



TOWN OF PORTOLA VALLEY
Planning Commission Meeting
Wednesday, October 16, 2024
7:00 PM

Jon Goulden, Chair
Nicholas Targ, Vice Chair
Lynda Brothers, Commissioner
Anne Kopf-Sill, Commissioner
Ronny Krashinsky, Commissioner

HYBRID MEETING

AGENDA

HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to tgrindall@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record. Time permitting, your correspondence will be uploaded to the website. Additionally, technology permitting, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing *9 on their phone to "raise your hand" and *6 to mute/unmute themselves. The meeting Chair will call on people to speak by the phone number calling in. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation.

Assistance for People with Disabilities: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at towncenter@portolavalley.net. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

VIRTUAL PARTICIPATION VIA ZOOM

To access the meeting by computer:

<https://us06web.zoom.us/j/82526983569?pwd=6NcUqX9OglGFXslaNOVjqlc3Zif7q.1>

Webinar ID: 825 2698 3569

Passcode: 789851

To access the meeting by phone:

1-669-900-6833 or 1-888-788-0099 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

1. CALL TO ORDER / ROLL CALL

Chair Goulden, Vice Chair Targ, Commissioners Brothers, Kopf-Sill and Krashinsky Announcements/Consideration and Approval of Request to Attend Remotely by Commissioners pursuant to AB 2449 (just cause and emergency circumstances).

2. ORAL COMMUNICATIONS

*Persons wishing to address the Planning Commission on any subject **not on the agenda** may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.*

3. AGENDA

- a. Reorganization of Planning Commission, Election of Chair and Vice Chair
- b. Recommendation of a Planning Commission member for appointment to the Ad Hoc Site Evaluation Committee.

4. COMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

- a. Commission Reports
- b. Staff Reports

5. MINUTES

- a. September 4, 2024 and September 18, 2024

6. ADJOURNMENT

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public.

Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

Land Acknowledgement:

The Town of Portola Valley acknowledges the colonial history of this land we dwell upon the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK- mah) Ohlone, who endured a human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.

CALL TO ORDER AND ROLL CALL

THIS MEETING WAS CANCELLED DUE TO TECHNICAL DIFFICULTIES

Time: 00:00:00

Chair Jon Goulden called the Planning Commission hybrid, in person and via Zoom meeting to order at 7:00 p.m. and requested roll call. Senior Planner Adrienne Smith called the roll.

Present: Chair Jon Goulden, Vice Chair Targ, Commissioners Krashinsky, Brothers, Kopf-Sill

Absent:

Town Staff: Catherine Engberg, Interim Town Attorney; Adrienne Smith, Senior Planner.

Time: 00:00:00

ORAL COMMUNICATIONS

Time: 00:00:00

NEW BUSINESS

(1) Rotation of Chair and Vice Chair

The item was continued to the next scheduled Planning Commission meeting.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

(3) Staff Reports

APPROVAL OF MINUTES

(4) Planning Commissioner meetings of March 20, 2024, April 3, 2024 (Joint Planning Commission and ASCC Meeting), and April 17, 2024.

Item was continued to next scheduled Planning Commission meeting.

ADJOURNMENT [7:25 p.m.]

The meeting was cancelled due to technical difficulties.

CALL TO ORDER AND ROLL CALL

Time: 00:00:00

Chair Jon Goulden called the Planning Commission hybrid, in person and via Zoom meeting to order at 7:00 p.m. and requested roll call. Planning and Building Director Romeo Herrera called the roll.

Present: Chair Jon Goulden, Vice Chair Targ, Commissioners Krashinsky, Brothers
Absent: Commissioner Kopf-Sill (excused)

Town Staff: Catherine Engberg, Interim Town Attorney; Interim Planning and Building Director Terrence Grindall.

Time: 00:02:15

ORAL COMMUNICATIONS

Jana commented regarding the meeting that was cancelled and when the Commission would vote in the new Chair and Vice Chair.

Chair Goulden responded that they are working to get in on another Agenda as soon as possible.

Interim Planning and Building Director Terrence Grindall added that it is on the next meeting's Agenda.

