



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, April 21, 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 McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick

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:* Request for Re-Issuance of Expired Conditional Use Permit (CUP) X7D-152 (Nextel), Existing Wireless Antenna Facilities at the Woodside Priory, 302 Portola road, TowerCo *continued to undetermined date*
2. Continued Preliminary Review of Proposed Amendment to Conditional Use Permit (CUP) X7D-87, 19501 Skyline Boulevard, Thomas Fogarty Winery
3. Continued Preliminary Review of the Town's Geologic and Ground Movement Potential Maps, Related to Zoning Provisions, Land Use Policies and Fault Setbacks.
4. Draft Planning Program and Budget for FY 10/11

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: March 22, 2010 and April 7, 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: April 16, 2010

Carol Borck
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Deputy Town Planner
DATE: April 15, 2010
RE: Continued Preliminary Review, Proposed Amendment to Conditional Use Permit (CUP) X7D-87, Thomas Fogarty Winery, 19501 Skyline Boulevard

Background, and Continued Preliminary Review of CUP Amendment Request

In August 2009, the applicant initiated a CUP amendment process largely aimed at extending the hours of the permitted wedding events at the Thomas Fogarty Winery. Last Fall, when the planning commission discussed the matter under preliminary review, it was recognized that several of the existing use permit conditions should be updated and/or clarified. Further, the applicant advised that the Winery was continuing to work with the most concerned neighbors, i.e., Hildegard and Bruce Jackson, 19765 Skyline Boulevard, to address issues they had shared with the Winery team and the town. Since the Fall, the Winery has continued to work with staff to clarify the specifics of the amendment proposal and to also address the neighbor concerns.

On March 27, 2010, at the request of the applicant, a special joint ASCC and planning commission site meeting was scheduled. The purpose of this meeting was to gain an appreciation of how the Winery facilities were used during a large wedding event and specifically to visit the Jackson property with the neighbors present to better understand the specifics of their concerns. Unfortunately, neither the ASCC nor planning commission could convene a quorum for the March 27th meeting.

Although the March 27th evening site visit was not a formally convened ASCC or planning commission session, it was agreed that if at least two members from each body could attend the visit would proceed and those present could report their findings back to the full committees at a future meeting. Thus, the use permit matter has been placed on the April 21st planning commission agenda for continued preliminary review and specifically to discuss the findings from the March 27th site visit. In addition, the 4/21 meeting will provide the opportunity to clarify the CUP amendment as currently proposed.

In addition to the April 21, 2010 planning commission continued discussion, the ASCC will consider the current proposal on April 26, 2010. The ASCC review is also to react to the findings from the March 27th site visit.

To facilitate the continued planning commission and ASCC reviews, comments are offered below relative to the status of the subject request, follow-up to the March 27th site visit, and next steps that would lead to the eventual planning commission public hearing on the proposed CUP amendment. Some perspectives are also offered on the amendment proposals to facilitate discussion at the April 21st meeting.

Status of CUP Amendment Application

The attached March 25, 2010 staff report prepared for the March 27 site meeting sets forth the specific amendment requests relative to the key changes to the Winery event activity. It specifically includes the relevant existing use permit conditions and how they would be modified as currently proposed by the applicant. The report includes a breakdown of special event activity for the past five years, with distribution of events during the low and high seasons. It is noted that no change is proposed in the number of CUP allowed events, which include an annual limit of 90 weddings, but that the number of later events, extending to 11:00 p.m., with caterers off-premises by 11:30 p.m., would increase from 75 to 112. Further, all weddings would have the possibility of extending to at least 9:00 p.m., with the majority, i.e., 54, extending to 10:00 p.m. or 11:00 p.m.

Some modifications are also proposed relative to outdoor music in the lawn area, and the days and hours for the drop-in, wine tasting activities. The other more significant "event" related change would increase the total allowed annual event population from 20,000 to 25,000. As noted in the 3/25 report, over the past five years annual event population has ranged from a low of 10,967 to a high of 19,066.

According to the applicant the request to increase the number to 25,000 is in anticipation of some increased demand that is expected over the next decade. The numbers would, however, be limited by the allowed number of events and event size.

In recent communications from the neighbors (refer to attached letters dated 4/3/10), they have worried that the changes would impact compliance with the existing CUP condition that states "Accessory uses shall never become so dominant as to constitute a principal use as defined in the zoning ordinance." The applicant has provided data in the attached August 27, 2009 letter advising that the event revenues and expenses during 2008 represented roughly 30% of the facilities operation. It is noted that in 2008, the total event attendance was 16,277 and the number of events was 230. These are not the high numbers for the past five-year period, but are closer to the five-year average.

In the August 27, 2009 letter provided by the applicant, it is noted that the on-site wine production has slightly exceeded the 35,000 gallon CUP limit due to the fact that crop yields were somewhat larger than expected for the 2002 to 2008 time period. At the same time, the applicant advised that the 2009 yield would likely be less, and the yield was 27,756 gallons.

