

DRAFT MINUTES

**PLANNING COMMISSION**

**February 7, 2024**

**Hybrid Meeting – In Person and via Zoom**

**CALL TO ORDER AND ROLL CALL**

Time: 00:01:14

Chair Jon Goulden called the Planning Commission hybrid, in person and via Zoom, meeting to order at 7:01 p.m.

Interim Planning Director John Biggs announced that Chair Goulden and Commissioner Kopf-Sill were attending the meeting remotely from the location of 995 E. Sagehill Drive, Millcreek, Utah. Mr. Biggs confirmed that both were alone, and both had notices posted on their doors for compliance with the Brown Act guidelines for remote attendance. In addition, any and all votes must be taken by roll call vote.

Time: 00:02:50

Chair Goulden requested roll call. Interim Planning & Building Director Biggs called the roll.

Present: Commissioners Brothers, Krashinsky, Kopf-Sill (remote),  
Chair Goulden (remote), and Vice Chair Targ

Absent: None

Town Staff: John Biggs, Interim Planning & Building Director; Jake Garcia, Consultant Planner;  
Thomas Geisler, Development Review Technician.

**ORAL COMMUNICATIONS**

Time: 00:04:00

Caroline Vertongen provided public comment and expressed appreciation to Vice Chair Targ and Commissioner Brothers for remaining another four years, their presence in important and knowledge of California Environmental Quality Act (CEQA) guidelines and the General Plan is appreciated. Her hope is they will help resolve the issues with the Housing Element and everyone can collaborate and utilize the different committees available to contribute.

Kristi Corley commented she was unable to see Vice Chair Targ. When he spoke, she was then able to see him.

Rita Comes congratulated Commissioners Targ and Brothers for staying on the Planning Commission and hopes there will be more meetings in the coming year particularly with the work that needs to be done on the Housing Element. Ms. Comes requested information on where to find the list of 138 parcels that was mentioned in last week's Town Council meeting. Other's in town are also trying to find it so it would be great if it could be mentioned during the meeting.

Mr. Biggs stated they just received the list and maps from the consultancy team and as soon as they finalize the GIS they will make it available.

Time: 00:11:25

**NEW BUSINESS**

**Proposed Lot Line Adjustment for Parcel A, identified as APN: 079-074-190, and Parcel B, identified as APN: 079-074-200. Both Parcels owned by Martin A. Raimes. Project located at 4170 Alpine Road and 4190 Alpine Road, File # PLN\_LLA 01-2022 (J. Garcia)**

## DRAFT MINUTES

**Recommendation:** The Planning Commission find the project is categorically exempt as provided by Section 15305 of the California Environmental Quality Act (CEQA) guidelines and approve the requested Lot line adjustment subject to the attached Resolution (Attachment A).

Interim Planning Director Biggs introduced Jake Garcia, consultant from Good City Company who presented the item.

Mr. Garcia, consultant planner for the Town of Portola Valley, presented the proposed Lot Line adjustment for Parcel A APN# 079-074-190 and Parcel B APN# 079-074-200, both owned by Martin A. Raimes. The project is located at 4170 Alpine Road and 4190 Alpine Road, File # PLN\_LLA 01-2022 (J. Garcia). The lot line adjustment proposes to transfer an equal amount of land between Parcel A and Parcel B. There is a steep slope located primarily on Parcel A in the northeasterly corner, which benefits a graded area on Parcel B and is therefore proposed to be transferred entirely to Parcel B. The final lot sizes would be approximately the same before and after the proposed lot line adjustment takes place. However, the resulting lot shapes will be different.

