

RESOLUTION NO. 2020-1

**A RESOLUTION OF THE PLANNING COMMISSION
ACTING AS THE BOARD OF ADJUSTMENT
OF THE TOWN OF PORTOLA VALLEY
DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE
ARCHITECTURAL AND SITE CONTROL COMMISSION
APPROVING AN ARCHITECTURAL AND SITE DEVELOPMENT PERMIT
FOR NEW RESIDENCE WITH BASEMENT AND POOL**

**138 Goya Road, FILE #PLN_ARCH06-2020
APN # 077-070-140**

WHEREAS, Aruna Gambhir, owner, submitted an Architectural Review and Site Development permit application on February 7, 2020 to demolish an existing residence and construct a new residence with basement and pool on property located at 138 Goya Road; and

WHEREAS, the Architectural and Site Control Commission (ASCC) held a duly noticed public meeting on July 13, 2020 and after receiving staff's report and public comments, offered comments, reactions, and direction to assist the applicant in making any adjustments or clarifications that the Commissioners concluded were needed before considering final action on the applications; and

WHEREAS, the Architectural and Site Control Commission (ASCC) held a duly noticed public meeting on August 24, 2020 and after reviewing and considering the staff report, all related information and public comment, approved the Architectural Review and Site Development Permits; and

WHEREAS, Stephen Kahng, owner of 148 Goya Road, filed an appeal on September 2, 2020 in accordance with provisions of Chapter 18.66 and Section 18.64.110 of the Portola Valley Municipal Code (PVMC); and

WHEREAS, The Planning Commission, acting as the Board of Adjustment, is required to hold a public hearing on any appeal and make findings and decisions in accordance with Sections 18.66.070 and 18.70.080 of PVMC; and

WHEREAS, the Planning Commission, acting as the Board of Adjustment, held a duly noticed public hearing on October 21, 2020 to consider the appeal and the entire record of proceedings, including the staff reports and public comment.

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

I. The proposed project to construct a new single family residence in a residential zone is exempt under CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures. Specifically, Section 15303(a) defines the exemption as “one single-family residence, or a second dwelling unit in a residential zone.” The Zoning designation

for 138 Goya Road is R-E/2.5/SD-2.5 which is classified as a residential zone in accordance with Section 18.06.010 of PVMC.

CEQA Guidelines Section 15300.2 outlines Exceptions where the Categorical Exemption may not be used; these exceptions do not apply to this project. Section 15300.2(a) notes that due to location, some projects may not be exempt from further review. The location exception is restricted to projects that “may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” The appellant has provided no evidence that the project is in an area “designated” as an “environmental resource of hazardous or critical concern” by any federal, state or local agency. The lack of such a designation defeats the application of this exception. Furthermore, the project does not include scenic highways, hazardous waste sites, historical resources, there is no likelihood of successive projects at the same location over time, and there are no unusual circumstances. (CEQA Guidelines Section 15300.2.)

II. The Planning Commission finds that the project is consistent with the General Plan, Zoning Code, and Design Guidelines as follows:

Compliance with General Plan

The General Plan’s Land Use Element describes development principles and objectives to achieve in Residential Areas, such as:

- In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental buildings be avoided (Section 2103 - #6, General Principles, Page 2)
- Grading shall normally be the minimum necessary to accommodate development; however, in those instances where increased grading can provide for greater compatibility of development with the natural setting and not cause significant adverse effects on the environment, such grading shall be preferred (Section 2103 - #14, General Principles, Page 3)
- To assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space (Section 2104 - #1, Objectives, Page 4)
- To provide for the grouping or clustering of residential buildings where this will maximize the opportunity to preserve natural beauty, habitat, and open space without generally increasing the intensity of development otherwise possible (Section 2104 - #3, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)

The Planning Commission finds that the project meets both the principles and objectives describe above as it integrates the building into its surroundings and maintains a similar massing pattern to the existing house; minimizes grading and site disturbance; preserves natural terrain and landscaping; groups the house and associated improvements in the

existing built area; maintains the natural beauty, habitat and open space of the majority of the site; and maintains the character of the residential area by building below the maximum development standards and reusing the existing built area.

Compliance with Zoning Code

The project description and tables in the staff report demonstrate how the project complies with the development standards of the Zoning Code. PVMC 18.64.060 outlines criteria/findings for approval of architectural and site plan review applications. The findings are listed below in **bold**, followed by how the findings have been met.

