

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, APRIL 6, 2011, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair McKitterick called the Planning Commission regular meeting to order at 7:30 p.m. Mr. Vlastic called the roll:

Present: Commissioners Denise Gilbert and Alexandra Von Feldt, Vice Chair Leah Zaffaroni and Chair Nate McKitterick

Absent: Commissioner Arthur McIntosh

Staff Present: Tom Vlastic, Town Planner
George Mader, Town Planning Consultant
Ann Wengert, Town Council Liaison

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) Public Hearing: General Plan amendments to Conservation Element, Open Space Element and Recreation Element, and related CEQA Findings

Mr. Mader explained that since the Planning Commission last reviewed the proposed elements, text has been moved in several instances and some items have been renumbered. As these revisions made a red-lined version very difficult to follow, he did not distribute one. The renumbering also affected the environmental documentation, he noted, so some referenced sections from the Initial Study also have changed. These are:

Environmental Topic	Item	Former referenced section(s)	Current referenced section(s)
• Hydrology and Water Quality	8g	4215.c. and 4212.i	4214.3 and 4211.9
• Public Services/Fire Protection	13a.	4221.c	4223
• Mandatory Findings of Significance	17a	2212.b	2216.2.b

In response to a question from Commissioner Von Feldt, Mr. Mader confirmed that Aesthetics item 1a also should reference Section 2216.2.b (rather than Section 2212.2.b).

The Commission then reviewed the three elements. [Note: The Commissioner comments that follow exclude typographical corrections.]

Open Space Element

Definitions 2203: Vice Chair Zaffaroni suggested moving the paragraph about Large Open Space Preserves so that it follows the other types of open space preserves and comes before Scenic Corridors, Greenways, etc., and pointed out that the next section (2204) provides the Council-approved definitions of the various types of open space preserves but not the other types of open spaces. Mr. Mader agreed.

Commissioner Gilbert said that it is difficult in some cases to distinguish one type of open space preserve from another; i.e., identifying the difference between a community open space preserve and a large open space preserve, or a neighborhood open space preserve versus a residential open space preserve. Mr. Mader pointed out that these categories are shown on the General Plan diagram, and Vice Chair Zaffaroni noted that the few community open space preserves are enumerated specifically.

Vice Chair Zaffaroni noted that Open Space Limited Development is characterized as having limited access, remoteness, inadequate utilities and other similar reasons that make them inappropriate for "other than open space with very limited development." She said that some issues have arisen recently as to what constitutes

“very limited development,” and asked what is intended. Mr. Mader said that the description is pretty general; the point is that these are difficult lands outside of the Town but within Portola Valley’s sphere of influence that should remain largely undeveloped. The areas indicated on the General Plan diagram include the area above Vista Verde, including Pony Tracks Ranch, and some of the steep areas along Los Trancos Road at the base of Foothill Park. If development is proposed in either area, for example, he said, Portola Valley has established a position stating that not much development is expected there.

Commissioner Gilbert asked whether the term “Agricultural Lands” might be better than “Agriculture.” Mr. Mader agreed. She also expressed difficulty reading the General Plan diagram; Mr. Vlasic said they are trying to work out the problems in printing colors from the GIS system.

Section 2206: Commissioner Gilbert asked the reason for the distinctions between macro-, intermediate- and micro-scale open space. Mr. Mader said that the need for these definitions has not been critical, but they have been part of the General Plan. Mr. Vlasic pointed out that when California first required municipalities to include open space elements in their general plans, these definitions – although not specifically required by State law – were commonly and consistently used.

Commissioner Zaffaroni, noting that the micro-scale paragraph says, “. . . the observer intimately confronts objects in this size,” recommended changing the end of that statement to read “. . . in this size of open space.” She also questioned the need for the “relatively unaware of or prevented from viewing beyond 200 or 300 feet at the most” language, in light of the fact that this category includes trails with sometimes sweeping views. Mr. Mader said that he does not know the history of why that language was included, supposing that it’s because views are limited along many trails in forested areas. Mr. Vlasic again said that this language was commonly used when the elements were first drafted. When he explained that the language might be considered in the context of Ridge Rest, which is Town-owned property on Coal Mine Ridge, where a huge oak tree dominates an intimate open space, Commissioner Zaffaroni said it might be best, then, to omit trails and paths from this paragraph, because the Town works to keep open views along its trails and paths. Chair McKitterick suggested instead a revision to the sentence that reads, “Generally, the observer intimately confronts objects in this size of open space and is relatively unaware of or prevented from viewing beyond 200 or 300 feet at the most.” He proposed deleting all that comes after “open space.” Mr. Mader agreed.

