1-10-1
73. PERMIT NO. 94-15-1-10-1	74. PERMIT NO. 94-15-1-10-1
75. PERMIT NO. 94-15-1-10-1	76. PERMIT NO. 94-15-1-10-1
77. PERMIT NO. 94-15-1-10-1	78. PERMIT NO. 94-15-1-10-1
79. PERMIT NO. 94-15-1-10-1	80. PERMIT NO. 94-15-1-10-1
81. PERMIT NO. 94-15-1-10-1	82. PERMIT NO. 94-15-1-10-1
83. PERMIT NO. 94-15-1-10-1	84. PERMIT NO. 94-15-1-10-1
85. PERMIT NO. 94-15-1-10-1	86. PERMIT NO. 94-15-1-10-1
87. PERMIT NO. 94-15-1-10-1	88. PERMIT NO. 94-15-1-10-1
89. PERMIT NO. 94-15-1-10-1	90. PERMIT NO. 94-15-1-10-1
91. PERMIT NO. 94-15-1-10-1	92. PERMIT NO. 94-15-1-10-1
93. PERMIT NO. 94-15-1-10-1	94. PERMIT NO. 94-15-1-10-1
95. PERMIT NO. 94-15-1-10-1	96. PERMIT NO. 94-15-1-10-1
97. PERMIT NO. 94-15-1-10-1	98. PERMIT NO. 94-15-1-10-1
99. PERMIT NO. 94-15-1-10-1	100. PERMIT NO. 94-15-1-10-1





CIW ARCHITECTURE
130 Portola Road, Suite A
Portola Valley, CA 94028
(650) 851-9335 / (Fax) 851-9337

Professional seal and stamp of the architect, to be provided by the architect. This seal and stamp shall be placed on the drawings by the architect and shall remain the property of the architect. The seal and stamp shall be placed on the drawings by the architect and shall remain the property of the architect. The seal and stamp shall be placed on the drawings by the architect and shall remain the property of the architect.



PROJECT
Sausal Creek
846 Portola Road
Portola Valley, CA 94028

ASCC SUBMITTAL
SHEET TITLE
SITE LANDSCAPE & EXT. LIGHTING PLAN

REVISIONS

No.	Date	Notes
		GENERAL REVISIONS TO PLANNING
		GENERAL REVISIONS TO ELECTRICAL
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION
		GENERAL REVISIONS TO EXPLANATION

JOB: 2014.2100
DATE: 12/21/2015
SHEET: ASCC-2

LIGHTING NOTES:

- ALL FOLLOWINGS TO BE REMOVED
- SEE LAMPING LEGEND
- ON WALL MOUNTED LIGHT
- PATH LIGHT

WALL MOUNTED LIGHT:
The diagram illustrates the required light fixture.

TABLE:

Item	Quantity	Notes
1	1	...
2	1	...
3	1	...
4	1	...
5	1	...
6	1	...
7	1	...
8	1	...
9	1	...
10	1	...
11	1	...
12	1	...
13	1	...
14	1	...
15	1	...
16	1	...
17	1	...
18	1	...
19	1	...
20	1	...

PATH LIGHT:
The diagram illustrates the required light fixture.

TABLE:

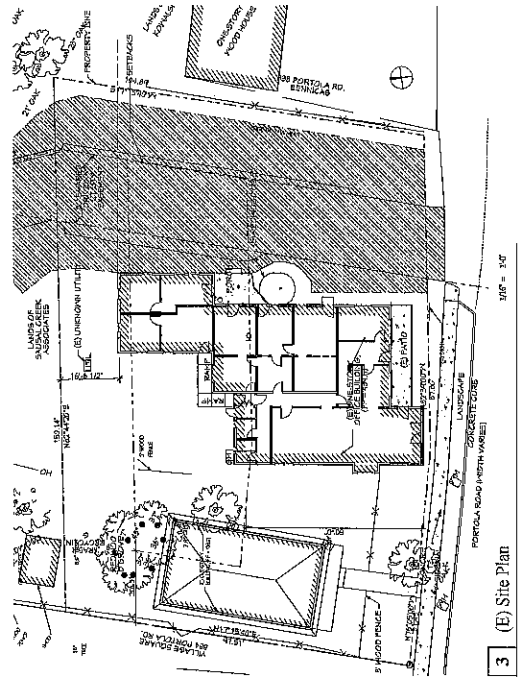
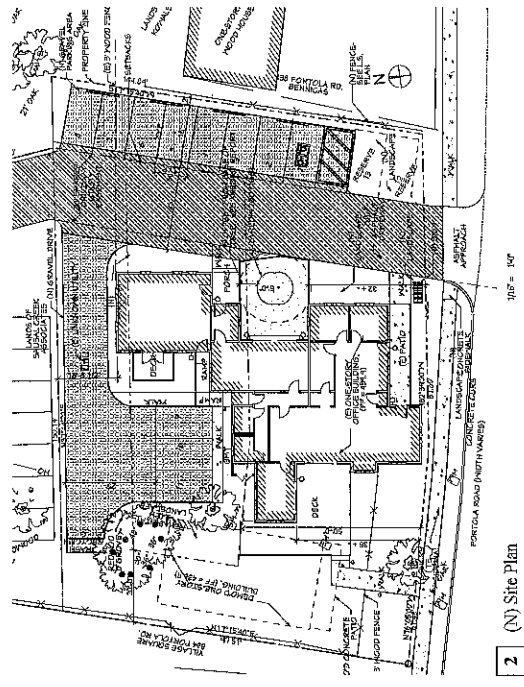
Item	Quantity	Notes
1	1	...
2	1	...
3	1	...
4	1	...
5	1	...
6	1	...
7	1	...
8	1	...
9	1	...
10	1	...
11	1	...
12	1	...
13	1	...
14	1	...
15	1	...
16	1	...
17	1	...
18	1	...
19	1	...
20	1	...

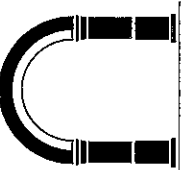
COLOR BOARD:

- SUSAL CREEK - COLOR BOARD
- STONE FINISH
- WOOD FINISH
- BRONZE BRASS

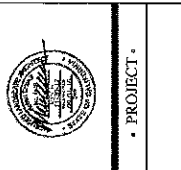
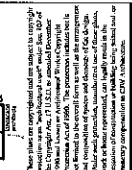
LANDSCAPE AREA CALCULATION:

Area	Area
Site Area	11,071 S.F.
Site Landscape Area	5,208 S.F. = 47.5% S.F.
Plant Landscape Area	2,395 S.F. = 21.6% S.F.
Plant Area	2,813 S.F. = 25.4% S.F.





CI W ARCHITECTURE
130 Pomeria Road, Suite A
Portola Valley, CA 94028
(650) 851-9335 / Fax: 851-9337



PROJECT

Swans Creek
846 Pomeria Road
Portola Valley, CA 94028

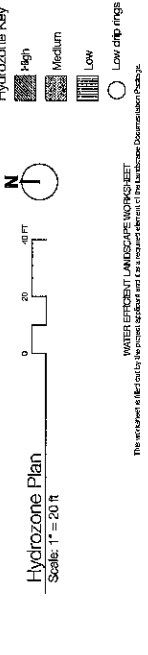
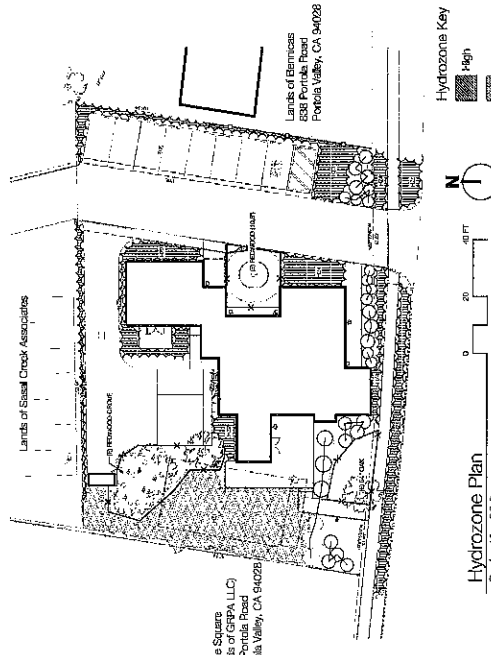
SHEET TITLE

Landscape Cover Sheet
PROGRESS
Date: 11/13/22 AM

REVISIONS

No.	Date	Notes

JOB: 2014.2100
DATE: 9/7/2016
SHEET: L-100



WATER EFFICIENCY (W.E.) AND IRRIGATION SCHEDULE (IS) FOR EACH HYDROZONE

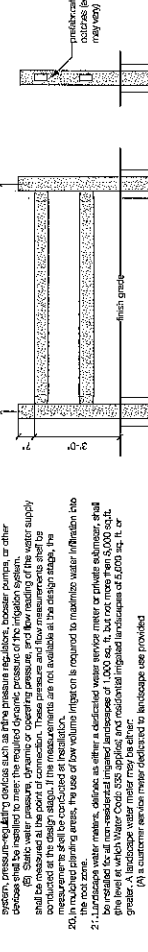
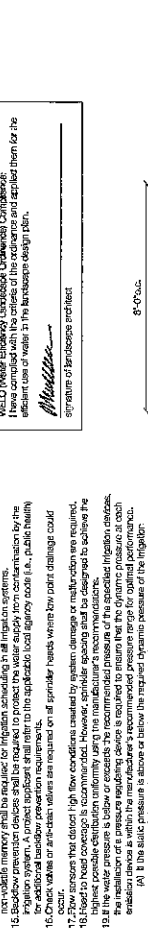
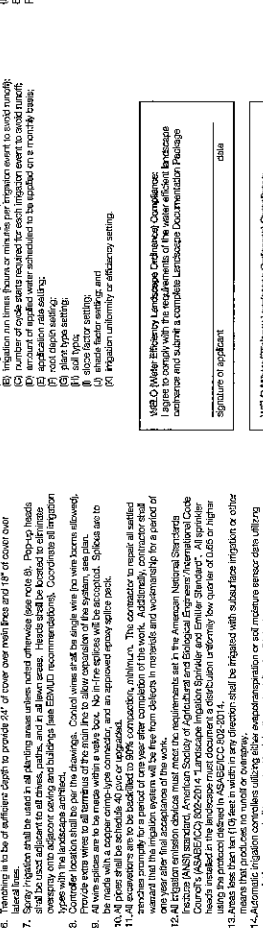
The schedule shall be based on the following table. The values shall be based on the Landscape Observation Photo.

Reference	Hydrozone	W.E.	IS	IR	IRRIGATED Area (sq ft)	ET Rate (in)	ET Rate (in)
1	High	0.3	15	0.40	1,867	0.31	18,009
2	Medium	0.3	15	0.30	857	0.20	8,331
3	Low	0.3	15	0.20	718	0.20	9,181
4	Low water use	0.5	15	0.30	582	0.20	6,374
5	Low water use	0.5	15	0.20	586	0.21	6,779
6	Low water use	0.5	15	0.30	540	0.20	5,188
Special Landscape Areas							
Total Landscape Area					3,841	0	0
ET Rate (in)							0.168
ET Rate (in)							0.184

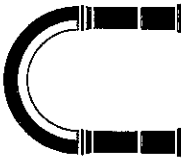
ETAF Calculations

Reference	Area (sq ft)	ETAF
1	1,867	1.654
2	857	4.629
3	718	0.380
4	582	
5	586	
6	540	
Total Landscape Area		1.654
Total Area		4.629
Shrinkage ETAF		0.380

- WATER EFFICIENCY (W.E.) AND IRRIGATION SCHEDULE (IS) FOR EACH HYDROZONE**
1. Irrigation scheduling shall be based on the estimated evapotranspiration rate (ET) for the hydrozone. The contractor shall determine the ET rate for each hydrozone based on the following factors: (A) weather conditions, (B) plant species, (C) soil type, (D) slope, and (E) wind speed. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
2. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
3. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
4. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
5. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
6. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
7. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
8. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
9. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
10. The contractor shall provide a copy of the ET rate for each hydrozone to the client.



11. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
12. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
13. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
14. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
15. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
16. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
17. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
18. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
19. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
20. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
21. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
22. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
23. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
24. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
25. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
26. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
27. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
28. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
29. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
30. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
31. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
32. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
33. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
34. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
35. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
36. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
37. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
38. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
39. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
40. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
41. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
42. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
43. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
44. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
45. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
46. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
47. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
48. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
49. The contractor shall provide a copy of the ET rate for each hydrozone to the client.
50. The contractor shall provide a copy of the ET rate for each hydrozone to the client.



CJ W ARCHITECTURE
 130 Portola Road, Suite A
 Portola Valley, CA 94028
 (650) 851-9335 / Fax: (650) 851-9337



This plan was prepared and is subject to the provisions of the "Professional Engineer's Seal and Stamp" as defined in the California State Board of Professional Engineers, Architects and Surveyors. It is not to be used for any project other than that for which it was prepared and is not to be used for any project other than that for which it was prepared.



PROJECT

Sausal Creek
 846 Portola Road
 Portola Valley, CA 94028

SHEET TITLE

Landscape Plan
 PROJECT
 DATE: 10/7/18
 REV: 11/25/2018 AM

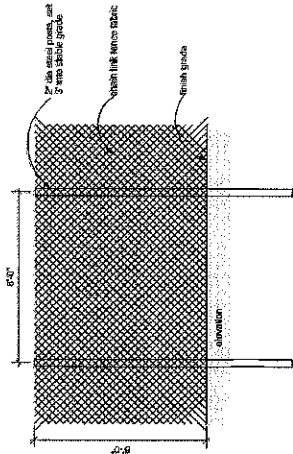
REVISIONS

No.	Date	Notes

JOB: 20142100

DATE: 9/7/2016

SHEET: L-101



Tree Protection Fence
 Scale: 1/2" = 1'-0"

Meadow Area shall be hydroseeded with:
 Native Cymopteris (Blue Fescue) and
 California Native Wildflower Mix by Pacific
 Coast Seed

NATIVE ENVIRONMENTAL FIRE RESILIENT MIX (N-FIRE TREATMENT)
 Native Cymopteris (Blue Fescue)
 California Native Wildflower Mix
 Pacific Coast Seed

CALIFORNIA NATIVE WILDFLOWER MIX (N-WILDFLOWER)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

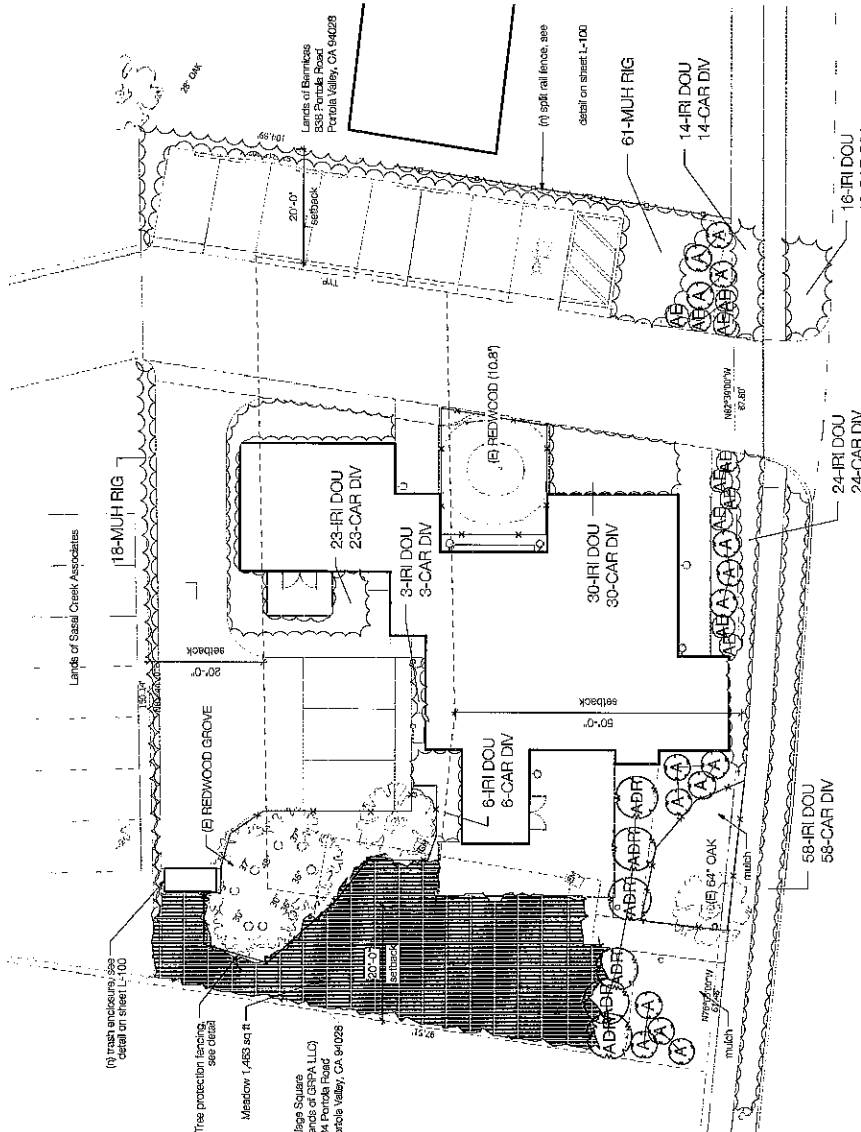
CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed

CAULIFLORA NATIVE WILDFLOWER MIX (N-CALIFLORA)
 California Native Wildflower Mix
 Pacific Coast Seed



Project Plant List

Category	ID	Latin Name	Common Name	Size	Quantity	Native	WUCOLS
shrub	A	Acrostichum dimorphum	Howard Makim Makim	5 gal	15	Y	Y
shrub	ADR	Acrostichum dimorphum	Dr. Hurd Makim	5 gal	6	Y	Y
shrub	AE	Acrostichum dimorphum	Ernie's Carpet Makim	1 gallon	10	Y	Y
CAR DIV		Carum dimorphum	Bentley Sage	1 gallon	124	Y	Y
RI DOU		Phacelia grandiflora	Pink Queen Hybrid Iris	1 gallon	174	Y	Y
MUH RIG		Muhlenbergia ligularis	Pink Queen	1 gallon	73	Y	Y
hydroseed area		hydroseed area	hydroseed area	1,479 sf			

Planting Plan
 Scale: 1" = 10'

Notes:
 All planting areas shown on this landscape plan are new.
 All existing trees shall remain.
 Existing trees were not irrigated and growing in natural conditions.

SAUSAL CREEK - COLOR BOARD
12/21/15



VERTICAL WOOD SIDING:
Board & Batten w/ full 2"x4" battens. Western Red Cedar (STK) w/ a portland cement wash treatment (to age) and a clear coat over that



STONE SIDING:
Canyon Creek LedgeStone.



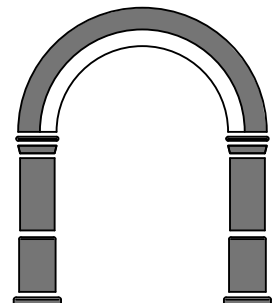
HORIZONTAL WOOD SIDING:
Benjamin Moore - "Cottage Red", Exterior Ready Mix.



ROOF MATERIAL:
Corten 7/8 corrugated panel weathered roofing.



DOORS, WINDOWS & SLIDING SHADES:
Bronze



C J W ARCHITECTURE
130 Portola Road, suite A
Portola Valley, CA 94028
(650) 851-9335 / (Fax) 851-9337

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, APRIL 5, 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, Hasko, and Von Feldt; Vice Chair Targ; Chair Gilbert

Absent: None.

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

- (b) Conditional Use Permit, Variance, Architectural Review and Site Development Permit for Willow Grove, LLC (Hallett Store) 844 Portola Road (formerly 846 Portola Road). File #37-2015 and X7D-178.

Planner Richardson presented the staff report detailing the plans for the conditional use permit, two variance requests, and the architectural and site development review for 844 Portola Road (formerly 846 Portola Road, Hallett Store).

Chair Gilbert invited the applicant to comment. The applicant, John Hansen, pointed out the outline of a previous building in the setback area that is substantially larger than the deck they are proposing. He said the deck is a positive amenity with a very low profile.

Chair Gilbert called for questions for staff or the applicant.

Commissioner Goulden asked why there are multiple variances. Planning Director Pedro said there is a separate variance request for each of two items – one for the deck and one for the building. Chair Gilbert said there is an option to approve one or the other.

Commissioner Goulden asked for clarification regarding the deck height and railing. The applicant said the deck is approximately 12 to 18 inches from the ground. Planning Director Pedro said the ASCC is requiring that if a deck variance is approved there is to be no railing on the deck.

Vice Chair Targ asked what prompted the change in environmental review determination from a Mitigated Negative Declaration (MND) to a Categorical Exemption. Planning Director Pedro said there would be no change in the proposed use of the property, and the project will have very little environmental impact therefore the Town Attorney advised that an MND was not needed.

Vice Chair Targ said he previously didn't have an issue with the deck variance because the impact of a patio to the shallow roots of the oak trees could be the basis for hardship. He said there has been no arborist report, however, to follow up on that claim. The applicant said there is an arborist report that covers the entire site, and it reports no issues with any part of the proposal. Vice Chair Targ said Mr. Warr had indicated the deck was being raised up off the ground in order to protect the roots of the oak tree. The applicant said there would be a very shallow foundation base for that deck in that area. Planning Director Pedro said the applicant did not submit an arborist report regarding a patio's impact on the oak tree because a patio was never proposed. She said if the applicant had provided an arborist report stating that an at-grade patio would affect the tree roots, staff's response would have been to consider reducing the size of the patio. She said staff would not have suggested a variance to allow a

deck to encroach in the front setback as an alternative. Vice Chair Targ asked regarding staff's reason for recommending denial of the deck. Planning Director Pedro said the deck feature is design-driven and is not a required element of the use of the site. She said it was difficult to make the hardship finding because it's not a necessary element of the project.

Chair Gilbert asked the applicant if the arborist was satisfied that the gravel parking lot that comes right up to the dripline of the redwoods would not affect the roots of those trees. The applicant said he believed so and that the arborist had no problem with the plan as outlined. Chair Gilbert said if the arborist is okay with the placement of the gravel, she would assume a patio, which is 10 to 15 feet away from the oak tree, would also be acceptable.

Commissioner Hasko asked if ASCC Chair Ross was accurate with his comment that the deck was particularly suited because it was similar to other nearby structures within the setback and created consistency. Planner Richardson said as far as she knows there are no other decks encroaching within the front setback on adjacent properties. Chair Gilbert said that today, no building along Portola Road would be able to construct a deck in the setback without a variance.

Commissioner Hasko said ASCC Commissioner Breen supported the project and the deck because it was a better solution for preserving the tree. Commissioner Hasko said, since there was no arborist report, she assumes ASCC Commissioner Breen was commenting based on her general knowledge. She asked if it was typical practice to require an arborist report for support of this type of determination. Planning Director Pedro said if an applicant is proposing a patio that may affect a tree, an arborist report would be required. In this case, she said the applicant did not propose a patio and did not provide an arborist report.