1. The structure is designed so as to minimize disturbance to the natural terrain.

The proposed two-story residence retains much of the existing on-site characteristics with some changes. The building pad is repurposed for the new residence with the footprint reconfigured to provide for more outdoor spaces adjacent to the residence and to screen the new pool from adjacent properties. The modern cohesive geometric design of the proposed residence results in a refresh of the site from the currently dated and disjointed geometric design. Thus, the proposed design is a simple matter of massing reconfiguration and cohesion that serves to utilize the building site more effectively while simultaneously being subservient to its natural surroundings. Reuse of the building site minimizes grading and disturbance to natural terrain. The majority of the property would remain in its current, natural state.

2. Existing vegetation is preserved to the maximum extent possible.

Minimal tree removal is proposed on site; three trees are proposed to be removed, two of which are already dead. All existing tree canopy and vegetation is to remain on site and will be augmented with additional native screening trees and shrubs as noted in the proposed landscaping plan. The Conservation Committee expressed support for the preservation of existing vegetation.

3. The structure is designed and located to allow adequate light and air for itself and its neighbors.

Pursuant to Section 18.48.010 of PVMC, the proposed two-story residence is compliant with required height, setback, maximum floor area, and maximum impervious surface limits imposed on the property. The new residence's main level is pivoted approximately 45 degrees to the south from the existing footprint, but still within the overall building pad area of the site. There is an increase in height from the existing to proposed residence (20 foot height to 24 feet 8 inches respectively), but both are two stories and both have the same massing pattern of the second story being smaller than the first story.

4. Landscaping, screening, and fencing preserve privacy and mitigate adverse effects on neighboring properties.

Proposed landscaping augments existing natural landscaping to screen the new residence adequately for adjacent parcels. The majority of plants proposed for installation are native to the area and are in natural groupings to prevent hedge-like appearances on site. No new fencing is proposed in the scope of work; however, landscape walls of natural materials and color are proposed proximate to the new residence to define spaces such as parking areas, walkways, etc.

5. Entrances, exits, and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.

Proposed driveway modifications are primarily designed to upgrade the existing driveway for fire truck access and turnaround requirements. Driveway width, parking, and backup areas for both the main residence and detached ADU meet both Town and Fire development standards.

6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.

The exterior lighting proposed is minimally required for safety and utilizes low lumens for illuminating entryways and pathways. Fixtures are dark sky compliant and direct all light downward to minimize light pollution.

7. Planting and site design mitigate the problems of drainage and soil erosion.

Reuse of the existing building pad and driveway, minimal tree and vegetation removal, and native plantings to augment existing vegetation mitigate problems of drainage and soil erosion on site.

8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.

The project proposes a modern geometric style which complements the varied architectural styles of the neighborhood. The proposed exterior materials include wood and concrete, which are commonly used in Town. The exterior material color palette reflects the natural tones of the selected materials, or when man-made, such as the window trim or roofing, is a natural tone that allows the proposed structure to blend within the surrounding natural context. In the future, the materials will blend even more as they darken/stain with exposure to the elements. Additionally, the use of vertical cedar slats, particularly on the second story, helps to soften the modern geometric form of the proposed residence.

9. Proposed grading minimizes the apparent disturbance to the natural terrain.

The existing building pad would be reused, and the surrounding area would be mostly undisturbed. The existing slope and land contours would generally be

maintained. The proposed soil movement is associated with the detached accessory dwelling unit, fire truck turnaround, basement of main residence, and pool.

Compliance with Design Guidelines

1. SITE DESIGN

a. Grading

Reuse of the existing building pad for the new residence controls grading and site preparation to reduce erosion, soil exposure, and minimize impacts on natural drainage systems (Bullet #5). Furthermore, the building pad reuse allows for the new residence to integrate with the natural topography of the site (Bullet #1).

b. Vegetation Preservation

Reuse of the existing driveway approach and building pad allow for siting of the new residence, parking areas, and driveway with respect to site conditions such as drainage systems and vegetation (Bullet #1). This reuse also allows for the new residence to be designed around the existing mature trees and vegetation on site (Bullet #2), and requires minimal removal of vegetation for grading and construction (Bullet #3) while still protecting the majority of existing trees and vegetation during site preparation and construction (Bullet #4).

c. View Preservation

With the reuse of the existing building pad and footprint, the new residence is sited to minimize any additional adverse visual impacts or prominence when viewed from off site (Bullet #1). The building pad for the new residence does not expand significantly, which allows for maximization of open space preservation (Bullet #2) and protection of existing views corridors and prominent scenic features (Bullet #3).

