

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, JUNE 1, 2011, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Acting Chair (Vice Chair) Zaffaroni called the Planning Commission regular meeting to order at 7:32 p.m. and Town Planner Tom Vlastic called the roll:

Present: Commissioners Denise Gilbert and Alexandra Von Feldt; and Vice Chair Leah Zaffaroni

Absent: Commissioner Arthur McIntosh and Chair Nate McKitterick

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

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) Public Hearing: Site Development Permit X9H-626 for New Residence, Pool and Site Improvements, 15 Sausal Drive (Samuel and Carolyn Quezada)

Acting Chair Zaffaroni invited Mr. Vlastic to review his staff report, dated May 12, 2011. He said that the architectural review application was submitted along with the grading application. On April 25, 2011 the Planning Commission joined the ASCC for a preliminary site review, including house plans, other site improvements and the proposed cut and fill. Efforts needed to repair the artificial slope that was graded to create the existing building pad and address issues concerning the quality of the fill material now on the property include 950 cubic yards of cut and 1,600 cubic yards of fill. For the most part, Mr. Vlastic explained, the preliminary review found the plans generally acceptable.

In response to ASCC input, he indicated that a number of changes were made to the landscaping plan, in terms of removing invasive materials and pine trees on the south side of the property. The Conservation Committee also suggested removing dead limbs from those trees. The applicant wanted to keep some eucalyptus trees for screening, particularly between the subject property and the neighbor to the west. The Conservation Committee suggested the possibility of removing eucalyptus trees on the east side of the property. Mr. Vlastic said that he expects the applicant and the Conservation Committee to work out details regarding Committee comments and suggestions.

Mr. Vlastic said that project design team member Tom Klope (Thomas Klope Associates Landscape Architects) has prepared modified plans, and will produce detailed planting and landscaping plans. Some exotic trees on the uphill, right-of-way side of the property will be removed in phases, so that the cedars, in particular, remain long enough to let new native plantings grow sufficiently to cover wires and shield the property from traffic.

Mr. Vlastic also reported that the Fire Marshal's issue with a turnaround at the top of the property has been resolved and that the turnaound is not needed. An engineered wall will replace the existing retaining wall on the uphill part of the property. The wooden retaining wall on the downhill side, which helped create a sharp grade, will be taken out to ease the slope and create a more rational transition. The pool location was staked and taped at the request of the neighbors to the west, who are now satisfied regarding their concerns about noise from use of the proposed pool. A detailed plan for construction staging will be developed to address another of the neighbors' concerns, particularly to avoid additional parking problems along Sausal Drive. Mr. Vlastic said that most of the work on the site will be done in phases to enable onsite accommodation of parking needs related to construction.

In response to questions from Commissioner Gilbert, Jeff Lea, project engineer (Lea & Braze Engineering, Inc.) said that about 100 truckloads of dirt will be hauled in, and the trucks will have no problem negotiating the driveway grade.

Acting Chair Zaffaroni, referring to Conservation Committee comments, said that she was not aware that olive trees were considered invasive. Commissioner Von Feldt explained that fruiting olive trees are indeed considered invasive because birds spread the seeds. In fact, as Samuel Quezada, applicant, pointed out, the olive trees on the property are volunteers that were on the property when it was purchased.

Acting Chair Zaffaroni opened the public hearing.

Samuel Quezada, applicant, said that he and his wife have worked hard to develop plans that will upgrade the site and respect the native condition of the property. He said that he's happy with the plans and hopes that the Planning Commission feels the same.

With no further public comments, Acting Chair Zaffaroni brought the matter back to the Commission.

Commissioner Von Feldt said that she is generally supportive of this project. Although it's unusual to approve bringing in fill, she said that it makes sense in this case and will improve the overall feel of this property as well as some neighboring properties. Grateful that the applicants have been so cooperative about removing invasive plants, she said this might be an opportunity for some neighbors also to clear out invasives, particularly French broom. Provided the Conservation Committee's comments are taken into account, she said she supports approval of the requested grading permit.

