

PLANNING COMMISSION MEETING. TOWN OF PORTOLA VALLEY, OCTOBER 15, 2008, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair McKitterick called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Gilbert, McIntosh, Von Feldt and Zaffaroni, and Chair McKitterick  
Absent: None  
Staff Present: Tom Vlasic, Dep. Town Planner  
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

- (1) Public Hearing: Proposed Site Development Permit X9H-591, Request to Allow Construction of Horse Arena Located at 147 Goya Road, Petry

Mr. Vlasic reviewed the staff report of 10/9/08 and an update to the report dated 10/15/08 that included ASCC recommendations for construction of the requested horse arena. Responding to Chair McKitterick, he said the fence was not within the setbacks, did not conflict with the fence ordinance requirements, and was in essence a horse fence design. Using the plans, he discussed the retaining walls.

Commissioner Gilbert said some concerns were expressed at the ASCC meeting that there would be too much screening with walls of hedges and trees. The ASCC wanted to show off the rural character with pasture land, open meadows and some of the arena. Mr. Vlasic said the ASCC's perspective was that if something was designed well and fit the character of the area, you didn't need to hide it. The Westridge Committee would rather see houses and structures screened out. Commissioner Von Feldt added that the ASCC was also concerned about redwoods being planted in Westridge because of view blockage.

The public hearing was opened, and there were no comments.

Responding to Commissioner Zaffaroni, Mr. Vlasic said conditions "b," "c," "d," and "e" set forth in the 10/15/08 memo had not changed from the 10/9/08 staff report. Condition "a" as originally worded was a placeholder for ASCC review. It now contained three statements, which he read from the 10/15/08 staff report. Responding to Chair McKitterick, he confirmed that the applicants were encouraged to work with the Westridge Committee to see if they could take out some of the redwoods at the north part of the property. Chair McKitterick said it appeared that all the outstanding issues had been worked out.

Commissioner Zaffaroni moved to find the site development permit project categorically exempt pursuant to Section 15304 of the CEQA guidelines. Commissioner Gilbert seconded, and the motion carried 5-0

Commissioner Zaffaroni moved to approve the site development permit application as shown on the "Grading Plan--Horse Arena," dated 9/15/08, prepared by Triad Holmes Associates, subject to the conditions listed in the 10/15/08 staff report. Commissioner Gilbert seconded, and the motion carried 5-0.

- (2) Continued Public Hearing: Consideration of Alpine Hills Tennis and Swim Club Conditional Use Permit X7D-13 Request for Final 50 Memberships and Annual Review, 4139 Alpine Road

Mr. Vlasic reviewed the staff report of 10/9/08 and supplemental information requested by the Commission at its last meeting. He said staff did not see anything during the one year of full activity that reflected any substantial changes in the patterns of use from what was anticipated. When the Club originally proposed the stadium seating, some noise numbers had been run during recreational use of the pool. The conclusion was that normal use of the pool fell within the framework set forth in the appendix to the General Plan for "negligible" or "light" levels. The concern was that if stadium seating brought people up higher than the wall,

that could increase the noise level. There had been some discussion of a 6-8 foot wall with noise attenuation features that would likely reduce sound from existing activities—whether or not the stadium seating was pursued. There had also been discussions between the Club and the neighbor at the time, and the Club was attempting to resume direct contact with the neighbor next door.

Commissioner Zaffaroni said the CUP (p. 3, paragraph 3) said there was a total possible parking of 124 spaces. The letter from the Club dated 5/5/08 indicated there were 163 spaces. Mr. Vlastic said the 163 number included the overflow parking. Responding to Commissioner Zaffaroni, he said the parking requirement for the larger events was based on the Club's experience and the ability to accommodate the pattern of activity. It was difficult to come up with a specific standard like you could for the number of persons at a restaurant. There was a large mix of uses with people coming and going throughout the day. It had been demonstrated that with the Club's experience with the lots and overflow parking in back, they could accommodate large events. Responding to Commissioner Zaffaroni, he said if an event could be accommodated in those spaces and didn't spill over, the Club was working within the permit limits.