Chair Gilbert said the staff report indicates each of the offices cannot exceed 1,500 square feet, but one of the office measures 1,541. Planner Richardson said the ordinance outlines areas for storage, mechanical purposes, etc., that are excluded from the 1,500 square feet. She said that staff verified it is in compliance with the ordinance.

Chair Gilbert asked if there was risk that the back wall would need to be replaced, and, if so, if that would tip the percentages to over the 50 percent threshold for nonconforming structures. The applicant said the foundation at the back wall is very stable. Chair Gilbert said if the repair goes over the 50 percent, it will put the entire project at risk. Planning Director Pedro said the applicant has studied the foundation and the current condition of the building, and has provided a construction estimate confirming that the repair work is below 50%.

Chair Gilbert said there was mention in the ASCC report that the plan was to restore the cement walkway to the mailbox, which would place concrete directly on top of the oak tree roots. She said when she visited the site, the view from the deck was the street. She asked why the applicant did not position the deck behind the building, where it would have a view of the redwood grove and be within the building envelope. The applicant said the deck in front has a beautiful view of the open space across the street and the hills.

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

Chair Gilbert said one of the tenants, TSG, said their business includes Portola Valley, Woodside, and Los Altos, and they intend to secure more than 50 percent of their business based upon long-term relationships with residences and businesses from the Town of Portola Valley and its area of influence. She asked the applicant regarding the extent of the business for Pacific States Capital. John Hansen said they own property in Portola Valley and continue to operate and develop here, and have a real

estate brokerage that will also be operated here. He said their clients include Portola Valley, Menlo Park, and Redwood City. He said they hope to do more business in Portola Valley and said their office in Portola Valley is their only physical presence on the Peninsula.

Commissioner Hasko asked regarding the basis for Finding #5 for the deck variance. Planning Director Pedro said because this is the Portola Road Scenic Corridor, having a structure there would have some visual impact, which is counter to the intent of the ordinance to provide an open, unimproved corridor.

Commissioner Goulden said he looks at the General Plan as being the guidance for the spirit of the Code. He said it is apparent that special allowances were historically made for this property. He said the low deck is not allowed by Code, but a patio is; however, he does not think the intent was that a patio is good and a deck is bad. He said the Code isn't going to catch everything in these older properties and special accommodations may be necessary.

Chair Gilbert asked staff to comment on why decks and patios are considered differently. Planning Director Pedro said patios at grade level are visually less intrusive than raised decks. She said there are certain types of structures that are allowed in setbacks, such as paths and driveways. She said decks are considered structures, and this definition is enforced for every project and is not unique to this property.

Commissioner Von Feldt said the ability to grant the variance hinges on the oak tree being in close enough proximity to where the proposed improvement is to take place. She said absent an arborist report saying that a concrete pad will hurt the oak, or that there is no other appropriate solution (such as flagstone, gravel, pavers, etc.), and because there is concrete actually being poured much closer to the oak than where a patio would be placed, she has a difficult time finding that this is a special circumstance compared to other projects in the area. She said the redwood tree is unusual, but the proximity to the oak is not.

Commissioner Hasko agreed with Commissioner Von Feldt and said there is an inherent contradiction with pouring concrete right next to the oak tree and then asking for special consideration of a deck that will be placed further from the oak tree. She would encourage rethinking the location of the concrete path for the health of the tree. She said she would want to prioritize protecting the tree if that is a concern. She said, however, this is not a large structure and see how it would be detrimental to the tree. She said the issue is in finding that there is a special circumstance with regard to protecting the tree.

Commissioner Goulden asked if there would be any issue with the deck if it weren't in the setback. Planning Director Pedro said if the deck was within the building envelope there would not be an issue.

Commissioner Von Feldt expressed concern that granting this variance could be precedent setting. If the Commission finds that the proximity of an oak tree is considered a hardship for granting setback variances, it will set a precedent for similar projects near oak trees in the future.

Chair Gilbert said if the oak tree wasn't there, the applicant would still need a variance for the deck.

Vice Chair Targ said he would not have a basis to establish hardship to allow the deck if the oak tree wasn't there. He said he was disappointed there was no arborist report even though the Commission made clear that granting a variance based on the oak tree was an issue. He said the ASCC are knowledgeable and have expertise about the nature of oak trees so he could rely on their recommendation. He said a motion might be made conditioned upon supplemental documentation by an appropriately qualified arborist identifying that a patio would be harmful to the root system of the oak

tree in a way that the deck would not. He said the arborist report would establish the basis for granting a variance in this case as opposed to granting a variance to some other project for a deck or structure in the Scenic Corridor.

Planning Director Pedro said the proposed deck wraps around the addition, and a portion of it is actually quite far from the oak tree. She said if the Commission is concerned about protecting the oak tree, a 44-square inch landing is all that is required to serve the structure. Planning Director Pedro said the applicant has not presented alternatives other than a deck or patio. She suggested there are other ways to provide usable outdoor spaces such as wood chips or gravel.

Chair Gilbert said she was liaison to the ASCC during their discussions of this application. She said the ASCC was very uncomfortable discussing the variances and did not go through the findings but rather, commented more generally, and they were split in their opinions. She said she has problems with Findings 1, 2, and 3, because this is design driven. A deck is not required, it was not preexisting, and there are alternatives. She said the proposal includes running a concrete path next to the oak. The prior building had a concrete patio in front of it, which was just slightly further from the tree. The corner of the proposed deck is 15 feet outside the dripline of the oak. She said the addition in the back is very close to tree driplines. The gravel path goes up to the dripline of the redwoods. She said she is very concerned about allowing design-driven variances, particularly when there are acceptable alternatives.

Commissioner Von Feldt agreed with Chair Gilbert that she cannot make Findings 1, 2, or 3.

Vice Chair Targ said he does not have a problem with design-driven variances provided it is good design, and the ASCC's decision was that it is good design. He said provided it is a good design, as determined by the ASCC, and the Planning Commission can make the finding of an identified hardship or special circumstance, he could support the variance. He said, however, there is an open question regarding the hardship or special circumstance that he would like resolved.

Chair Gilbert said when she referred to design-driven, she meant there are alternate designs that would not require the variance. Vice Chair Targ said alternative designs can always be done but would result in a diminished project. He said he is relying on the ASCC's approval of the design and wants to see something in writing from an appropriately credentialed arborist supporting the hardship.

Planning Director Pedro said if the applicant had submitted an arborist report that says the proposed patio would harm trees on the property, staff would require that the patio be reduced in size or redesigned to mitigate the harm done to the trees rather than look to grant a variance to accommodate the structure.

Vice Chair Targ said he appreciated Planning Director Pedro's comments. He said in this case, the ASCC has made a decision supporting the deck based on aesthetics. He said the ASCC could have made a decision to reduce or propose an alternative to the deck, but they didn't do that.

Planning Director Pedro said if the Commission votes to approve the deck variance, they should articulate the six required findings.

Commissioner Von Feldt said she would like to talk to the arborist.

Chair Gilbert asked if the Commission could give a conditional approval of a variance.

Planning Director Pedro said if the Commission would like additional information before deciding on the deck variance, the applicant could return with the variance request when they have obtained an arborist report.

Vice Chair Targ said the motion could be continued to the next meeting so the applicant can return with the arborist report.

Commissioner Von Feldt said it will be an uphill battle for her to make the findings to approve this variance. She said if the arborist says this is the only solution, then she could support it, but she does not think this deck is the only solution to protect this tree.

The applicant said it is not their intent to jeopardize the health of the trees on the site. He said he was not present at the previous meeting. He said if he had been aware there was concern about that oak tree, he would have brought documentation by the arborist to this meeting.

Chair Gilbert said she is skeptical since the arborist is already okay with the gravel parking lot in the back being very close to the other trees. She said she will be interested to see what the arborist says in terms of what does affect the roots of the oak tree.

Commissioner Goulden said the arborist should also address the concrete walkway. Chair Gilbert said they want to get all the information they need to make a decision. She suggested the arborist attend the meeting so the Commission can ask questions.

Commissioner Hasko moved to continue the setback variance for the deck to a future Planning Commission meeting. Seconded by Commissioner Goulden; the motion carried 5-0.

Commissioner Hasko moved to find the project exempt from CEQA pursuant to Section 15303A of the CEQA guidelines. Seconded by Commissioner Goulden; the motion carried 5-0.

Commissioner Goulden moved to approve the Conditional Use Permit as amended. Seconded by Commissioner Hasko; the motion carried 5-0.

Commissioner Von Feldt moved to approve the setback variance to relocate the floor area as amended and according to the findings as called out in the staff report. Seconded by Vice Chair Targ; the motion carried 5-0.

Commissioner Hasko moved to approve the site development permit conditions of approval. Seconded by Commissioner Von Feldt; the motion carried 5-0.

Town of Portola Valley

Building & Planning Department

765 Portola Road

Portola Valley, CA 94028

(650) 851-1700

Fax: (650) 851-4677



STOP WORK NOTICE

PORTOLA VALLEY BUILDING CODE ORDINANCE
Uniform Building Code — Latest Edition

DATE 6/7/2018

PERMIT NO. BLDC 0012-2017

NAME WILLOW GROVE LLC

ADDRESS 844 PORTOLA RD

CBC 105.1
Sec. 301(a) Permits Required. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official.

CBC 105.3
Sec. 301(e) With each application for a building permit, two sets of plans and specifications shall be submitted.

CBC 105.3.1
Sec. 301(a) Issuance. The plans and specifications filed by an applicant for a permit shall be plan-checked for compliance with the Portola Valley Building Code and Ordinances.

Please contact the Building Department between the hours of 8:30 a.m. and 5:00 p.m. so that a permit may be issued for the continuance of construction.

PLEASE BRING THIS NOTICE WITH YOU

REMARKS: CONSTRUCTION EXCEEDS THE SCOPE OF WORK

PERMITTED. VIOLATION OF PVML 15.04.030 & CBC 105.115

NON CONFORMING PORTION OF BUILDING WAS CONDITIONED

AND PERMITTED TO REMAIN AS EXISTING - CURRENTLY

HAS BEEN DEMOLISHED AND REBUILT

BY REBUILDING THIS AREA, THE ^{EXISTING} NON CONFORMING

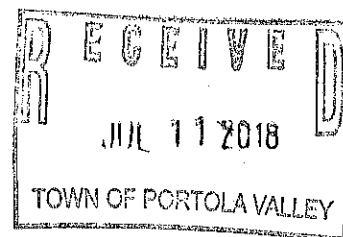
STATUS IS LOST. NEW CONSTRUCTION MUST

MEET CURRENT ZONING REGULATION

INSPECTOR *[Signature]*

Hallett Store
 844 Portola Road
 Portola Valley, CA

July 2, 2018



Request for an amendment to the existing Variance:

We are requesting a variance for the Hallett Store for the following reasons:

- Amend the previously approved Variance for this project to include the repair and reconstruction of the existing nonconforming portions of the structure without cost limitation.
- Specifically, we are requesting the reconstruction of the existing building to include the existing floor area and its existing position extending into side and rear setbacks so that they will meet the requirements of the California Building Code, Title 24, and the associated structural engineering standards.