Commissioner Gilbert agreed with Commissioner Von Feldt, noting that the re-grading will improve the property enormously. Also noting that she normally would not endorse bringing in so much fill, Acting Chair Zaffaroni concurred that this is a rare situation in which a parcel had been altered dramatically.

Commissioner Gilbert moved to find the Site Development Permit project categorically exempt pursuant to Section 15303(a) of California Environmental Quality Act (CEQA) guidelines. Commissioner Von Feldt seconded, and the motion passed 3-0. Commissioner Gilbert also moved to approve the Site Development Permit application as shown on the plans in the memorandum, subject to conditions a. through g. as outlined in the staff report. Commissioner Von Feldt seconded, and the motion passed 3-0.

(2) Public Hearing: 3-Lot Subdivision X6D-210 and Planned Unit Development (PUD) X7D-171 and Proposed Mitigated Negative Declaration, 1260 Westridge Drive, Shorestein

Mr. Vlastic pointed out that his staff report dated May 25, 2011 sets out the background information on this proposal, and emphasized that the public hearing should be continued to the Planning Commission's meeting on July 6, 2011, following a review of the proposal with the ASCC on June 13, 2011. He said that the project review incorporates a lengthy Initial Environmental Study, which was developed based on preliminary reviews conducted late in 2010 and subsequent work by staff and committee members. It is an extensive evaluation of the site, site conditions and relationships to adjoining properties, he said, adding that the data contained therein – which also has been incorporated into the proposed Planned Unit Development (PUD) statement – supports a PUD approach. The property has unique natural features as well as unique conditions associated with the Shorestein residence.

The intent of the Tentative Map and the PUD, he explained, is not to necessarily pursue a subdivision but rather to establish a plan for a three-lot development. The PUD would run with the normal subdivision life (two years, with potential extension to five years if significant changes don't take place within the first two years of approval). The Tentative Map and the PUD are linked so that if the Final Map is recorded, the PUD would continue; if the Tentative Map expires, the PUD would end.

Mr. Vlastic said that the intent also is to minimize the changes on the property but to provide a basis for continued estate use with some additional development. Significant effort has gone into developing balance between floor areas and impervious surface areas and into accounting for existing improvements on Lot B. Building envelopes for the three lots have been established on the basis of various factors, such as setbacks and improvements that the owner would like to continue on at least an interim basis – including the tennis court on Lot C, the closest to Portola Road. Proposed access improvements have been designed to be the minimum needed to ensure reasonable use of the property, create buffers to adjoining properties, and accommodate both the existing Shorestein house and other improvements on Lot B, the central parcel.

As Mr. Vlastic explained, a key factor addressed and evaluated has been the flood-plain boundary. Data has been provided to the Public Works Director and the Town Consulting Engineer to support an application to FEMA to modify the boundary as shown on the proposed Tentative Map. If FEMA doesn't approve the modification, the Tentative Map couldn't be recorded in its current form.

In terms of CEQA, staff will work with the project environmental consultant (TRA Environmental Consultants, Inc.) to develop a final response to comments in the CEQA documents and any appropriate modifications to the proposed Negative Declaration. Mitigation measures outlined make the impact of all potential issues identified with the project to be "less than significant." Mr. Vlastic pointed out that the environmental documents include detailed evaluation of some fencing along the creek and around the property, particularly as it relates to habitat and visual screening from neighboring properties. While some of the fencing doesn't meet the standards of current ordinances, he said the habitat and screening issues should be sufficient basis to keep the fencing in those areas intact. Areas where additional plantings would improve screening would be identified in conditions of the subdivision, and provisions for bonding to ensure those plantings are installed in the future. At this time, Mr. Vlastic continued, there is no plan to remove the exotic materials along the property boundaries that have established themselves in terms of screening. The boundary between Lot C and the Kastanis property may be more formal, he added, but it's important in terms of visual screening and should remain for purposes of the PUD.

Some minor visual sight distances were evaluated in the context of access, resulting in a need to remove some bay trees and a few oak saplings. If more mature oak trees should require removal for any reason, the PUD provides for replacement planting. If the subdivision map is recorded, the existing gate that doesn't conform to current Town standards would be moved to a conforming location.

