

**Special Joint Field Meeting with Planning Commission**

**555 Portola Road for Continued Consideration of Conditional Use Permit X7D-169, Spring Ridge LLC (Neely/Myers), and Regular Evening ASCC Meeting, 765 Portola Road, Portola Valley, California**

At 4:05 p.m. planning commission chair Gilbert and ASCC vice-chair Aalfs called the special field meeting to order in the parking lot of the Mid-Peninsula Regional Open Space District (MROSD) Windy Hill Open Space preserve adjacent to 555 Portola Road.

**Roll Call:**

ASCC: Aalfs, Clark, Hughes

ASCC Absent: Breen, Warr

Planning Commission: Gilbert, Von Feldt, Zaffaroni, McIntosh\*

Town Staff: Town Planner Tom Vlasic, Town Planning Consultant George Mader,  
Town Planning Technician Borck

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\*McIntosh, after receiving the staff and design team presentation on the Neely project, advised that he could not stay for the site walk and left the field meeting at approximately 4:15 p.m.

**Other present relative to the Spring Ridge LLC (Neely/Myers) proposal,**

Kevin Schwarckopf, project architect, CJW Architecture

Mark Sutherland, CJW Architecture

Bev Lipman, Westridge Architectural Supervising Committee

Marge DeStaebler, resident of the Sequoias

Jeanette Hansen, Trails Committee

Ellie Ferrari, Trails Committee

Oliver Von Feldt (son of planning commission member Alex Von Feldt)

**Continued Consideration of Conditional Use Permit (CUP) application X7D-169, request to permit additional floor area and impervious surface area on 229-acre parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)**

Vlasic presented the September 9, 2010 staff report on the continuing town review of this proposal. He stressed that the field meeting and discussion that would continue at the regular evening ASCC meeting and at the September 15<sup>th</sup> planning commission meetings were study sessions focusing on preliminary reactions to the revised proposals for the 1,800 sf agricultural building in the meadow area of the 229-acre Spring Ridge property. He clarified that no action is proposed or appropriate at this time and that the main focus is to obtain both ASCC and planning commission reactions to assist staff and the applicant in developing the application in final form for eventual formal planning commission hearing.

Those present considered the staff report and the following enclosed revised application plans prepared by CJW Architecture and received by the town on August 16, 2010:

Sheet: A-0.0, Title Sheet, 2/23/10

Sheet: A-1.0, Site Plan All Projects. 7/20/10

Plate 1, Geomorphic/Lineament and Exploration Map, Geomatrix

Sheet: T-0.1A, Title Sheet Cabana, 6/18/10

Sheet: A-1.1A, Site Plan Cabana, 6/18/10

Sheet: A-2.1A, Cabana Floor Plan and Elevations, 6/16/09  
Sheet: T-01.1B, Green House - Project #2, Title Sheet, 7/20/10  
Sheet: A-1.1B, Green House - Project #2 Site Plan, 1/14/09  
Sheet: A-2.1B, Greenhouse - Project #2 Main Floor Plan, 2/23/10  
Sheet: A-3.1B, Greenhouse - Project #2 Exterior Elevations, 2/23/10  
Sheet: A-1.1C, Site Plan – Guest House (with elevations), 7/20/10  
Sheet: A-1.1D, Site Plan – Future Barn (with elevations), 7/20/10  
Sheet: A-1.1E, Site Plan – Ag. Building, 7/20/10  
Sheet: A-1.1F, Updated Agricultural Building Site Plan, 9/3/10

Also available for reference were the design team's statement regarding the Ag building proposal for the meadow and within the fault setback area and the August 27, 2010 letter from Dr. Neely addressing an access issue raised by MROSD. In response to a question, Vlastic clarified that property access issues were still in the process of evaluation by town staff, including the town attorney. It was also clarified that the current agricultural building proposals assume maintenance access by the northerly, gated dirt pathway, with some surface improvements, likely gravel, to facilitate building access and service.

Kevin Schwarckopf presented the revised plans for the agricultural building and also summarized the other plan changes as discussed in the staff report. He reviewed the plans and pointed out the story poles placed to demonstrate the potential visual impacts of the applicants preferred building site on the east side of the Valley meadow area. He also offered the following comments and clarifications during his presentation and as he led those present on an inspection of the meadow and the possible agricultural building sites:

- The applicant wants to pursue the other aspects of the proposal and, therefore, in particular, seeks ASCC approval of the design plans for the cabana, greenhouse and guesthouse/studio buildings. It is hoped that steps could be taken to move these ahead as soon as possible.
- The meadow proposals are similar to the historic pattern of agricultural development along Portola Road with structures, houses and barns close to the road and the areas further from the road in agricultural/farming uses. Aerial photos were presented to demonstrate the historic pattern of uses and also how the current proposal relates to site conditions including trees, pathways, property lines and fault setback areas.
- The applicant feels that it is "unfair" to limit his desires for limited use of the meadow area given the historic pattern.
- It was noted that the proposed design of the Ag building with covered porch had been significantly changed since the 2009 proposals to specifically lower the height, reduce the size of the covered porch and place the building where it would be less visual in the road corridor. It was also noted that the placement took screening advantage of larger existing oaks on the south side of the proposed building site.
- The current design for the Ag building includes the hip roof forms to reduce visual presence and the copula to allow for natural light to penetrate into the building. It was again stressed that the building would be designed for only maintenance and other non-habitable uses as explained in the application statement.
- If the town concludes that the preferred east side location is not appropriate, an alternative acceptable to the applicant is between the fault setback areas on the south

side of the property, but it was recognized that this site was more visually prominent than the preferred location. It was also noted that the applicant did not find the north side site, as suggested in the staff report, appropriate to meet his needs.

- In response to a question, it was noted that the Ag building is for the purposes set forth in the submittal statement. It was also clarified that Dr. Neely desired the eastside meadow location because it offered the best views to his property.
- Currently, meadow maintenance equipment is stored near the existing winery maintenance building and driven to the meadow area. The desire is to keep this equipment closer to the meadow area.
- In response to a question, it was noted that the recent planting of oaks, redwoods and other materials along the southern and eastern property lines was, design team members believe, done by the property owner. It was agreed that more data on the tree/vegetation planting would be provided.

During the site inspection, those present walked from the MROSD parking lot along the public trail on the west side of Portola Road to the existing service path gate at the north end of the parcels Portola Road frontage. From there, the walk continued to the possible northerly site for the Ag building, i.e., identified by staff for consideration. Vlasic noted that this site benefited from the surrounding tree and vegetative screening. It was noted that the location was also on the applicant's identified pathway system and that it was considerably further away from public views. Vlasic noted that the ground elevation was lower than the east side meadow site and that the location was more visually related to the agricultural buildings on the neighboring parcels to the north.

From the northerly site, the walk continued to the east side meadow location preferred by the applicant. The story poles and view relationships to the public trail, Portola Road and the MROSD parking lot were considered. From there the next stop was at the southerly meadow location suggested as an alternative by the applicant.

The final area inspected was a possible site at the southwest corner of the property near the current main access driveway. It was suggested by ASCC and commissioners that more data should be provided relative to this location, particularly as to relationships fault setback areas. In any case, it was noted that a small Ag building might be located in this area with minimum potential for offsite visual impacts.

From this last inspected area, all present walked back to the MROSD parking lot. There, ASCC members advised that they would offer comments and reactions to the walk and Ag building alternatives. Others present offered the following comments:

**Zaffaroni:**

- Will offer majority of comments at the 9/15 commission meeting on the Ag building options. Requests that key statements from the general plan for the meadow area be provided for consideration in this discussion. At a minimum, the southerly option between the fault setback areas appears inappropriate due to potential visual impacts.
- Concern over the planting that has been installed that appears to be for screening purposes. Consideration needs to be given to removal of this planting as the meadow should be open for views and not hidden by vegetation.

- Additional data is needed to clarify the road access to the upper uses and geologic stability.

**Von Feldt:**

- Most significant concern at this time is the planting that has taken place that is along the parcel boundaries and appears intended to screen the meadow area. This will block views from the scenic road corridor, including the public trail and this seems inconsistent with the meadow preserve designation for the property.
- Concerned with any building in the meadow and needs to know more about the options and general plan provisions for the meadow.

**Gilbert** concurred with the concerns expressed by the other commissioners.

**Ellie Ferrari** stated a preference for the northerly location for the Ag building to minimize impacts to views from the public trail.

**Marge DeStaebler** also noted that the northerly location would have less visual presence, but noted the main concern was with the recent planting to screen the boundaries of the property.

Following the Spring Ridge LLC site visit, Aalfs and Gilbert thanked project design team members for their help during the site session and others for their participation in the meeting. Thereafter, it was noted that ASCC review of the proposals would continue at the regular evening ASCC meeting and planning commission discussion would continue at its regular evening September 15<sup>th</sup> meeting.

**Staff Report -- Referral from the City of Palo Alto, request for Conditional Use Permit for Recreational Facility to allow for construction of a roof structure over existing sports court/hockey rink, 610 Los Trancos Road, McNealy**

At the conclusion of the Neely site meeting, ASCC members and planning commissioners received a brief staff report on the subject referral from the City of Palo Alto as explained in the September 9, 2010 staff report. Vlasic presented a copy of the referral plans and also photos provided with the plan application from locations in Portola Valley looking to the McNealy property in Palo Alto. Further, he shared photos he had taken from Golden Oak Drive in Alpine Hills to existing improvements on the McNealy property. Vlasic also referenced a letter being circulated by another resident of the Palo Alto lands served by Los Trancos Road regarding an anticipated use permit request for a 2011 summer concert series on a small "winery" parcel located at 850 Los Trancos Road.

