RESOLUTION NO. 2842-2021

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY 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; and

WHEREAS, the Planning Commission, denied the appeal request and upheld the August 24, 2020 decision by ASCC to approve the Architectural Review and Site Development Permits; and

WHEREAS, Stephen Kahng, owner of 148 Goya Road, filed an appeal on November 2, 2020 in accordance with Chapter 18.78 of PVMC; and

WHEREAS, The Town Council is required to hold a public hearing and make findings and decisions on any appeal of the Board of Adjustment's decision on an appeal in accordance with Sections 18.78.010(A) and 18.34.130, Chapter 18.76, and Chapter 18.78 of PVMC; and

WHEREAS, the Town Council held a duly noticed public hearing on January 13, 2021 to consider the appeal and the entire record of proceedings, including the staff reports and public comment; and

WHEREAS, the proposed project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303(a) of the Public Resources Code.

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

The Town Council makes the following findings regarding the Architectural and Site Development Review Permits:

Compliance with Zoning Code

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

   The proposed two-story residence reuses the existing flat portion of the site. There are topographic constraints that limit development to this immediate area. The average slope of the property is 35% and it drops off steeply just beyond the existing house. The structure's design consolidates building footprints to maximize outdoor spaces and minimizes additional disturbance to the 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 were already dead. All other existing tree canopy and vegetation is to remain on site and will be augmented with additional native screening trees and shrubs to increase screening of the proposed residence to adjacent properties.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 footprint is pivoted approximately 45 degrees to the south from the existing footprint, but

still within the overall building site area. The structure's design consolidates building footprints to maximize outdoor spaces and minimize additional site grading. 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 with 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. Proposed plants 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 site 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.

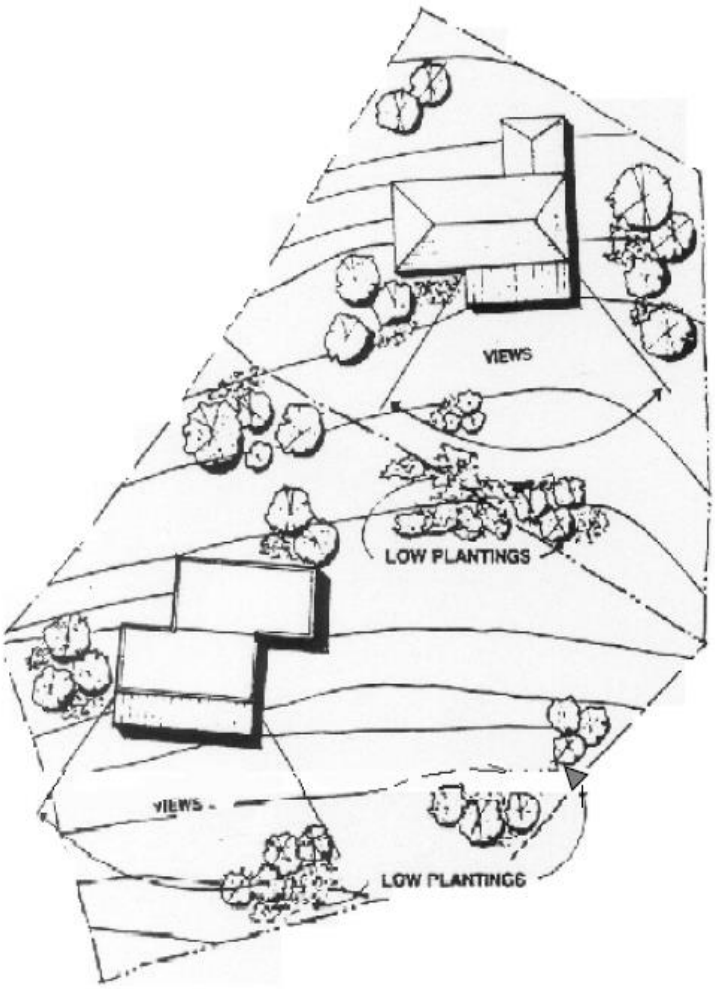
9. **Proposed grading minimizes the apparent disturbance to the natural terrain.**

   The existing building site 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 site 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 site 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 site 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**
     The property's topographic constraints (average slope is 35%) limit development to the flat portion of the lot where the existing house is located. The new residence attempts to minimize any additional adverse visual impacts or prominence when view from off site (Bullet #1). Furthermore, reuse of the existing building site and consolidation of building footprints of the residence maximizes the property's open space preservation (Bullet #2)

and protects existing view corridors and prominent scenic features (Bullet #3) as best possible given the site's development constraints.