Subdivision improvements that would require driveway extensions would use permeable asphalt. In response to neighbors' concerns about noise associated with travel on driveways, prohibitions against certain surfaces deemed inappropriate have been incorporated into the mitigation measures as well as the PUD. A gravel turnaround surface will continue to be permitted as part of the existing improvements on Lot B.

Mr. Vlastic also pointed out that:

- The existing house on Lot B would likely be considered historic if a proposal to change it emerges.
- The only issue to arise in terms of setbacks involved the property line between Lot A and Lot B, which would require modification of an existing shed.
- There is currently no proposal to change the wells associated with the water tanks, which have been regulated under terms of a county-issued permit; if a proposal for change comes forward later, the tanks would have to be placed in conforming locations.
- The site visit identified a deteriorating asphalt pathway along the top of the creek bank that has since been removed.

For the most part, Mr. Vlastic concluded, the intent is to make use of the PUD to allow most of the improvements to remain in place and avoid the types of improvements in a typical subdivision that would trigger more elaborate road requirements and could affect the redwood trees, for example, or other plantings. He said that the data provided support the findings that the Planning Commission will be asked to make at its meeting on July 6, 2011, once the environmental review period has closed, comments have been incorporated and final conditions and recommendations for consideration have been developed.

Commissioner Gilbert noted that the staff report discusses a number of property features that aren't in compliance with current ordinances, presuming it remains as one parcel. In addition to the water tanks and the fencing along the creek, she asked whether the other features were put in place prior to ordinance enactment. Mr. Vlastic said that all of the subject features have been on the property for a long time. Staff is suggesting that only those that make sense should be brought into conformance when the map is recorded if it remains as a single parcel. He said they appreciate the effort to preserve the property's estate character, and a buyer may decide not to proceed with a subdivision.

Commissioner Gilbert asked whether any other situations have involved creating a subdivision in which the same party owns all of the parcels, perhaps for other family members. Mr. Vlastic said there are examples of people who have purchased neighboring properties for that reason. He also pointed out that when one of the Lane family Westridge properties was subdivided, the late Lew Platt purchased it and went through a subdivision process, carving out two properties with the objective of having the second lot for a child.

In regard to the 100-year flood line, Commissioner Von Feldt asked for the rationale behind requesting a change via FEMA. Mr. Vlastic replied that the FEMA maps identify locations that are set by elevations, which are interpreted on a fairly gross level. In this case, the project engineer (Lea & Braze) performed onsite evaluations and determined that the elevations don't occur in the way that they appear to on the FEMA map. Lea & Braze's detailed evaluation of the property's topography against the FEMA map elevations produced the data that the Town Consulting Engineer, Nolte Associates, and the Public Works Director found do support an application to FEMA to modify the boundary. Mr. Vlastic said that it may take six months to get a final response from FEMA. He also explained that a building envelope for Lot A could be free of the flood-plain boundary even as it exists now on the FEMA map, but it would be more restrictive than with a re-drawn boundary.

Commissioner Von Feldt asked whether any regulations govern drilling wells on properties that abut creeks. Mr. Vlastic said that the county typically requires wells to conform to certain standards, but he's not aware of any Town ordinance that prohibits drilling wells near creeks, nor does he know of any recent requests to do so. The well that exists on the property now is permitted. Commissioner Von Feldt asked whether it would be possible to have the wells removed as part of the PUD/mitigation process if the Town decided the wells aren't appropriate on that property. Mr. Vlastic said that if the Town determined that any environmental issue associated with the wells requires remedy, it might be possible to pursue that. He added that removal of lawn area coupled with the Town's water conservation ordinance might actually reduce water consumption on the site.

Commissioner Gilbert asked whether the well would serve all three lots. Mr. Vlastic said that he's not clear about that at this time, but he thought it would remain with the parcel that it stands on (Lot A). Although the PUD would make it possible to irrigate all three parcels from the same well, if there is a concern about the impact of drawing down either groundwater or creek water, it could be examined further.