The following general reactions were offered:

- There is not sufficient time to become fully informed on the McNealy proposal, which would need to include a site visit, but it is assumed that Palo Alto will take steps to ensure that noise, light and visual impacts of the proposed "hockey rink roof" are adequately considered and mitigated in any action on the use permit request.
- The efforts of the Palo Alto staff and planning commission to reach out to potentially impacted Portola Valley residents are appreciated.

- The scope of development that appears allowable on the McNealy property is well beyond what would be permitted on town hillside parcels. Further, it appears that the proposed use permit would allow for significant “accessory” uses beyond the permitted primary residential use in this “open space” zoning district. At some point it would be appropriate for representatives of Palo Alto and Portola Valley to meet and generally discuss the appropriate scope of uses and development for the similarly situated hillside lands in the two communities, particularly those located within and served by the Los Trancos Road corridor.
- There should be more time for town consideration of such referrals, and this should be requested of Palo Alto. Specifically, it was stressed that there should be sufficient time to fully review any use permit application relative to the suggested summer concert series for 850 Los Trancos Road.

Vlasic advised that due to the short time frame and the need to forward comments to Palo Alto for consideration at the City’s September 15<sup>th</sup> planning commission meeting, he would use this input and any ASCC evening meeting input in formulating a comment letter to Palo Alto. He stated that this letter would be shared with the chairs of the planning commission and ASCC, as well as the Mayor prior to forwarding the final letter to Palo Alto.

### **Adjournment**

At approximately 5:35 p.m. the special field meeting was adjourned.

**Architectural and Site Control Commission** **September 13, 2010**  
**Regular Evening Meeting, 765 Portola Road, Portola Valley, California**

Chair Warr called the regular meeting to order at 7:31 p.m. in the Town Center Historic School House meeting room.

**Roll Call:**

ASCC: Warr, Aalfs, Breen, Clark, Hughes  
Absent: None  
Town Council Liaison: Derwin  
Planning Commission Liaison: Gilbert  
Town Staff: Town Planner Vlastic, Planning Technician Borck

**Oral Communications**

Oral communications were requested but none were offered.

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*Prior to consideration of the following three applications (i.e., Neely/Myers, Sweetnam and Cooper), Warr temporarily left his ASCC position and the meeting room. He advised that he was conflicted because of professional services he is providing to the Neely/Myers and Cooper applicants and because he was also providing professional services to an immediate neighbor of the Sweetnam property.*

*Breen also temporarily left the meeting room and her ASCC position, noting she too was conflicted because of professional services she was providing to the Neely/Myer applicants.*

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**Continued Consideration of Conditional Use Permit (CUP) application X7D-169, request to permit additional floor area and impervious surface area on 229-acre parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)**

Vlastic presented the September 9, 2010 staff report on this request and also reviewed the events of the afternoon joint site meeting with the planning commission on the application. (Refer to above site meeting minutes, which include a complete listing of the current project plans and materials.) Vlastic again advised that no action was needed at this time and that he was seeking ASCC and planning commission input specifically on the meadow area Ag building proposals to assist staff and the applicant formulate the request in form for formal planning commission hearing.

Kevin Schwarckopf, project architect, was present to further discuss the proposal concepts with ASCC members. He offered the following comments and clarifications in addition to those presented during the site meeting:

- As requested at the site meeting, data on the more recent planting of oaks, redwoods and other trees and shrubs will be provided. Also, data on conditions, including fault setback and other geologic limitations, will be developed for the "southwest corner" area so that this area can be judged along with the other sites being evaluated for a possible Ag building.

- Again, it is stressed that the applicant is seeking final recommendations from the ASCC regarding the cabana, guest house/studio and greenhouse proposals. The other proposals are more long-term and the desire is to move the other proposals ahead as soon as possible.
- Decisions on the Ag building proposal and how it will be treated in the application will be made following receipt of ASCC and planning commission reactions. It is possible that this could be removed from the application for now.

Public comments were requested. **Jon Silver, 355 Portola Road**, stated he was not fully up-to-speed on the request, but did see the story poles in the meadow. He commented that the town had worked to craft general plan provisions to protect the meadow and that there should be no building in the meadow area.

**Bev Lipman, Westridge Architectural Supervising Committee (WASC)**, shared concerns expressed by Silver and also questioned whether there should be any building in the meadow area.