In addition to the above CUP proposals relative to the events and drop-in wine tasting, the Winery wine maker, Michael Martella, by attached letter dated January 26, 2010, has advised the town of his desire to have the facility licensed to allow two persons to produce

wine in an existing premise. For practical purposes, the license change would permit Mr. Martella to label and distribute the wine bottles he currently buys from Fogarty Winery at the site. Currently, Mr. Martella purchases the wines and then ships the bottles to his facility in San Jose where they are labeled and distributed. Martella Wines would not be sold to the public at the Fogarty Winery or be available at the Winery tasting room. Further, the actual production of wine would be no different than currently takes place, and there would be no changes in the number of employees or general nature of on-site winery activities.

The town attorney reviewed the Martella letter and concluded that the changes could be found acceptable without the need for CUP amendment. At the same time, she suggested that since a CUP amendment was now proposed, the commission might consider amending condition a.1, to state that although the permit is issued to the property owner, one other person or entity may also label and distribute wine provided that the use permit wine production limits are not exceeded.

March 27, 2010 Site Visit and follow-up to it

Prior to the March 27th site meeting, the ASCC and planning commission received the attached March 25, 2010 staff report, and Mr. and Mrs. Jackson provided the attached March 26, 2010 letter highlighting items for specific consideration. As noted above, only two members each from the planning commission and ASCC were in attendance on March 27th, so there was not a quorum for either body. Breen and Hughes were present from the ASCC and McKitterick and Von Feldt from the planning commission. They traveled to the Winery with Deputy Town Planner Vlasic leaving the town center at approximately 5:40 p.m. and arriving at the Winery just before 6:00 p.m. At the winery, the town representatives were joined by the following individuals:

Dr. Fogarty and Mrs. Rosalie Fogarty
Tommy Fogarty
Larry van Hoorne, site foreman
Ellie Platis, Winery events manager
Mr. and Mrs. Jackson

There were one or two other winery representatives present during the on-site visit, but their names were not recorded. The winery event areas were inspected including the driveways, and view lines were considered to the Jackson property from the drive areas, the main winery building and tasting room, the lawn ceremony area, and from areas on the southeast side of the Hill House. Ellie Platis took Von Feldt and Breen through the ongoing reception in the Hill House to view event conditions. Ellie advised that at the start of the reception event, the northeast facing windows were open, but that the bride had them closed due to the coolness of the evening. It was noted that the Jacksons had expressed concern with noise when the windows are open, but it was also noted that for the cooler months of the year the windows are closed due to weather conditions. From the Hill House, those at the site visit continued along the drive serving the north side parking area. The wedding made use of a shuttle bus system and even though there were 130 guests, plus the wedding party and caterers, there were a number of vacant parking spaces. It was understood that the shuttle buses would return at the end of the event to collect the wedding guests.

After receiving orientation to the site event use, town representatives carpooled to the Jackson property. The only winery representative at the Jackson property was Tommy Fogarty. From the Jackson property, wedding event activities were viewed from several

locations including the entry drive, house area (but not inside the house) and outside use areas. Consideration was given to the existing vegetation screening, location of out buildings between the Jackson residence and Winery property, and views to the Winery from the residence. The evening noise environment was also considered including sound from vehicle traffic along Skyline Boulevard, from equipment use at the nearby quarry, and from the winery. The visit at the Jackson property was roughly from 7:00 p.m. to 7:40 p.m. During the course of the Jackson site visit it was noted that "shutters" had been installed in a portion of the southeast facing Hill House windows to control light spill. It was clarified that this had taken place in February. It was also noted that the remainder of southeast facing Hill House windows would likely receive a mural to complete the window screening. (For reference, the distance from the Jackson residence to the Hill House is approximately 1,100 feet.)

Also while at the Jackson residence, Larry van Hoorne, the winery foreman, drove his pick-up truck with lights on around the winery loop drive to provide some insight to light spill and vehicle noise. During the visits to the Winery and Jackson property, Vlasic took several photo images of the view relationships using a 50 mm (normal) lens. (Some of these will be available for reference at the April 21st commission and April 26th ASCC meetings.)

At approximately 7:40 p.m. town representatives thanked the winery representatives and Mr. and Mrs. Jackson for their participation in the site meeting and then returned to the town center.

In follow-up to the meeting, the Jacksons provided two communications dated April 3, 2010, both attached. One was sent to the town and the other to Dr. Fogarty, with copies to the town. In response to the "shutter" question discussed in the April 3, 2010 letter, the applicant has advised that it has been decided not to pursue the suggested "mural," that bids are being received for added shutters to the remaining open window areas and that the shutters should shortly be in place.

On April 21st, McKitterick and Von Feldt should share their impressions from the site visit, particularly as they relate to the proposed CUP amendments and neighbor concerns. With this information, the commission should offer reactions to the current scope of proposed use permit amendments that would assist the applicant and staff complete review and put the request in form for public hearing.