In response to a comment from Acting Chair Zaffaroni, Mr. Vlastic confirmed that the Town could address some of the nonconforming features if the parcel map is recorded. He also confirmed Commissioner Von Feldt's understanding that the main goals of the Town's setback from creeks are to retain natural vegetation, enable water flow without artificial defenses and provide wildlife corridors. One of the reasons for retaining the fencing along the creek, he added, was to preserve established riparian habitat. As for screening, the setback regulations do not prohibit the use of native materials.

Acting Chair Zaffaroni noted that the well served an 11.6-acre parcel when the county approved it in 1976. She asked whether the county would reevaluate it with the change in parcel size. Mr. Vlastic said he didn't know, but will explore these questions regarding the well by the next meeting.

Acting Chair Zaffaroni called attention to Municipal Code Sections 18.44.050-E. and 18.44.060-B., both of which relate to PUDs but neither of which she found incorporated in the PUD proposal for the Shorestein property:

18.44.050-E. A common area which is intended to serve a planned unit development shall be held as one parcel in which the owner of each parcel served by the common area in the planned unit development shall have an undivided interest. An appropriate open space or conservation easement covering the common area and suitable to the Town shall be dedicated to the Town. Guarantees suitable to the Town shall be made to assure the continued maintenance of such common areas. All residential open space preserves shown on the Town General Plan shall be designated as common areas at the time of development and shall be treated as required by this chapter.

18.44.060-B. The development may include a community stable and shall include the provision for park and recreation areas adequate to meet the needs of the anticipated population of the development, and such open areas, wooded conservation areas and residential open space preserves as may

be specified in the General Plan, or in the approved general development plan and general development schedule for any P-C district.

Mr. Vlastic said that these sections were intended for much larger projects and have not been mandated for smaller projects. Thus, with a subdivision the size of that for the Shoreinstein property, those requirements would be satisfied through Park & Recreation fees. For example, he said that there were no public park requirements with The Priory subdivision.

Acting Chair Zaffaroni pointed out that the language of the two sections uses “shall” and does not mention exemptions. In response, Mr. Vlastic said that the subdivision ordinance sets forth size-based standards, and fees are required for smaller projects.

If the parcel map is recorded, Acting Chair Zaffaroni asked whether construction must take place within a designated timeframe. Mr. Vlastic said that at the time of recording, subdivision improvement agreements would kick in, covering such activities as converting from a septic system to a sewer system and making road improvements. It would be taken as far as necessary to ensure that Lot A or Lot C could be developed if a building permit application were submitted. Furthermore, easements would have to be in place, and provisions secured for everything necessary to make the improvements. However, with the subdivision agreement and bonds, the actual improvements could be delayed until whenever a building permit would be required.

In reference to floor area and impervious surface limits information outlined in Mr. Vlastic’s status update memorandum of May 13, 2011 (page 7), Acting Chair Zaffaroni pointed out that structures now existing on proposed Lot B shall be permitted to remain and may be repaired and replaced in the event of damage or destruction. From a practical standpoint, she asked what would be allowed if the owner wanted to undertake significant remodeling. Mr. Vlastic said that in terms of the overall provisions, he would interpret them to include remodeling, but the word can be added for clarification. Still, a CEQA evaluation would be needed to ensure that the work wouldn’t jeopardize the historic character of the house.

Along similar lines, Acting Chair Zaffaroni asked whether replacing or significantly remodeling the existing caretaker’s cottage would be allowed under the current language. Again, Mr. Vlastic said that the intention is to allow continued use of the central parcel as long as it preserves the existing character, existing uses and existing structures. Replacement and/or significant remodeling would be subject to conformity with current ordinances.

Acting Chair Zaffaroni also pointed out that the Initial Study and Mitigated Negative Declaration refers to “significant” remodeling in some instances, but uses the adjective “substantial” elsewhere. She said that consistency in the language would help improve clarity and minimize confusion.