Commissioner Zaffaroni said when the Club talked about the number of people attending an event, they didn't specify if it was individuals. Often a member could sign up but represent a group or family unit. Pam Stroud, Club General Manager, confirmed that the number of people represented individuals attending. Mr. Vlastic added that when people signed up, they had to identify the number of people from a family that would actually be there.

Chair McKitterick opened the public hearing.

Commissioner Gilbert said the applicant provided information with respect to pool usage that showed the number of classes and enrollment in the pool classes hadn't changed with the increase in membership. She asked Mrs. Lee to clarify her concerns.

Pat Lee, neighbor, said she hadn't lived in the house for a few years, but she went on Fridays to garden with her gardeners. When the Club had meets during the summer and children were playing, there was noise. The activity in the pool had increased. She didn't keep track of what it was in 2005, but recently, many functions/programs had increased. She was worried about the Club adding water polo as indicated in the newsletter they sent out. She had been a member for the last 19 years. Her husband was a cardiologist and did a study in 1975 on heart patients; it showed that patients who exercised benefited from exercise more than patients who did not exercise. Her husband played tennis, and that was why they bought that property. She had two young daughters at the time who loved to swim. She enjoyed the Club for a few years until things changed. A group of Board members got stronger and aggressive and wanted to knock down the fence and invade her privacy. That was when the relationship changed. She wanted to keep the house in case they wanted to come back. Responding to Commissioner Gilbert, she said it was not just the noise, it was pollution and visual effects. The noise had doubled. When she joined, it was about 400 members total. Now, it would be 700 plus more. Nothing had been done to protect her from increased activity. Responding to Commissioner Gilbert, she said the noise had increased over a long period of time. The agreement the Town had with the Club was for the Club to consider the welfare of the neighborhood. That had been broken and was why she continued to ask the Commission to consider her welfare. Responding to Chair McKitterick, she said she would like to have a sound protection fence to start with. The Club wanted 50 more memberships, and she wanted the Commission to take that into consideration. She felt more study should be done before just approving the request for additional members. She didn't hear about the approval in 2005. She described the tenants currently living in the house.

Chair McKitterick said notices had been sent to all the neighbors and quite a bit of consideration and follow-up had been given to what the activities were and were expected to be under the expansion. He questioned how more study would be helpful. Responding to Chair McKitterick, Ms. Lee said she thought an acoustic fence with a good foundation would help. The grape stake fence might fall down again. Another issue was what the Club might offer to the new members--such as more programs and activities for a larger membership. What she read in the memo to the members worried her. The Club would need a permit to do

some of the things they were offering for both adults and youth. She thought the swim meets were year-round and not just in the summer.

Chair McKitterick noted that the number of meets was regulated. Having been on the Commission when this was considered a few years ago, some increased use was expected. Since the last public hearing, the Town had gone back and asked for more information about the types of uses and participation going on in the pool area. The information that staff developed showed that it appeared to be about the same. That was the evidence the Commission had to act on unless there was some contrary evidence. Responding, Mrs. Lee said she would like to see the evidence the Commission had. A few years ago there were just a few swim coaches. Now, there were close to a dozen coaches teaching swimming lessons there. She would like to see the difference between 2005, before that, and now.

