

From: [Richard Thesing](#)
Cc: [Adrienne Smith](#); [Jon Biggs](#); [Catherine C. Engberg](#); [carter](#) [REDACTED] [Kevin Schwarckopf](#)
Subject: 4370 Alpine
Date: Tuesday, March 19, 2024 2:56:34 PM
Attachments: [A-1.1 Site Plan - Proposed Subdivision.pdf](#)

Planning Commission

My family has owned the property at 4370 Alpine Rd for 50 years. It consists of an office building parallel to Alpine Rd. and an undeveloped parcel approximately one acre fronting on Nathhorst. The parcel is eligible for three to six housing units.

We filed an application for a four lot subdivision on February 15, 2024. We bisected the property so that the office portion would comprise one lot and the undeveloped portion would be subdivided into three R-1, 7.5 M lots. The application complied with all regulations required by an A-P district. We believe that three custom homes would blend into the neighborhood much better than three duplexes.

Last Thursday, I was advised by the planning department that the application would be subject to the new mixed use setback requirements rather than those required for a parcel in an A-P district. This is contrary to the Housing Element.

“Permitted uses include residential and all principal permitted uses in the A-P zone (Municipal Code Chapter 18-22).” P. 132, 2023 -- 2031 Housing Element

I should have two choices.

- An R-1 subdivision under the regulations in an A-P zone.
- A project containing multifamily residences under the mixed-use regulations.

I respectfully request that the Zoning Code Regulations be consistent with the Housing Element by explicitly stating, “ Permitted uses include residential and all permitted uses in the A-P zone.”

A copy of the proposed subdivision is attached. The houses are the maximum floor space and as close to the property line in order to show the largest house possible. Each house also includes an ADU over the garage so that the potential residences are six.

Richard Thesing

DEVELOPMENT DATA

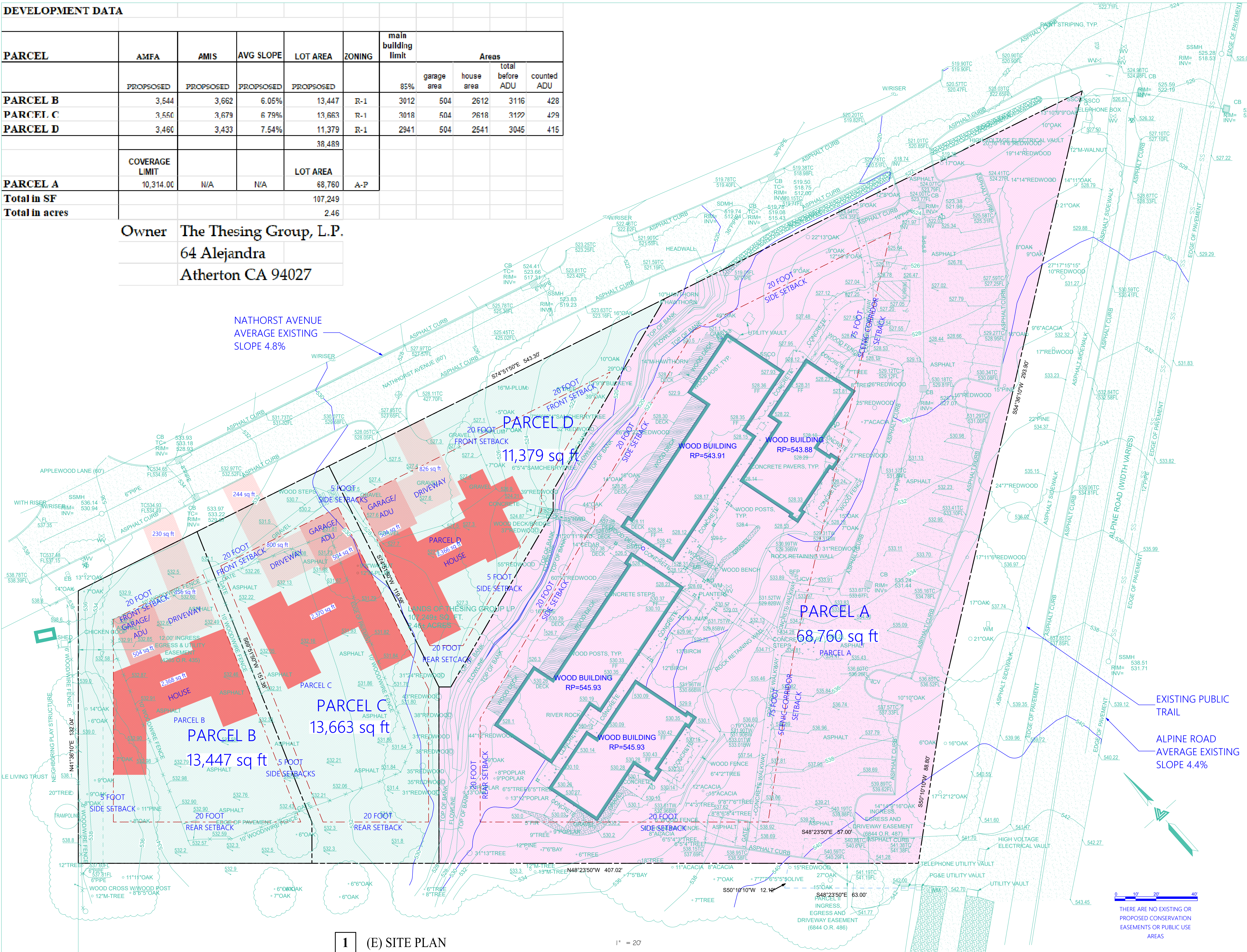
PARCEL	AMFA	AMIS	AVG SLOPE	LOT AREA	ZONING	main building limit	Areas			
	PROPOSED	PROPOSED	PROPOSED	PROPOSED			85%	garage area	house area	total before ADU
PARCEL B	3,544	3,662	6.05%	13,447	R-1	3012	504	2612	3116	428
PARCEL C	3,550	3,679	6.79%	13,663	R-1	3018	504	2618	3122	429
PARCEL D	3,460	3,433	7.54%	11,379	R-1	2941	504	2541	3045	415
				38,489						
	COVERAGE LIMIT	N/A	N/A	LOT AREA						
PARCEL A	10,314.00			68,760	A-P					
Total in SF				107,249						
Total in acres				2.46						