Thereafter, ASCC members offered the following reactions to the proposal:

1. The possible Ag building location identified by story poles on the east side of the meadow is considered the least acceptable of the three options specifically inspected at the site meeting. Concerns were expressed over visual impacts and the planting efforts made to screen views to the meadow and building site. It was noted that preference would be to open views to the meadow and ensure that the meadow area condition would be protected. Clark specifically commented that it was unfortunate that the "screen" planting had been installed. He also noted potential for noise concerns both for Ag building use (i.e., noise from Portola Road) and noise from building use on the on public trail users.
2. None of the three options were considered necessarily consistent with protection of the open meadow condition. The northerly site suggested by staff was preferable to the other two sites considered (i.e., those suggested by the applicant), but it was recognized that there would be some drainage concerns with this northerly option. There was also some question as to the necessity for such a building for meadow maintenance, and it was suggested that this be further evaluated by the planning commission in judging the use permit application.
3. It was noted that an alternative site might exist in the southwest corner of the meadow, but more data was needed for evaluation of any option for this area. Members appreciated Mr. Schwarckopf's willingness to further evaluate this option.
4. The more linear recent planting of oaks, redwoods and other materials along the easterly and southerly property lines is inconsistent with preserving open views across the meadow and this should be addressed in any action on the proposed use permit.
5. It was noted that the meadow has considerable star thistle and a program for removal of this invasive material should be considered.
6. As the Ag building options are further evaluated consideration should also be given to a smaller building.

Vlasic advised that the ASCC comments would be forwarded to the planning commission for consideration in continuing evaluation of the use permit proposals.

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*Following consideration of the above project Breen returned to her ASCC position.*

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### **Architectural Review for Proposed Carport Addition, and driveway modifications, 190 Golden Oak Drive, Sweetnam**

Vlasic presented the September 9, 2010 and August 26, 2010 staff reports on this request for approval of plans to add an attached carport with replacement shed to the northerly end of the existing single-story residence on the subject 1.0-acre Alpine Hills property. He explained that in response to a request of a neighbor, the applicant asked that project review be continued from the scheduled August 30<sup>th</sup> ASCC meeting to the September 13, 2010 meeting so that efforts could be made to interact with the neighbor and address any concerns. Vlasic advised that the September 9<sup>th</sup> staff report explains the process that has been pursued based on comments from the neighbor, Mr. William Young, to address concerns.

Vlasic then reviewed the project plan package dated 9/9/10, revised to incorporate changes made in response to neighbor concerns, including the following materials developed in support of the revised plans:

- September 9, 2010 letter from Ellen Innis, Tecta Associates, explaining the plan revisions and clarifications
- Plant material description sheet for the creeping fig proposed for the west facing side of the carport
- Cut sheet for the alternative dark asphalt shingle “weather wood” roof material for the proposed carport
- September 9, 2010 arborist report for the ten significant trees around the project area

Mr. Sweetnam and project design team members Ahmed Mohazab and Ellen Innes presented the revised plans and materials to the ASCC and noted that they believe the revised submittal addressed all of the concerns identified by the neighbors.

Public comments were requested. **Mr. William Young, 210 Golden Oak Drive**, submitted a September 13, 2010 letter identifying 7 points of comments and concerns. These were discussed between the applicant’s design team, Mr. Young and ASCC members. Specifically, it was noted that the applicant would be pursuing a plan for added landscaping along the common property line boundary, which the darker roof material would be used and that additional “green” building elements would be incorporated into the final building permit plans. Mr. Mohazab also noted that aligning the carport with the house, as suggested, had been considered, but that this would have greater potential for tree impacts. Based on recommendations of the project arborist, it was determined that the current plans would be referable and would have minimal potential for impacting the trees.

ASCC members considered the staff report, concerns of the neighbors and the revised plans and support materials. Hughes then moved, seconded by Breen and passed 4-0 approval of the plans as submitted subject to the following conditions to be addressed, unless otherwise noted, to the satisfaction of planning staff prior to issuance of a building permit for this project:



1. A final construction staging and tree protection plan shall be prepared that includes implementation of all of the recommendations of the project arborist. Once approved the plan shall be implemented to the satisfaction of planning staff.
2. Adjustments to the scope of new asphalt can be made if necessary to accommodate for desired landscaping along the common property lines with 210 Golden Oak Drive.
3. The building permit plans shall specify that the darker roof material shall be used for the new carport and replacement shed.
4. Color and finish of the installed roof skylight frame shall be verified so it blends with the surrounding roof materials.
5. The plans shall verify that the proposed fig vine for screening of the carport is provided for and this shall be installed prior to sign-off of project construction.
6. A specific program for bringing the house improvement work, i.e., the area remodeled without necessary permits, into building permit compliance shall be prepared and agreed to by the applicant to the satisfaction of the building official.
7. Final plans shall incorporate additional "green elements" as possible, consistent with the voluntary town "green building" program that was in place when the application was filed.

