

TOWN OF PORTOLA VALLEY

SITE DEVELOPMENT PERMITS

What Is A Site Development Permit?

A Site Development Permit is a written document that authorizes certain grading and vegetation removal as shown on approved site development plans. The permit procedures and review requirements are contained in the Site Development Ordinance and vary depending on the amount of grading and/or nature of site development proposed. Most land development activities in the Town require some form of site development review and approval. In granting permits, the approving authority will often attach conditions deemed necessary to prevent creation of nuisances or hazards to public or private property. Also, guarantees are required to ensure that work will be done according to the approved plans.

When Is A Site Development Permit Required?

A Site Development Permit is required in all cases where development comes under any one or more of the following provisions unless such work is specifically exempted (PVMC Section 15.12.070.A):

1. Excavation, fill or any combination thereof exceeds fifty (50) cubic yards.
2. Fill will exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface.
3. An excavation will exceed four (4) feet in vertical depth at its deepest point.
4. An excavation, fill, or combination thereof will exceed an area of five thousand (5,000) square feet.
5. Vegetation is to be removed from an area exceeding five thousand (5,000) square feet on any vacant parcel of land or any parcel of land in excess of ten (10) acres.
6. A significant tree is to be removed or would be affected by actions which would tend to injure, mutilate, destroy, or kill the tree, including placing fill within the dripline or substantially reducing the tree in size.
7. Excavations for geologic investigations and drilling for geologic investigations, both to depths in excess of four (4) feet.
8. Drilling for water wells.
9. Driveways in the public right-of-way that connect a parcel with the public road. (A site development permit is not needed if the driveway is approved as a part of site plan for a building permit.)

What Work Is Exempted From Site Development Permit Requirements?

A Site Development Permit is not required for the following (PVMC Section 15.12.070.B):

1. Excavations below finished grade for basements, footings of buildings, retaining walls, septic tanks, drainfields, swimming pools, or other structures authorized by a valid building permit. This provision shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
2. Excavation or removal of vegetation in public utility easements by public utility companies for the purpose of installing underground utilities.
3. Removal of vegetation as part of the work authorized by an approved building permit.
4. Tilling of soil for agricultural or fire protection purposes.
5. Site development under an agreement with the Town pursuant to requirements placed on the filing of a Parcel Map or Final Subdivision Map.

How Do I Apply and How Much Does It Cost?

Application forms and filing information are available at Town Hall, 765 Portola Road, at the Building Counter or on our website. An application requires a filing fee and a deposit for professional services. The filing fee and deposits for professional services vary based on the volume of grading being proposed. Please refer to the separate schedule of fees and deposits.

How Is A Site Development Permit Processed?

The three following procedures exist for Site Development Permit processing and depend on the volume of grading (i.e., COMBINED CUT AND FILL) proposed:

Grading work under 100 cubic yards. Where the aggregate volume of grading on a site or contiguous group of sites is in excess of 50 cubic yards, but less than 100 cubic yards, the application is referred to the Town Engineer, Town Geologist, and Planning staff for review. This level of Site Development Permit is approved at a staff level.

Grading Work in excess of 100 cubic yards but not over 1,000 cubic yards. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of 100 cubic yards but not over 1,000 cubic yards, or the proposed cuts or fills exceed five feet at their maximum point, the Architectural & Site Control Commission (ASCC) reviews the application and acts to approve or deny it. Planning staff refers the permit to all members of the SITE DEVELOPMENT COMMITTEE (i.e., the Town Engineer, Town Geologist, Health Officer, Fire Marshal, Conservation Committee, and Trails Committee) for review and comment, which is taken into consideration by the ASCC during their review.

Grading work in excess of 1,000 cubic yards or removal of vegetation or both. Where the aggregate volume of grading on any site or contiguous group of sites is in excess of 1,000 cubic yards, or where approval to remove vegetation is required (see site development permit requirements above), the permit must be reviewed and acted on by the Planning Commission at a fully noticed public hearing. Prior to the hearing, the request is circulated to the Site Development Committee for review and recommendation to the Planning Commission. After Committee comments are prepared, the Planning Director assembles the comments in the form of a report and recommendations. This report is submitted to the applicant and Planning Commission at least 5 days prior to the Planning Commission hearing. The public hearing is set by the Planning Director. At the hearing, anyone interested in the permit is given the opportunity to comment. Following the hearing, the Commission approves, approves with conditions as it deems necessary to secure substantially the objectives of the Site Development Ordinance, or denies the application.

How Long Does It Take and When Does A Site Development Permit Become Effective?

It usually takes between 4 and 8 weeks from the time a site development permit is accepted for filing and finally approved. The length of time will vary depending on the volume of grading proposed and the required review procedures. Unless appealed, a site development permit becomes effective on the 15th day after approval by the approving authority. Further, unless otherwise specified in the site development permit action, the permit must be exercised within two years of its effective day.

What Happens If My Request Is Denied?

If the approving authority denies a site development permit request, the decision may be appealed to the Planning Commission or Town Council as described in the next section.

Appeals

Any applicant dissatisfied with the decision of the approving authority may appeal to the next higher approving authority. The appeal must be filed with the Planning Commission (i.e., appeal of a Town Engineer decision) within 15 days of the action by the approving authority by completing appropriate forms and paying a required filing fee and deposit. The deposit will be used by the Town for preparation of a report to the body that will hear the appeal. Within a reasonable period of time (i.e., the next open agenda), the appeal reviewing body will hold a fully noticed public hearing and render a decision on the appeal.

Are There Any Special Concerns I Should Be Aware Of?

Yes. First, the Site Development Ordinance is an extensive document that contains many required standards for grading and related development. Anyone seriously considering land development must become aware of the standards and review requirements in this document either directly or through professional advisors (i.e., civil engineers, geologists, geotechnical consultants, architects, landscape architects, etc.). The provisions of the ordinance have been carefully developed and will be used to carefully evaluate your request. If a request is not fully prepared according to the requirements of the ordinance, it will not be accepted for processing. Be aware, poorly prepared applications will add to your time for processing and will increase processing costs. If you have any confusion

over the Town's requirements, please discuss them with the Planning staff. Further, for particularly complicated proposals, it is recommended that you seriously consider meeting with appropriate Town consultants (i.e., Town Engineer, Town Geologist) prior to preparing detailed application plans. A small deposit for services is necessary for such a meeting, but it can often help to reduce costs at later stages of plan development or processing.

Also, the Town has very special and important geologic hazard mapping and application review policies and procedures. These affect all applications to varying degrees. You may have to file more than one application in support of your request. Please check with Planning staff at Town Hall regarding these matters PRIOR to preparing any development plans.

Further Information

For further information contact the Planning Department at (650) 851-1700 x211 Monday through Friday between 8:00 a.m. and 12:00 p.m., or between 1:00 p.m. and 3:00 p.m.