Both Parcel A and the adjacent parcel B are under the same ownership. Both Parcels are zoned Residential Estate (R-E/1a/SD-1a). Parcel A is developed with a 688 SF single-family residence and Parcel B is developed with an automotive repair business, Ramies Garage. The existing business is a legal non-confirming use as it was established prior to the incorporation of the Town. Parcel B consists of five existing buildings including a 3,450 SF garage, a 1034 SF shed, a 444 SF shed, a 150 SF shed, and a 145 SF shed. No new buildings or development is proposed as a part of this application. The proposed adjustment to the property line between these lots would transfer the area of the steep drop off and the rest of the flat area from Lot A to Lot B. The existing lots are approximately one acre in size respectively and to meet code requirements for a Lot Line Adjustment, both properties would need to maintain a minimum size of one acre. Therefore, the amount of land being transferred from Parcel A to Parcel B would need to be offset by a comparable amount of land transfer from Parcel B to A. The second area of land transfer would also occur along the shared property line between Parcel A and B, shifting the southern end of the property line to the East. Table 1 provides a summary of the existing and proposed lot areas for each lot respectively. While the proposed lot line adjustment complies with the Town's requirements, the proposed lot line adjustment would result in a nonstandard parcel shape and building envelope. Attachments 3 and 4 show the proposed lot shapes and building envelopes for each parcel respectively. The building envelopes consist of the standard required setbacks (50 ft front and 20 ft side and rear setbacks), as well as the Alpine Road Scenic Corridor setback of 75 feet applicable to only Parcel B. The lot line adjustment would not provide any significant changes to the required development standards including the allowed Adjusted Maximum Floor Area (AMFA), the allowed 85% AMFA, and the allowed Adjusted Maximum Impervious Surface (AMIS). Due to the location of existing buildings on Parcel B, the transfer of land between Parcel B to Parcel A would result in an existing 444 SF storage shed being transferred from Parcel B to Parcel A. The building is currently setback from the interior property line by 4'10" and after the lot line adjustment the new setback would be 16 feet where the required setback is 20 feet. While the non-conformity will be maintained the degree of non-conformity will be lessened, and compliant with the Town's requirements for legal non-conforming uses. Pursuant to Section 17.12.020 of Town Code, a lot line adjustment can be processed as an exception to the normal subdivision procedures. The main elements of processing are that the Planning Commission hold a noticed public hearing and that review, and actions be confined to the Commission's determination that the adjustment is in compliance with the zoning regulations, no easements or utilities are adversely impacted, and that the change will not result in a greater number of parcels than originally existed. Further, when approved by the Commission, the adjustment must be reflected in a recorded deed or record of survey. Staff finds that both parcels affected by the lot line adjustment are still compliant with the R-E/1A Zoning district development

## DRAFT MINUTES

standards such as setbacks, floor area (AMFA) and impervious surface area (AMIS) maximums, and minimum 1-acre lot sizes. The equal square footage swap does not provide any significant changes to development maximums for either lot. A lot line adjustment project is categorically exempt from the California Environmental Quality Act (CEQA). Section 15305(a) of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new parcel. Notices were sent out to neighbors within a 300-foot radius of the site on January 12 and 26, 2024, a notice was published in the Almanac in advance of the meeting, and no comments have been received prior to packet distribution and this meeting. The project complies with the Subdivision Map Act requirements and meets municipal code requirements.

Time: 0:17:25

Chair Goulden opened the Commission for clarifying questions of staff's report.

Vice Chair Nicholas Targ requested a discussion regarding non-conforming uses in the context of lot line adjustments and referenced other municipalities as examples as allowing such under certain circumstances and noted that Portola Valley's ordinance does not address speak to that but rather implies consistency with current zoning requirements.

Mr. Biggs answered that with regard to lot line adjustments, staff are restricted to determining whether each lot after the adjustment conforms to zoning requirements. It's silent to the non-conforming use of the property particularly if the adjustment does not impact the use of the lot. In this case, there is a small structure that with the lot line adjustment would lessen the previous non-conformance of the building.

Vice Chair Targ inquired if the legal non-conforming use would still be able to operate. Mr. Biggs confirmed that it would and would remain consistent with the zoning code. There is a provision in the code that allows for the continuation of the non-conforming use.

Vice Chair Targ asked if there had been any additional development plan that may be underway or under consideration for this property. Both Mr. Biggs and Mr. Garcia stated they were not aware of any.

Commissioner Anne Kopf-Sill inquired about the minor change to AMIS and AMFA to the parcels.

Mr. Garcia stated the lot sizes do not change, only the average lot slope, which results in adjustments to the allowed floor area and impervious surface, there is a thirteen square feet addition added to Lot B and a floor area increase of 25 square feet on Lot A. There is a complex calculation that factors in the slope and he did not have the math in front of him as to why they both increased.

Commissioner Ronny Krashinsky asked which table they were referencing, and he noted a decrease in one of the parcels. Mr. Garcia answered Table 2 – The adjusted maximum floor area and confirmed that Parcel B decreases by ten square feet, Parcel A increases by twenty some square feet.

Commissioner Kopf-Sill commented that made a lot more sense.

Time: 00:28:29

Chair Goulden opened the floor to the applicant.

Time: 00:28:40

## DRAFT MINUTES

Applicant Ron Raimes provided a background of his history and his family's history in the area, stating his father had attended school in the Schoolhouse when it was functioning as a school; and provided information regarding the lot adjustment based on the slope on Parcel A that is being utilized by Parcel B. In the sixties Portola Valley asked his father, who at the time operated the garage on Parcel B, to work on the school buses. He needed more room to back the buses into the lot, so the county carved out the land for the room on Parcel B that was needed to store the buses. He was unaware of the complications involved in the lot adjustment, for what started as his fathering wanting equal lot splits for his two sons that occupy the two parcels.