Some Preliminary Reactions and Perspectives

The following comments are offered for some perspective to the current amendment requests and also to provided a basis for discussion and reaction to the proposals and the information gathered during the March 27th site visit:

- **License for two entities.** This is a minor change and, as proposed, should have no potential for any significant change to winery operations.
- **Accessory use.** The approved conditional winery use permit allows for the Winery operation and accessory event activities. In authorizing the permit, the commission found, as required by the zoning ordinance, that the permitted scope of accessory uses were "necessary or incidental, appropriate and subordinate to the operation and enjoyment of the principal (CUP authorized winery) use of the parcel." Data provided by the applicant indicates that the revenues and expenditures associated with the

accessory uses are roughly 30% of the total operation with the principal wine making use being approximately 70%.

- **Noise/sound monitoring.** During the March 27th site visit, commission and ASCC representatives had the opportunity to experience some aspects of the sound environment during an evening wedding. This included conditions on the Jackson property. The noise generated from the wedding event that evening would likely not be characterized as significant and, for example, vehicle noise from Skyline Boulevard traffic was far more noticeable. It is, however, acknowledged that due to the conditions, a shout or other expression of celebration at the event may be more noticeable when there is no vehicle traffic on Skyline. The Jacksons' have expressed their concern to staff that while on-site sound monitoring during a random period might not identify any significant noise sources, their concern is the more cumulative impacts of events taking place essentially every weekend.

The Winery representatives have expressed concern over being responsible for the expense of a sound monitoring effort if the issue is not necessarily the noise level but the neighbor's perspective over the cumulative sound conditions associated with the frequent event uses.

The one evening site visit does not ensure that all aspects of the events have been fully appreciated. It is, however, noted that the March 27th experiences were much the same as similar visits conducted at the site during the last major use permit amendment review.

- **Light spill.** As noted above, a number of measures have been implemented to address neighbor concerns over light spill and more are to be completed shortly. Commissioners and ASCC members present at the 3/27 meeting should review their experiences and provide reactions as to the possible need for additional measures to be taken to control light spill. This would include any measures needed associated nighttime vehicle circulation. Consideration needs to be given to where the vehicle lights are actually viewed from the Jackson property and commissioners present at the 3/27 meeting should provide input on this during the April 21st discussion.
- **Hours of operation and annual event population.** Currently, 90 weddings are permitted annually and, again, no change to the number of allowed weddings is proposed. Weddings typically start in the afternoon at approximately 3:00 or 4:00 p.m. and extend to the CUP allowed 8:00 p.m., with caterers off premises by 9:00 p.m. Pursuant to existing CUP provisions, there are 75 other non-wedding events, including birthday parties, etc. that can last until 11:00 p.m. with caterers off premises by 11:30 p.m. Of these, 15 can have 216 persons and the remaining 60 can have 50 guests.

The proposal is to allow 27 weddings to extend to 11:00 p.m., 27 to 10:00 p.m. and the remaining 36 to 9:00 p.m. In each case an additional half hour would be available for caterer clean-up. Also, with the current proposal, the number of 11:00 p.m. non-wedding events would be increased from 15 to 25. Thus, there would be some additional potential for later evening activities over the year, adding to the neighbor's "cumulative" impacts worries.

Based on the site visit findings and other considerations, the planning commission would need to determine if the proposed increase in number of later events appears

acceptable, if some adjustments to the proposal are needed, or if additional data should be provided to support the request. Based on the needs of the applicant and at least some of the site visit findings, it appears that some allowance for later weddings may be appropriate, but consideration might also be given to, for example, adjusting the request to eliminate 11:00 p.m. weddings and/or providing that at least one weekend evening (i.e., a Friday, Saturday or Sunday evening) is free of a large event. These are only suggestions for discussion.

As to the request to increase the annual event population from 20,000 to 25,000, the figures for the past five years show that the actual attendance has been under the 20,000 cap and in some years well below the cap. If the wedding hours are extended, it is likely that the number of larger weddings could increase. Thus, at this point, it might be more appropriate to take a wait and see position as to the added population, with further review after there has been some experience with the later wedding hours.

While, in general the requests may not result in significant changes overall, it is difficult to frame the perspective, as any potential impacts are largely associated with only one neighbor. Further, the more "open" environment that creates the condition the neighbors wish to protect is at least in part a result of the open spaces associated with the Winery lands and use.

Next Steps

Planning commissioners should discuss the above matters and any others that come up at the meeting and provide reactions that would assist the applicant and staff as we proceed to work on getting the CUP amendment request in form for public hearing. In addition, the ASCC will, as noted above, discuss the matter and offer input for staff and planning commission consideration during the public hearing process.

TCV

cc. Leslie Lambert, Planning Manager
Sandy Sloan, Town Attorney
John Richards, Town Council Planning Commission Liaison
Maryanne Derwin, Town Council ASCC Liaison
Angela Howard, Town Manager
Steve Toben, Mayor



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO : Planning Commission

FROM : George Mader, Town Planner

DATE : 3/31/10

RE : Continued Preliminary Review of Revised Geologic and Ground Movement Potential Maps, Related Zoning Provisions and Land Use Policies

Recommendation

It is recommended that the planning commission consider the responses in this memo to issues raised at the 3/3/10 and 3/17/10 planning commission meetings and provide direction.