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*Prior to consideration of the following application Breen temporarily left her ASCC position and the meeting room. She advised that she was conflicted because of professional services she was providing to the applicants.*

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**Continued Architectural Review for "train room" house additions and detached accessory structure "workshop," and related site improvements, and Site Development Permit X9H-587, 385 Westridge Drive, Cooper**

Vlasic presented the September 9, 2010 staff report on this continued review of the subject proposal for a model railroad "hobby barn" with workshop on the subject 3.3-acre Westridge Subdivision property. He discussed the considerable application history, including the efforts that resulted in project acceptance by the Westridge Architectural Supervising Committee (WASC) as stated in the August 26, 2010 WASC approval letter and the "follow-up" email from the WASC dated September 13, 2010.

ASCC members considered the staff report and the following plans and materials, unless otherwise noted, prepared by CJW Architecture, and revised through 7/26/10 and have an ASCC submittal date of 8/16/10:

- Sheet: T-0.1, Title Sheet
- Sheet: 1, Boundary and Topographic Survey, BGT Land Surveying, June 2007
- Sheet: L-1, Landscape Plan, Cleaver Design, 8/5/10
- Sheet: A-0, Site Facilities
- Sheet: A-1, Site Plan
- Sheet: A-2.1, Main Floor Plan

Sheet: A-2.4, Roof Plan

Sheet: A-3.1, Exterior Elevations

Sheet: A-3.2, Exterior Elevations

GreenPoint Rated Checklist received August 17, 2010

Outdoor Water Use Efficiency Checklist, Cleaver Design, 8/16/10

Exterior Lighting Plan, 11" x14" sheet received 8/17/10 with attached cut sheets for proposed exterior light fixtures A, B, and C

Finish Board, July 27, 2010

Also considered were the project arborist's report prepared by McClenahan Consulting, LLC, dated January 8, 2008.

Mrs. Cooper and project architect Bob Pleau presented the revised proposal to the ASCC and offered the following comments and clarifications:

- Reference was made to a 9/10/10 modified site plan showing the changes to the train room to reduce the floor area for compliance with the site floor area limits and to address the "basement" floor area issue discussed in the staff report.
- The applicants are concerned with the staff recommended bond for landscape maintenance. This is an unusual requirement and, in lieu of a bond, the applicant is willing to install the key screen planting along the easterly property line as early as practical and ensure the materials are surviving before any "finaling" of permits. It was clarified that while the plans propose transplanting of oaks, it may preferable to install new, larger specimen trees where there is more certainty for survival, but that this would be further considered prior to submittal of the final landscape plan with the building permit application.
- There is concern over the noise requirements suggested in the WASC conditions. It is difficult to monitor or measure equipment until it is installed and any workshop equipment may not be in place until well after the building construction is complete. In any case, the applicant understands that the town's noise ordinance must be complied with.
- Further, "green building" elements will be incorporated into the final building permit plans.
- The applicant would prefer use of the standing seam metal roof on the new train room and workshop, but cost will be a factor. The alternative asphalt shingle roof is dark and would also work well with the existing wood roof on the existing house. Further, the existing house will be painted in the color scheme planned for the proposed additions.
- In response to a question, it was noted that, while a long-term objective is to remove the old pines on the property, any pine tree removal beyond the project area would depend on budget as the pines are large and costly to remove.

Public comments were offered. **Adrienne Roberts, 357 Westridge Drive**, stated that she and her family had been away most of the summer and had not had a significant amount of time to follow the changes to the proposal. She appreciated the efforts made by the applicants, but remained concerned over the noise and fencing issues discussed in her recent communications, including the August 18, 2010 letter and attachments to project

architect Bob Pleau. (ASCC members requested and received clarifications regarding the fencing issues.)

**Rusty Day, Chair of the WASC**, thanked the applicants and town staff for the efforts made to develop alternative plans to address concerns. He then reviewed the comments and conditions in the WASC approval documents. He, in particular, reviewed the noise and commercial use issues that were subject to the recommendations set forth in the 8/26/10 approval letter.

**Jon Silver, 355 Portola Road**, wondered about the staff recommended use of a deed restriction. He specifically worried over the legal basis. Vlasic advised that such a deed restriction has been commonly used for larger accessory structures and was specifically drafted by the town attorney and recorded under her direction. Mr. Silver commented that he appreciated the clarification and that it addressed his concern.