Bullet # 4 on page 6 of the Design Guidelines is particularly important to the analysis. It states the following: "Prevent the obstruction of views of adjacent property owners by structures or additions to existing structures." There is also a diagram (shown to the left) 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 25' – 5 5/8". 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

The diagram to the left from the Design Guidelines is a reasonable representation of the relationship between the houses in question; 148 Goya is farther up the hill while 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. 138 Goya has a significant slope towards the rear portion of the lot (20- to 30-degree inclinations per Town Geologist) whereas 148 Goya appears to have a more gentle slope in the rear portion of the lot's rear yard. This gentle slope could be evidenced by the existing pool and decking situated proximate to 148 Goya's property line shared with 138 Goya.

ASCC and Planning Commission Decisions

The majority of the ASCC members found that while there was some obstruction of views from 148 Goya, the new design was acceptable. 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 views from 148 Goya. Furthermore, comments noted that the Design Guidelines are not interpreted to result in static view corridors, rather that views could be modified over time by redevelopment. The Planning Commission upheld the ASCC conclusion. Staff notes that the Planning Commission also mentioned the topic of view corridor modifications during their hearing and

opined that it is reasonable to expect some modifications through redevelopment.

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 views from the main house and guest house are not impacted to the same degree. Even though 148 Goya is a single story house, it still enjoys an expansive view which is unobstructed by the proposed project. Staff notes that the 148 Goya's existing pool appears to be within the property's setbacks. If the property is developed in the future with a new house, this area of the lot would not be developed with buildings or structures so there would be less view impact from this area.

The views from 148 Goya are currently obscured to the north by a newly constructed residence at 200 Goya and to the south by tree canopy and vegetation from surrounding properties. The project at 138 Goya would include removal of one existing tree that may improve the view for 148 Goya in that direction. The existing house at 148 Goya is single story and not currently oriented to achieve maximum views.

The owners of 148 Goya have indicated that they intend to demolish the existing house and build a new house in the future. ASCC noted that there will be an opportunity to design the new house to maximize the views. If the owners of 148 Goya built a second story they may be able to recapture all or most of any obstructed view.

Conclusion

The Town Council 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; and 3) The proposed design has similar characteristics and massing to the current house. The Town Council also finds that future development on 148 Goya could reasonably recapture some of the reduced views; however, 138 Goya has limited opportunities for development given the existing site's topographical constraints. In consideration of this constraint, remedies to 148 Goya for view recapture, and the proposed project's general consistency with the Design Guidelines, the Town Council finds the view reduction a reasonable anticipated impact of redevelopment.

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 site, 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 site 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 site 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 site and the detached accessory dwelling unit stepping with the existing topography and utilizing a sloped roof (Bullet #2). (See prior note in zoning compliance chart regarding ministerial review of ADU.)

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).

The Town Council makes the following findings regarding compliance with the California Environmental Quality Act (CEQA)

Section 21084 of the Public Resources Code requires the California Environmental Quality Act (CEQA) Guidelines to include a list of projects which have been determined not to have a significant effect on the environment and are therefore exempt from CEQA. These are called Categorical Exemptions and are outlined in the CEQA Guidelines. The proposed project is to construct a new single-family residence in a residential zone, which 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 proposed project is not 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 causing a significant effect. (CEQA Guidelines Section 15300.2.) Finally, it should be noted that in examining the "unusual circumstances" exception, CEQA differentiates between adverse impacts upon particular persons, on the one hand, and adverse impacts upon the general public, on the other hand. Interference with private view corridors are generally not viewed as a CEQA impact.

In summary, the project is exempted from CEQA review, and no exceptions apply to the project.

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 by this reference.

PASSED AND ADOPTED at the regular meeting of the Town Council of the Town of Portola Valley on January 13, 2021.

For: Councilmembers, Aalfs and Richards, Vice Mayor Hughes and Mayor Derwin

Against: None

Abstained: None

Recused: Councilmember Wernikoff

By: _____
Maryann Derwin, Mayor

ATTEST:_____
Sharon Hanlon, Town Clerk

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 Town, its Town 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 Town for its actual attorneys' fees and costs incurred in defense of the litigation. The Town 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.