Time: 00:31:19

Chair Goulden asked for Commission questions of the applicant, there were none.

Time: 00:31:38

Chair Goulden opened public comment.

Kristi Corley the Raimes have been her neighbors for many years and the garage is well known in the area. She shares a fence line with the parcel and regarding the map on page 14, she commented the non-conforming use on the Parcel is a generator and inquired if that generator could potentially impact the use of her property as it pertains to the upcoming changes in the fire code and if the generator is considered a building, and that the CEQA exemption is only for the lot line adjustment and would not apply to any future change in uses of the properties. She commented that she had made previous comments regarding the maps prior to the item being Agendized and the maps being made available online, and expressed concern regarding the measurement of one corner of a building to another as it pertains to fire code.

Time: 00:37:00

Mr. Garcia responded to the questions regarding the property setbacks for the structure that would change ownership.

Commissioner Lynda Brothers noted that wasn't the building Kristi had referenced.

Mr. Garcia stated there was no change in setbacks to her property as a result of the lot line adjustment.

Commissioner Brothers inquired about the distance from the main garage to the lot line.

Mr. Garcia stated that the red dashed line signified 20 feet, the garage was within the 20 foot setback. It may be within the required 16 foot setback but was approved prior to the forming of the Township.

Commissioner Brothers noted that Ms. Corley was referencing the fire code which requires a distance of thirty feet between buildings and based on her comments, her structure has a twenty foot setback and the main building on Parcel B has a sixteen foot setback. That puts enough distance between the two buildings if the Fire Code distance is thirty feet.

Mr. Garcia confirmed there would be no change in the existing conditions, he did not know the exact distance from the generator to the lot line and he was not yet privy to the changes to the Fire Code.

Time: 00:40:15

## DRAFT MINUTES

Chair Goulden closed public comment and moved the item back to the Planning Commission for discussion.

Vice Chair Targ commented that the decision needs to be evaluated using specific facts which were provided, and the project meets the conditions set forth.

Commissioner Brothers disclosed she has spoken to Kristi and expressed admiration for Mr. Raimes Sr. for going through all the trouble to get his affairs in order, and believes the decision is clear.

Commissioner Krashinsky commented he's fine with the project as is.

Commissioner Kopf-Sill commented that overall, she's fine with the project and it meets criteria.

Time: 00:43:45

Commissioner Kopf-Sill moved the project was categorically exempt as provided by Section 15305 of the CEQA guidelines and approved the resolution adopting the Lot line adjustment. Seconded by Commissioner Brothers, the motion carried 5-0-0.

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

#### **(2) Commission Reports**

Time: 00:44:58

None

#### **(3) Staff Reports**

Time: 00:45:08

Interim Planning Director Biggs reported that Town Council approved the Planning Commission's recommendation for the Housing Element on January 24, 2024. That same Friday the Housing Element was turned into the Housing and Community Development (HCD). The following Tuesday they got a letter prior to January 31<sup>st</sup> from HCD stating that the Housing Element is in substantial compliance. It has been approved; they are not looking to make any additional modifications. Now the work begins developing and implementing all of the programs that were part of the Housing Element. The first will be the zoning changes. There is a draft of those changes that staff are now reviewing, with the hope of getting that in front of the Planning Commission later in February or in March. The recruitment process for a permanent Planning Director has begun. They extended the deadline for applications and have thus far received some viable candidates. They will be conducting interviews soon.

Commissioner Krashinsky inquired about the HCD letter also stating that if zoning changes were not made prior to February 2, the Town would again be out of compliance.

## DRAFT MINUTES

Mr. Biggs explained that the state is required to put cities on notice that they have not met the requirements of getting the Housing Element implemented. We received a letter yesterday saying that we need to implement the zoning changes, and we need to report back to the state by March 4.

Providing the town is conducting zoning code hearings and passing ordinances, and keep the lines of communication to HCD open, they should remain in good status. They are hoping for February 21 in front of the Planning Commission, but it may be March 6.

Vice Chair Targ inquired about the appointments made in the ASCC.

Mr. Biggs responded there were three vacancies, two that expired in December 2023 and one that will expire in December of 2024. Gina Dixon, a local architect was appointed to fulfill the remainder of 2024, Rebecca Flynn was reappointed to a four year term, Carter Warr, another local architect, was appointed to a four year term.

Time: 00:51:30

### **ADJOURNMENT** [7:51 p.m.]

Commissioner Brothers moved to adjourn the meeting. Seconded by Commissioner Kopf-Sill, the motion was carried unanimously.