Time: 00:3:12

AGENDA

- (1) Architectural Review of an application for trail work already, done without the benefit of a permit, newly proposed landscape improvements (new pool, new pool pavilion, outdoor dining area and landscaping), a Site development Permit, significant tree removal and landscape improvements at 127 Pinon Drive; Epstein Residence; File #PLN_ARCH 03-2024 (J. Garcia)**

Jake Garcia, consultant planner, provided the staff report stating that On March 20, 2024, the applicant submitted a formal application for 127 Pinon Drive for an architectural review of an application for trail work already done without the benefit of a permit, newly proposed landscape improvements (new pool, new pool pavilion, outdoor dining area and landscaping), a Site Development Permit, significant tree removal and landscape improvements. The application was deemed complete on August 14, 2024. In November 2022, the applicant contacted the Town with initial plans for landscape enhancements, which encompass a new pool, pool pavilion, outdoor dining area, landscaping, and the associated Site Development Permit. The project site has an active code enforcement case dating back to October 2021. This case pertains to unauthorized site work that was carried out on the project site. Consequently, the proposed project includes a request to legalize the previously unauthorized work. On August 26, 2024, the ASCC reviewed the revised application materials at a regular meeting and recommended that the Planning Commission approve the project with an added condition that additional screening is to be added to the switchback portion of the trails that are facing south. The

ASCC also indicated that they would also be supportive of allowing the trail into the setbacks for portions of the switchbacks that abut Jasper Ridge and 135 La Sandra. The project engineer has mapped the location of the trail work already completed and estimated the amount of soil movement associated with the work. The amount of earthwork done was estimated to be 450 CY of cut and 400 CY of fill, a total of 850 CY subject to a site development permit for the trail work. The applicant has revised plans to incorporate changes required by the ASCC so that the trail work will no longer encroach into setbacks, to propose revised landscape plans to accommodate restoration of the landscape surrounding the trail work and vegetation clearance. This includes the proposed plantings located along the trail network to better screen trails from neighboring properties. The ASCC was supportive of these changes and found them to adequately address direction given at the earlier conceptual design review and by the AD Hoc Subcommittee. The applicant proposes to construct a new pool, gazebo, and outdoor dining area on the second parcel. The landscape improvements are proposed at the rear of the residence on an adjacent hillside. The pool patio area is to be stone paving matching other paved areas on site, minor paths will be constructed above and below the main pool patio. The path above the pool patio will extend out to an existing clearing/seating area and the path below will connect the pool patio to the main residence. The proposed pool is an infinity pool with a spill over edge anticipated to be 50' x 17' in size. A total of two significant coast live oak trees are proposed for removal, and the 340 CY of grading for proposed landscape improvements is subject to a site development permit. Proposed landscape structural improvements include a new gazebo, pool, patio with associated lighting and retaining walls. Staff recommend that the Planning Commission review the plans and staff report, offer feedback or additional conditions of approval, and consider approval of the proposed project.

Time: 00:17:00

Sue Epstein, the applicant, provided the history of her family and the house and expressed an interest in preserving as much of the property as possible. They hired a company in 2021 to add the trails so they could reach the upper areas of the 18 acre property, who didn't inform them that a permit would be required to do the work. The ASCC has provided good feedback on the trails, and they truly regret they had not sought a permit for the work. She is grateful to the Commission and the ASCC for visiting the property and taking the time to consider the project. They have become much more knowledgeable through the process and believe the project is in line with the standards of the Town and the area. They plan to continue to treat the area with respect to the development of the lighting and landscaping. They whole heartedly want to be good neighbors and citizens of Portola Valley.

Time: 00:21:36

Chair Goulden opened the item for questions to the staff and applicant.

Commissioner Krashinsky inquired about the permitting process of the trails and what changes require permits. Jake Garcia, consultant planner, explained the process for a site development permit which is required for 50 cubic feet of soil movement for administrative review, 100 cubic feet of soil movement is reviewed and permitted upon ASCC approval. At 1000 cubic yards it is reviewed at the Planning Commission. Any applications reviewed by staff are at the discretion of the Planning Director to initiate ASCC review based on impacts to the existing environment and the Town's design guidelines.

Commissioner Krashinsky questioned if trails are required to observe setbacks. Jake Garcia answered there are no development standards that require a trail to meet a building setback, those are typically reserved for structures or buildings, or possibly fences.

Commissioner Krashinsky asked if staff felt there was anything within this project that may set a precedent with respect to trails and setbacks. Jake Garcia responded in cases such as this the usual

process is a discretionary review of the trails and if they may be impacting neighboring sites. It is common for the ASCC or Planning Commission to consider conditions related to the implementation of trails onsite and mitigating potential impacts through landscape screening or relocation or various lighting options. This would not set a precedent; it is more of another deliberation that the ASCC and Planning Commission have the discretion to make a decision .