Project Intent:

Due to the complicated nature of the property resulting from the previous lot line adjustments of the larger Sausal Creek, as well as the equally complicated adjacencies of the 3 buildings that make up the current footprint of the Hallett Store, the original intent was to restore and rehabilitate the original Hallett store. The footprint is to remain as is except for a small section of floor area that is currently being dramatically encroached upon by the adjacent giant redwood. A previous variance was applied for and approved to remove a section of the floor area that was being affected by the growth of the redwood and relocated on the other side of the building. As a result, the historical integrity of the store has not been compromised and it will continue to be a part of the historical fabric of Portola Valley.

Hallett Store has had a significant presence in Portola Valley and along the Portola Road Corridor since 1904. It was the design team's intent to maintain the historical nature of the building while bringing it up to the health and safety standards of the current building code. In addition, by attempting to keep as much of the original non-conforming building as possible, the design team intended to restore the building in its original location, with its original square footage. As allowed and stated in the Zoning Ordinance referenced in the Hallett Store Staff Report, dated April 5, 2017, the original construction intent for the project was to retain, repair and rehabilitate the existing nonconforming portions of the building while completely reconstructing the other portions of the building.

Unfortunately, the retaining, repair and rehabilitation of the existing nonconforming portions of the building have proved to be a greater challenge than what was originally anticipated. The damage caused by the natural forces of age, the close proximity to the now very large redwood tree, as well as the less than stellar original construction techniques and materials have all resulted in a substructure that could be replaced more economically and would ultimately be a substantially superior structure.

Work Extends beyond Limitations:

During construction the construction team was required to retain and protect those portions of the building that were called out in the construction documents "to remain". As the work proceeded portions of the building were opened up to access the existing structure for additional reinforcement as

directed by the structural engineering. As the building's existing finishes were removed to access the structural framework it became apparent that more and more of the building's elements had been structurally compromised by water, insects and poor maintenance over the last century. It was clear to the Team that there needed to be repairs made by sistering and/or replacing the defective elements in order to comply with safe building standards.

Enclosed herewith is the Contractor's explanation of the events and conditions that precipitated the onsite work of removing more of the existing nonconforming building than had originally been applied for and approved by the Town. Attached are also the photographs referenced within the Contractor's explanation.

Inherent conflict of intents in the Ordinance:

The portions of the building under scrutiny here are further away from Portola Road and much less significant in mass and impact than what is being allowed at the front of the property. Furthermore, the recently approved lot line adjustment of the larger Sausal Creek project of 4 properties by its very design created the existing nonconforming conditions at the rear of the property and along the access easement that needed to be established in order to provide legal access to the other three properties to the rear of this one. Prior to this lot line adjustment neither of these legal nonconformities existed.

The variance that we are requesting, to reconstruct existing nonconforming portions of the building without the limitation of the cost of the reconstruction, is in direct conflict with the provisions that allow 100% reconstruction of buildings within the Portola Road front yard setback. In hindsight, we should have originally requested the variance that we are now requesting as an extension of the Town's intent to allow for reconstruction along the Portola Road Corridor for existing nonconforming structures in the front yard setbacks.

It seems logical and reasonable that the Planning Commission should find with the applicant that the reconstruction of the existing nonconforming portions of the building can be reconstructed without cost constraints. It would seem like an administrative oversight to allow all of the existing nonconforming structure in the front yard setback to be reconstructed without also allowing its companion elements in the side and rear yards to be reconstructed to the same standards. It is illogical that the Zoning Ordinance provides this special exception while not extending it to the entire structure.

Findings and Support for the Findings:

1. ***That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property, that do not apply generally to other property or uses in the same district.***
 - This property is very unique in its age and the position of the building elements. The building is identified in the Town's Historic Element as an important resource. The building dates back to 1904. The site is along Portola Road Scenic Corridor. The front yard was substantially reduced in depth with the State of California widening of Alpine and Portola Roads in the 1950's. Before the road widening the building was appropriately setback from the roadway. The existing Redwood trees on the property are extraordinary and have all been evaluated by an arborist. All of these circumstances and conditions lend themselves to creating a unique property and development generally unlike any other.

2. ***That owing to such exceptional or extraordinary circumstances that literal enforcement of the provisions of the ordinance would result in practical difficulty or unnecessary hardship.***
 - The hardship created by the conflicting ordinance provisions would be conceptually feasible but practically illogical and makes for an impractical construction solution. The conflict has resulted in a new building meeting all of the current building codes and seismic requirements while attempting to reinforce a wooden structure that appeared to have sound structural integrity. It wasn't until the structure was exposed while attempting to install the new structural elements that were required for compliance with the building code that it became apparent that the existing structure was dangerously compromised by the various elements associated with an old building and poor maintenance over the century plus of its existence. In addition, it is impractical and potentially damaging to try and join two structures, (new construction attached to an existing and severely compromised structure), along a random setback line that has been created as a result of the multiple actions explained above.

3. ***That such variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district.***
 - The variance will allow the property owner the exact same rights as was previously approved by the Planning Commission. The property owner is not asking anything more than what was previously approved.

4. ***That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or in the district in which the property of the applicant is located.***
 - Restoring the existing structure will have no detrimental effect. In fact, by not attempting to join new construction to an old, very compromised structure will only add to the safety of the public welfare in the vicinity and district. In addition, it will create a final solution for the building that will be far superior to the previous approach. As a result, the building will have a much better chance of withstanding the impact of the wear and tear of time on that would have dramatically challenged the 2 very different structural systems, thus allowing it to thrive in its historical relevance within the community.

5. ***That the granting of the variance will not constitute a grant or special privilege inconsistent with the limitations on other properties classified in the same zoning district.***
 - This request for a variance in no way is requesting special privilege. Due to the damaged condition of the original structure of the Store, this request is simply to be allowed to restore the Hallett Store back to its original state by using today's construction methods rather than trying to tie into the existing damaged structure with the newly constructed portion of the building.

6. ***That the granting of such variance will be in harmony with the general purpose and intent of this ordinance and the General Plan.***
 - As mentioned earlier, the Hallett Store has a significant historical presence in the community of Portola Valley. By granting the variance the historical significance of the building will be ensured, and thus allow it to continue to be an important chapter in the historical fabric of Portola Valley and in the region.

Keith Kolker
10631 Tuggle Place
Cupertino, CA 95014
408 234 1843
kolkerkeith@gmail.com
June 26, 2018

Town of Portola Valley
Senior Planner
765 Portola Road
Portola Valley, CA 94028



Dear Senior Planner,

The issue at 844 Portola Road is an unfortunate occurrence. I pride myself to provide my clients with the highest quality of building for their office or house. During the process of demolition and building at 844 Portola I have been in contract with Keith the building inspector. Keith has been very upfront with me and helpful with this process. It was my responsibility to call Keith out when I needed to have an inspection of the under floor of the rear portion of the building to show Keith that the floor joists and beams were dry rotted and termite infested. The timing of having the under- floor inspections held by Keith did not work since I had to go to Denver and at the same time Keith was out on vacation and the inspection of the new floor joist was completed by a 3rd party inspector. With that being said if I had not been out of town then I would have asked the question regarding the under floor and what needed to be done since the existing joist and beams had a majority of dry-rot and termite infestations. I do have pictures of some of the dry-rot of the beams. I have also kept all of the material onsite which came from the underfloor and the exterior framing portion of the building in question which does show mold and dry-rot.

The foundation of the building is still in the exact location and we have added additional piers to the foundation to preserve the foundation so it will be around for a long time. In my own opinion it is not good for the future use of a building and habitants to keep material in place that has long passed its useful life and that has mold and dry rot in the existing wood.







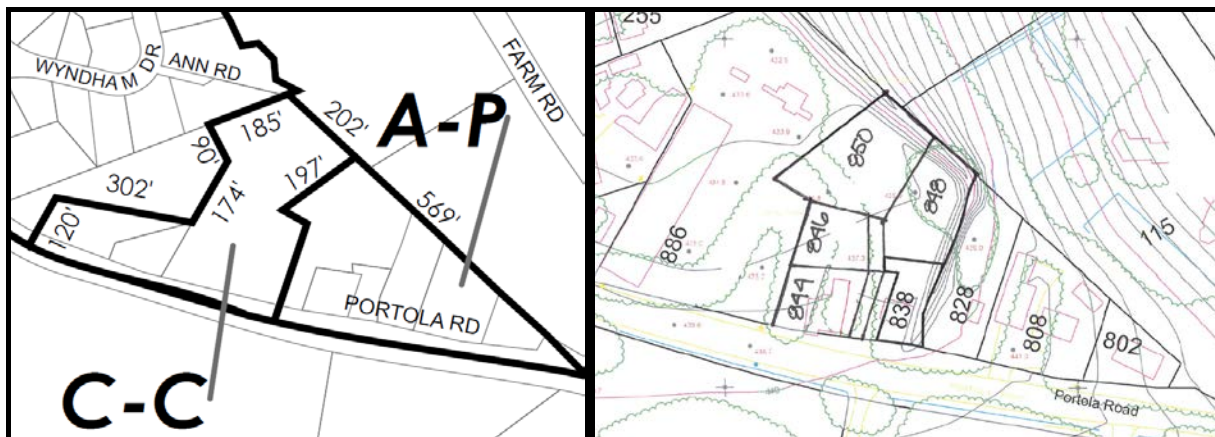


Analysis of Town Center Properties Table

Property Address	Zone District	Net Parcel Size	Type of Use	Floor Area Square Foot	Floor Area Ratio
846 Portola Rd	A-P	8,395	Vacant		
900 Portola Rd	C-C	69,696	Windmill Preschool	7,327	10.5%
888 Portola Rd	C-C	11,327	Douglas Property Commercial and Single Family Residence	4,020	35.5%
886 Portola Rd	C-C	98,097	Village Square Commercial and Single Family Residence	15,492	15.8%
850 Portola Rd	A-P	17,936	Single Family Residence	Proposed SFR 2,332 Not including garage	13.0%
848 Portola Rd	A-P	17,936	Single Family Residence	Proposed SFR 2,332 Not including garage	13.0%
844 Portola Rd	A-P	13,192	Hallett Store Commercial	2,910 Existing non- conforming	22.0%
838 Portola Rd	A-P	7,750	Bennicas Commercial	838	10.8%
828 Portola Rd	A-P	21,206	Commercial	1,824	8.60%
808 Portola Rd	A-P	25,347	Commercial	5,816	22.9%
802 Portola Rd	A-P	10,974	Single Family Residence	1,764	12.60%

Zoning Map

Location Map



Fair Housing Act

The **Fair Housing Act**, 42 U.S.C. 3601 *et seq.*, prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- race or color
- religion
- sex
- national origin
- familial status, or
- disability.

In cases involving discrimination in mortgage loans or home improvement loans, the Department may file suit under both the Fair Housing Act and the **pattern or practice** of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. Where force or threat of force is used to deny or interfere with fair housing rights, the Department of Justice may institute **criminal proceedings**. The Fair Housing Act also provides procedures for handling individual complaints of discrimination. Individuals who believe that they have been victims of an illegal housing practice, may file a complaint with the **Department of Housing and Urban Development [HUD]** or file their own lawsuit in federal or state court. The Department of Justice brings suits on behalf of individuals based on referrals from HUD.

