



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, February 3, 2010 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

AGENDA

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, Von Feldt, Chairperson McKitterick, and Vice-Chairperson Zaffaroni

Oral Communications

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

Regular Agenda

1. Public Hearing: Review of Proposed Site Development Permit X9H-609 for New Residence and Site Improvements, 40 Antonio Court, Larson
2. Public Hearing: Request for Front Yard Setback Exception X7F-64, 4115 Alpine Road, Cianfichi
3. Preliminary Review of Proposed Lot Line Adjustment (LLA) X6D-207, 10 and 18 Tagus Court, Mabardy/Beresford & Schilling
4. Preliminary Review of Conditional Use Permit (CUP) X7D-152 for existing wireless communication facilities at Woodside Priory, 302 Portola Road, Nextel Communications
5. Update on the status of several applications and Consideration of Setting a February 8, 2010 Joint Site Meeting with the ASCC for Preliminary review of Site Development Permit X9H-610, 295 Golden Oak Drive

Commission, Staff, Committee Reports and Recommendations

Election of Chairperson and Vice-Chairperson

Approval of Minutes: January 20, 2010

Adjournment

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.

This Notice is posted in compliance with the Government Code of the State of California.

Date: January 29, 2010

Carol Borck
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Deputy Town Planner
DATE: January 28, 2010
RE: Site Development Permit Request X9H-609, Larson

Location

1. Address: 40 Antonio Court
2. Assessor's parcel number: 079-220-010
3. Zoning District: R-E/1A/SD-1a (Residential Estate, 1.0-acre minimum parcel area, slope density requirements). Also, regulated pursuant to the provisions of PUD X7D-140 and PUD Statement dated June 2000.

Request, Background, Project Overview, ASCC Actions

This request is for approval of a site development permit application for roughly 12,000 cubic yards of grading, combined cut and fill, on the subject 4.48-acre Woodside Priory subdivision property (see attached vicinity maps). On November 18, 2009 the planning commission conducted a preliminary review of the application and was to join the ASCC at a "preliminary review" site meeting on November 23, 2009. While the ASCC conducted the site meeting, a planning commission quorum was not available for it.

Based on the comments from the November 18th preliminary commission review and 11/23/09 ASCC review, including input provided by neighbors, the grading, architectural and landscape plans were refined and presented to the ASCC for architectural review approval on December 14, 2009. At its December 14th meeting, the ASCC approved the architectural review portion of the request. One of the approval conditions called for some additional clarifications of the grading and landscape plans prior to the site development permit being set for planning commission hearing. The plans were so clarified and presented to the ASCC for consideration at the January 11, 2010 ASCC meeting. At that meeting the ASCC found the plan clarifications acceptable and recommended planning commission approval of the site development permit.

The following enclosed plans are the grading and landscape plans now specifically before the planning commission for site development permit approval and are the plans considered and found acceptable by the ASCC at its 1/11/10 meeting:

Sheet C-1, Preliminary Title Sheet, Lea & Braze, Engineering, Inc., revised 1/5/10

Sheet C-2, Preliminary Grading & Drainage Plan, Lea & Braze, Engineering, Inc., revised 1/5/10

Sheet C-3, Preliminary Grading & Drainage Plan, Lea & Braze, Engineering, Inc., 1/5/10

Sheet L1.0, Planting Plan, Bernard Trainor + Associates, 1/11/10

For reference relative to the full architectural review project conditionally approved by the ASCC, the project design team has provided the following enclosed plans unless otherwise noted, revised through January 14, 2010 and prepared by Aidlin Darling Design:

Sheet A0.1, Project Information

Sheet A1.0, Site Plan

Sheet A2.0, Basement Plan

Sheet A2.1, 1st Floor Plan

Sheet A2.2, 2nd Floor Plan

Sheet A2.3, Roof Plan

Sheet A5.1, Sections & Elevations

Sheet A5.2, Perspective Views

Sheet A5.3, Perspective Views

Sheet A11.1, (Finish) Schedules

Sheet L1.0, Planting Plan (same plan as found acceptable by the ASCC on 1/11/10)

Sheet L2.0, Exterior Lighting Plan, 12/9/09

The following attached background reports and documents describe the application as revised through the ASCC actions taken on December 14, 2009 and January 11, 2010:

November 11, 2009 staff report prepared for 11/18 preliminary planning commission review