Mr. Vlasic said before the improvements, there was a year-round swim team, swim meets, a tennis program and tennis tournaments. The scope of activities in the pool area that was authorized 20 years ago under the permit was refined. The amount of pool space was consistent with what the permit had in it for a long period of time. The recent changes and what was on the books for a long period of time relative to pool improvements was not dramatically different. They planned to expand the pool and planned to have the teaching pool. The Club was functioning better and at a higher level of service to the community than it was a number of years ago. But, the scope of improvements and facilities and where they were located were not dramatically different than what was anticipated. The programs in the last several years were not dramatically different. He did not know what an increase in coaches meant, but it was an important swim program within the community. The whole purpose of having a facility like this was to serve the community. Of the 650 club members, 371 had a Portola Valley address. If this was looked at from a sustainability aspect, it could be anticipated that the Club would continue to serve more people within the community over time, which was an objective. There were potential impacts which was why it was monitored on an annual basis. He said efforts had been made to address some of the neighbor's concerns. The Town had not wanted to remove a lot of the trees, which provided screening. But, Mrs. Lee had been very concerned about the roots of the trees and didn't want them there. The Town had suggested a phased program of keeping the trees there and doing some additional planting. Once the trees came down in response to the neighbor's concerns, the perception of visual openness had an effect. The Club had also been willing to go to the extent of a solid acoustic fence of 6 feet based on an analysis that had been done. He did not know how that negotiation went, but the Club did not pursue that. He felt the Club had done what they needed to do pursuant to the permit. There was increased noise, and it probably would be good to provide some additional noise attenuation; but it was just for one resident. Responding to Chair McKitterick, he said staff knew there would be swim meets with high attendance and that those would be peak events and peak noise and activity. Based on inspections and information the Club provided, the level of activities were what was expected. There was a push to develop a water program that was centered at Alpine Hills with tournaments that went on all day Saturday and Sunday, which had not been expected. They might have a water polo practice for swim team members on occasion, which he did not feel would be inconsistent with the permit. If they ran a practice until 10 p.m. with whistles blowing, that would not be something that was expected.

Pam Stroud, Club General Manager, said she had nothing to add to her letter of 10/5/08 and other material previously sent. She said the swim coaching and teaching staff had not increased significantly, and the Club was short a full-time instructor. The usage had not increased as much as she expected it to.

Mrs. Lee said the Club newsletter of 10/1/08 mentioned on page 6 that the Club wanted to add a program for water polo, synchronized swimming, water hockey and water aerobics. These were additional programs the Club had in mind. Responding, Ms. Stroud said those were programs that were being explored to see if there was interest.

Glen Howard, Board member and swim instructor, said the Club had made quite a few efforts to work with Mrs. Lee. He sat in on a number of discussions with her and her attorney relative to an acoustical wall when the stadium seating was proposed. When the stadium seating did not go forward, the Club continued to have discussions about a wooden fence that would be impenetrable from a sound standpoint. That whole

concept had been thrown out in favor of something that would be 8' high and a solid wall that would cost \$150,000. That discussion came to an impasse. He said he read the acoustical study that was done on Mrs. Lee's property that identified sources of noise that were coming into the property. Over 50% of the noise was generated from Alpine and Los Trancos Roads from increased traffic. There was nothing done to mitigate noise on the property from those two sources. The other source of noise was Windmill School, for which the Club was the landlord. The Club couldn't control what the kids did all day long when they were out in the play yard making noise. There was a lot of noise on that property that was generated from sources other than the pool, locker room, tennis courts, etc. The best noise mitigation that had been done by the Club was the double fence on the portion connected to the pool with an 18' setback between them. He was also part of the landscaping project on the pool side. The Club did everything it could to place new plants so that they would block off the view of Mrs. Lee's home from the pool. The Club had done everything it could to try to be a good neighbor.

Mrs. Lee said she and her friend and the Club attorney had talked. She wanted to see a better fence than what they were planning. In the past, the fence had been knocked down. She did not want that type of fence but a better fence with a better footing.

Mr. Vlastic said the recommendations that were shared with the Town were for an acoustical fence that had very specific standards--including the requirement that it be constructed for durability. He confirmed for Chair McKitterick that that was in the context of the stadium seating. He recalled that the fence was estimated at the time to be somewhere under \$20,000, and that it would reduce existing noise levels that had been monitored during the course of the day.

Chair McKitterick said the CUP had an annual review so that the Town didn't have to micromanage the uses other than requirements for larger events, parking issues, etc. In terms of the fence, the Planning Commission addressed it within the concept of stadium seating. The neighbor and the Club might be able to agree on a fence that passed the Town's requirements for a fence in that location. At the present time, he did not see evidence that the uses were of a character or degree that exceeded what the Planning Commission spent a lot of time considering when the stepped membership increases and construction were approved.