Discrimination in Housing Based Upon Race or Color

One of the central objectives of the **Fair Housing Act**, when Congress enacted it in 1968, was to prohibit race discrimination in sales and rentals of housing. Nevertheless, more than 30 years later, race discrimination in housing continues to be a problem. The majority of the Justice Department's **pattern or practice** cases involve claims of race discrimination. Sometimes, housing providers try to disguise their discrimination by giving false information about availability of housing, either saying that nothing was available or steering homeseekers to certain areas based on race. Individuals who receive such false information or misdirection may have no knowledge that they have been victims of discrimination. The Department of Justice has brought many cases alleging this kind of discrimination based on race or color. In addition, the Department's **Fair Housing Testing Program** seeks to uncover this kind of hidden discrimination and hold those responsible accountable. Most of the mortgage lending cases brought by the Department under the Fair Housing Act and **Equal Credit Opportunity Act** have alleged discrimination based on race or color. Some of the Department's cases have also alleged that municipalities and other local government entities violated the Fair Housing Act when they denied permits or zoning changes for housing developments, or relegated them to predominantly minority neighborhoods, because the prospective residents were expected to be predominantly African-Americans.

Discrimination in Housing Based Upon Religion

The **Fair Housing Act** prohibits discrimination in housing based upon religion. This prohibition covers instances of overt discrimination against members of a particular religion as well as less direct actions, such as zoning ordinances designed to limit the use of private homes as a places of worship. The number of cases filed since 1968 alleging religious discrimination is small in comparison to some of the other prohibited bases, such as **race** or **national origin**. The Act does contain a limited exception that allows non-commercial housing operated by a religious organization to reserve such housing to persons of the same religion.

Discrimination in Housing Based Upon Sex, Including Sexual Harassment

The **Fair Housing Act** makes it unlawful to discriminate in housing on the basis of sex. In recent years, the Department's focus in this area has been to challenge sexual harassment in housing. Women, particularly those who are poor, and with limited housing options, often have little recourse but to tolerate the humiliation and degradation of sexual harassment or risk having their families and themselves removed from their homes. The Department's enforcement program is aimed at landlords who create an untenable living environment by demanding sexual favors from tenants or by creating a sexually hostile environment for them. In this manner we seek both to obtain relief for tenants who have been treated unfairly by a landlord because of sex and also deter other potential abusers by making it clear that they cannot continue their conduct without facing repercussions. In addition, pricing discrimination in mortgage lending may also adversely affect women, particularly minority women. This type of discrimination is unlawful under both the Fair Housing Act and **Equal Credit Opportunity Act**.

Discrimination in Housing Based Upon National Origin

The **Fair Housing Act** prohibits discrimination based upon national origin. Such discrimination can be based either upon the country of an individual's birth or where his or her ancestors originated. Census data indicate that the Hispanic population is the fastest growing segment of our nation's population. The Justice Department has taken enforcement action against municipal governments that have tried to reduce or limit the number of Hispanic families that may live in their communities. We have sued lenders under both the **Fair Housing Act** and the **Equal Credit Opportunity Act** when they have imposed more stringent underwriting standards on home loans or made loans on less favorable terms for Hispanic borrowers. The Department has also sued lenders for discrimination against Native Americans. Other areas of the country have experienced an increasing diversity of national origin groups within their populations. This includes new immigrants from Southeastern Asia, such as the Hmong, the former Soviet Union, and other portions of Eastern Europe. We have taken action against private landlords who have discriminated against such individuals.

Discrimination in Housing Based Upon Familial Status

The **Fair Housing Act**, with some exceptions, prohibits discrimination in housing against families with children under 18. In addition to prohibiting an outright denial of housing to families with children, the Act also prevents housing providers from imposing any special requirements or conditions on tenants with custody of children. For example, landlords may not locate families with children in any single portion of a complex, place an unreasonable restriction on the total number of persons who may reside in a dwelling, or limit their access to recreational services provided to other tenants. In most instances, the amended Fair Housing Act prohibits a housing provider from refusing to rent or sell to families with children. However, some facilities may be designated as Housing for Older Persons (55 years of age). This type of housing, which meets the standards set forth in the Housing for Older Persons Act of 1995, may operate as "senior" housing. The **Department of Housing and Urban Development (HUD)** has published regulations and additional guidance detailing these statutory requirements.

Discrimination in Housing Based Upon Disability

The **Fair Housing Act** prohibits discrimination on the basis of disability in all types of housing transactions. The Act defines persons with a disability to mean those individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability. The Division's enforcement of the Fair Housing Act's protections for persons with disabilities has concentrated on two major areas. One is insuring that **zoning and other regulations concerning land use** are not employed to hinder the residential choices of these individuals, including unnecessarily restricting communal, or congregate, residential arrangements, such as group homes. The second area is insuring that newly constructed multifamily housing is built in accordance with the Fair Housing Act's **accessibility requirements** so that it is accessible to and usable by people with disabilities, and, in particular, those who use wheelchairs. There are other federal statutes that prohibit discrimination against individuals with disabilities, including the Americans with Disabilities Act, which is enforced by the **Disability Rights Section** of the Civil Rights Division.

Discrimination in Housing Based Upon Disability Group Homes

Some individuals with disabilities may live together in congregate living arrangements, often referred to as "group homes." The **Fair Housing Act** prohibits municipalities and other local government entities from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against individuals with disabilities. The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.

- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing. What constitutes a reasonable accommodation is a case-by-case determination. Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

Discrimination in Housing Based Upon Disability -- Accessibility Features for New Construction

The **Fair Housing Act** defines discrimination in housing against persons with disabilities to include a failure "to design and construct" certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs. The Act requires all newly constructed multi-family dwellings of four or more units intended for first occupancy after March 13, 1991, to have certain features: an accessible entrance on an accessible route, accessible common and public use areas, doors sufficiently wide to accommodate wheelchairs, accessible routes into and through each dwelling, light switches, electrical outlets, and thermostats in accessible location, reinforcements in bathroom walls to accommodate grab bar installations, and usable kitchens and bathrooms configured so that a wheelchair can maneuver about the space.

Developers, builders, owners, and architects responsible for the design or construction of new multi-family housing may be held liable under the Fair Housing Act if their buildings fail to meet these design requirements. The Department of Justice has brought many enforcement actions against those who failed to do so. Most of the cases have been resolved by consent decrees providing a variety of types of relief, including: retrofitting to bring inaccessible features into compliance where feasible and where it is not -- alternatives (monetary funds or other construction requirements) that will provide for making other housing units accessible; training on the accessibility requirements for those involved in the construction process; a mandate that all new housing projects comply with the accessibility requirements, and monetary relief for those injured by the violations. In addition, the Department has sought to **promote accessibility through building codes**.

HUD FILES HOUSING DISCRIMINATION COMPLAINT AGAINST FACEBOOK

Secretary-initiated complaint alleges platform allows advertisers to discriminate

WASHINGTON – The U.S. Department of Housing and Urban Development (HUD) announced today a formal complaint against Facebook for violating the Fair Housing Act by allowing landlords and home sellers to use its advertising platform to engage in housing discrimination.

HUD claims Facebook enables advertisers to control which users receive housing-related ads based upon the recipient's race, color, religion, sex, familial status, national origin, disability, and/or zip code. Facebook then invites advertisers to express unlawful preferences by offering discriminatory options, allowing them to effectively limit housing options for these protected classes under the guise of 'targeted advertising.' [Read HUD's complaint against Facebook.](#)

"The Fair Housing Act prohibits housing discrimination including those who might limit or deny housing options with a click of a mouse," said Anna María Farías, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "When Facebook uses the vast amount of personal data it collects to help advertisers to discriminate, it's the same as slamming the door in someone's face."

The Fair Housing Act prohibits discrimination in housing transactions including print and online advertisement on the basis of race, color, national origin, religion, sex, disability, or familial status. HUD's Secretary-initiated complaint follows the Department's investigation into Facebook's advertising platform which includes targeting tools that enable advertisers to filter prospective tenants or homebuyers based on these protected classes.

For example, HUD's complaint alleges Facebook's platform violates the Fair Housing Act. It enables advertisers to, among other things:

- display housing ads either only to men or women;
- not show ads to Facebook users interested in an "assistance dog," "mobility scooter," "accessibility" or "deaf culture";
- not show ads to users whom Facebook categorizes as interested in "child care" or "parenting," or show ads only to users with children above a specified age;
- to display/not display ads to users whom Facebook categorizes as interested in a particular place of worship, religion or tenet, such as the "Christian Church," "Sikhism," "Hinduism," or the "Bible."
- not show ads to users whom Facebook categorizes as interested in "Latin America," "Canada," "Southeast Asia," "China," "Honduras," or "Somalia."
- draw a red line around zip codes and then not display ads to Facebook users who live in specific zip codes.

Additionally, Facebook promotes its [advertising targeting platform for housing purposes with "success stories"](#) for finding "the perfect homeowners," "reaching home buyers," "attracting renters" and "personalizing property ads."

In addition, today the U.S. Attorney for the Southern District of New York (SDNY) filed a statement of interest, joined in by HUD, in U.S. District Court on behalf of a number of private litigants challenging Facebook's advertising platform.

HUD Secretary-Initiated Complaints

The Secretary of HUD may file a fair housing complaint directly against those whom the Department believes may be in violation of the Fair Housing Act. Secretary-Initiated Complaints are appropriate in cases, among others, involving significant issues that are national in scope or when the Department is made aware of potential violations of the Act and broad public interest relief is warranted or where HUD does not know of a specific aggrieved person or injured

party that is willing or able to come forward. A Fair Housing Act complaint, including a Secretary initiated complaint, is not a determination of liability.

A Secretary-Initiated Complaint will result in a formal fact-finding investigation. The party against whom the complaint is filed will be provided notice and an opportunity to respond. If HUD's investigation results in a determination that reasonable cause exists that there has been a violation of the Fair Housing Act, a charge of discrimination may be filed. Throughout the process, HUD will seek conciliation and voluntary resolution. Charges may be resolved through settlement, through referral to the Department of Justice, or through an administrative determination.

This year marks the 50th anniversary of the Fair Housing Act. In commemoration, HUD, local communities, and fair housing organizations across the country have coordinated a variety of activities to enhance fair housing awareness, highlight HUD's fair housing enforcement efforts, and end housing discrimination in the nation. For a list of activities, log onto www.hud.gov/fairhousingis50.

Persons who believe they have experienced discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY).

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

July 18, 2018

CALL TO ORDER AND ROLL CALL

Chair Targ called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Laura Russell called the roll.

Present: Planning Commissioners: Hasko and Taylor; Chair Targ
Absent: Vice Chair Goulden; Commissioner Kopf-Sill
Town Staff: Laura Russell, Planning & Building Director; Cynthia Richardson, Planner; Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

OLD BUSINESS

- (1) **Hearing of Proposed Lot Line Adjustment for Parcel A, owned by Ralph & Renee Lewis, identified as APN: 079-074- 010 and Parcel B, owned by Michael & Susan McLaughlin, identified as APN: 079-074-020. Project located at 88 and 96 Hillbrook Drive, File # LLA 1-2018**

Planner Cynthia Richardson described the project data and the background of the project, as detailed in the staff report. Staff recommended approval of the lot line adjustment and proposed resolution.

Chair Targ asked if there were any material changes to the project as originally presented. Planner Richardson said there were no changes.

In response to Commissioner Taylor's question, Planner Richardson said the ASCC had no issues with the project.

Chair Targ invited the applicants to comment. Susan McLaughlin said they look forward to making the lot line adjustment.

Chair Targ again disclosed that he previously spoke with Michael McLaughlin regarding this matter.

Chair Targ invited public comment. Hearing none, Chair Targ closed the public hearing and brought the item back to the Commission for discussion.

The Commission was in support of the proposal. Chair Targ said the neighbors coming together to find a solution and resolve a potential land use and property line dispute was laudable.