November 19, 2009 staff report prepared for the November 23rd ASCC/planning commission continued preliminary review (*Note: this report includes a summary of the discussion of issues at the November 18, 2009 planning commission meeting.*)

November 23, 2009 ASCC minutes, including minutes from the site meeting

December 10, 2009 report to the ASCC for the 12/14 meeting

December 14, 2009 ASCC minutes with architectural review approval conditions

January 8, 2010 report to the ASCC for the 1/11/10 meeting

At its January 11, 2010 meeting, the ASCC found the revised plans acceptable as presented. Members acknowledged that while this was a large grading project, they supported the efforts to "cut" the house into the site and preserve the knoll top and general character of the contours of the site as called for in the PUD provisions. In addition, members concurred that the efforts to keep more earth on site, although increasing the on-site fill volume from what was considered at the time of preliminary planning commission review, was appropriate and responsive to both planning commission and ASCC initial review comments. It was further noted that efforts to enhance the approach to site grading by the landscape architect, i.e., to ensure a more natural appearance to final contours, were consistently reflected on the revised civil engineering grading plans.

With the efforts made through the ASCC review process, the amount of off-haul of materials was significantly reduced from over 2,500 cubic yards to approximately 1,000 cubic yards. This reduction was particularly responsive to concerns of neighbors, who worried over the number of truck trips they might face with a large volume of off haul earth materials.

Site Description

1. **Area:** 4.48 acres.
2. **Present use of site:** Vacant.
3. **Topography:** For the most part gentle to moderately sloping.
4. **Ground cover:** Primarily native grasses over the rolling, hillside topography.
5. **Geology:** Most of the property is classified **Sbr** or **Sun** on the town's map of land movement potential, both considered stable slope conditions. There is a small area of **Ps** in the northerly portion of the site. This is a somewhat less stable slope category but structures are not proposed in the Ps area. For additional data on the site geology, refer to the attached November 3, 2009 report from the town geologist. In the report he noted some initial concerns relative to plans for drainage in the Ps area. By attached email dated January 12, 2010, John Wallace of the town geologist office has advised that the revised plans have resolved the drainage concerns identified in the 11/3/09 report.
6. **Relationship to earthquake faults:** The property is approximately 3,100 feet northeast of the San Andreas Fault Zone.
7. **Characteristics of site drainage:** The site drains primarily to both the north and southwest. The proposed drainage plans continue to direct the flow of run-off in these directions, but energy dissipators and retention systems are provided to ensure the flows of storm water will be properly controlled. As noted above, the revised drainage plans have been found acceptable by the town geologist.

Ordinance Requirements

Section 7303.C. of the Site Development Ordinance requires that plans for grading in excess of 1,000 cubic yards come before the planning commission for approval. Further, Section 7300.A.6) requires a site development permit when certain tree removal is proposed. The ordinance requires that the plans be reviewed by the *Site Development Committee*, consisting of the town engineer, town planner, town geologist, health officer, fire marshal, and designated members of the architectural and site control commission (ASCC), the conservation committee and trails committee. The reviews and recommendations of committee members are to be transmitted to the planning commission and applicant in a report prepared by the town planner. The specifications for grading and other aspects of site development are contained in the site development ordinance.

Review and Evaluation

Pursuant to the requirements of the site development ordinance, project plans have been circulated for staff and committee review. The following reports and comments have been received.

1. **ASCC.** The ASCC review and approval efforts are discussed above and described in the attached materials associated with the November 23 and December 14, 2009 ASCC meetings and the January 11, 2010 meeting. The ASCC concluded that the revised project plans and materials were responsive to the preliminary review comments, subject to the conditions set forth in the December 14, 2009 meeting minutes. As discussed

above and in the attached materials relative to the 1/11/10 ASCC meeting, the revised grading and landscape plans were found acceptable by the ASCC.

During the course of ASCC project review the immediate neighbors identified concerns over the construction staging operations, phasing of construction, etc. The ASCC 12/14 action included conditions 3, 4, and 6 that are to be addressed to the satisfaction of the ASCC prior to final release of any grading or building permits. The plans to satisfy these conditions would be considered by the full ASCC at a noticed public hearing to ensure the neighbors have an opportunity to provide input on the construction staging plans and schedules and, particularly, phasing of work, including early planting of screen materials as provided for on the landscape plan.