Owner The Thesing Group, L.P.
 64 Alejandra
 Atherton CA 94027

12:26 PM

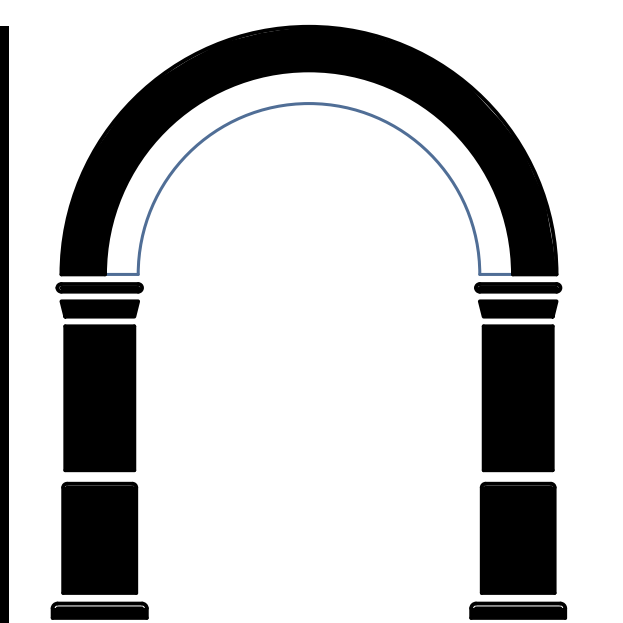
Thursday, February 15, 2024

C:\Users\carter\OneDrive - CJW Architecture\CJW Architecture - 2022-1300 Thesing Project 4370 Alpine\Draw\1 Current\2022-1300 Thesing Subdivision with decks v26.pln



1 (E) SITE PLAN

1" = 20'