Thereafter, ASCC members discussed the project and the concerns of the applicants, neighbors and the conditions recommended by the WASC. Members were generally supportive of the project, but also sensitive to the various issues and concerns. After discussion, Clark moved, seconded by Hughes and passed 3-0 approval of the proposal subject to the following conditions to be addressed, unless otherwise noted, to the satisfaction of planning staff prior to issuance of a building permit:

1. A detailed construction staging and tree protection plan shall be prepared and once approved implemented to the satisfaction of planning staff. The plan shall incorporate the recommendations of the project arborist. Further, prior to plan approval, planning staff shall refer it to the WASC for review and comment and shall consider WASC input prior to approving the plan.
2. Project floor area shall be modified for conformity with town standards, specifically resolving the "basement" floor area issue discussed in the staff report and conceptually addressed with the modified plan dated 9/10/10 prepared by CJW Architecture.
3. A deed restriction shall be recorded against the property to the satisfaction of the town attorney to ensure against future conversion of the workshop or train room to a detached or attached second unit larger than 750 sf or other use that would be inconsistent with the residential zoning provisions that apply to the property.
4. The workshop building permit plans shall include evaluation of potential for sound spill from use of workshop equipment and machinery. This shall be against town noise ordinance standards and the evaluation shall demonstrate window, door, wall construction (and if necessary insulation) is sufficient to ensure equipment use would be within town noise ordinance limits.
5. The existing east side fencing of concern to the neighbors at 357 Westridge Drive, as discussed in the staff report, shall to the extent possible be adjusted to conform to current fence ordinance standards. The adjustment shall, however, specifically take into account any limitations presented by the location of existing significant trees. (The applicant was also encouraged to work with the neighbor in developing plans for fence modification.)
6. The landscape plan shall be modified to clearly identify the early east side planting of new and/or transplanted oaks and screen materials and shall provide for protection of

these materials from construction activities and replacement of any plantings that don't survive prior to finaling of project permits. In addition, the plan shall identify any site pine trees that would be removed with this project that are beyond the project construction area.

7. The plans shall specify that the existing house shall be painted to match the color scheme approved for this addition project.
8. Either roof option may be used, but the preference of the ASCC is for use of the standing seam metal roofing.
9. The conditions set forth in the following site development permit committee reports shall be adhered to, as well as any others developed through committee member consideration of the most recently revised project plans, to the satisfaction of the reviewer:

4/22/10 memorandum from the public works director

4/22/10 memorandum from the town geologist

4/26/10 memorandum from the fire marshal

4/16/10 email relative to San Mateo County Health Department review

10. The building permit plans shall enhance the "green building elements" for this project to be in line with the voluntary BIG levels encouraged by town policies when the architectural review application was filed.

Relative to condition 4, it was agreed that staff would work with the applicant and WASC relative to any sound measuring needed to satisfy the WASC approval conditions. Such measuring was not, however, a specific condition of ASCC project approval. Also, ASCC members strongly encouraged the initial landscape efforts to make use of transplanted oaks.

After the ASCC concluded the above action, **Adrienne Roberts, 357 Westridge Drive**, requested and was allowed the opportunity to make a general comment on the ASCC review process. She stated that she appreciated the care and service provided by the ASCC and found its efforts "well meaning." She worried, however, that in cases where two members find they can participate on a request due to potential conflicts, that there is not the full scope of necessary review, i.e., five sets of eyes, particularly when a project is highly sensitive or controversial. She felt that in such cases, the role of the ASCC could be diminished.

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*Following consideration of the above project Breen and Warr returned to their ASCC positions.*

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### **Request for Modifications to previous approval, Garage addition, 10 Grove Drive, Dhillon**

Vlasic presented the September 9, 2010 staff report on this request for modifications to plans approved by the ASCC in July of 2008 for the addition of a 610 sf detached garage and studio accessory structure for the subject 1.0-acre parcel located immediately northeast of the intersection of Grove Drive and Portola Road. He discussed the history with project

construction, after permit issuance, placement of a “stop-work” order on the garage construction and efforts that the town has made to resolve project issues.

He then reviewed the following materials provided by the applicant to support the proposed plan modifications and lifting of the “stop-work” order:

- Screen landscaping plan dated July 20, 2010
- September 7, 2010 letter from applicants attorney, Gregory Klingsporn, Mitchell Herzog & Klingsporn LLP, setting forth considerable background on the proposal and explaining the reasons for the landscape plan as presented
- September 13, 2010 letter from Greg Klingsporn responding to comments and recommendations set forth in the September 9, 2010 staff report

Vlasic also noted that since the staff report had been prepared the town had received the following email communications on the project:

- September 12, 2010, Mr. and Mrs. Skadden supportive of the garage design
- September 13, 2010, George Tidmarsh, focusing on the lack of permit compliance
- September 10, 2010, Curt Taylor on the lack of time available for neighbors to fully understand the changes that are being proposed

Vlasic advised that the ASCC would need to determine if the modifications to the plans, including reduction in height and added landscaping, would mitigate for the building being constructed larger than shown on the approved plans. In response to a question, he advised that the building was approximately 2 ft. 3 inches taller than the approved 12 feet and that it was roughly 8 inches wider and 12-14 inches longer than the dimensions shown on the ASCC approved plans. He also noted that these same plans were provided with the approved building permit application documents.