Background

At the 3/3/10 meeting, the commission discussed three topics, as follows:

1. Should any buildings be permitted within fault setbacks?
2. What constraints should be placed on remodels and additions to buildings within fault setbacks?
3. Can the confusion caused by providing for fault setbacks on both sides of a fault on one hand, and providing for fault setbacks from the centerline of a fault trace on the other hand be solved?

Each of the items was then addressed in a 3/11/10 memo from our office that was previously distributed.

The planning commission discussion at the 3/17/10 meeting covered a number of topics, and there was not agreement on all matters nor were conclusions reached. In preparing this memo, we tried to be responsive to the comments of commissioners but it is likely that all concerns may not have received responses. We look forward to the commission's discussion.

Discussion

1. Should any buildings be permitted within fault setbacks?

The commission decided: Buildings, as defined in Section 18.040.070 will not be allowed within fault setbacks.

The commission decided: Exceptions to the above provision may be permitted for the following non-habitable buildings that do not exceed 120 square feet and are used as: a tool shed, an ornamental garden structure, an animal shade structure, an agricultural building or for a similar use, provided locations outside of the required fault setback do not provide a significantly greater amount of safety from fault offset or other geologic hazards than a location within the fault setback. Exceptions may be granted by staff or upon referral by staff to the planning commission.

2. Seismic upgrades and the 50% rule

The commission decided: The cost of seismic upgrades should not be included when limiting the costs of changes to a building.

The commission decided: Limitations on the cost of changes to buildings should be based on the 50% of a building's value rule found in the zoning ordinance.

3. What constraints should be placed on remodels and additions to buildings within fault setbacks? As discussion progressed at the last meeting, it became clear that there were three topics to be considered: **repairs, remodels and additions**. Each of these is addressed below.

Repairs and remodels

Repairs and remodels where a building is not enlarged are significantly different than additions since repairs and remodels do not increase the potential occupancy and related risk, while with additions there is a greater potential for an increase in occupancy.

Extensive **remodeling** of the interior of a building, **repairing** of damaged or broken building components or replacement of building components would not normally increase the potential occupancy. These actions, however, increase the likelihood that a building will remain within a fault setback because its value will have been increased.

If the objective of the town were to gradually see that these buildings are replaced with buildings outside of the fault setback, then one would impose a limitation on the extent (cost) of the changes. If, on the other hand, the objective is to allow owners of buildings within a setback to improve but not enlarge such a building, then there should be no limit on the cost of the work. This is a policy decision the planning commission should consider.

Some additional thoughts:

It would appear that the cost of **repairs** of damaged or broken building components intended to keep a building in a livable and safe condition would likely not exceed the 50% limit. If so, a 50% limit would appear reasonable.

Remodeling, however, can lead to significant costs, but if the 50% rule were applied, it would still allow significant remodeling.

While the commission has decided that **seismic upgrades** should not be limited by any cost restriction, seismic upgrades to a building within a fault setback would increase the likelihood of the building remaining for a longer period of time.

Repairs, remodeling and seismic upgrades will all lead to increased pressure for buildings within a fault setback to remain. If this is a reasonable conclusion, and given the fact that seismic upgrades are not limited as to cost, is there a good argument for limiting the cost of repairs and remodels? Perhaps the town might allow **repairs, remodeling** and **seismic upgrades** to buildings within a fault setback without a limit on the cost of the work. Were this to be allowed, a definition of remodeling would be needed to prevent construction of what might be essentially a new house.

It is likely that there will always be a problem in separating costs related to repairs and remodels on one hand and seismic upgrades on the other hand. This can put a burden on staff to administer.

If one takes the position that people whose homes are within a fault setback should have the ability to improve their homes for safety and convenience, and given the burden on staff of separating costs, then it might be reasonable to allow repairs, remodels and seismic upgrades without limitation on the cost of the work. This is not an aggressive way to achieve conformance with setbacks, but may be seen by residents as reasonable. These changes would not result in increased floor area and potential occupancy. Alternatively, of course, the 50% limit could be specified.

While not discussed above, with any changes to buildings within a fault setback, seismic upgrades commensurate with the work being done should be required.

4. Additions to buildings within a fault setback

There are perhaps three possible situations: 1) the addition is outside of the fault setback but attached to a building within the fault setback, 2) the addition is partially within the fault setback, and 3) the addition is entirely within the fault setback. Here the objective would be to reduce risk while allowing for some expansion of a building. Following are possible policies with respect to these situations. In all cases, staff may refer such an application to the planning commission for action.

a. The addition is outside of the fault setback but attached to a building within the fault setback

The two buildings should be structurally independent so that fault movement under the building within the setback will likely not result in fault caused damage to the addition. The addition should conform to building code standards in effect at the time of permit approval.

(no limit on cost of addition)

b. The addition is partially within the fault setback

The planning commission may allow additions within a fault setback under the following circumstances:

- 1) Locations conforming with required fault setbacks do not provide a significantly greater amount of safety from fault offset than a location within the fault setback;
or
- 2) There is no location for an addition that conforms to the fault setback, required side or rear yards.