Bullet 4 on page 6 of the Design Guidelines states the following: "Prevent the obstruction of views of adjacent property owners by structures or additions to existing structures." There is also a diagram that illustrates the principles related to views.

Relevant Project Details

The existing house is two stories with a vertical height of 20' while the proposed house is two stories with a vertical height of 24'-8". Both the existing and proposed designs have the same massing pattern of the second story being smaller than the first story. However, the second story is larger in the proposed design than in the existing design.

Context

148 Goya is farther up the hill and 138 Goya is at a lower point on the hill and positioned to the side. Both properties have extensive views well beyond the approximately 45-degree view corridors shown in the diagram.

ASCC Decision

The majority of the ASCC members found that while there was some obstruction of views from 148 Goya, it was reasonable. Their comments noted the following: the design is similar to the current design; the view is not unreasonably impacted; there are many opportunities for expansive views from 148 Goya; and, there is minimal loss of view.

Additional Considerations

It appears that the greatest impact on the view from 148 Goya is from the pool deck, as it is farther down the hill and closer to 138 Goya. The view from the house is not impacted to the same degree.

As mentioned in the ASCC Review Section in the staff report, the owner of 148 Goya Road appears to have recently removed tree canopy and vegetation in the area of 138 Goya, opening up the view. If this vegetation were still in place, the 138 Goya massing, particularly the shifted second story massing, would be screened from 148 Goya.

Conclusion

The Planning Commission finds that while there is some reduction in the view from 148 Goya, the proposed project is generally consistent with the Design Guidelines for the following reasons: 1) The project complies with the majority of the principles related to views; 2) There are expansive views from 148 Goya that will remain unobstructed; 3) The proposed design has similar characteristics and massing to the current house; and 4) The proposed residence results in a minimal disturbance of scenic vistas when compared to the original view prior to the vegetation removal by the owner of 148 Goya.

d. Ridgelines/Hilltops

The new residence is not proposed to be sited on a ridgeline or hilltop (Bullet #1). The proposed exterior materials of wood and concrete are commonly used in Town. The exterior material color palette reflects the natural tones of the selected materials, or when man-made, such as the window trim or roofing, is a natural tone that allows the proposed structure to blend within the surrounding natural context and minimize visual impacts (Bullet #3). The new residence includes a flat roof, which helps to anchor the new second story massing into the surrounding (Bullet #5) and keeps the roofline below the height of existing tree canopy (Bullet #4). Minimal tree removal is proposed, which will not disrupt the natural silhouette of the new residence (Bullet #2).

2. ARCHITECTURAL DESIGN

a. Scale/Context

In repurposing the existing building pad, the new residence respects the natural environment and surrounding residential area (Bullet #1). There is an increase in height of 4 feet 8 inches, but this increase does not significantly increase the visual prominence of the new residence (Bullet #5). Repurposing the building pad maintains the relationship between the house to the site and to adjacent lots (Bullet #2). Furthermore, the geometric shape

of the new residence with natural exterior materials and color palette helps to blend the structure into the surrounding context (Bullet #4).

b. Mass/Bulk

The existing building pad is mostly flat area; therefore, the proposed massing minimally steps down to the adjacent topography (Bullets #1 & #2). The massing pattern is the second story is smaller than the first story, which is also the massing pattern of the existing residence. This pattern serves to anchor the new residence into the surrounding topography and minimize visible mass (Bullet #3). This minimization is further achieved through pivoting the second story at a 45 degree angle to the first story to create an offset façade, varied roofline, and shadow pattern particularly underneath the overhand areas of the second story to the first (Bullet #4). Horizontal elements such as flat roof and vertical patterns to exterior materials help to squat the massing.

c. Accessory Structures

The attached garage and detached accessory dwelling unit are designed with same form, exterior materials, and exterior colors as the main residence (Bullet #1). The structures integrate with the natural terrain and vegetation of the site with the attached garage reusing the existing building pad and the detached accessory dwelling unit stepping with the existing topography and utilizing a sloped roof (Bullet #2).