In response to a question, Vlasic noted that while there is some inconsistency with the building permit data, particularly relative to some of the structural aspects, nonetheless, the permit approval was for the project as approved by the ASCC. He commented that in some cases a minor change, for example to a width or depth dimension, might be considered minimal and generally consistent with the intent of the approval. The more significant height change, however, results in the other dimensions also being of more concern and that these factors resulted in the “stop-work” notice.

In response to a question, Vlasic advised that “green” building elements would not automatically “trump” other design considerations, but these are taken into account specifically in the design review process.

Ms. Dhillon, Greg Klingsporn, presented the modified plans and supporting data to the ASCC. Mr. Klingsporn reviewed the comments in his two letters to the town. Ms. Dhillon stressed the “sustainable” elements of the garage design and noted the materials were recycled and fully recyclable. She stressed that considerable effort had been given to design of the building and that it was not only “sustainable” but also “earthquake” resistant.

Public comments were requested and the following offered:

**Eric Wentzel, 214 Grove Drive.** The color, height and corrugated material used for the garage are inconsistent with the main residence on the site and the proposed landscape

solution is inadequate to address the fact that the garage was built considerably larger than the dimensions on the approved plans.

**Kathy Feldman, 315 Grove Drive**, asked if cutting the building siding as proposed would void the warranty on the siding material, the same as has been suggested relative to painting of the siding, preferably a darker color.

(Project contractor Jack Boyles was present and advised that cutting of the panels would not void the warranty.)

Ms. Feldman also commented that the ASCC should consider the siding color and material at night and when it rains. It was noted that the reflection of light is substantial under these conditions. She also commented that for a project like this the meeting notice area should be extended.

(ASCC members noted that the scope of noticing would be considered at a future meeting. Vlasic, commented that this might include requirements for posting of project plans on a "board" prominently placed for public viewing at a proposed project site.)

**Jon Silver, 355 Portola Road**, commented that the garage is highly visible and generates a lot of comments like, "what is that and how did it get approved." He added that he took exception with the comments by Mr. Klingsporn and that the metal building on Portola Road is not rural and its approval for the Portola Road corridor was a mistake. He stressed that the structure, now built to dimensions beyond the approved plans, is not subordinate to the setting and that the proposed modifications are not adequate to resolve the problems. He stressed that the town should not be concerned with the siding warranty and that a change in building color should be considered. He also stressed that cost to the applicant should not be a town concern to remedy this situation.

**Kurt Taylor, 35 Grove Drive**, took issue with Mr. Klingsporn's reference to the metal building at the Jelich Ranch. He offered that the subject site is not a Ranch, but a residential property. He also commented that the proposed landscape plan is difficult to understand and that a rendering of the view with planting from Grove Drive is needed. He requested a better description of what is actually to be expected with the proposed planting.

**Leslie Latham, 150 Grove Drive**, appreciated receiving notice for the meeting. She noted that she was particularly concerned that this property owner built beyond what was authorized and needs to be held accountable. She worried over the precedent of any approval granted "after-the-fact."

**Ken Reed, 2 Grove Court**. Advised that the building has also generated a number of comments and questions from friends and visitors with a large number asking what the structure was. He noted that even with the proposed adjustments it would look the same and the landscape plan was not adequate. He also commented on the need for more extensive noticing.

**Bob Feldman, 315 Grove Drive**. Stated that "life will go on" with whatever resolution is identified for this project. He noted, however, that the "violation" should not be ignored and that it should inform the entire discussion. Specifically, he stressed that the garage aesthetics were unacceptable. He further noted that given what has happened he cannot believe that the town attorney would not allow the ASCC the authority to, for example, now require a color change even if the building were to be torn down and built according to the

dimensions on the approved plans. He stressed that the entire project and process should be started again with an appropriate color and adequate landscaping. He noted that at this point the applicant's responses have not been appropriate in light of the violation and town and community concerns.

**Larry Tesler, 351 Grove Drive** commented on the inadequacies of the landscape plan noting it provides for mainly fruit and deciduous trees. He also responded to the applicant's comments over frustration with neighbors. He noted that neighbor efforts at communication have been met with the owner mainly trying to sell her vision and apparently not willing to have a real two-way conversation. He offered that there was still the opportunity for neighbors to work together.