Section 2208: Chair McKitterick asked whether it would be advisable to add to the first sentence, which now reads, “Preservation for the public interest does not necessarily mean public access to open space lands.” He proposed adding the words, “but should be encouraged where appropriate,” explaining that he much prefers the Ranch style of open-space creation than the Blue Oaks style. Vice Chair Zaffaroni said that she doesn’t know that public access should always be encouraged. Mr. Vlasic pointed out that both Ranch and Blue Oaks open spaces are limited to trail easements, although the Ranch space is larger and thus includes more trails, and there are Town-owned properties along the trail system to accommodate the neighborhood preserves. Coal Mine Ridge is one continuous open-space parcel, he added, but separate blocks of easements came to the Town as various phases of the Ranch were developed, while the whole of Coal Mine Ridge was identified as an open-space parcel with the recording of the Blue Oaks map.

Section 2213.1: Commissioner Von Feldt asked the meaning of “less than fee title.” Chair McKitterick says that “fee” would mean owning the whole thing; a lesser interest would be a right to use the land or a restriction on use.

Section 2213.3: Vice Chair Zaffaroni questioned the sentence that reads, “Only in the confines of individual sites should structures be allowed to be dominant.” Pointing out that some parcels are very large, and as a general principle, manmade structures should be subordinate to the natural landforms, vegetation, etc., she suggested deleting the entire sentence. Mr. Vlasic agreed, adding that the architectural review level does not allow anything being dominant within a property. Chair McKitterick, Commissioner Von Feldt and Mr. Mader agreed to the deletion.

Section 2213.18: Vice Chair Zaffaroni drew attention to the parenthetical portion of the sentence that begins, “New residential developments should provide for the clustering of residences so as to leave larger natural areas (residential open space preserves) as undisturbed open space” She said that the open space need not be limited to “residential” open space preserves. After some discussion, Commissioners agreed to expand the language to “residential open space preserves and other open space preserves. . . .”

Section 2216.1: Commissioner Gilbert pointed out a problem with the wording in the sentence prior to the parenthetical statement. It will be changed to read, "Some of the preserves will be accessible for use by other than residents by means of public trails and paths."

Section 2216.2.b: Commissioner Gilbert noted that the end of the last paragraph reads, "The Town should consider establishing a special setback along the road [Portola Road] for vegetation in which provisions could be included that would help ensure that in the future major views to the western hillsides and meadows would be preserved." She suggested that because this is a new consideration for action, this language also be added to the Action Program section (2221) at the end of the Open Space Element. Mr. Mader said that it was a good idea.

Chair McKitterick opened the public hearing, noting that giving the public the opportunity to speak up as the Commission reviews the elements might be the most efficient way to address the issues that arise.

Paul Heiple, Conil Way – Vice Chair of the Conservation Committee – indicated that not only people but birds, squirrels and other animals are responsible for plantings that can interfere with major views. He also said that the Committee has discussed with Public Works Director Howard Young the right-of-way along the meadow. There is a plan to thin a lot of the trees that have grown on Town property, and to ask the landowner for cooperation to thin those on the other side of the fence as well. Mr. Mader said he has made a note about dealing with naturally occurring vegetation. Chair McKitterick noted that the revision discussed for the Open Space Element would authorize establishment of that policy.

Section 2216.5: Vice Chair Zaffaroni suggested a more affirmative and succinct way to word a sentence in the middle of the next-to-last paragraph. Instead of reading, "It is also desirable that the natural character of the open ridge leading up to Windy Hill be maintained," she suggested, "The natural character of the open ridge leading up to Windy Hill should be maintained."

Section 2216.6: Commissioner Gilbert suggested changing "Agriculture" to "Agricultural Lands" so as to be consistent with the change in Section 2203.

Section 2216.7: In the paragraph stating that the Meadow Preserve "should be kept largely open and the existing character preserved," Vice Chair Zaffaroni recommended substituting language that comes from the Council's definition, and that the preserve "should be kept in a natural condition and the existing character preserved" In response to a comment from Vice Chair Zaffaroni, Mr. Mader said that the manmade features of the property include a lake.

Section 2221: Commissioner Gilbert suggested deleting the leading articles "a" and "an" from the first and third bullets.

Section 2221: Mr. Mader confirmed that language would be added about establishing special setbacks along Portola Road to help ensure preservation of major views to the western hillsides and meadows (per Section 2216.2.b).

Recreation Element

Section 2304: Commissioner Gilbert inquired about regional parks or private regional facilities "at or near the boundaries of the planning area" inasmuch as one has to travel on one of Portola Valley's two major roads to reach Windy Hill. Mr. Mader said that there is access from Skyline Boulevard on the Town boundary, too. Commissioner Gilbert also noted that the former Woods property is likely to have similar circumstances if the Midpeninsula Regional Open Space District's plan comes to fruition.

Section 2306.2: To clarify its meaning, Commissioner Von Feldt suggested changing the second sentence to read, "A neighborhood park or neighborhood open space preserve should be provided for those areas not conveniently served by a neighborhood school."

Section 2306.4: Commissioner Gilbert suggested removing the parentheses.

Section 2306.6: Chair McKitterick asked to add an item to link recreation areas by trails where feasible, and others concurred.