2. **Public Works Director.** By memo dated November 11, 2009 (copy attached), the Public Works Director found the project conditionally acceptable. Most of the conditions are relatively standard project requirements. By annotated memo dated 12/21/09 (copy attached), he advised that he had no additional comments relative to the revised grading plans.
3. **Town Geologist.** By memo dated November 3, 2009 (copy attached), the town geologist identified a concern with the initial drainage plans. By attached email dated 10/29/09 he has advised that the revised plans are acceptable. It is noted that while the plans are now acceptable to the town geologist, his final review memos typically call for final project compliance reports to be prepared by the project geotechnical consultant and provided to the town. Any such reporting should be provided as determined necessary by the town geologist.
4. **Fire Marshal.** The fire marshal has reviewed the proposal and by memo dated October 20, 2009 (copy attached) found the proposal conditionally acceptable.
5. **Town Planner.** As has been the case with most site development permits, our plan concerns were developed and addressed primarily through the ASCC review process. Further, the plan proposals, including floor area, impervious surface area, building setbacks and heights conform to requirements of the zoning ordinance and PUD statement as evaluated in the attached staff reports. It is noted that the one setback issue we had with the initially proposed bocce ball court was resolved with elimination of the court from the plans.
6. **Trails Committee.** There is a public trail along the southeastern boundary of the property. The trail was installed with the Priory subdivision improvements. The trail is well removed from the proposed building site. By email dated 11/12/09 (copy attached), the trails committee has asked that all construction equipment and materials be kept as far away as possible from this trail. This would be addressed with the final construction staging plan that will be developed for conformity with ASCC approval conditions.
7. **Conservation Committee.** The project was referred to the conservation committee, but no comments from the committee were provided. Typically, the committee reviews the landscape plans and also comments on exterior lighting. In this case, one of the ASCC approval conditions calls for a revised lighting plan to be provided to the satisfaction of the ASCC prior to release of a building permit. The ASCC objective for the revised plan would be the reduction of the scope of exterior lighting. As to landscaping, the ASCC did direct a number of changes be made to the landscape plan as noted in the records associated with the December 14th and January 11th meeting. If any specific review

comments are received from the Conservation Committee they will be forwarded to the applicant for consideration in developing final building permit plans.

In addition to the above reviews, it should be noted that the site is served by the sanitary sewer. Therefore, no special health department review requirements are needed.

Environmental Impact

The project is categorically exempt from filing an environmental impact report pursuant to Section 15303.(a) of the CEQA guidelines. This section exempts construction of new single-family residences when not in conjunction with the construction of two or more such units. It is further noted that in approving the Priory subdivision and PUD, an Environmental Impact Report (EIR) was prepared and certified by the town. The EIR was the basis for the final PUD, which sets the framework for site development, including the scope of building envelopes and cutting the house into the site to preserve the knoll condition. It is also noted that through the EIR and subdivision review and approval processes, the density of the subdivision was significantly reduced from over five parcels to the three existing properties. In addition, rights to any further subdivision were relinquished to the town and open space easements acquired.

Recommendations for Action

Unless information presented at the public hearing leads to other determinations, the following actions are recommended:

1. **Environmental Impact.** Move to find the site development permit project categorically exempt pursuant to Section 15303.(a) of the CEQA guidelines.
2. **Site Development Permit.** Move to approve the site development permit application as shown on the plans and materials referenced under "request" of this memo subject to the following conditions:
 - a. The conditions of the December 14, 2009 ASCC approval shall be addressed to the satisfaction of the ASCC.
 - b. The requirements of the public works director as set forth in his November 11, 2009 memorandum shall be adhered to.
 - c. Any requirements of the town geologist relative to compliance reporting and final project sign-off by the project geotechnical consultant shall be provided to the satisfaction of the town geologist.
 - d. The requirements of the Fire Marshal set forth in her October 29, 2009 memorandum shall be adhered to.
 - e. The requirements of the trails committee as set forth in the 11/12/09 email shall be addressed to the satisfaction of the public works director with the final construction staging plan.

- f. All finish contours shall be blended with the existing site contours to result in as natural appearing finish slope condition as reasonably possible to the satisfaction of the public works director and planning staff.