CJW ARCHITECTURE
 130 Portola Road, suite A
 Portola Valley, CA 94028
 (650) 851-9335 / (Fax) 851-9337

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• PROJECT •

Thesing - 4370 Alpine Road
 4370 Alpine Road
 Portola Valley CA 94028

• SHEET TITLE •

SITE PLANS

• REVISIONS •

No.	Date	Notes
1	10/20/23	DRAFT SUBDIV.
2	12/15/23	INITIAL SUBMISSION

• JOB: 2022-1300
 • DATE: 05/12/2023
 • SHEET: A-1.1

From: [Gina Dixon](#)
To: [Adrienne Smith](#)
Subject: Re: Draft Zoning Code and Zoning Map Amendments
Date: Monday, March 18, 2024 11:57:54 AM
Attachments: [Planning Commission Agenda_Marked Up Pages_Gina Dixon.pdf](#)

Hi Adrienne,

I have a few comments on the draft zoning amendment. I pulled out the specific pages with comments to make it easier, but if it's helpful to have it in a different format, please let me know.

Thanks,
Gina

On Fri, Mar 15, 2024 at 10:03 AM Adrienne Smith <asmith@portolavalley.net> wrote:

Dear Commissioners,

We released the draft Zoning Code and Zoning Map Amendments last Wednesday evening. If you subscribe to Town Housing News or use PV Forum, I'm sure you're already up to speed, but I wanted to ensure this is in everyone's hands.

Expeditious adoption of the zoning amendments are required to implement the Housing Element – especially to facilitate the rezoning of several identified sites on the Housing Element's Adequate Sites Inventory. The ASCC will be particularly interested in the draft development standards proposed for the new Mixed Use and Multi Family zones, as well as off-street parking and bicycle parking standards. I'd encourage you all to provide any feedback prior to the Planning Commission's meeting next Wednesday evening where they will review the draft and consider making a recommendation of approval to Town Council.

I will be assembling and posting the Planning Commission packet today and I will send out a link to the Commission once it's ready. My staff report provides a good background of the process and a helpful summary of the amendments.

Find the draft amendments posted [here](#).

Thanks,

Adrienne

Adrienne Smith

Senior Planner



Town of Portola Valley

650-851-1700 Ext. 220

www.portolavalley.net

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Gina Dixon

Partner

She/Her/Hers



Fergus Garber Architects

www.fg-arch.com

m 650.644.6502 (please note my mobile # has changed)

81 Encina Ave, Palo Alto CA 94301

18.04.055 Affordable housing.

Affordable housing is housing for which moderate, low and very low income households pay thirty percent or less of their monthly income. Moderate, low and very low income households have monthly incomes below limits determined annually by the California Department of Housing and Community Development (California Code of Regulations, Title 25).

(Ord. 1991-261 § 1, 1991)

18.04.057 Reserved.

Editor's note(s)—Ord. 2011-393, § 2, adopted Nov. 9, 2011, repealed § 18.04.057, which pertained to antenna, and derived from Ord. 1997-295, § 1(part), adopted in 1997.

18.04.060 Automobile service station.

"Automobile service station" means a place where motor fuel or lubricating oil or grease is offered for sale to the public and delivered directly into vehicles.

(Ord. 1967-80 § 1 (6102 (part)), 1967)

18.04.065 Basement.

"Basement" is a floor level directly under a building which meets the following criteria:

- A. The ceiling height is not more than twelve feet.
- B. Provisions for light, ventilation and access do not exceed the minimum requirements of the building code, notwithstanding that additional provisions for light, ventilation and access may be permitted by the architectural and site control commission when it finds such additional provisions will not be visible from adjoining or nearby properties as such properties currently exist or as the architectural and site control commission believes may be used or developed in the future. Garages are not permitted under this provision. By virtue of the foregoing definition, a basement is permitted to meet the minimum requirements of the building code, including, but not limited to, light, ventilation and access, without approval of the architectural and site control commission.
- C. The underside of the floor joists of the floor above are not more than eighteen inches above the adjoining natural or finished grade at any point, whichever is lower.
- D. Where a room(s) partially meets the provisions of subsection C. of this section, that is, a portion is not more than eighteen inches above adjoining natural or finished grade, whichever is lower, and a portion is more than eighteen inches above such grade, a portion of such room(s) shall be considered as basement and a portion shall be considered as floor area. The rule for such determination shall be as follows:
 1. The outside perimeter of the room(s) shall be measured and designated "A."
 2. The outside perimeter of the room(s) where the underside of the floor joists of the floor above are not more than eighteen inches above adjoining natural or finished grade, whichever is lower, shall be measured and designated "B."
 3. The amount of floor area of the subject room(s) that will be counted as basement is then equal to the entire floor area of the room(s) multiplied by the fraction of B/A. The balance of the floor area shall be counted as floor area.
- E. The basement floor area shall not exceed the floor area of the first floor of the building above.