Commissioner McIntosh agreed. He thought the Club had made an effort to conform with their requirements and that they had.

Commissioner Zaffaroni said the conditions contained in the CUP, which provided for on-going monitoring, would hopefully help facilitate good relations between the two parties. She assumed that if the increase in membership was granted, there would be an opportunity for some further discussion about the issue. Responding to Commissioner Zaffaroni, Mr. Vlastic said the whole permit could be reviewed. The Commission also had a lot of latitude with the membership. If the concerns continued to be there after a year—especially with the added membership—the sound wall was on the table and something the Commission had the latitude to mandate. The other option was to cut back on the members.

Responding to Commissioner Zaffaroni, Mr. Vlastic said the consultant's information indicated that a barrier could be constructed of a variety of materials. An acoustical fence constructed to the standards that were suggested had been estimated by the Club's contractor at under \$20,000. The consultant felt that the fence at 6-8' would accomplish everything that would be accomplished with a solid masonry wall; adding the solid masonry wall would not enhance the acoustical properties. Commissioner Zaffaroni said she hadn't heard that you could accomplish that much with a relatively reasonably priced fence. Mr. Vlastic said in discussions about sound from The Sequoias or Roberts Market, that noise was associated with equipment that generated noise levels on a continuing basis at a certain level. The recommendations there were for acoustical walls that would absorb sounds within an enclosure and not generate them out.

Responding to Commissioner McIntosh, Mr. Vlastic said the Club paid for some work to be done to define what would be needed. The acoustical firm came up with conclusions. It was his understanding that the

Club was prepared to do the 6' fence with all the acoustical properties that the consultant had advised, but the interaction with the neighbor concluded that that would not satisfy Mrs. Lee. They decided that the only thing that would address it was the more expensive wall, and they were not prepared to proceed.

Mrs. Lee said she hadn't had a chance to see the study of the wall. It didn't have to be a concrete wall. She wanted it to have a strong footing.

Commissioner Zaffaroni said prior to this, the Club had 600 family memberships. She assumed that a lot of the sound generated in a pool area came from young people. This was actually a reduction of the family membership category. It might be a wash, but she didn't think it was likely that the sound level from pool activity would go up. The Commission had been very sensitive to the issue and tried to come up with a solution that allowed the Club to have a larger membership to share the cost and make it reasonable to make the improvements and also limit some of the impacts that might come up with a strict 700 family membership. That had been ratcheted down to 550 from 600. The increased membership was with couples and individuals. She suggested Mrs. Lee give it a chance and wait awhile. The Planning Commission had a number of tools they could use that would be fair to the Club and fair to Mrs. Lee as a concerned neighbor. Her main concern had always been impacts to the Town in terms of traffic and safety, and she felt the Club shared those concerns. No one wanted to have an accident in that area. There was Los Trancos, Golden Oak, and the driveway out of the Club, which was close to the driveway that served Creek Park. She was very concerned about avoiding a tragedy and asked the Club to be mindful of how people accessed the Club and do whatever it could do to improve safety such as posting signs indicating proper ways of entering or exiting the Club. She thought a proper balance had been struck by allowing the Club to accomplish what it wanted to do in a way that was safe for the Town and satisfactory in terms of the surrounding community.

Commissioner Gilbert said she supported asking for some noise attenuation now. It was more of a qualitative assessment over the long term. You would expect that as the Club grew and became more successful, there would be some increase. It didn't look like significant things had been done. She didn't think a \$100,000+ wall was needed, but there could be something more in line with what Mr. Vlasic had discussed. That made sense in keeping with the expectation of the growth and success of the Club. In adding more memberships the Club probably hoped to add more activities. Regarding safety, she would like the periodic reports to show more information. She thought any event that was 200 or more people was a large event and that the Club should be more specific as to what the event was, the number of people that attended, and whether the Portola Valley Garage was used.