TCV

attachments

encl.

cc. Planning Manager
Town Attorney
Mayor
Town Council Liaison

Town Manager
ASCC
Applicant
Town Geologist

Fire Marshal
Public Works Director



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Board of Adjustment
FROM: Tom Vlastic, Deputy Town Planner
DATE: January 27, 2010
RE: Request for Front Yard Setback Exception, X7F-64 for
4115 Alpine Road, Cianfichi

Request and Background

This request is for Board of Adjustment approval of an exception, as allowed for pursuant to zoning ordinance Section 18.52.110 (copy attached), that would reduce the current required front yard setback on the subject 1.0-acre site from 50 feet to 20 feet. This reduction would allow the applicant to pursue currently desired fence and gate improvements, and also at least consider longer-term plans for site changes that are not now possible with the existing 50-foot front yard setback.

The subject parcel is shown on the attached vicinity map that also identifies the access easements that serve it, as the property does not abut a street. The zoning ordinance allows for the 50-foot front setback to be reduced to 20 feet on such parcels served by "individual access ways," if the Board of Adjustment holds a public hearing and can make the finding called for in Section 18.52.110. This is **not** a variance matter.

For the reasons set forth below, we have concluded it appears that the required finding could be made and, therefore, staff did notice the February 3 meeting as a public hearing on the exception request. This is the case because the neighbor common with the front property line is Alpine Hills Tennis & Swim Club and the matter was also considered by the ASCC at a noticed meeting on January 11, 2010. This January 11th review was necessary because the applicant needed to obtain ASCC reaction relative to possible fence exceptions, as explained in the report prepared for the ASCC meeting.

As discussed further below, the ASCC did consider the request and found the circumstances supportive of the fence and gate exceptions subject to the board of adjustment granting the front yard exception request. While the 1/11/10 ASCC meeting was a noticed review, no public input was then presented on the proposal nor did the town receive any other neighbor input associated with the 1/11 meeting.

The conditions associated with the parcel and proposals considered by the ASCC are explained in detail in the attached January 8, 2010 report prepared for the January 11, 2010 ASCC meeting. The report explains the front yard setback issue and Exhibits A & B, dated 1/27/10 and attached to this report, present conditions with the existing 50-foot front setback and changes that would occur with approval of the requested exception that would allow the required front yard to be reduced to 20 feet. (If anyone would like to review a full set of the plans considered by the ASCC at the 1/11/10 meeting, they are available for review in the planning department at town hall.)

Evaluation, Conformance with requirements for granting of front yard exception

As noted above, Section 18.52.110 of the zoning ordinance requires that the Board of Adjustment hold a hearing on the exception request and then determine if it can find that the "exception as granted will not be injurious to the neighboring parcel(s) common to the front parcel line." The February 3, 2010 meeting has been noticed as a public hearing on the request and the comments that follow address the required finding.

The "neighbor" common with the front property line is Alpine Hills Tennis & Swim Club. While this is an improved parcel, governed by conditional use permit X7D-13, it does not contain a residence. The required yard setback on the Alpine Hills side of the property line is 20-feet. Thus, the requested reduction from 50 feet to 20 feet would result in a similar setback on each side of the common boundary. Further, the Club uses are similar to, but more intense than, the uses that the applicant would like to develop on his property in the general vicinity of the current setback area, which include the sports court discussed in the ASCC report and "future" swimming pool noted on the plans, but not approved by the ASCC at this time.

While the sports court use can be pursued without setback conflict, the "future" pool location could not even be considered with the current 50-foot setback. The location of the planned accessory uses is more compatible with the adjacent Club uses than if they were to be located closer to the southeast side of the property adjacent to Los Trancos Creek and/or the rear yard area of the property immediately to the north.

In preparing this report, we were able to make contact with Pam Stroud, manager of Alpine Hills Tennis & Swim Club. She advised that the Club had received notice of the proposal and that board members were consulted. No concerns have been expressed by the Club on the requests.

Although the parcel immediately to the northeast does not have a common boundary with the subject parcel's front line, it is adjacent to the front setback area. Further, it contains residential use that could be affected by this request, as well as the matters that were considered by the ASCC. The neighbor has been given notice of the ASCC and board of adjustment meetings, but has to date provided no input to the town on the proposals. We understand that the applicant and neighbor have discussed the concepts of the proposals and apparently are in general agreement; but the specifics of the exception and hearing have not yet been discussed. The applicant will be attempting to review these with the neighbor prior to the February 3rd hearing.

At the January 11th meeting, the ASCC agreed on a 4-0 vote (Aalfs absent) to grant exceptions to the fence height and opacity restriction. This was done due to the unique conditions of existing fencing and relationships to the Club use, as well as parcel access.