Section 2317: Commissioner Gilbert asked how Foothill Park provides an important open space to Portola Valley when its use is limited to residents of Palo Alto. Chair McKitterick and Commissioner Von Feldt suggested that the views are important. Chair McKitterick suggested changing the last sentence to read, "The Town should work with Palo Alto to facilitate expanded public access." Mr. Heiple indicated that since installation of the Ridge Trail, which goes through Foothill Park, the park is now accessible to hikers who enter the park on foot, even through the main entrance.

Conservation Element

Section 4205: Vice Chair Zaffaroni suggested that this section should come under the "Objectives" heading rather than "Definitions." Others agreed.

Section 4206: Also, it was agreed that "Objectives" will include Section 4206.

Section 4209.6: Vice Chair Zaffaroni questioned the statement, "To encourage agricultural uses on soils most suited for agricultural purposes when feasible." Chair McKitterick's proposal to remove "most" from the sentence and change from "feasible" to "appropriate" made it clearer.

Section 4213.2: Vice Chair Zaffaroni also asked for clarification about what the Town is encouraging in this section, and about the term "development proposals." The section reads, "Land use regulations should allow for and encourage using the best soils for agriculture when compatible with development proposals." Mr. Mader described a movement in landscape architecture to design fruit and vegetable gardens, for which good soils are desirable. Community gardens are another possibility, he said. Mr. Heiple said that on parcels that have a combination of rocky land and good, arable soil, it might make sense to encourage building structures on the rocky portion and reserve the good soil for other uses. Chair McKitterick suggested substituting the word "appropriate" for "compatible with development proposals."

Section 4226: With heightened awareness of climate change issues, Vice Chair Zaffaroni said that she finds the language introducing this section outdated – "Incentives, for the most part, have been mainly private – the concern of the conservationist, of the nature lover and of the sports enthusiast." She agreed with Chair McKitterick's suggestion to omit this sentence.

Section 4231: In response to comments from Vice Chair Zaffaroni, Mr. Mader explained that this section sets limits on developments where the General Plan shows an area on private property to be preserved as open space but the Town lacks the means to do so – either because it cannot acquire the space or cannot obtain public rights through regulation. The General Plan speaks to a large extent about densities and activities, he added, and when a development is designed with an assumed set of uses, densities and activities it would contravene the General Plan if one portion of it becomes very intense. In the context of the General Plan, Vice Chair Zaffaroni also pointed out that it may not be appropriate to anticipate and respond to every possible eventuality, particularly in recognition of the fact that land-use law is changing rapidly.

With the new definitions of preserves in place, Commissioner Von Feldt expressed concern about overlaying restrictions on private properties included in such preserves. For example, she inquired what might happen if something such as the Orchard Preserve were to be sold. Mr. Vlasic pointed out that the Orchard Preserve has a use permit that provides for certain activities, as well as the protection of the Williamson Act. He said that he would expect the Town to retain enough flexibility in applying the principles of the General Plan to be reasonable on a case-by-case basis, so that fundamentally General Plan objectives can be achieved.

Unless the Town Attorney says otherwise, Chair McKitterick suggested striking everything after the first paragraph because most of it is covered elsewhere. Mr. Mader agreed, and said he would follow up with the Town Attorney.

Mr. Heiple said that the Conservation Committee would not object to what has been suggested.

To be consistent with changes elsewhere, Commissioner Gilbert pointed out that "Agriculture" should be changed to "Agricultural Lands" in the table following Section 4231 as well as in Appendices 5 and 6.

In Appendix 6, Vice Chair Zaffaroni noted inconsistencies, in that the first row in the table lists "Residential Open Space Preserve" while a later row is entitled "Other Community Parks, Recreation Areas and Open Spaces." Also, she pointed out that the General Plan shows "Open Space Preserves – Large," but that designation does not appear in this table. Mr. Mader said that he would look at reorganizing the table to improve consistency.

Chair McKitterick closed the public hearing.

Vice Chair Zaffaroni noted that in the previous Recreation Element, there is a general description of a Community Preserve that she did not see transferred into any section of the proposed update. Mr. Mader said that he would add it.

Commissioner Von Feldt moved to recommend that the Town Council approve the Negative Declaration, including the Initial Study Environmental Evaluation Checklist and Evaluation Checklist Attachment. Vice Chair Zaffaroni seconded, and the motion passed 4-0.

Commissioner Gilbert moved to recommend that the Town Council approve the following amendments to the Portola Valley General Plan: Open Space Element, Recreation Element, Conservation Element, Table 1 of Section 2136a, and Appendices 1, 5, 6 and 7. Commissioner Von Feldt seconded, and the motion passed 4-0.

APPROVAL OF MINUTES

Commissioner Von Feldt moved to approve the March 2, 2011 minutes; the motion was seconded and passed 4-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Mr. Vlasic indicated that Dr. Kirk Neely withdrew his appeal of the Planning Commission action of January 19, 2011 regarding his CUP application.

ADJOURNMENT: 9:16 p.m.

Nate McKitterick, Chair

Tom Vlasic, Town Planner