A suggestion here:
Use "AMFA-exempt
Basement Area" to
describe basement
that conforms with
18.04.065 C

And then use
"AMFA Basement"
to describe portion
of basement that
does not conform
with 18.04.06

(Ord. 2017-419 § 2, 2017; Ord. 1999-323 § 1, 1999; Ord. 1995-285 § 1 Exh. A (part), 1996; Ord. 1988-242 3 (Exh. B) (part), 1988)

18.04.070 Building.

"Building" means a roofed structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. When a structure is divided into separate parts by unpierced walls extending from the ground to the roof or when the parts of a structure are joined only by a breezeway each such part is a separate building.

(Ord. 1967-80 § 1 (6102 (part)), 1967)

18.04.075 Building envelope.

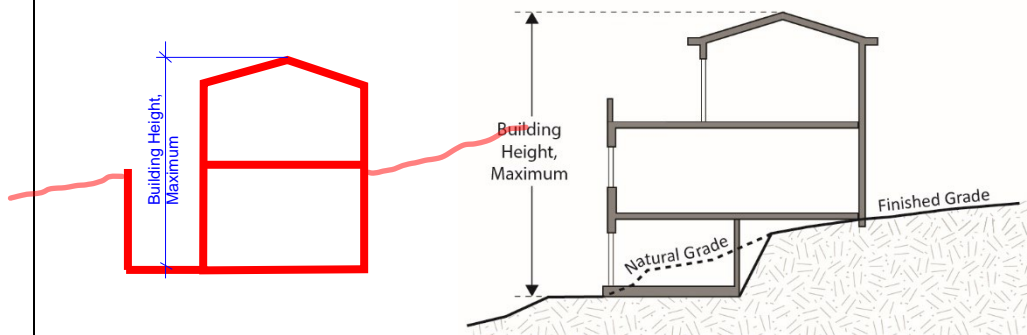
"Building envelope" is the three-dimensional space on a parcel within which buildings and most other structures are required to be confined and which is defined by zoning ordinance regulations governing building setbacks and building heights.

(Ord. 2005-360, § 1, 2005)

18.04.077 Building height, maximum.

"Building height, maximum" is the vertical distance between the lowest point of contact with the finished ground surface to the highest point of the building or any appurtenance to the building.

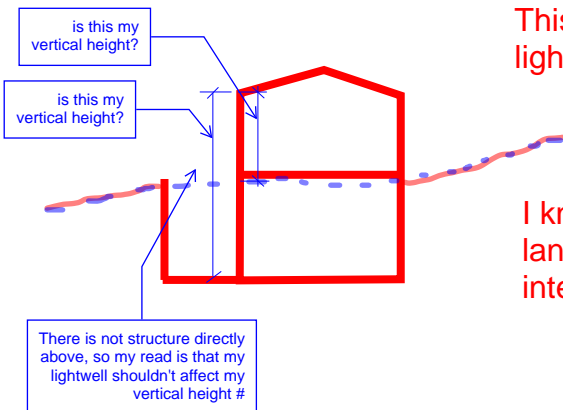
Figure 18.04.077: Building Height, Maximum



It would be very helpful to show a house with Basement and adjacent lightwell and show that maximum height is measured at the light well. *This is very atypical in municipalities in the area*

18.04.078 Building height, vertical.

"Building height, vertical" is the vertical distance from the lowest point of the structure at natural grade or at the elevation of the building pad if excavated below natural ground level, whichever is lower, to the highest point of the structure directly above.