Commissioner Hasko moved to approve the Resolution of the Planning Commission Approving a Lot Line adjustment for 96 Hillbrook Drive and 88 Hillbrook Drive. Seconded by Commissioner Taylor, the motion carried 3-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- (2) **Priory Conditional Use Permit Annual Report**

DRAFT MINUTES

Associate Planner Cassidy presented the Woodside Priory School's Annual Report, as detailed in the staff report. Staff recommended the Planning Commission review the Woodside Priory School CUP Annual Report for 2017-2018 and offer any comments, reactions, and directions.

Chair Targ invited questions from the Commissioners.

Chair Targ asked if the CUP defined how population/enrollment at the school is established. Associate Planner Cassidy said the CUP does not specifically address whether average daily attendance or total enrollment is the number used.

Chair Targ asked if projections were made, for example, looking at average parking for other entities. Associate Planner Cassidy said that is often used in other cities, but Portola Valley typically does not have enough commercial or industrial uses where average attendance is looked at, such as holiday parking versus regular day parking at a church.

Planning & Building Director Russell said it would be customary to use the standard of practice in a particular field, in terms of how it would be categorized in that specialty. She said in a larger municipality with many different types of CUPs, there would be more standard practices. She said an applicant saying this is a common practice within their field could be an acceptable answer.

Chair Targ asked staff to research how this issue is addressed in other municipalities and how the CEQA document analyzed it. He said he did not see a problem one way or the other but suggested it might be codified whether the ADA [average daily attendance] or enrollment numbers are used.

Mr. Molak said, regarding the BMR, he only recalled ever needing one deed restricted housing unit so he would have to go back and research that. He said almost all public schools operate using the ADA because that's how they're paid. He said there was a conversation many years back regarding the 350 number versus how many children are actually on campus daily.

Vice Chair Targ invited public comment.

Maryann Moise Derwin, 148 Ramoso Road, Portola Valley. Ms. Moise-Derwin said many years ago, when Tom Vlasic and George Mader were the Town Planners, there were discussions about total enrollment numbers and the number of children coming from Portola Valley. She said she felt that over the years, the Town has let that slide. She said although 21 percent is better than 18 percent, it's still not good. She said her concern is that when children are enrolled from San Jose and Hillsborough, that means more cars on the road versus Portola Valley children who can bike, walk, and scooter to school and hence, take cars off the road. She said she is less concerned about the total enrollment but wants to see more kids coming from Portola Valley.

Mr. Molak said the Priory CUP has a goal of 20 percent of their enrollment being Portola Valley children. He said their acceptance rate for Portola Valley children is higher, and they make every effort to accept every qualified student from Portola Valley, but the take rate could be only 50 percent.

Ms. Derwin asked what would cause a Portola Valley child to be rejected. Mr. Molak said there could be a number of reasons, but it is usually that the child is not academically qualified, teacher recommendations, etc. He said being a Portola Valley resident gives an additional point in the scoring system and being Catholic earns a point.

Commissioner Hasko said the chart showing the number of Portola Valley applications and take rates is helpful. She suggested the chart should be included on a rolling basis going forward. Mr. Molak said they provided that in September and will also provide it at the end of the school year.

DRAFT MINUTES

Chair Targ suggested it would be helpful if Mr. Molak could put together the previously created Portola Valley enrollment charts and submit it as a supplement to the Annual Report. He also suggested an additional meeting be rescheduled to discuss the BMR issue, the ADA number, and the acceptance percentages of Portola Valley students. Commissioner Hasko agreed.

Commissioner Hasko asked for clarification of Condition 9(c) concerning the number of BMR units required. Mr. Molak said they have one BMR based on the seven (Moss Family Commons) built in 2003. He said they will add another BMR with the six they will build. He said if they build all 12 units, there will be a total of three BMR units. Associate Planner Cassidy said staff will research this paragraph further and provide more clarity.

Commissioner Taylor said there was a recent post on PV Forum regarding the summer camp that claimed they had rented fields and no one else could use them, even before or after the summer camp hours. Mr. Molak said it must have been a unique situation because they often have people on the track. He said the camp was there from 9:00 a.m. until 4:00 or 5:00 p.m., and they did lease almost the entire campus, including the athletic facilities and fields. Commissioner Taylor suggested Mr. Molak respond to the post to clarify that anyone can use the fields outside of the summer camp hours.

Mr. Molak said he would bring another report in September.

(3) ADU Survey – Request for Input

Associate Planner Cassidy presented the proposed ADU Survey and requested input from the Commission. She also shared ADU surveys created by Hillsborough and Sausalito. Associate Planner Cassidy said staff does not have email addresses of all ADU owners, but they will mail copies of the survey and promote it on all the social media outlets. She said the mailed copy of the survey will also include a link that people can use to complete the survey online. She said it will likely be an anonymous survey in order to encourage participation.

Commissioner Taylor said the questionnaire should be limited to one page in length. He suggested rather than asking for the specific dollar amount of rent, it should be a series of buckets to check so that it does not feel quite so invasive. He suggested an “other” category for comments. He recommended providing context to explain why the Town is asking for this information. He supported the option of remaining anonymous but would prefer to mail the surveys directly to known ADUs, with the address printed on them, and offer the option of not answering all the questions, such as amount of rent collected, or adding additional information, such as email addresses, if desired. He suggested the survey be made available generally for those that perhaps are not registered as official ADUs.

Commissioner Hasko said she is skeptical that people would want to be on the record by providing answers to some of the questions, and some may be skeptical about how the information will be used. She said the option to remain anonymous may increase the participation. She said she would be more interested in how the units are being used rather than how much rent is being collected. She would be interested to know if the ADUs were catering to an older population or to younger people who work locally. She was not in favor of printing the addresses on the survey.

Chair Targ asked if the response rates were known for Sausalito and Hillsborough. Associate Planner Cassidy said she did not think the Hillsborough survey was sent out to the population at large to retroactively capture data regarding existing ADUs, but was just a part of their building permit application package. She said she could get the response rate information from Sausalito.

Chair Targ said he would be curious about how many of the ADUs have pools associated with them, perhaps indicating people were just building larger cabanas and calling them ADUs.

DRAFT MINUTES

Chair Targ said the information regarding distribution may be helpful if it was learned that a particular area was underrepresented and could be targeted for more outreach. Associate Planner Cassidy said a lot of useful information can be gathered from mapping, for example, considering amnesty for existing non-conforming ADUs that have had no objections.

Commissioner Hasko asked if staff included any kind of survey, as Hillsborough does, with building permits. Associate Planner Cassidy said the applicants are asked informally how they plan to use their ADUs. She said the applicants are often hesitant to respond, asking “Why do you want to know?” Commissioner Taylor reiterated his suggestion to provide context for the question, explaining that the Town is trying to update data and meet their quotas and general obligations and not trying to pry into private business.

Chair Targ suggested questions 6 and 7 and questions 8 and 9 could be collapsed, making room for additional questions about ADU size, but still keeping the survey to 10 questions.

Commissioner Taylor said a general question about collecting rent could be optional, without asking specifically how much is paid, if it is exchanged for household services, etc.

Associate Planner Cassidy said staff had thought about asking if the respondent would be willing to be contacted by the Town to speak about their ADU or share their experience. She said staff is hoping to create a network and resource out of existing ADU owners. She said they’ve discussed walking tours or open houses for people who are curious.

Chair Targ said he is interested in the amount of rent paid. He said the Town and the State are keen on ADUs as a housing provision generally, but also as a means to provide affordable housing. He said he would be interested to know if the Town has 200 cabanas or 200 market rate ADUs. Commissioner Taylor said he did not disagree, but his concern was that asking the rent question may result in fewer responses.

Associate Planner Cassidy suggested a sentence in the introduction such as “Please answer to your comfort level. We’d rather have some answers than none.” Commissioner Taylor said that may work, but he felt that if he was reading through the questions and started seeing several that were too personal for his comfort level, he might throw the whole thing out.

Commissioner Hasko suggested questions concerning rent could be presented as a friendly and optional request, rather than asking specific questions that people may be hesitant to answer for fear of some unknown consequence.

Chair Targ suggested the response to the rent question could be presented as checkboxes for ranges of rent rather than specific amounts, including domestic help as a proxy. He said an introductory explanation of how the information is being used will be helpful to set the tone. He suggested rather than asking for a specific address, the survey could ask for a more general location – such as Central, Western Hill, etc.

Staff will bring the revised survey back to the Commission for review.

(4) News Digest: Planning Issues of the Day

Associate Planner Cassidy shared articles of interest with the Commissioners – “What Makes Walkable Communities Work” and a Bay Area Council article about affordable housing units.

DRAFT MINUTES

Reports

Chair Targ introduced the new Planning & Building Director, Laura Russell. She said she was excited to join the Town's efforts to preserve the great things about this community. She said public service has always been an important commitment to her, and she looks forward to serving this community. She said she most recently worked for the City of San Carlos and the Town of Atherton as a consultant planner. Prior to that, she worked for the City of San Bruno for a number of years in a number of different positions. She said she was with San Bruno at the time of the PG&E pipeline explosion and has experience responding to a disaster and the rebuilding of the community afterwards. She previously worked for the City of Palo Alto, working with BMR housing, and before that in the Central Valley, where she was involved in redevelopment and economic development. She was a teacher at San Jose State in the Master's Program, teaching communications skills for planners.

Commissioner Taylor invited Planning & Building Director Russell to accompany him on some walks around the different neighborhoods to get a feel for Portola Valley.

APPROVAL OF MINUTES:

(6) Planning Commission Meeting of June 20, 2018

The Commission discussed whether or not the minutes should be verbatim or summarized more with less details of the discussions, particularly in the case of this meeting where a member of the public spoke at length about issues that were not related to the item being discussed. Planning & Building Director Russell suggested that since it has been standard practice to provide verbatim minutes, staff could remove the specific name references in this case and allow staff to review internally the practice of doing verbatim minutes, reporting back to the Commission on the practice. Maryann Moise Derwin pointed out that the speaker had already put the same information out in public in many different ways.

Commissioner Taylor moved to approve the minutes of the June 20, 2018, meeting, as submitted. Seconded by Commissioner Hasko, the motion carried 3-0.

Chair Targ expressed thanks on behalf of the Planning Commission to Associate Planner Cassidy for her service as Interim Planning Director, serving the role admirably.

ADJOURNMENT [8:13 p.m.]

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

August 1, 2018

CALL TO ORDER AND ROLL CALL

Chair Targ called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Laura Russell called the roll.

Present: Planning Commissioners: Kopf-Sill and Taylor; Vice Chair Goulden; Chair Targ
Absent: Commissioner Hasko
Town Staff: Laura Russell, Planning & Building Director; Cynthia Richardson, Planner; Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

PUBLIC HEARING

- (1) **Review of a Proposal to Amend a Conditional Use Permit to Extend the Construction Schedule for Previously Approved Buildings by Ten Years, Spring Ridge LLC, 555 Portola Road, File # PLN USE 1-2018**

Associate Planner Cassidy presented the proposal to amend the Spring Ridge LLC CUP, as detailed in the staff report. Staff recommended the Planning Commission approve Resolution No. 2018-9, making the required findings and approving the requested amendment to Spring Ridge LLC Conditional Use Permit and Conditions of Approval.

Chair Targ invited questions from the Commission.

Commissioner Kopf-Sill asked for confirmation that the CUP in general allows the buildings, but the applicant must still come before the ASCC and conform with the rules that apply at the time of the application. Associate Planner Cassidy said if a specific piece of the building were discussed and described in the Use Permit, the rules that applied when the Planning discretionary permit was granted will still apply. She said at this point, the CUP describes the buildings to some extent, mostly with floor area, but if there was any mention of any other specific attribute within the Use Permit, that would stand as approved, even if the Planning rules have since changed. She said a new building permit submission must conform to whatever building permit rules apply at the time of application.