(no limit on cost of addition)

c. The addition is entirely within the fault setback

It may be that putting a limit on the amount of floor area that can be added would more be directly related to the concerns of the town than the cost criterion. Were this to be done, a relatively small addition of floor area (10%?) might be appropriate in order to slightly increase livability but not significantly increase risk.

In the event an encroachment is authorized by 1), 2) or 3) above, the amount of encroachment should be determined by the planning commission upon submission of such geologic information as the town may require and as advised by the town geologist. The reduction should be the minimum necessary to allow the addition. A geologic and engineering study should be submitted by the applicant that demonstrates the addition will not be over a fault trace and that measures are specified to minimize the risk from secondary ground deformation. The addition should conform to the building code and site development codes in effect at the time of permit approval.

Particular attention should be given the method of attachment of the addition to the existing building. Improvements to the existing building's structural stability and foundation should be required in order to help minimize the potential for structural failure.

5. Measurement of fault setbacks.

It was agreed that fault setbacks would be measured from the centerline of the earthquake fault.

6. Number of houses in fault setbacks

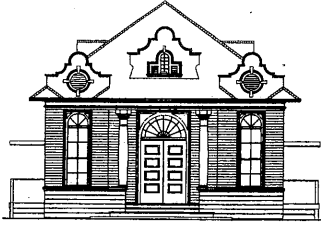
When considering the impact of the fault setback requirements, it is helpful to know how many houses are potentially affected by proposed requirements. Along the San Andreas Fault, fourteen houses are within the fault setback and of these six appear to have the fault pass under some portion of the house.

Recommendations

It is recommended that the commission consider the three questions addressed in this memo and provide direction. When concurrence is reached, we will combine the results

along with prior comments on the revised geologic and ground movement potential maps, related zoning provisions and land use policies into complete documents and set the items for public hearing before the planning commission. We will also complete CEQA documentation for the several items.

Cc. Leslie Lambert
Sandy Sloan
Steve Toben
John Richards
Angela Howard



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO : Planning Commission

FROM : George Mader, Town Planner

DATE : 4/7/10

RE : Fault Setbacks

Enclosed is a matrix that I had planned to hand out at the 4/7/10 meeting, but since discussion of fault setbacks had to be continued to the 4/21/10 meeting, I am now sending the matrix out in advance of the 4/21 meeting. I hope the matrix will be of assistance in dealing with the ways to treat houses in fault setbacks that were discussed in my 3/31/10 memo. Please refer to that memo when filling in the matrix. The purpose of the matrix is to allow easy comparisons of policies for alternate house locations with respect to the fault trace and fault setbacks.

As discussed in the 3/31/10 memo, provisions for adherence to setbacks for houses involve several possible alterations to houses: repairs, remodels, additions and seismic strengthening. I hope the matrix will assist in deciding on what to permit and what not to permit. The answers are largely policy matters. When the matrix in Resolution 500-1974 was established, the town geologist chaired a group, including a civil engineer, attorney and town planner, that filled in a similar matrix and then reached consensus. We will follow a similar approach. I have discussed the material with Ted Sayre and the material before you has benefited from his review.

The following comments are based on discussions Ted Sayre and I have had. First, I will relate comments with respect to the three examples that are in the San Andreas Fault setback.

The most difficult evaluation is with respect to the first example on the diagram accompanying the matrix where the house is astride the fault. Ted would discourage long-term continued use of the house since there is no practical way for a house on the fault to survive fault movement of several feet. As we have discussed at prior meetings, a massive continuous solid foundation under the entire house might allow the house to survive essentially intact, but the cost of such a foundation would likely be so expensive that it would be financially advantageous to build a new house removed from the fault trace. If this is an accepted point of view, what about repairs and remodels? Perhaps some minor repairs and remodels could be allowed to give the owner time to lay plans for a future relocation. With respect to strengthening, some very minor work might be allowed. Certainly no addition should be allowed. We hope that owners of houses in this situation would be educated to the point where they would realize that it would be in

their best interest to plan to relocate the house or build a new house removed from the fault trace. If this would be the intent of the planning commission, then a total limit on repairs, remodels and strengthening should be set at a low figure, perhaps no more than 10% of the value of the house. As a part of this, the town should make certain the owner is fully aware of the fault movement hazard.

In the second example, the house is entirely within the fault setback but not astride the fault or the setback line. Since the house is not on the primary fault trace, there may be no need to limit the repairs, remodeling or strengthening of the house. Again, however, the owner should be fully aware of the hazard of fault movement. As long as the house is not astride the fault trace and is set back several feet from the trace, the hazard of fault rupture under the house is largely avoided. No additions should be allowed to this house.

In the third example, the house is astride the fault setback line. Here, because the house is not astride the fault, there may be no need to limit strengthening, repairs, or remodeling of the house. The commission has discussed the option of an addition to such a house and it was decided that an addition should be structurally independent from the house so that possible movement under the house would likely not affect the addition. Ted has added that the wording might include "or other appropriate design" since we may not now know of other options that would be feasible.