This is still unclear how vertical height is applied to a building with a lightwell because there is no structure directly above a lightwell...

I know this is specific to one of my projects, but I still think this language doesn't clear up the confusion. I don't know what the intent is here, so can't make a suggestion

Does an accessory dwelling unit fall under the umbrella of "Accessory Structure"? And if so, where is that stated? In other codes, Accessory Structures have a different set of regulations from ADUs/ JADUs

Table 18.15.050: Development Standards – Multi-Family Residential Zoning Districts

Standard	<i>R-MF-4</i>	<i>R-MF-23¹</i>	Key
<u>Density</u>	<u>Min. 2 du/ac; max. 4 du/ac</u>	<u>Min. 20 du/ac; max. 23 du/ac</u>	
<u>Lot Width</u>	<u>Min. 120 ft</u>	<u>Min. 90 ft</u>	①
<u>Building Coverage</u>	<u>Max. 35%; see Chapter 18.54.040 for exceptions</u>	<u>Max. 55%; see Chapter 18.54.040 for exceptions</u>	
<u>Gross Ground Level Floor Area for Single Building</u>	<u>Max. 3,000 sq ft</u>	<u>Max. 6,600 sq ft</u>	②
Building Height			
<u>Principal Structure</u>	<u>Building height, max.: 34 ft; Building height vertical: 28 ft</u>	<u>Building height max. 42 ft/3 stories</u>	
<u>Accessory Structure</u>	<u>Building height, max.: 16 ft</u>	<u>Building height, max.: 16 ft</u>	
Setbacks			
<u>Front</u>	<u>See Chapter 18.58 – Special Setback Lines</u>	<u>See Chapter 18.58 – Special Setback Lines</u>	③
<u>Interior Side</u>	<u>Min. 30 ft</u>	<u>Min. 15 ft²</u>	④
<u>Rear</u>	<u>Min. 30 ft</u>	<u>Min. 15 ft</u>	⑤
<u>Building Separation</u>	<u>Min. 20 ft</u>	<u>Min. 12 ft</u>	⑥
<u>Impervious/Paved/ Hardscaped Area</u>	<u>Max. 50% of required front setback area; Max. 35% of lot</u>	<u>Max. 75% of required front setback area; Max. 65% of lot</u>	
<u>Parking Buffer</u>	<u>Min. 15 ft landscaped buffer required between on-site parking and property line within the scenic corridor.</u>	<u>Min. 15 ft landscaped buffer required between on-site parking and property line within the scenic corridor.</u>	

Notes:

1. Development standards for 4394 Alpine Road may vary as established by the Supportive Housing Overlay in the town of Portola Valley 2023-2031 Housing Element. See Housing Element Section 6, Adequate Sites for specific standards.

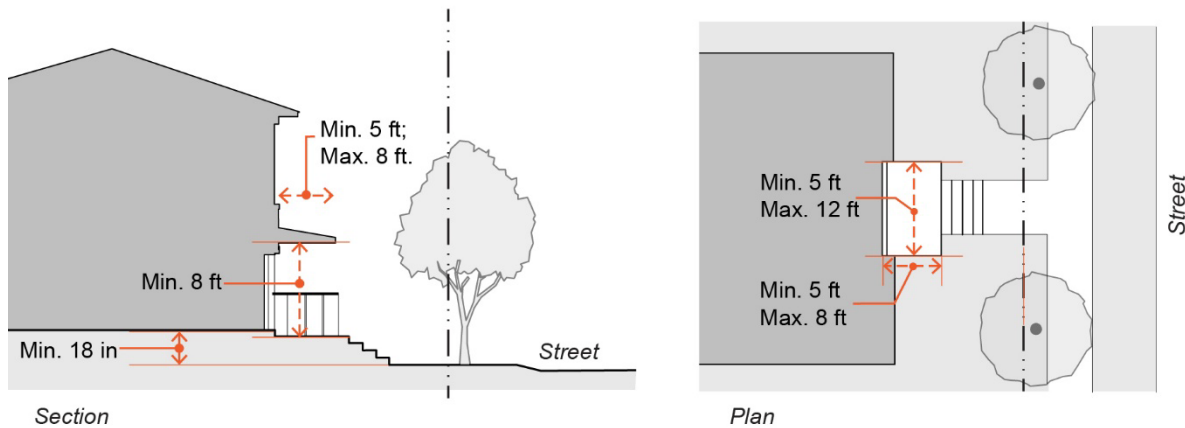
2. The north side setback of the Ladera Community Church Affiliated Housing Site may be reduced to 0 ft with permission of adjacent property owner(s).