d. Entryways

Minimal work is proposed for the entryway and driveway approach; no new entryway features nor lighting either at right of way or along approach (Bullets #1 through 4). New driveway will meet Town required 12-foot width in areas that do not require additional width for fire protection purposes (Bullet #5).

e. Additional Design Concepts

Proposed exterior materials are natural and have a natural color palette that complies with the Town's 40% light reflectivity value (LRV) limit (Colors and Materials). No new fencing is proposed in scope of work, however, landscape walls of natural materials and color are proposed proximate to the new residence to define spaces such as parking areas, walkways, etc. (Fences and Gates)

f. Lighting

Proposed exterior lighting is primarily concentrated around the new residence and detached accessory dwelling unit (Bullet #4). Fixture type, quantity, and placement of proposed exterior lighting meet the Town's requirements with respect to minimum amount for safe on-site pedestrian circulation (Bullets #1 and #2), illuminated when needed through motion or timer control measures (Bullets #6 & #7), downward directed light that is warmer in tone (2700-3500 Kelvins) and appropriate lumen output based on installation location (Bullets #9 -11).

3. LANDSCAPE DESIGN

a. Planting Concepts

The proposed landscaping is concentrated mostly along the driveway approach, around the new main residence, and detached ADU. A new native

mix lawn area is off the main residence's northerly facing rear patio. All screening trees and most proposed screening shrubs are native to the Portola Valley area. The landscaping plan primarily augments existing tree canopy and vegetation on site which allows the design to: blend with the site and surrounding natural context versus a more formal landscape solution (Bullet #2), address site conditions such as erosion, privacy, creating shade, and softening the appearance of the new residence (Bullet #3), and plantings are in natural groupings to avoid linear, hedge-like plantings (Bullet #1).

b. Plant Materials

The proposed planting schedule is predominantly native screening trees and shrubs, with some non-native plants such as fruit trees immediately adjacent to the new residence' entry (Bullet #1). No indigenous or existing plant material is being replaced with non-native material (Bullets #2 & #3) with the primary intent of the landscaping plan being to augment existing vegetation with new, native plantings appropriate for the area (Bullet #4).

III. The decision of the Architectural and Site Control Commission is therefore upheld and Architectural and Site Development Permits PLN_ARCH04-2020 are hereby granted for 138 Goya Road, subject to conditions attached hereto as Attachment A and incorporated herein.

PASSED AND ADOPTED at a special meeting of the Planning Commission of the Town of Portola Valley on October 21, 2020.

For: Chair Hasko, Commissioners Kopf-Sill, Goulden, and Targ

Against: None

Abstained: None

Absent: Vice Chair Taylor

By: Judith Hasko

Judith Hasko, Chair

ATTEST: Laura Russell

Laura Russell, Planning & Building Director

Attachment A
Architectural Review and Site Development Permits - Conditions of Approval

Architectural Review & Site Development Permit File#PLN_ARCH06-2020

Gambhir Residence
138 Goya Road

A. PLANNING DEPARTMENT:

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. A detailed construction staging, logistics, and tree protection plan for the construction shall be submitted to the satisfaction of the Public Works Director prior to building permit issuance.
3. 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.
4. 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.
5. The building permit lighting plan shall incorporate either motion or timer controls for exterior lighting fixtures in accordance with the Town's Outdoor Lighting Policy.
6. The building permit lighting plan shall indicate a maximum of five fixtures for the proposed pool lighting system with a dedicated lighting circuit to control illumination only when pool is in use.
7. The building permit plan set shall indicate an automatic shade system installed in the proposed skylight wells.
8. The building permit plan set shall show the driveway to be paved with asphalt or concrete for the first twenty feet (20') of drive from the edge of road pavement.
9. *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 January 27, 2020 prepared by Kielty Arborist Services, 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.*

All conditions contained within the arborist report dated January 27, 2020 prepared by KIELTY Arborist Services, LLC shall be implemented.