The next two examples are of houses astride and removed from faults labeled as "Other than the San Andreas." Ted points out that movement on these traces would most likely be sympathetic movements when movement on the San Andreas trace might occur. Here, the fault offset would likely be in the order of inches rather than feet. Ted believes that most well designed and constructed houses could withstand such movement generally without collapse. Necessary repairs could range from relatively modest to extensive.

The first house is astride the fault and there may be no need to limit repairs, remodeling or strengthening since a house meeting modern code requirements would likely not collapse. Additions should be structurally independent from the house or of another appropriate design.

The second house, since it is not on the fault, should not have any limits on repairs, remodels, strengthening or additions (provided the additions are not across the trace).

Enc.

cc. Leslie Lambert
Ted Sayre
Sandy Sloan
Steve Toben
John Richards
Angela Howard

Permitted House Modifications Y = Yes N = No

Fault Setback

San Andres Fault Trace

Fault Trace (not SAF)

Repair	Remodel	Strengthen	Addition



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO : Planning Commission

FROM : George Mader, Town Planner
Tom Vlastic, Deputy Town Planner

DATE : 4/8/10

RE : Draft Planning Program and Budget for FY 10/11

Preamble

The budget committee met on 4/8/10 to discuss the proposed planning program and budget for FY 10/11. The committee comprised Steve Toben, John Richards, Denise Gilbert, Carter Warr, Angela Howard, Leslie Lambert, Tom Vlastic and George Mader. The committee reviewed this memo and recommended several changes that have been made to this version of the program and budget.

Planning Program and Budget

Each year a planning budget committee reviews the proposed work program and budget for the planning commission for the next fiscal year. The recommendations of the committee are forwarded to the planning commission and the planning commission in turn makes its recommendation to Angela Howard, Town Manager, for consideration as a part of the budget. Angie has asked to receive the commission's recommendations by April 19.

In this memo, we first review expenditures and progress under the planning program and budget for FY 09/10. Next, we suggest a planning program and budget for FY 10/11. The committee should review the program and budget and make its recommendations. The budget includes work intended to support the work of the planning commission as well as the ASCC.

The planning budget is carried as a single line item in the town's budget. Rough cost estimates are assigned to each work item within the planning budget. Once the budget is approved, the town planner proceeds with work on specific items in concert with the planning commission, ASCC, planning manager and town manager. The planner invoices the town on a monthly basis for work completed. It is usual that costs for individual work items will vary from the rough cost estimates. In these instances, the planner requests budget reallocations in which funds are transferred between work items.

Estimates for each work item in the budget are rough because it is not possible to develop exact estimates until the work has come into better focus and affected parties have had an opportunity to discuss the work item to make certain the scope is appropriate. Also, for projects that involve committees, public meetings and public hearings, it is difficult to estimate the amount of time that will be needed to accomplish a task. Not only does the process take time, but, it can lead to changes in direction.

If during the year entirely new planning matters arise that were not included in the original budget, then the town council can authorize budget augmentations that are implemented by purchase orders.

STATUS REPORT: FY 09/10 PLANNING PROGRAM AND BUDGET

The table "Status of Planning Program and Budget, FY 09/10" is provided at the end of this memorandum.

1. Safety Element – The safety element has been drafted and is now being reviewed by committees and staff. The town is now waiting for direction from ABAG on adoption of the federally required Local Hazard Mitigation Plan. The federal government requires that the LHMP be adopted as a part of the safety element in order to receive disaster related funds. Also, under this budget item, we have worked with the town geologist and Geologic Safety Committee in preparing for the adoption of the new geologic and ground movement potential maps and related changes to the zoning ordinance and resolution pertaining to the geologic maps.
2. Housing Element Implementation – The extended review process with the state Department of Housing and Community Development resulted in extensive communications and revisions. The element was finally adopted on 12/9/09 and certified by the state on 2/10/10. We have started drafting the zoning ordinance amendments called for in the housing element. In FY 10/11, we will implement the housing element programs as set forth in the element's Action Plan.
3. Integration of Sustainability, Green Building, Fire – Project experiences in use of green building elements and components have been monitored and proposed revisions to the town's green building program identified. The rapidly changing "green building" environment has been monitored, including changes to the rating programs, water requirements and state building code. All of these elements along with the local efforts relative to "green ups" are being considered as the town finalizes its green building system. Now that the town council has provided direction relative to the green building system, the ordinances for that system will be finalized and in light of the ordinances, work will continue on modifications of other ordinances and guidelines relative to green building.
4. Implementation of Biological Study – Time on this item has consisted of working with TRA Environmental in making final changes to the report. A start has been made on implementation but will need to be continued in FY 10/11.
5. Sustainability Building Rating Program Implementation – The program components were modified based on monitoring of projects in town and changing conditions associated with BIG, the state building code, LEED, etc. On March 10 the town council received the recommendations of the Planning Commission and ASCC

Subgroup and concurred with the recommendations. Now, work will proceed to put the program into ordinance form and this should be completed by the end of the 2009-2010 fiscal year.