Commissioner Kopf-Sill asked if there was anything in the CUP that would not be allowed now, such as sprinklers. Associate Planner Cassidy said to her knowledge there were none that would affect life safety.

In response to Commissioner Taylor's question, Associate Planner Cassidy said there was, for example, no specific mention of lighting requirements; therefore, the current rules would apply regarding lighting upon submission of an application.

In response to Vice Chair Goulden's question, the last amendment to the CUP was five years ago and upon current review of the CUP, staff did not find anything objectionable.

Chair Targ asked if there was anything in the Portola Road Scenic Corridor Plan that would raise issues with respect to this matter if it were presented anew. He also disclosed that he had previously

DRAFT MINUTES

spoken with the applicant. Associate Planner Cassidy said, to her knowledge, there were no issues. She said the lower ag building, the building that is closest to the Scenic Corridor, has already been constructed. The stable is the next nearest building to be built and is hundreds of feet away with no impact to the Scenic Corridor.

In response to Chair Targ's question, Associate Planner Cassidy confirmed there had not been any changes to zoning or other Town plans that would create new or different obligations or use of the property if it were to come to the Commission fresh now.

Vice Chair Goulden asked regarding the normal length of time a new Conditional Use Permit is valid. Associate Planner Cassidy said technically a Use Permit does not expire, it generally runs with the land. She said the Commission may occasionally request a subsequent review of the CUP; however, the usual trigger for an additional review is if the applicant lapses in their conditions, a complaint is made, or there has been some kind of violation.

Vice Chair Goulden asked if there was precedent for granting a 10-year versus a 5-year Conditional Use Permit. Associate Planner Cassidy said she researched old staff reports to determine why there was a five-year timeline. She said it appeared that staff who handled the initial Use Permit wanted a hard timeline and suggested the applicant come back with one and from that, the term of five years was chosen. She said there is no code relationship to that term of five years and nothing that would prevent it from being extended to 10 years.

Planning & Building Director Russell said a CUP runs with the land, but something is usually done to activate them. The applicants have done that by starting the construction of some the buildings, so they've been using the CUP, and it seems reasonable to allow the extension. She said the timeline of that extension is at the Planning Commission's discretion.

Chair Targ asked if there had been any issues that would trigger a review of this CUP. Associate Planner Cassidy said there have been no complaints, notices of violation, public comment, or response from noticing on the project.

With no further questions, Chair Targ invited the applicant to comment. The applicant said Tom Vlasic gave them the five-year timeline which he just accepted and did not question. He said they've been slower than anticipated with building. He said they hope to get going in a couple of years and are currently just finishing up two of the projects. He said they had ASCC approval on all the projects.

Chair Targ invited questions from the Commission.

Commissioner Taylor asked the applicant if there were approved design plans for the three buildings in question – the stable, the guest house, and the art studio. The applicant said the initial approval for the CUP was from the ASCC and then subsequently approved by the Planning Commission. He said they have not submitted full building plans yet. He said they would not have to go back to the ASCC if there were no changes to the already-approved plans, but said there will likely be changes that will need to go before the ASCC.

Commissioner Taylor asked staff if it is appropriate that the applicant can pull a building permit, for example, nine years and nine months from now based on the ASCC approval that is almost 15 years old. Associate Planner Cassidy said that is a legal possibility with this extension. She said, however, if this extension isn't granted, the building permits will be pulled in a timely manner in order to complete the construction as proposed, and the building would be the same. She said staff feels this proposal is limited just to the timeline. She said the applicants can apply to modify that application, whether it comes now or in 10 years. Commissioner Taylor said giving the applicant 10 years for the opportunity

DRAFT MINUTES

to build is reasonable, but using old design guidelines many years from now does not sound reasonable. He suggested that it be discussed more about extending the timeline but making sure the plans are approved by ASCC in a timely manner. The applicant said he does not know how the design guidelines have migrated over the past five years let alone predicting how they will change in the next five years.

Vice Chair Goulden asked if the buildings were visible from other properties. The applicant said the buildings are extremely well-sited to be completely invisible from just about every area, which was a laborious process. He said approximately 6-1/2 years ago, the original CUP was approved. He said they came back a year later, and it was amended for the vineyards and the meadow.

Commissioner Taylor said it sounded like the applicant was saying that all of the current guidelines would apply upon submission; however, it sounded like staff was saying it's already been through ASCC, and only the Building Code would be reviewed. Associate Planner Cassidy said if the applicant brings revisions, it will go back to the ASCC. Commissioner Taylor asked if the applicants would be grandfathered into the lighting design plans from five years ago if this CUP is approved as-is. Associate Planner Cassidy said that was correct, that whatever had been already approved will be directly applied to the building, and it will only go before the ASCC if revised.

In response to Chair Targ's question, Associate Planner Cassidy said issues of life, health, and safety would be subject to the code in place at the time of application for the building permit.

With no further questions, Chair Targ invited public comment.

Carter Warr, the project architect at the time the Spring Ridge project came before the Commission. Mr. Warr said all of the buildings were story poled during the CUP review process. He said any issues regarding offsite impact were reviewed and resolved by the ASCC and Planning Commission at that time. He said the Planning Commission and ASCC required that the applicants develop very specific designs for each of the buildings, and they were story poled and reviewed at the time.

Hearing no further public comment, Chair Targ closed the public hearing and brought the item back to the Commission for discussion.

Vice Chair Goulden said there may be some slight risk of changes to how the ASCC Design Guidelines would view things over time, but given that these buildings are not visible to other sites, it will not likely be an issue. He said it is unusual to have a timeframe on a CUP, and if that timeframe had not been set, the Commission would not be reviewing this. He was supportive of the proposal.

Commissioner Taylor was supportive of the 10-year timeline. He was concerned the proposal did not need to conform to the current Design Guidelines. He would prefer a requirement to bring the project back to the ASCC, which would not incur burden to the applicant since it sounded like they would be making revisions anyway.

Commissioner Kopf-Sill was supportive of the proposal. She said while she would prefer the project come back for current design review standards, she would not disapprove the proposal for that reason.

Chair Targ said if the proposed structures were more visible and prominent, he may feel differently, but could support this proposal as presented because the buildings are remote and because he has confidence in the ASCC rigorous design review process of five years ago. He said the changes in the Portola Road Scenic Corridor Land Use Plan have not affected this application.

DRAFT MINUTES

Commissioner Kopf-Sill moved to approve Resolution No. 2018-9, making the required findings and approving the requested amendment to Spring Ridge LLC Conditional Use Permit and Exhibit "A" Conditional Use Permit Conditions of Approval. Seconded by Vice Chair Goulden, the motion carried 3-1; with Commissioner Taylor opposing.

NEW BUSINESS

- (2) **Review of a proposal to apply the R-1 Zoning Regulations to a .19 acre lot in the A-P Zone District to allow for a 2,316 square foot single family home with an 833 square foot basement and an attached 784 square foot Accessory Dwelling Unit (ADU) by using a Conditional Use Permit and Planned Unit Development process. The property is owned by Pacific States Capital Group and is located at 846 Portola Road and identified as APN: 050-282-150, File 8-2017**

Planner Richardson presented the history of the parcels and the project description, as detailed in the staff report. She said there was a field meeting scheduled at the property today, but there was no quorum so it was not held. She said the Planning Commission may decide to reschedule the site visit. Staff recommended the Planning Commission direct the applicant to return with a conforming project using the A-P Zone District regulations.

Vice Chair Goulden asked if there were any guidelines around why zoning would be changed. Planner Richardson said the zoning was not being changed. She said the applicant was using the measurable aspects of the R-1 Zone District in the PUD [Planned Unit Development] process to create a project of this size.

Commissioner Kopf-Sill said she also thought they were being asked to approve a zoning change. Planner Richardson said the A-P Zoning allows for single family residential, and the applicant has not requested a zoning change.

Commissioner Taylor clarified that the applicants were not asking for a zoning change. He said the application was also not in compliance with the R-1 Zoning regulations.

In response to Vice Chair Goulden's question, Planner Richardson said the PUD is not considered multi-family. She said it is a single-family residence with an ADU; however, an ADU is not allowed in this zoning district or on a lot this small.

With no further questions from staff, Chair Targ invited the applicant to comment.

Carter Warr said he was acting as an advisor to John Hansen, the property owner. He said the architect, Tim Peterson, was also present. Mr. Warr said they had hoped for a more informal setting when it was agendaized in November of last year so the issues could be discussed before they spent a lot of time developing detailed plans. He said they wanted to come before the Commission to discuss some anomalies in the Zoning Ordinance. He said only two Districts in Town use a floor area ratio directly proportional to the size the lot – the A-P and the C-C Zoning Districts, at 13 and 15 percent respectively. He described historical parity issues between homes on larger properties and smaller properties. He said that during his 21 years on the ASCC, they worked at creating parity so that if you had a small property next to a big property, the homes and their relative improvements would be more in keeping with each other. He said, as a consequence, the R-1 Zoning District was completely revamped in the way those numbers were created so that the smaller properties were not disadvantaged as much and bigger properties were substantially reduced in their opportunity. He said the residential use is calculated completely different from office use, which would be the normal way to use this property, and it presents a problem. He said the General Plan has identified this land as best

DRAFT MINUTES

used as residential, which is what the owner desires. He said, however, the difficulty is in using the A-P numbers, where on a 10,000-square-foot lot, you can only build an 1,100 square-foot building, which makes for a very small residence. If the lot were residentially zoned, for example, in the Wyndham or Brookside neighborhoods, the home could be approximately 3,100 square feet on a lot of this size. He said the need for offices in town is very low. He said this proposal is in conformance with the General Plan and the way the Town has governed residential development, both in numbers and use. He said they anticipate the Town will be moving to allow ADUs on properties of less than one acre. He said while the development may not be compliance with the zoning, it could be found to be in compliance with the spirit of the Town and the way the parity was developed in the 1990s for residential use.

Mr. Warr said he also served on the ASCC when the Area Specific Plan was developed for this property. He said there was a lot of discussion by both the ASCC and Planning Commission regarding the appropriate uses for this property, and it was decided and recommended that residential use was appropriate. He said the Planned Unit Development that was previously approved, but abandoned with the lot line adjustment, allowed for five single-family homes of about 3,200 square feet. He said the Planning Commission arrived at that figure by figuring the balance of the back of the property divided equally among five properties and compared the numbers to the R-1 Zoning District. He said the setbacks between those buildings were similarly defined to be in compliance with the spirit of the R-1 Zoning District. He said this is now a single property inside of that overall property, and it is logical that development under the R-1 Zoning District would make sense.

Mr. Warr pointed out that since that time, there has been ever-growing pressure for affordable housing. He said one unit of 1,100 square feet versus a 2,300 square-foot home plus a 700- or 800 square foot home would do substantially more to improve the opportunity for housing in Portola Valley on a property that wouldn't normally have been developed. He said the issues of higher quality, better design, diversification, and providing amenities can be found, although not in the way the Town has traditionally looked at PUD use. He said they feel that providing additional housing stock in an affordable way on a property that otherwise would not ever have it is a substantial reason to support this effort.

Chair Targ disclosed that Warr Associates is helping his family with an unrelated project.

Chair Targ invited questions from the Commissioners.

Chair Targ asked who owned the adjacent properties that were formally part of the subdivision. John Hansen said he owns Lot 4 and the office building under an LLC. He said the owners of the back two lots are also present – Fred Krefetz and Tom Lodato. In response to Chair Targ's question, Mr. Hansen said there is no operating agreement or partnership among the three of them. He said the other two gentlemen initially owned all four parcels, and he purchased two of them in November 2016.