Commissioner Krashinsky requested information on the Planning Commissions options regarding the trail. Jake Garcia explained those options.

Commissioner Brothers asked about the timeline since the last ASCC's review in 2023 and requested confirmation that if the Planning Commission chose to allow the applicant to make the decision to leave the trails where they are, the item would have to go back before the ASCC. Mr. Garcia confirmed that it would go before one member of the ASCC after staff made sure it complied with Municipal Code and the that the approved project complies with what was entitled by the Planning Commission. Staff could work towards getting a review by the ASCC individually, which has already been the case for another element.

Commissioner Krashinsky referenced Condition number 5 on Page 13, adding screening for the "primary south facing switchback portion of the train" and inquired what that meant and suggested it might be helpful to make that clear as it is written. The final review of the ASCC would provide feedback and approval for the screening that is proposed, it is at the discretion of the Planning Commission to change or add clarifying language.

Vice Chair Targ inquired if the ASCC's minutes were in the staff report. Jake Garcia stated he believed the Town deferred to recordings during that time.

Vice Chair Targ asked about the penalties for grading without a permit, which is a violation of the Municipal Code. Jake Garcia stated he was not familiar with the penalties; he would need to defer to code enforcement before stating what actions had been taken. Sue Epstein stated they were unaware of any penalties and Jake had been their main point of contact. The applicant's architect stated she was unaware of any repercussions other than the "Stop Work" that was issued, the project was halted at that time. When they applied for the permit for the pool, they were instructed to resolve the issue with the trails prior to applying for the permit for the pool. They are submitting them together now. They have attempted to make contact with the contractor who did the work on the trails to find out how much soil had been removed and they have not responded. If further changes need to be made, arrangements can be made to get an approved plan and move forward.

Vice Chair Targ inquired if there were letters of support by the adjacent residents in the Staff Report packet. Contract Planner Garcia stated those were listed in the Packet as Attachment 15. Both comments were from prior meetings and from upslope neighbors. After the changes were made, they indicated at the design review that the revisions and additional screenings satisfied their concerns. Those comments were not included in the packet. Sue Epstein stated she was not aware she needed written support from her neighbors for the pool site. She spoke to her neighbors she would ask for written comments if necessary.

Commissioners Brothers requested information of if the Town had any authority to put penalties on the contractor. Jake Garcia stated he would find out and let the Commission know.

Time: 00:41:39

Chair Goulden opened the Public Hearing for Public Comments.

Nona Chiariello, Conservation Committee member, commented that she served on the ad hoc committee and today was her fifth visit to the property at 127 Pinon and believed it might be useful to know how the Conservation Committee reviewed the trails without the benefit of a permit and how they see the project going forward.

Vice Chair Targ requested she be moved from public comment status to witness given her role in the history of the project. Chair Goulden agreed.

Nona Chiariello provided the report that was presented the geography report that had been presented last year and stated that the majority of the property is on a less erodible greenstone surface and the trail travels over slopes and canyons through the center of the property. The surface of the neighbor with the scarp is a different surface layer. The dormant land slide represents in part that greenstone is not as erodible as some of the other surface soils in town. That's part of the reason why the trails look as good as they do now. People all over Portola Valley are clearing their properties due to fire risk. From a conservation perspective that's a concern for wildlife. One of the things Conservation has been focusing on is thinking about how to merge fire risk reduction and understory removal with fire protection while retaining habitat. Hillside planting is one of the ways they've thought about. The changes made at the project site are starting to mature into the Hillside planting technique that accommodates both fire risk reduction and natural habitat. The applicants have been very cooperative to work with and showed a concern for mitigating evasive planting which increases fire risk over time. Conservation is onboard with the plan as it is now, but they also think more could be done so they look forward to working with the owners as the property develops.

Commissioner Krashinsky asked if she had a preference for including stairs as depicted in one of her slides. She stated she did not have a preference.

Vice Chair Targ inquired if set plans have been made to work with the applicants in the future. Ms. Chiariello stated that Jenna has supplied a five year maintenance plan for the project, every one seems amenable to what has been discussed. The Epstein's have been very committed to ensuring the preservation of wildlife habitat.