ASCC members also noted that because of the unique conditions, the fencing would provide some benefit relative to separation and privacy between the yards on the subject parcel and the parcel immediately to the northeast that must be crossed for access to the Cianfichi property. In addition to these factors, it was noted that the scope of the fence ordinance exceptions would be relatively minor with approval of the requested front yard exception.

In completing action on the request, ASCC members agreed to the proposed fencing and gate designs subject to the board of adjustment granting this exception request. Members, however, required that the final design of the fence and gate system address the concerns in the staff report relative to ensuring that all improvements were confined to the site and consistent with the limits of the access easement. Further, the ASCC action required that the matter of access and fence and gate design be referred to both the fire district and waste management service to ensure the new gate system was acceptable relative to waste collection and emergency response.

Based on the ASCC action, the plans were shared with the fire district. The fire marshal has advised in her attached January 20, 2010 report that the plans are acceptable subject to conditions regarding posting of the address sign and "knox switch" gate control for emergency access. Further, Mr. Cianfichi contacted Green Waste Recovery as noted in his attached January 20, 2010 email to the town. The email explains that the waste collection company "routinely" obtains and makes use of codes for entry gates to facilitate the waste collection service. This avoids the need for the applicant's waste containers to be placed outside the gates or difficult waste collection truck maneuvering, both potentially impacting the adjacent yard area of the neighbor to the northeast. With the waste collection company having the access code its trucks can continue to the use existing paved area on the subject property for access to waste containers and necessary maneuvering for waste collection. Further, the proposed fencing and gates should be effective in screening this existing waste container storage area from views from the neighboring property.

We did call the local Green Waste customer service office and they confirmed the information provided by Mr. Cianfichi relative to routine use of gate access codes for waste collection service. *(Note: we did try the Green Waste number provided on the email, but the number was not operational.)*

Based on the foregoing and ASCC project review, we do believe the necessary finding can be made to permit the requested front yard exception.

Environmental Impact

The project is categorically exempt from filing an environmental impact report pursuant to Section 15305(a) of the Town's CEQA guidelines, which addresses minor variances and exceptions not resulting in the creation of any new parcel.

Recommendations for Action

If, based on the above information and the public hearing, the Board of Adjustment determines it can make the required exception finding, the following actions could be taken:

1. **Environmental Impact.** Move to find the project categorically exempt pursuant to Section 15305(a) of the town's CEQA guidelines.

2. **Exception Request.** Move to approve the requested exception to permit reduction of the existing front yard setback area from 50 feet to 20 feet, as shown on Exhibits A and B dated 1/27/10 and provided for in Section 18.52.110 of the zoning ordinance.

It is noted that the fencing and gates could then proceed subject to the conditions of ASCC 1/11/10 approval. The "future" pool could be considered by the applicant, but would still be subject to normal town permit review procedures. No specific plans for the pool have yet to be proposed and the ASCC was clear in its 1/11/10 action that the "future pool" was not part of the approval.

TCV

Attach.

cc. Leslie Lambert, Planning Manager
Sandy Sloan, Town Attorney
Angela Howard, Town Manager
John Richards, Town Council Liaison
Carter Warr, ASCC Chair
Applicant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Deputy Town Planner
DATE: January 27, 2010
RE: Preliminary Review of Proposed Lot Line Adjustment X6D-207,
Mabardy/Beresford & Schilling, 10 and 18 Tagus Court

Location

Address: 10 and 18 Tagus Court (see attached vicinity maps)
APNs: 079-101-140 (10 Tagus Court, Mabardy)
079-101-150 (18 Tagus Court, Beresford & Schilling)
Zoning: R-E/1A/SD-1a (Residential Estate/1 acre minimum parcel area/
slope density combining district 1a)

Background, Request and Preliminary Review Process

This is a preliminary review of this proposal for the adjustment of the property line between the two subject Alpine Hills Subdivision properties. The planning commission should consider the information in this report and any input that may be provided at the February 3, 2010 planning commission meeting and offer comments and directions as to any additional review that may be needed prior to this request being set for formal public hearing.