Commissioner Kopf-Sill asked why the previous owner abandoned the attempts to develop. Mr. Warr said the previous project suffered from poor economy, timing, costs associated with the creek rehabilitation, and the need for additional studies for the bank stabilization. It was decided that a similar economic return could be developed by using the existing four lots that were previously on record, realigning them into a more rational use pattern. Commissioner Kopf-Sill said rezoning seemed much more to the heart of the issue. Mr. Warr said this was one of the reasons he wanted a study session in November, before they spent so much time and money, so they could have the opportunity for the Planning Commission to opine about their preferences. If the Planning Commission preferred rezoning the back three lots, a consortium could be developed to apply for that. Mr. Warr said a PUD can be found approvable, even on this small property, as an A-P Zoned property.

DRAFT MINUTES

Commissioner Taylor asked if the square footage of the main house included the basement. Planner Richardson said the main house is 2,316 square feet, not including the 830 square-foot basement, plus the 784 square-foot ADU. Mr. Warr said the proposal is 175 square feet bigger than the R-1 Zoning District will allow, including the ADU, but not including the basement, which doesn't count in the R-1 Zoning District. He said if the Planning Commission could find that the R-1 Zoning District makes sense, the applicants could reduce the size by 175 square feet. Mr. Warr said the ASCC has the opportunity, in all cases on small properties, to allow 100 percent concentration.

Planner Richardson said garage spaces counted toward floor area in the R-1 District, but not in the A-P Zoning District.

Commissioner Taylor asked what were the smallest, largest, and average setbacks. Mr. Warr said 17 feet is the minimum, and the average is in excess of 20. He said 16 feet is allowed in that Zoning District. Planner Richardson showed the setbacks where the averaging provision was used.

In response to Commissioner Kopf-Sill's question, Planner Richardson said the building envelope under the A-P Zoning District is roughly 1,000 square feet. Mr. Warr said the building would require a basement and a second story.

Chair Targ invited public comment.

Georgia Bennicas, owner of 838 Portola Road, the small adjoining parcel. She said any buyer of this property was aware of all of the restrictions involved going in. She said she actually looked at the property before she bought hers, but chose not to get it because of the restrictions. She said she already feels like the store has somehow expanded and grown and feels very crowded. She said the amount of coverage this project is proposing is very out of the spirit of what Portola Valley is supposed to be about. She said they can build 1,000 square feet with a 1,000 square-foot second story and an 800 square foot basement, and she does not want to see it a lot larger than that as an adjoining neighbor. She said that's what she assumed would be there when she bought her property, and a bigger building would never be allowed there. She said the buildings on the properties behind her represent 13 percent of the coverage, and hers is at 10 percent. She said if a variance is allowed for the subject property, she will apply to do the same thing on her parcel.

Bud Eisberg, 233 Wyndham. Mr. Eisberg was on the ASCC during many of the iterations on this property. He said he has also been part of the affordable housing ad hoc committee and attended the recent affordable housing meetings. He said, understanding that the Town may be going toward allowing ADUs on smaller than one-acre properties, he found the design very interesting and creative – with a garage between the attached ADU and the main structure. He said he does not find the project to be out of character. He said it is an odd parcel, and something creative can be done there. Chair Targ asked Mr. Eisberg to speak to the issue of the character of the massing and of the floor area ratio of this particular structure. Mr. Eisberg said the massing is mainly influenced by the views from offsite. He said although there has been an objection to this from one neighbor, from Village Square he did not think there would be any particular problem.

Fred Krefetz said he owns the rear two lots in partnership with Tom Lodato. He said it is a unique situation, but they, as the rear property owners, have no objections to the proposed project. Chair Targ asked Mr. Krefetz if he had plans for development of their site. Mr. Krefetz said they do, and if this variance is approved, it would perhaps have an impact on what can be approved for his property. As of right now, he said they are in design conceptualization and working with staff for a project that will fully conform to the current Zoning Guidelines.

DRAFT MINUTES

With no further public comment, Chair Targ brought the item back to the Commission for discussion. Chair Targ apologized for not attending the site walk this afternoon. Chair Targ reminded the Commission of the preliminary nature of the issue and suggested looking at the project in general terms as well as in terms of the findings that need to be made.

Vice Chair Goulden said he is not comfortable with the proposed approach in dealing with this property. He said there are too many exceptions and attempts to make things fit that do not fit. He said if the Town does approve it, a precedent will be set for other properties in the vicinity. He would have preferred to consider a zoning change for the entire area.

Commissioner Kopf-Sill said she shared Vice Chair Goulden's discomfort. She said she was not sure she would approve the R-1 Zoning, but felt that discussion would address the question more directly. She was not supportive of an ADU on parcels smaller than one acre, although she acknowledged the Town does appear to be moving that way.

Commissioner Taylor agreed with the other Commissioners and said he was not sure the ASCC would be able to make the findings to support the 85 percent rule. He said this will impact the neighbors. He said there is an expectation that if you buy in a certain zone there are specific rules for that zone. He said either the zoning should be changed to avoid having so many exceptions or the applicants should stay within the rules of that zone.

Chair Targ said he is more sympathetic to the idea of adding density in general. He said the form of the ADU and the connection to the primary residential structure is an interesting path. He was not supportive of a PUD, which felt like a spot zone by another name. He said he thinks of a PUD for preservation of space to gain particular efficiencies. He said the idea of a tiny PUD for the sole purpose of generating additional density is something that bears some thought. He said he would feel more comfortable, even with the different ownership structure, with a PUD for this area encompassing the different lots. He said he would also be comfortable in thinking about a change in zoning more generally. He said a .19-acre PUD is unusual. He said looking at the upcoming development also raises questions. He said it is a difficult site, and flexibility and thought about it is useful. He said real intentionality has gone into the design. He said the ADU issues are not even pending before Council yet.

Commissioner Taylor said this would potentially set precedent for R-1 and A-P. While he appreciates it is a special lot in an odd place, he said there are too many exceptions to be made across multiple zones, and he would like to find a cleaner way to get through it.

Chair Targ invited comment by the applicant.

Mr. Warr asked if there was a consensus amongst the four Commissions present that they would prefer to see this as a rezone.

Commissioner Kopf-Sill said she did not want to leave the impression she would be in favor of rezoning. She would have to look at it as a package, and she doesn't know much about rezoning. She said she was only commenting that rezoning felt like a more direct path to address the question.

Vice Chair Goulden said he is not sure he would approve a change in zoning, but it appeared to be what is going on here. He said it would be more effective to rezone the whole area. He said all of the historical discussion appeared to show it was clearly the intent to it being an A-P Zone. He said this appears to be a request for a different zoning designation.

DRAFT MINUTES

Mr. Warr referred to the Area Specific Plan. He said the recommendation for Parcel 5, of which his project and the two rear lots are a majority, is that rezoning would not require a change to the General Plan. He said he had hoped for a study session versus an application review. He said they're trying to head toward a rational solution. He said the reason an ADU became part of the application was to sweeten the deal and the improvement, providing a 2,300 square-foot house and a below market rate house at the same time – two housing units more affordable than anything else in town. He said this was the mechanism to rationally use the residential use and the Town's and State's desire to improve the housing stock.

Mr. Warr asked if there was a consensus with the Planning Commission that improving the housing stock is a valuable effort. Chair Targ said generally, it would hopefully be the policy of any jurisdiction to improve the housing stock and achieve affordable housing goals. He said that's not the issue before the Commission. He said one of the issues is character, and there has been some concern about the size and intensity of the use in this location. He said they've heard issues of potential precedential effect of the decision made, both for the two properties under consideration as well as, more broadly, in R-1 and A-P, as well as potentially getting ahead of Council's ADU decisions. He said there would likely be affirmative responses to the questions Mr. Warr asked as individual pieces – if the property should be put to a good and beneficial use and if there should be more quality and affordable housing in Town. He said the answer of whether or not findings could be made that this is a conceivable land use tool to allow the applicants to do what they're proposing is less clear. Chair Targ said he would rather see an application for a PUD than a rezone of this little nub of property, and it would be more consistent with the General Plan.

Mr. Warr asked if there was any specific direction from any individual Planning Commissioner or a consensus for what they should do next.

Commissioner Taylor said the simplest thing to do would be to provide something to fit in the A-P Zoning designation. He said they could look at what would be required to rezone this to R-1. He said the ADU will be problematic until the ADU discussion is held. He said putting 3,200 square feet on .19 acres is going to raise serious discussions. Mr. Warr said a design without an ADU would be easy to do, but they were providing it hoping the Planning Commission saw it as something of value. He said if it was .19 acre elsewhere in town that was residentially zoned, it would be allowed, such as on Wyndham. He said the ASCC would have to make a finding to collapse that much floor area in one building, but it would be allowed. Commissioner Taylor said in the Woodside Highlands, there was a slightly larger property, and the ASCC didn't make the findings to allow going over the 85 percent, and the applicant could not rely on the presumption that the finding can be made. He pointed out there was a dissenting neighbor who would oppose that finding.

Vice Chair Goulden said he has a hard time answering Mr. Warr's question because there are so many exceptions to consider.

Mr. Warr said adding a couple of smaller residences in this location will do more for the Town than any 1,100 square-foot office building ever would. He said he's argued for a couple of decades with the Planning Commissioners and the Town Council that if housing is desired, something must be zoned for it. He said there is no property in town zoned for it and, consequently, none has ever been built because none has ever been proposed. He said until the Governor demanded that ADUs could be approved by right, the Town didn't do anything. He said there needs to be consensus developed around the concept, and then something done about it. He said he had an owner who thought this was a good idea, something he might like to live in, that meets his lifestyle, and maybe his kids or helpers could live in the guest house. He said previously, the Planning Commission saw fit to approve more than 16,000 square feet of residential use on a combined 33,000 square feet of space, asking for only one below market rate unit. He said he's providing a below market rate unit for only 2,300 square feet.

DRAFT MINUTES

He said he was hoping for a little more encouragement because this is a property that has fumbled and stumbled for 30 years, and something good needs to come out of it. He said even if all three properties were rezoned, it would result in only 10,000 square feet of residential use, versus the 16,000 that had been previously approved.

Commissioner Taylor said there will be three separate projects that aren't related to each other, except for in historical reference. He said if it was a PUD, it would be looked at differently, but it is a single piece of property.

Mr. Warr said he appreciated the opportunity to discuss and have what was essentially a study session today. He said they will take the comments and go back and see what needs to be retooled and bring it back before the Commission.

Chair Targ and Commissioner Taylor asked to take a site tour. Mr. Warr said he would lead a site tour. Mr. Warr said he was hoping to truncate the time. He said if it was continued to a date specific to a field meeting, they can avoid re-noticing and avoid another 10-day delay. Chair Targ said while he understands the burden, it can't happen right now without giving the absent Planning Commissioner the opportunity to participate. Mr. Warr pointed out they have been waiting since November just to have this meeting. He added there were three units of affordable housing on this property that were torn down as a consequence of the lot line adjustment.

Commissioner Taylor asked Mr. Warr how he makes sure an ADU gets used for that purpose and doesn't just become additional living space. Chair Targ suggested that issue be discussed at another time.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(3) News Digest: Planning Issues of the Day

Associate Planner Cassidy shared articles of interest with the Commissioners – “California Achieved its Climate Goal; How the Hard Part Begins” and “CityLab University: Inclusionary Zoning.”

In response to Chair Targ's question, Planning & Building Director Russell said there were no minutes included for review in this staff packet but that they would be available for review at the next meeting.

ADJOURNMENT [8:35 p.m.]