Sue Epstein commented about the contractor, TrailScape, who made the trails, the erosion and drainage are withstanding the last two winters beautifully. The trails as they are now, are how far they were in the process when they received the stop order. If the permit is approved, they can go back and add the screening that was originally planned from the ASCC's review.

Time: 00:57:15

Chair Goulden Closed Public Comment and brought the item back to the Commission for discussion.

Commissioner Brothers commented that she believes they have an incredible group in the ASCC, and her first inclination is to affirm the work they have done. Her visit to the site was very useful. She likes the absence of steps on the trails. With the she felt without a clear rule on setbacks that should be left the way it is. The rest of the project is gorgeous and from her perspective she would take the staff recommendation and go with it.

Commissioner Krashinsky commented that he's ready to move forward with the project. The one thing he'd like to do is accept the ASCC's recommendation that the switchbacks along Jasper Ridge and the other 145 Lacondra that they give the option to the applicant if they want to preserve them as they currently are.

Chair Goulden asked how the Commission would note that. Jake Garcia stated that since it was not in the proposed plans, he recommended making a motion to, out of a condition of approval, the plans be revised to keep those trails and that the ASCC have a final review before the building permit issuance.

Terrence Grindall, Interim Planning and Building Director, stated they could add that condition to the motion to move.

Vice Chair Targ commented that it sounded like the applicant has worked well with conservation and the recommendations of the ASCC and he appreciated that and confirmed that the weed abatement plan was the 5-year maintenance plan that was referred to earlier and requires continued collaboration with the conservation committee.

Interim Planning and Building Director Grindall, for the record, confirmed Vice Chair Targ's questions about the 5-year maintenance plan.

Chair Goulden stated he's in agreement with the rest of the commissioners about the project and was intrigued by Vice Chair Targ's point regarding the penalties for violating the Municipal Code, which extends the question of what the Town's options are for future concerns of permits not being pulled, and if anything can be done by the Planning Commission as part of the motion. Interim Planning and Building Director Grindall stated he would not include anything about that in the motion for this item, however he planned to make a report to the Commission at the next meeting based on what he finds out about the issue, and they could discuss it further at that point.

Time: 1:13:00

Vice Chair Targ motioned to approve staff's recommendation, seconded by Commissioner Krashinsky to move forward with the application for trail work already, done without the benefit of a permit, newly proposed landscape improvements (new pool, new pool pavilion, outdoor dining area and landscaping), a Site development Permit, significant tree removal and landscape improvements at 127 Pinon Drive; Epstein Residence; File #PLN_ARCH 03-2024, with the conditions that (1) if the applicant decide to keep the trail within the setback portions of the trail, they may do so providing the final plans be reviewed by one member of the ASCC prior to permit issuance and (2) and prior to the issuance of the building permit the applicant shall receive from the Town disposition of compliance with Section 15.04.020.G.

Time: 1:16:00

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

Commissioner Brothers spoke regarding the Lack of rules, policies, and requirements for the Planning Commission and suggested making an effort to meet more often so the Commission could work through some of the issues like the new zoning code maps don't correlate to what is real, and creating Planning Commission policies and procedures or an annual plan; additionally consider getting a monthly status report until the Planning Department can work through the backlog of permit applications. It could help get the Town through the transition and Housing Element certification.

Vice Chair Targ suggested making it an Agenda item with bulletized issues so they could discuss it in the open forum and create an ad hoc committee if appropriate.

Time: 1:24:33

(3) Staff Reports

Interim Planning and Building Director Grindall reported they are still continuing to monitor the HCD for a response to the Town's certification, no news is not necessarily bad news. The update on the systematic issue of the backlogged permits is they have hired a senior technician Gabe, who is working diligently through the backlog. When he started there were 1,100 emails in the inbox, on Monday he had them down to 200. Some of the emails are missing sent data. They are having to recontact people to get that information resent. Simultaneously they are looking at process improvements such as potentially tracking software. John Biggs has made this a priority and meets with staff every morning. After the old staff left, no one knew how to work the system, they had to reinvent the process. Their sole inhouse planner Adrienne is on maternity leave, they hope to bring an associate planner in within the next two weeks to help with the internal work. The Town is in the process of hiring a City Engineer.

Time: 1:33:00

ADJOURNMENT [8:33 p.m.]

Commissioner Brothers moved to adjourn the meeting, Seconded by Vice Chair Targ. The motion was carried unanimously.

DRAFT