18.15.060 Design standards.

A. Building Massing.

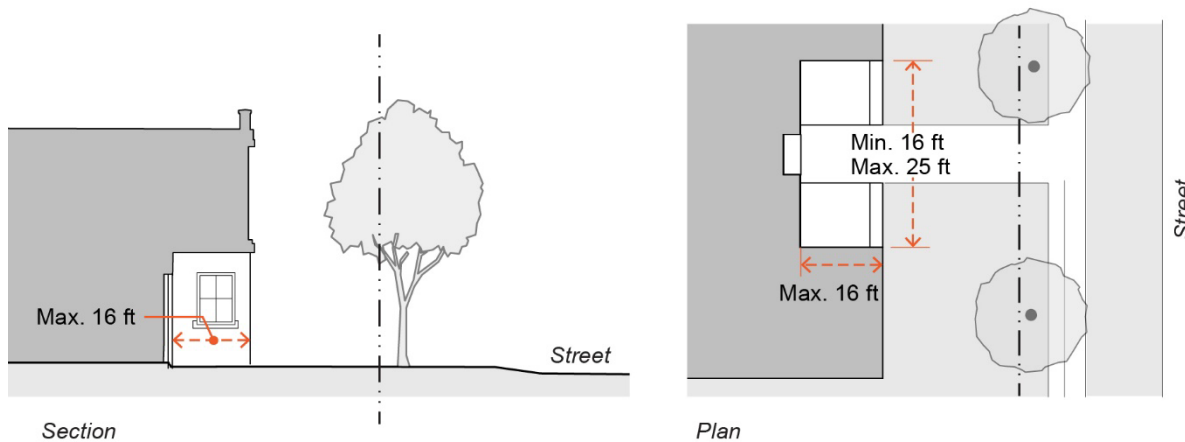
1. Upper-story Step-backs. Along the front and street side façade, the third story must be stepped back a minimum of ten feet from the ground floor façade or be embedded in a sloped roof form.

Figure 18.15.060.C.3.c: Stoop



- d. Individual recessed frontages with dimensions as indicated below:
- i. Width of recessed entry: Minimum 16 feet, maximum 25 feet.
 - ii. Depth of recess entry: Maximum 16 feet.
 - iii. Recessed surfaces 8 horizontal feet or more require at least one window or door.

Figure 18.15.060.C.3.d: Recess



D. Roof Design.

1. Allowed Roof Forms. Roof forms shall be limited to:
 - a. Hip;
 - b. Gable;
 - c. Shed or butterfly;
 - d. Flat; or
 - e. Parapet, where segments do not exceed 20 feet in length without interruption in height or form.
2. Pitch. Roof pitch must be a ratio of 3:12 to 5:12. Solar roofs and other Building Integrated Photovoltaic (BIPV) roof designs are exempt from roof pitch standards if needed to achieve a net-zero energy consumption result on site.
3. If eaves are incorporated into the roof design, the eaves must be at least 18 inches in depth.

This will be very prohibitive for structures looking to conceal a third floor in the roofline. Is there potential to have the pitch be taller in that scenario?

- a. Stucco (minimum 2-coat, 20/30 finish or finer);
- b. Stone (must extend vertically to the foundation);
- c. Stone-colored brick (must extend vertically to the foundation);
- d. EIFS; and
- e. Fiber cement.

2. Secondary Accent Materials.

- a. Metal (wrought iron, copper, bronze) with a non-reflective finish;
- b. Fiber cement;
- c. Split-face CMU;
- d. Terra cotta tile;
- e. Brick or brick veneer; and
- f. Glazed tile.