Mr. Vlastic also explained that the term “then in effect” refers to the time of construction rather than the time at which the parcel map is recorded. If the Town were to change floor area limits after the parcel map is recorded, for instance, the parcels would be bound to the floor area limits in place when the building was proposed.

In response to Acting Chair Zaffaroni’s request for clarification on whether a guest house qualifies as a primary use on a parcel – i.e., a dwelling unit – Mr. Vlastic said that even a small guest house would need bedrooms, a bath, kitchen facilities, separate metering and parking sufficient to meet requirements for a residence. Although the Town regulates the maximum size of a guest house and residences, he added, a smaller residence could still qualify as a primary use even at 750 square feet, provided it meets the qualifications he enumerated. With the primary use satisfied, he confirmed, the owner would be able to add a secondary use, such as a swimming pool.

In this case, Mr. Vlastic added, the PUD Statement (Section II-F-2) enables the applicant to keep a secondary use (the tennis court) on Lot C for the time being without a primary use on that parcel, but the statement sets forth a process to modify that later.

If the new map isn’t recorded and the PUD lapses, Acting Chair Zaffaroni asked whether the property owner would be held to equivalent standards. Mr. Vlastic said yes, including the requirement for a CEQA analysis, at least insofar as changes are proposed to existing structures.

Acting Chair Zaffaroni opened the public hearing. The applicant had no statement to make.

Jim Webster, Westridge Drive, said that it would be premature to remove the water tanks. In earthquake country, these tanks provide a source of water for emergency storage and use. At this time, too, they provide water for irrigation on the property. Acting Chair Zaffaroni explained that the issue of creek impacts raised by the Conservation Committee generated that discussion and warrants further investigation, because during the summer, creek flow is typically visible at the Westridge Bridge before the Shorenstein property, but not beyond it. Mr. Webster said that he believes that the creek channel has gone deeper into the water table, which he described as “an evolutionary situation.”

Jon Silver, Portola Road, said that in skimming the PUD document he was surprised to see nothing that specifically addresses preservation of the historic residence on the Shorenstein property. He described the document as “noncommittal” in that regard, and would prefer language that guarantees preservation. Acting Chair Zaffaroni said the understanding of the proposal is that the applicants are facilitating preservation of the residence. Mr. Vlasic confirmed that the intent of the PUD is to preserve the central property with what’s there now, but if at some time someone wants to put in a new home – a possibility he conceded – a separate CEQA analysis focusing on the historic character of the house would be undertaken.

Dave Kastanis, Westridge Drive, reiterated what Mr. Vlasic said about plantings between his parcel and Lot C on the Shorenstein property, which provide the sole screening. He said it’s imperative that these plantings remain. Mr. Vlasic said that if any proposal to remove that screening is forthcoming, it would have to be replaced.

Conservation Committee Chair Marianne Plunder, Kiowa Court, said one of the things the Shorenstein property has is a natural, youngish glade of madrones along the creek in the back of the property, which she believes is unique in Portola Valley. She said they are valuable and should be protected. Acting Chair Zaffaroni said that a conservation easement could well be explored or considered in that context. Mr. Vlasic said the area Ms. Plunder described is within the flood zone and outside the area proposed for development, but he’ll clarify the precise location and look into establishing a conservation easement there if need be.

With no additional public comments, Acting Chair Zaffaroni brought the matter back to the Commission. Mr. Vlasic indicated that over the next several weeks, ASCC will comment on the environmental document and questions on the well, water tanks, madrones and the historic preservation issue will be researched. A final package of recommendations will be ready for the Planning Commission at its July 6, 2011, when the public hearing also will be continued.

Commissioner Von Feldt, who indicated that she won’t be able to attend the July 6, 2011 meeting, commented that the environmental document included a great deal regarding screening, which raised some concerns. She said that there’s already so much wonderful vegetation along Corte Madera Creek’s riparian corridor that the idea of adding more for screening seems not only unnecessary but potentially harmful to what’s there now. She urged caution in that regard. In response, Mr. Vlasic said there would have to be a specific plan developed to the satisfaction of the ASCC and the Conservation Committee. Further, he said that conversations with the environmental consultant suggest to him that the idea is for some infill, only to provide screening against headlights and so on.