Commissioner Von Feldt said she generally supported the request for the 50 additional memberships. She thought there had been general responsiveness to issues such as parking. She would like to see a thorough review of parking and traffic. She also thought a large event should be 150-250 people. She was sympathetic to Mrs. Lee's concerns about plans for water polo, etc., and she would like to have a review of any additional uses and whether they impacted noise levels.

Commissioner McIntosh said it sounded like it might be possible for the parties to work together and come up with a solution with a reasonable cost for a fence. He encouraged that discussion to take place to improve the sound issue. Responding to Chair McKitterick, he confirmed that he would prefer to encourage that rather than require it at this point. Commissioner Gilbert said she thought it should be linked to the additional 50 members. Commissioner McIntosh said he did not think the additional members would increase the noise because they weren't all children.

Mr. Vlasic said there was clearly a nexus between overall Club membership and level of activity. This was an issue of concern, and a sound wall was something tied to membership. It might be necessary to call that into play in the next review.

Commissioner Von Feldt said she would prefer that the parties work it out rather than make it a requirement for the increased membership. It sounded like a fence such as that described could provide for sound

protection. Additionally, any fence agreed to should be maintained by the Club. Responding to Chair McKitterick, Mr. Vlasic said the fence would be on the Club's property and 20' from the property line. It was his understanding that the acoustical consultant provided recommendations for what the wall had to be; it was not a flimsy fence and had a fair amount of mass to it.

Commissioner Zaffaroni said she also would like to encourage the parties to come to an agreement. She did not want Mrs. Lee to be put in a position where she was obligated to negotiate and commit to something that might not be satisfactory to either party for one reason or another.

Responding to Chair McKitterick, Commissioner Von Feldt said she did not know right now if the increased membership would mean additional uses, which would require more analysis at the next review. Responding to Chair McKitterick, Commissioner Zaffaroni said she wasn't clear that the fence/wall was a solution that would satisfy everyone. Mr. Vlasic noted that the way the condition was worded, an acoustical wall would make a significant difference in reducing noise levels—even current noise levels. If it was clear that the activities had increased substantially, the Commission could require an analysis and require a wall.

Commissioner Zaffaroni moved to authorize the final 50 family memberships to the Alpine Hills Tennis and Swimming Club with the requirement that family memberships not be sold in excess of the 550 limit; that all other membership numbers be adhered to; and that the Club submit a report to the Planning Commission within one year and annually thereafter as required by paragraph "d" on page 2 of the CUP demonstrating that membership had been controlled so as to be fully within the CUP limits. The report shall also demonstrate that the use over the year, particularly the larger events, was consistent with CUP requirements, and that larger events, with the exception of the swim meets, be limited to 4 per year with a maximum number of attendees capped at 250 and generally consistent with the established pattern of use as described in the October 5, 2008, letter from Club Manager Pam Stroud. Commissioner McIntosh seconded, and the motion carried 4-1 (Gilbert).

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

Responding to Commissioner Gilbert, Mr. Vlasic said the Sustainability Element was well-received by the Council. A few questions had been raised which would be coming back to the Commission along with the concepts for the GreenPoint rating system. Staff would be working with Councilmember Tobin on an overall work schedule for work sessions as well as work sessions for the Noise Element. Responding to Commissioner Zaffaroni, Ms. Lambert said the first work session on the Noise Element would be 11/1/08, and the second would be 11/16/08.

#### APPROVAL OF MINUTES

Chair McKitterick said he wanted all of Mr. Douglas's comments included in the minutes of the 10/1/08 meeting. He noted that the Mayor had instructed that there be a deputy present at the next hearing on this matter. Commissioners submitted changes to the minutes. Ms. Lambert said the minutes would be brought back to the Commission at the next meeting.

ADJOURNMENT: 9:40 p.m.

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Nate McKitterick, Chair  
Planning Commission

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Leslie Lambert  
Planning Manager