3. Building Colors.

- a. A maximum of four colors shall be applied to be the building façade:
 - i. Primary color comprising 60 percent or more of the façade.
 - ii. Secondary color comprising no more than 30 percent of the façade.
 - iii. Tertiary color comprising no more than 10 percent of the façade.
 - iv. Accent color for use on trim and architectural details.
- b. The reflectivity value for colors shall not exceed 40 percent, except that the colors for trim must not have a reflectivity value over 50 percent.
- c. Materials with intrinsic, naturally occurring colors, materials with prefinished color such as stucco, and colored metal shall count towards the maximum.

H. On-Site Circulation.

- 1. Walkways shall connect all primary buildings entrances on a site to each other, to on-site automobile and bicycle parking areas, to any on-site open space areas, and to adjoining public rights-of-way.
- 2. Paving within Setback Area. Paving within required setback areas shall be visually distinct from the adjacent public sidewalk.
- 3. Hardscape Materials. On-site hardscape material shall be permeable or pervious and light in color.

I. Parking Configuration and Design.

1. Location. Parking may be located in:

- a. Tuck-under individually secured garages;
- b. Shared ground-floor garages;
- c. Carports; or
- c. Surface parking lots.

2. Tandem Parking. Tandem parking may satisfy the off-street parking requirement in accordance with the following:

- a. No more than two vehicles may be placed one behind the other.

Why not have any reflectivity value associated with the on-site hardscape?

From: [Elizabeth Martelli](#)
To: [Adrienne Smith](#)
Subject: Fw: Adrienne Smith - Thank you for taking a few minutes to answer my question
Date: Tuesday, March 19, 2024 2:30:06 PM
Attachments: [Outlook-PVSeal400d.png](#)
[Outlook-FB.png](#)
[Outlook-Twitter.png](#)

Hello Adrienne,

Sending this over to you. I have already updated his email contact as he requested.

Thanks!

Elizabeth

Elizabeth Martelli
Temp Administrative Assistant



Town of Portola Valley
Tel: 650.851.1700 Ext. 231
www.portolavalley.net

Follow us:



From: Bob Adams [REDACTED]
Sent: Tuesday, March 19, 2024 12:48 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Adrienne Smith - Thank you for taking a few minutes to answer my question

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Adrienne,

I understand that the Planning Commission will be taking up enabling ordinances for the approved Housing Element on March 20th. My question has to do with what Element or ordinance is controlling when considering a new application. What I heard when we spoke is that the Housing Element wording applies to the property at 4370 Alpine Road and that the Mixed Use Zoning is adding details to the Mixed Use designation.

To put this another way, any application or development of the 4370 property must first satisfy the descriptions in the approved Housing Element for the application to potentially be approved by the Town. To be specific, if an applicant for 4370 has a plan that does not meet the restrictions and criteria included in the Housing Element, it will not be acceptable to the Planning Commission and Town Council.

Do I have this right?

Thank you,

Bob Adams

--

Please **update** my email address to <Bob Adams> [REDACTED] Please DELETE my old address ** [REDACTED] Thank you.

Dear Chair Goulden and Portola Valley Planning Commissioners,

As you are aware, the Town Council approved the Portola Valley Housing Element by a 3-2 vote on January 24, 2024. We are writing today to voice our strong objection to the flawed process surrounding the last minute changes to the Opt-In Program. The change from a pilot program to a broader ministerial approval program with less flexibility occurred without Planning Commission consideration and without a meaningful opportunity for public comment before this body. Simply put, that was wrong given the importance of this issue to the community. Ultimately, the Planning Department and Town Council allowed a pending state deadline to influence a bad planning decision. We as a community deserve better and need the Planning Commission to help our town address this problem, which will negatively impact Portola Valley for generations.

We understand that the Opt-In Program is not directly on the agenda for this week's meeting. But since the program is mentioned in the staff report and has not been addressed since the December 20, 2023 Planning Commission meeting when the Opt-In Program was to be a pilot program, we felt obligated to raise the community's frustration to the Commission's and the Planning Department's attention. We also understand that a draft of the Opt-In Program will be available for review in the coming months, and it is critical for the Planning Commission to influence that document and that process.