**Melinda Brent, 341 Grove Drive**, commented that the garage was out of place and inconsistent with the setting.

**Janet Skadden, 459 Portola Road**, stated she lives across the street from the project site and supports the design of the garage and materials used on it as stated in her email to the town.

**Greg Klingsporn** again reviewed the comments in his letters and offered responses to some of the public comments presented. He noted that his client has been characterized as being "bad" on purpose and that this is not the case. He cited strong and un-neighborly comments from residents. He offered that efforts are being made to address the concerns and that the garage was well within normal town zoning standards.

ASCC members considered the staff report, the input from the applicant and the public input. Members concluded that they could not support the current proposals for plan modifications to correct the problems with the garage structure and offered the following specific reactions:

**Breen:**

- Stand by the original approval, and this was viewed as a sustainable project, "a cradle to cradle" approach.
- The basic design with corrugated material is still deemed appropriate, but the excess size is a problem. It was also assumed that the siding finish would dull over time.
- The proposed landscape plan is inadequate and at least one large tree, appropriate for the setting is needed. The plan is unresponsive to the comments that have been shared with the applicant.
- The "cheater fence" that has been installed needs to be removed.

**Clark:**

- (I was) chair of the ASCC when this was approved. The elevations and materials were found appropriate for this application. The main issue is the height exceeding the approved plans.
- A better landscape solution is needed and would be the appropriate solution for a building of this type.

- The neighbor comments about the building in a wet condition are noted and while the material is appropriate, not sure where I fall on the matter of a color change.

**Aalfs:**

- Did not participate in original ASCC consideration of project, but like building and it appears appropriately located on the site.
- Share concerns over the adequacy of the landscape plan

**Hughes:**

- Agree with Aalfs and also was not on ASCC when this project was considered.
- While the building is not viewed as “bad,” it is visible, it does stand out, and more effort is needed to make it fit better with the surroundings. A better landscape plan and other adjustments are needed so that the viewer’s eye is not immediately drawn to the structure.
- Concern over the warranty should not limit consideration for alternative colors.
- While the proposed options don’t satisfy the concerns, tearing down the building is not viewed as the best solution.
- As to noticing, a “google email” group might also be considered.

**Warr:**

- While on the ASCC when the project was considered, “I” was not at the meeting where the project was acted on. If I had been involved, I would have sought considerably more screen landscaping.
- The site plan and general mass of the approved building are okay. The height non-compliance is a critical issue and color change might need to be considered.
- The landscape plan is largely edible and deciduous plants and is not adequate to address ASCC directions for additional screening. The plant materials will not survive.
- The “cheater” fence needs to be removed immediately.
- Support expansion of the desired architecture as long as it is internal to the site and the design solution for the garage needs to reflect this internal condition.
- Overall, an appropriate solution to the current problems needs to consider significantly more and appropriate landscaping for the setting, height reduction and a possibly a color modification.

Following discussion and with concurrence of the applicant, project consideration was continued to the regular September 27, 2010 ASCC meeting. Mr. Klingsporn, however, offered that he and his client would need to consider ASCC comments and it may be that



they would not be ready to present a revised modification to the ASCC in time for the 9/27 meeting.

**Staff Report -- Referral from the City of Palo Alto, request for Conditional Use Permit for Recreational Facility to allow for construction of a roof structure over existing sports court/hockey rink, 610 Los Trancos Road, McNealy**

Vlasic presented the September 9, 2010 staff report on this referral and also reviewed the comments on it offered during the afternoon study session with the planning commission and ASCC members. (Refer to above study session minutes.)

No public was present to comment on the proposal.

In addition to the comments offered at the afternoon study session, the letter to the City of Palo Alto on the referral should include comments on the following:

- Provide additional landscaping to heal the visual scar left from site grading for original property development. Reference was made to the view to this exposed soil in the photo provided by staff taken from the Golden Oak Drive area.
- Does the proposed scope of uses for the McNealy property properly fit its open space zoning designation?
- Access to this area is through Portola Valley and access impacts should be fully considered given the scope of uses that appear to be authorized by the use permit action.
- All necessary conditions should be identified and implemented to ensure that the hockey rink use is truly accessory to the primary residential and open space uses for the property.

Members also reiterated that the scope of permitted uses on parcels in the Palo Alto Hills is substantially more than for similarly situated parcels in Portola Valley, and Palo Alto should be encouraged to reconsider its standards for its hillside parcels, particularly those visible to the town and that must be accessed through Portola Valley.

**Approval of Minutes**

Breen moved, seconded by Aalfs and passed 5-0, approval of the August 30, 2010 meeting minutes as drafted.

**Adjournment**

There being no further business, the meeting was adjourned at 10:53 p.m.

T. Vlasic