This application has been filed pursuant to the provisions of the subdivision ordinance and the request is described on the following enclosed or attached plans and materials prepared by Lea & Braze Engineering, Inc.:

Proposed Lot Line Adjustment (plan map with data on existing site improvements),
6/11/09 -- enclosed
Lot Line Adjustment Application received 12/2/09 -- attached
Exhibits A & B, Legal Description & Plat Map, Lands of Mabardy, June 2009 --
attached
Exhibits C & D, Legal Description & Plat Map, Lands of Beresford & Schilling, June
2009 -- attached

Provided with the legal description and plat map data is background supporting information relative to the parcels. The legal descriptions and plat maps describe the parcel boundaries with the proposed lot line adjustment. The lot line adjustment application includes

corrections relative to the legal descriptions of the parcels made to items 2 and 3 by town consulting engineer, Doug Aylsworth, PLS, Nolte Associates.

The owners of the two subject properties desire to adjust the property line between their parcels so that the swimming pool area improvements, including decking and patio, on the Beresford parcel would no longer encroach on the Mabardy parcel. The improvements are located along the northern boundary of the Beresford parcel, near the middle of the parcel line common with the Mabardy parcel, as shown on the enclosed plan map. The proposal would transfer essentially equal areas on the two parcels, and parcel areas would not change with the adjustment. The transfer areas are each approximately 405 sf; and before and after the transfer each parcel would continue to have the following acreages

Mabardy:	1.24 acres (54,099 sf)
Beresford & Schilling:	0.96 acres (41,907 sf)

After the adjustment, both parcels would continue to be in substantial compliance with the one-acre minimum parcel area for the R-E/1A zoning district they are located in. Further, the potential for parcel subdivision would not be affected by the changes, as before and after the lot line adjustment there is no potential for further subdivision. In addition, floor area and impervious surface area limits for the parcels would not be affected by the change.

Evaluation

Pursuant to Section 17.12.020 of the subdivision ordinance, 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 and building regulations, no easements or utilities are adversely impacted, and that the change would 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.

The following comments are offered to assist the planning commission complete a preliminary review of this request.

1. **ASCC review, Planning Commission public hearing.** The ASCC is scheduled to review the proposal at its February 22th meeting. Any comments from this review will be provided to the planning commission for consideration at the required public hearing, tentatively scheduled for March 3, 2010.
2. **Town Geologist review.** The town geologist has not yet completed review of the subject proposal, but it is expected that if he has any comments on it they would be available for consideration at the planning commission public hearing. It is further noted that the subject properties, including the proposed adjustment area, are designated Sbr, i.e., stable bedrock, on the town's map of land movement potential. A very small portion of the Beresford parcel, at the southwestern corner, is designated Ps, a slope category with some potential for movement, but this area is very limited and well removed (i.e., over 100 feet) from the established building sites and existing improvements.
3. **Public works director review, easements, etc.** Douglas Aylsworth, P.L.S., Nolte Associates has completed his engineering review on behalf of the public works director.

He has provided comments in a January 22, 2010 email noting that the legal descriptions and plat maps are technically correct, acceptable and ready for final submittal. It is also noted that review of the materials by Mr. Aylsworth has concluded that there are no easements or utilities in the lot line adjustment area. His review of this matter is contained in a January 26, 2010 email to the deputy town planner.

4. **Potential for subdivision and parcel areas.** As noted above, before and after the lot line adjustment neither parcel has any subdivision potential and the parcel areas would not change. It is also noted that while the Mabardy parcel is greater than the minimum one-acre requirement for the zoning district, the area of the Beresford parcel is just under one acre. When the Alpine Hills subdivision was recorded, the subdivision map identified the area for the Mabardy parcel at 1.3 acres and the area of the Beresford parcel at 1.0 acres. More accurate recent surveying has found the areas to be as noted on the enclosed plan map. The actual parcel areas have not changed since subdivision, just the accuracy of the survey work. Thus, both parcels are recognized as legal parcels today and would also be so recognized after the lot line adjustment. The key factor in any action on the subject application is that the actual area of the Beresford parcel not be decreased as a result of the adjustment. In this case, before and after the change, the parcel area would be 41,907 sf. (The area of one acre is equal to 43,560 sf.)
5. **Zoning setback provisions.** Currently, the Beresford swimming pool is within roughly three feet of the subject parcel line and the associated concrete patio and deck extend as much as two feet across the property line. With the adjustment the pool would be at least 9.9 feet from the parcel line and bring all of the existing Beresford pool area improvements within the boundary of the adjusted parcel.

Pursuant to the provisions of the zoning ordinance, a swimming pool should maintain a minimum 20-foot setback from a parcel line and, obviously, all related patio and deck areas should be within the parcel boundary they are accessory to. Thus, with the adjustment, the parcel would be closer to conforming to zoning and building requirements than is currently the case and, in particular, the adjustment would ensure that the Beresford improvements are on the correct parcel. Further, the adjustments would not create any other new building setback issues.