In writing this letter, our ask is for the Planning Commission to do what it does best and actually come up with a plan. The community deserves multiple additional public forums to discuss how the Opt-In Program will be implemented, starting as soon as possible this year and before the Planning Department prepares its first draft. Our opinion and also what we hear every day in Portola Valley is that the Opt-In Program should continue to be a pilot program, and if necessary, the Town can enact other, less extreme alternatives to meet its RHNA requirements.

By way of background, the Portola Valley community strongly supported a pilot program for the Opt-In Program in many Housing Element meetings and calls over the last couple of years. The community also clearly objected to opening the floodgates by allowing six unit parcel development throughout our neighborhoods without discretionary review and without public debate. The intent of the pilot program was to ensure that our community develops in a reasonable way that does not adversely and dramatically impact the Town's identity. This is a common sense planning exercise that the Planning Commission is routinely called to do on behalf of our citizens. Unfortunately, that was not allowed to happen here. We still, however, have an opportunity to course correct. We fear that without doing so, we will see a host of unintended consequences in the Portola Valley community that could have been avoided with more thoughtful public discussion and policymaking.

In your Town Council recommendations and in future Planning Commission meetings on this topic, we urge you, as this Commission has supported in the past, to implement the Opt-In Program initially as a pilot program. We assure you that in doing so, you will have strong community support. The bottom line is there are better ways to increase our housing stock that would not cause such damaging, long term impacts to Portola Valley. Let's work together to make that happen before it's too late.

Sincerely,

Clair and John Jernick
33 Grove Drive

Dear Planning Commission & Staff -

Thank you for your careful attention to the rezoning requirements stemming from our Housing Element Plan. I have several comments and questions on the 3/20/24 meeting agenda materials:

1. With respect to not allowing a property owner to take advantage of both the Opt-In program and SB-9, I understand how the Town can deny opt-in eligibility if the owner has already used his/her SB-9 privilege first. However, it is unclear that the Town can take away an owner's state-mandated right to SB-9 if he/she does the Opt-in first. Wouldn't the state-mandated right take precedent over a local code? Will lawsuits occur if we deny the landowner of this right? This issue needs to be fully weighed in by legal counsel.
2. How do state ADU building rights impact the opt-in programs as well? Issues such as setbacks, the number of units allowed, and ownership rights need to be fully explored.
3. Why are our school properties (Corte Madera, Ormondale) included in the R-E Zoning and not indicated as school district property on the Zoning Map, and would it make sense to do so?
4. While we have a section for off-street parking, do we need to consider regulations for on-street parking, as there may be overflow onto nearby streets? For example, if a street is narrower than 18 feet, or a parked car creates too narrow of a passageway for an emergency vehicle to pass, or the overflow road is a major evacuation route, we must consider the safety issues. (This may be a separate ordinance, but one that should be adopted prior to development occurring.)
5. The new sections of the proposed Zoning Code make reference to Chapters not included in the document, so the reader cannot refer back to those regulations. For example, on red page 32, there are references to Chapters 18.36.010, 18.36.020, 18.42-44, 18.46, 18.52-56, and 18.58, yet those chapters are omitted. This occurs with other chapters throughout the red-lined Zoning Code. IMO, this is an incomplete document as all sections which are mentioned should be included. It is imperative that the Planning Commission and Town Council be given complete information prior to making their decisions.
6. With respect to building separation, I am concerned about the 12-foot minimum for R-MF-23 lots. My understanding is that building separation may play a large role in fire spread, and given fire safety laws and PV's topography, building separation should be increased for maximum safety..
7. Can we require developer contributions to Town infrastructure and recreational facilities needs? While this may not be a part of the actual Zoning code, we should be addressing this issue prior to the start of our larger developments.

Thank you for addressing my questions and concerns, so that we residents have a better understanding of our future development and the impact to our Town.

Thank you,
Karen Askey
119 Groveland Street, Cell 650-776-5585