6. ABAG Population Studies – We have not yet received new ABAG projections but will review them when they are available.
7. Referrals from other Jurisdictions – The major referral has been with respect to the Conroe residence on Los Trancos Road and across from Valley Oak in PVR.
8. Coordination with HOA's – Several referrals have been processed.
9. Routine Transfer of Important Information to the Town – We have started this process which should continue.
10. Expenses – This budget is still available for use as needed.
11. Special Requests – Major work items have included: completion of GIS work with Freyer and Laureta, development of memoranda on definition of open space, preparation for and community meeting re geologic maps, additional review of TRA report re biological resources, meetings and memos re Achermann/Friedmann access issue on Alpine Rd., review and response to next stages of C – 1 agreement approval, draft procedures report and discussion with Leslie Lambert, preparation of resolutions for adoption of revised GIS versions of general plan diagrams, start of work on FY 10/11 planning program and budget.

PLANNING PROGRAM AND BUDGET FOR FY 10/11

Angie has usually requested that two or three major projects be properly funded each year so they can be completed during the fiscal year. She stressed that budgets should be realistic and high enough to cover the work. Major items that have or should be completed prior to the end of the 09/10 fiscal year include: state approval of the housing element, the safety element including the revised geologic maps, and substantial work on the green building program.

In the following planning program, major items are listed first. It is anticipated that these can be completed in the fiscal year. As previously noted, the budget amounts are rough estimates. As work is undertaken, the scope of each item will be further defined. Also, experience has shown that what might appear to be a relatively minor item can become complex as it undergoes review by town officials and the public.

The items are grouped under several headings.

Major Items

1. Conservation Element	\$36,000
2. Open Space Element	\$36,000
3. Implementation of Sustainability & Green Building Regs and Guidelines	\$36,000
4. Implementation of Housing Element	\$31,000

Other Items

5. Recordation of Historic Houses	\$7,000
6. Implementation of Biological/Fire Study	\$4,000
7. Coordination with ABAG re housing numbers	\$5,000

Annual Tasks

8. Referrals from other jurisdictions	\$2,000
9. Coordination with Homeowners' Associations	\$2,000
10. Expenses	\$1,000
11. Special Requests	\$20,000
Total	\$180,000

Descriptions of Work Items

Preface to items 1. and 2. below: As has been discussed in the past, the Governor's Office of Planning and Research is mandated by state law to annually notify jurisdictions whether they are in compliance with the state requirement that at least five of the seven required general plan elements have been revised within the last eight years. If compliance with respect to the five elements has not been achieved within the last 10 years, OPR must notify the attorney general. Following is a list of the seven mandatory elements along with the town's most recent or anticipated dates of adoption.

Land use element, revised in 1998
Circulation element, revised in 1998
Housing element, revised in 2009

Conservation element, revised in 1998
Open space element, revised in 1998
Safety element, anticipated revision in 2009
Noise element, revised in 2008

Three of the elements have or will be revised within the last eight years: housing, safety and noise. We do not see a need to revise the land use and circulation elements at this time as they still appear to represent the desires of the town. Both the conservation and open space elements, however, should be revised to reflect new information and meet the state requirement.

1. Conservation Element of the General Plan

Major changes to the conservation element would be in response to the recently completed biological/fire study. One of the most significant aspects of these studies is the interrelatedness between protecting native vegetation while at the same time reducing fire hazard from native vegetation. Policies should be established in the element to provide guidance with respect to these conflicting objectives. Also, the GIS system on which these studies are recorded will need to be compared with the land use element to determine if any changes in land use may be needed at a later date. In addition, this would be the time for the conservation committee to review the entire element and recommend any needed changes.

2. Open Space Element of the General Plan

New open spaces including those within the Blue Oaks subdivision and probably the Woods property should be recognized in the element. Also, consideration should be given to establishing a residential open space preserve on the steep parts of the Stanford Wedge. In addition, the system of open spaces should be compared with the most recent geologic maps as well as the new biologic and fire hazard maps. If modifications to open space proposals are needed, they should be recommended. Of major concern is the desire to maintain the open feeling along the valley floor and this should also be addressed in the element.

3. Implementation of Sustainability and Green Building in Regulations and Guidelines

The green point building system should have been adopted in ordinance form by June 30, 2010. During the next fiscal year, the town will administer the program and be working out any issues with it. Further, adjustments will be needed as both BIG and LEED entities work out details to address changes to the state building code. Further, we will need to take a comprehensive look at the town's planning ordinances and guidelines documents to ensure they are in sync with the green building provisions of the new green building system, sustainability element of the general plan, new water conservation ordinance, state emission standards, etc. In particular, we need to evaluate the carbon gas emissions associated with projects relative to such items as site grading and off-haul, construction staging, fuel efficiency in construction equipment used, etc. The planning commission has requested that we look in particular at the matter of grading and determine the carbon footprint trade-offs associated with grading operations. This could lead to further limits on grading, off-haul, or other trade-offs to minimize the carbon footprint of construction.