10. The Architecture and Site Development Permits shall automatically expire two years from the date of issuance by the ASCC, if within such time period; a Building Permit has not been obtained.
11. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

B. ENGINEERING/PUBLIC WORKS DEPARTMENT:

12. All items listed in the most current "Public Works & Engineering Department Site Development Standard Guidelines and Checklist" shall be reviewed and met. A completed and signed checklist by the project architect or engineer must be submitted with building plans. This checklist document is available on Town website.
13. All items listed in the most current "Public Works & Engineering Department Pre-Construction Meeting for Site Development" shall be reviewed and understood. This document is available on the Town website.
14. 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.
15. Address all plan review comments and subsequent review comments from NV5 to the Town's satisfaction.
16. Show and label all existing and proposed utilities within the project vicinity on the plans.
17. Submit hydrology/hydraulics calculations.
18. Please refer to the current San Mateo County stormwater quality control requirements.
19. Provide documentation showing the total overall impervious area for both the existing preconstruction site condition and the post-construction site condition and provide an evaluation to determine if the project increases peak flows into adjacent creeks; and if so, mitigation will be required. Provide a summary table showing the impervious surface area for both the existing preconstruction condition and proposed post-construction condition.
20. Provide documentation showing the estimated post-development peak runoff. Post-development peak runoff must be less than or equal to the existing pre-development condition or mitigation must be provided.
21. The Town's Site Development Standard Guidelines include a requirement for the installation of stormwater detention for projects that create or replace greater than 10,000

square feet of impervious surface. Please indicate the amount of impervious space that will be created and/or replaced as part of this project.

22. If required, provide documentation as to how the size of the detention system and its components were determined.
23. Please add San Mateo County Water Pollution Program's construction BMP plan sheet to project plans and update C3 checklist accordingly.
24. For the runoff calculation for existing and post-construction conditions, please provide the watershed delineation, time of concentration for peak flow and the runoff coefficient used for the hillside development.
25. Provide calculations indicating the flow velocity for sizing the proposed storm drainage pipes, and provide information for the sizing of any proposed rock slope protection.
26. Please provide cleanouts in the storm drain system along bends.
27. Provide a sediment capture inlet upstream of the detention basin connection.
28. Geotechnical Review – Structural Plans – Structural engineering plans should be developed that incorporate the recommendations of the Project Geotechnical Consultant prior to issuance of building permits by the Town.
29. Geotechnical Review – Civil Plan Details – Details of the proposed storm drain retention system should be provided prior to issuance of building permits by the Town. Specifically, due to the steepness of the hillside area, an infiltration component is not recommended by the Town Geologist to be associated with the system.
30. Geotechnical Plan Review - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the project building and grading 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 Development Plans and Geotechnical Plan Review shall be submitted to the Town for review and approval by the Town Geotechnical Consultant and Town Engineer prior to approval of building permits. The following should be specifically addressed:
 - a. The storm drain outfall locations should be reviewed and approved by the Project Geotechnical Consultant

C. FIRE DEPARTMENT:

31. At the start of construction a 2' X 3' address sign shall be posted in front of the project.
32. At time of final inspection the permanent address shall be mounted and clearly visible from the street with minimum of 4" numbers on contrasting background.
33. A 100 foot defensible space around the proposed new structures shall be required prior to start of construction.
34. Upon final inspection a 30 foot perimeter defensible space shall be required per WFPD ordinance section 304.1.2.A.

35. The applicant shall provide an approved spark arrestor on all chimneys including outside fireplaces.
36. The applicant shall install smoke and CO detectors per 2019 CBC.
37. NFPA 13D Fire Sprinkler System shall be installed. Sprinkler plans/calculations to be submitted under separate cover WFPD. See WFPD standards (www.woodsidefire.org).
38. Driveway as proposed meets WFPD standards. If driveway dimensions are revised during construction, it must maintain compliance with WFPD standards.
39. Driveways with less than 15% grade may be maintained all weather type, and will support the weight of the heaviest fire apparatus during the wet season. Driveways greater than 15% grade need to be rough brushed concrete or an alternate material approved by WFPD. No driveway shall exceed a 20% grade.
40. Driveways over 150' required to have fire truck turnaround.
41. A new Fire Hydrant will be required and must be installed prior to rough framing. This hydrant is located at front of driveway. The minimum fire flow shall be 1,000 GPM. A water supply for fire protection shall mean a fire hydrant within 500' from the building, capable of required flow. Distance from hydrant to the structure shall be measured via an approved roadway in which the engine can safely drive from the fire hydrant to the front door of the new structure.

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. Any and all story poles shall be removed no later than 10 days after the expiration of the appeal period.