It is noted that there is an older, low wood retaining wall mostly on the Mabardy property located just below the Beresford deck area. The relationship of this wall to the common lot line would not change with this project. It is a relatively minor feature that is actually now mostly buried in dirt and/or supported by the trunks of the adjacent eucalyptus trees. The wall now appears to have a minimum role in supporting the dirt below the Beresford deck, but not the deck. Ms. Beresford has advised that a reduction in the size of the existing deck is planned and that in any case, the old wall is not viewed as having any significant role in supporting the slope, or use of the property. We assume that this is the case, but did want to at least highlight the matter for the neighbors to ensure they are satisfied that no additional refinement of the proposed lot line adjustment should be considered prior to planning commission hearing.

Based on the above preliminary review, it appears that the findings that need to be addressed to permit the requested lot line adjustment could be made.

Environmental Impact Review, CEQA compliance

This lot line adjustment project is categorically exempt from the California Environmental Quality Act (CEQA). Section 15305 of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new parcel.

Next Steps

On February 3rd the planning commission should conduct the preliminary review, including providing opportunities for public comment, and then offer reactions and comments that can be considered by staff and the applicant as the application is put into final form for public hearing, again tentatively scheduled for March 3, 2010. At this point, unless new information leads to other determinations, it appears that the findings needed to grant the lot line adjustment could be made.

TCV

encl./attach.

cc. Leslie Lambert, Planning Manager
Sandy Sloan, Town Attorney
Howard Young, Public Works Director
Douglas Aylsworth, PLS, Nolte Associates
Angela Howard, Town Manager
Applicants



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Deputy Town Planner
DATE: January 28, 2010
RE: Preliminary Review of Request for Approval – Expired Conditional Use Permit (CUP) X7D-152, Existing Wireless Antenna Facilities at Woodside Priory, ***Nextel Communications***

Request and Preliminary Planning Commission Review and Evaluation

This is a preliminary review of this request for the re-issuance of expired CUP X7D-152 that was authorized by the planning commission on October 4, 2000 for the installation of the existing Nextel wireless antenna facilities at the Priory. The permit expired in October 2005. The location of the facilities and general scope of improvements are shown on the attached vicinity map, site plan for the Priory “antenna” area, and elevation sheet. No changes to the scope of existing improvements are proposed at this time.

The attached December 23, 2009 memorandum to Leslie Lambert provides an overview of the status of the several wireless CUP requests now before the town and specifically explains the subject Nextel proposal. The report discusses the scope of permitted town review and includes input that has been provided by the town attorney relative to the scope of review. Since the report was prepared we have also received the attached January 21, 2010 memorandum from the town attorney relative to “time” for processing of wireless applications.

With respect to the Nextel request, the 12/23 report discusses the status of the existing improvements and comments that were developed during a November 9, 2009 ASCC and Planning Commission site meeting relative to the Verizon and Sprint applications. There are some general issues relative to noise and RF monitoring and clarification of back-up power and security conditions that apply to Nextel and the other CUP requests. Further, with respect to the existing Nextel 50-foot monopole, the ASCC has indicated that a darker color be applied to help reduce the visual impact. We understand that Nextel representative Kathleen Hill will be at the February 3rd planning commission meeting and will offer responses to the matters discussed in the 12/23 report.

It is further noted that the existing support equipment for the Nextel facility are mostly in an in-ground vault. Thus, sound and security should not be significant issues. The primary

matters, therefore have to do with color and verifying that the facility is within the FCC established and regulated RF limits. In addition, we are seeking long-term service plans from Nextel as explained in the December 23rd memorandum.

Next Steps

The planning commission should conduct the preliminary CUP review on February 3rd and provide review comments, as appropriate. These will be considered by staff and the applicant as processing and evaluation of the CUP request continues. The ASCC will formally consider the Nextel request at its February 8th meeting and determine if any additional recommendations beyond the color matter are appropriate relative to aesthetics. Eventually the application would be set for formal planning commission public hearing, however, a date for this hearing has yet to be identified.

TCV

Attach.

cc. Leslie Lambert, Planning Manager
John Richards, Town Council Liaison
Sandy Sloan, Town Attorney
Kathleen Hill, Nextel