4. Housing Element Implementation

The newly adopted housing element describes several programs that will need to be implemented. One of these is developing a second unit assistance manual for homeowners considering building a second unit, discussing issues such as designing a second unit and obtaining town permits, choosing tenants, non-discrimination laws, leases and insurance. A study should be made of the possibility of a housing impact fee, including researching examples and issues and working with staff and public bodies to determine whether a fee would be appropriate in Portola Valley. Another task is the annual monitoring of several programs: second units, inclusionary housing, and multifamily housing. Finally, some time is included for dealing with the BMR lots in the Blue Oaks subdivision as needs may arise, although substantial work on this project would require additional funds. It will be important for the town to take implementation programs included in the element seriously so that when the next revision of the element is due, the town can point to a good track record.

5. Recordation of Historic Houses

The town learned, when considering the EIR for the new town center, that buildings 50 years or older need to be evaluated as to their potential historical significance prior to approving changes to such buildings. The 50-year criterion is listed in the Public Resources Code and is the generally accepted cutoff date for buildings that need to be considered as potentially historic. In addition, CEQA lists the criteria for determining if a building should be considered historic. The planning commission reviewed a preliminary report on this subject dated 10/12/06. Subsequently, the town council considered the matter at its 2/14/07 meeting and provided direction. Since that time, no further progress has been made. In order to comply with CEQA requirements, this project should be completed. Much of the needed work has already been accomplished.

6. Implementation of Biological/Fire Study

Now that the reports by TRA Environmental Sciences and Moritz Arboricultural Consulting have been completed, it will be in order to develop the procedures and documents to implement the provisions of the reports. Time will be needed to coordinate with the consultants, as necessary, and town staff and to develop needed guidelines for application. These guidelines will also need to address protocols for updating the maps as new information becomes available, including when information is generated relative to new developments.

8. Coordination with ABAG

During 2010/11, ABAG will be working to develop the Sustainable Communities Strategy (SCS) required by SB 375. The SCS will set forth a plan for future development for the Bay Area, and both transportation improvements and future housing element numbers will be based on the SCS. Some time is budgeted to review drafts, provide comments and attend meetings as necessary to ensure that the town is portrayed appropriately in the SCS.

8. Referrals from Other Jurisdictions

As development proposals are referred to the town from mainly Stanford University, Palo Alto, Santa Clara County, Menlo Park and San Mateo County, some budget is needed to provide for reviews and responses. In some instances, responses will be recommended to the town council for consideration prior to being sent.

9. Coordination with HOA's

This continues to be an annual work area as new homeowners are involved in the HOA process that includes administration of HOA requirements and communications with the town relative to areas where town and HOA authority overlap. This is particularly true for HOA's under a PUD, including the Portola Valley Ranch, Portola Glen Estates and Blue Oaks subdivisions and PUDs.

For the next fiscal year we anticipate continuing interactions with the PV Ranch HOA on general PUD issues and proposals for possible for PUD refinement and clarification. Also, there are some PUD issues associated with Blue Oaks that need attention, and there will likely be the need for continuing efforts associated with Portola Glen Estates relative to the PUD-required HOA. In addition, the Westridge Homeowners Association periodically seeks input relative to general concerns of the Westridge Architectural Supervising Committee relative to the ASCC/town project review process and other land use and design matters affecting the Westridge area.

Where possible, deposits would be obtained from the respective HOA to help cover costs. In order to move needed efforts ahead, however, some town time will be needed to facilitate the required communications and, particularly, start the process for addressing needed PUD changes or clarifications.

10. Expenses

A small budget for unusual expenses, primarily duplication, is recommended.

11. Special Requests

Experience has shown that many items arise during the year that were not anticipated. This provides a budget for these matters. There is no reason to think that this will not continue in 2010/11.

DEFER TO FUTURE YEARS

1. Portola Road Corridor Plan

The preparation of this sub-area plan of the general plan plan was recommended by the planning commission after the most recent major revision of the general plan in 1998. The concept was to provide for the aesthetic and functional aspects of this major corridor in town that links the Nathhorst Triangle area and the Town Center area. The study would consist of an analysis of the visual and functional aspects of the corridor. It would include special attention to buildings and building design criteria, color controls, plantings, immediate and distant views, signage, any needed upgrades to the multi-use trail facility in the right-of-way and on easements, linkages to and from the town center,

relationship of the parcel purchased from Spring Down Farm to the corridor, and in general the ease of movement in the corridor.

While the corridor is largely developed, new buildings, modifications to buildings, new plantings and the growth of plantings will occur. The approval and construction of a metal barn within the corridor within recent years raised the question whether the design criteria for the corridor have been adequately addressed. While the ASCC approved the barn, there has not been unanimity as to its appropriateness. The town can expect more buildings along the corridor in future years.

2. Consideration of Vineyard Regulations

There has been a trend to establish vineyards on residential properties. Sometimes the amount of area for vineyards can be considerable. Some persons may find this to fit in with the rural/agricultural environment, others may view it as a fundamental change to the ecology of the town. Currently, there is no control over the establishment of vineyards on residential properties except by virtue of a site development permit if the grading passes a certain threshold. The use itself, however, is not addressed. Crop and tree farming require conditional use permits, but vineyards on residential lots have generally been considered as an accessory use to a residence. This topic deserves consideration and being addressed in the zoning ordinance.

Encl.

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.