In reference to keeping the existing fencing as part of the riparian corridor, Commissioner Von Feldt said that the fencing and surrounding vegetation might provide some wood rat habitats, but she questions the validity of the argument that it supports vegetation that wouldn’t be there otherwise. A chain link fence on the Corte Madera side could negatively affect the ability of wildlife to travel up and down the creek, so she would like that issue reexamined. She said that she agrees about needing a solid fence along the unnamed drainage channel, but the creekside setback ordinance doesn’t come into play there.

In terms of vegetation along the driveway, Commissioner Von Feldt said that she’s less concerned about retaining the planted redwoods – where the driveway doesn’t have to be widened – than she is about removing the oak saplings and bay trees to accommodate a wider driveway at the front. Commissioner Von Feldt also noted that the site contains some bamboo, which is an invasive plant that also should be removed and, if necessary for screening, it should be replaced with native plantings.

Commissioner Von Feldt drew attention to several Mitigation Measures in the Environmental Checklist portion of the Initial Study and Mitigated Negative Declaration document:

- BIO-1, which addresses steps to minimize the impact of tree removal on wildlife, should include reference to the Town's heritage tree ordinance and the madrone glade that Ms. Plunder spoke about.
- LU-4, which concerns maximum floor areas and impervious surface areas on Lot A and Lot C, is an incomplete statement.
- HYD-1, which discusses (among other things) interference with groundwater recharge. Commissioner Von Feldt said that she is not comfortable with the explanation of the mitigation provided and would appreciate more analysis on that front to satisfy her that the impact with mitigation is less than significant. She said that she's taking anecdotal observations of the Conservation Committee into account, based on common-sense conclusions about what happens downstream when a well is located next to a creek.

Mr. Vlasic said that he will follow up with Taylor Peterson (Director of Biological Analysis/Senior Project Manager/Wetland Delineator at TRA Environmental Sciences, Inc.) to clarify issues concerning the well, because this mitigation measure does not address the question of potential continuing impacts of well use.

- TRA-1, which concerns the traffic safety hazards posed by sight lines along the existing driveway, suggests removing "enough ivy . . . from the fence to improve visibility for drivers." Commissioner Von Feldt said that it would be better to take out all of the ivy, because that would be better for the habitat.

Commissioner Gilbert said that she wanted to take more time to examine the extensive materials more completely, but won't be able to attend the July 6, 2011 meeting. In the event that the matter must be continued to the meeting on July 20, 2011, both Commissioners Gilbert and Von Feldt said they would be in attendance.

(3) Administration of CEQA Requirements regarding Historical Resources

Mr. Mader referenced his memorandum of May 25, 2011, pointing out that this is a time for the Planning Commission to consider the process of dealing with potentially historic buildings and identifying ways of screening resources to determine whether they may be historically significant. Those deemed historically significant are subject to CEQA analysis. Mr. Mader also indicated that he and the Town Attorney discussed comments submitted by Chair McKitterick, with copies of those comments provided to the Commissioners.

One criterion, that the building be at least 50 years old, is used by the Natural Resources Code of California as well as most environmental consultants and architectural historians, Mr. Mader explained, noting that of course, as time progresses, structures built since 1961 also will potentially qualify as historic resources. As for other criteria, he covered CEQA's requirements in the form of four questions:

1. *Is the resource associated with events that have made a significant contribution to the broad patterns on California's history and cultural heritage?* Buildings listed in the State Register of Historical Resources must be reviewed, as well as other buildings the Town has identified. Many are included in the General Plan's Historic Element, which contains a highly detailed inventory prepared by the late Dorothy Regnery, who was Town Historian at the time. While the term "historic resources" – and the CEQA requirements – apply to properties other than buildings, Mr. Mader said the Town is focusing on buildings. (Ms. Regnery's inventory was first prepared in late 1989 and updated in 1993.)
2. *Is the resource associated with the lives of persons important in our past?* Mr. Mader said that Ms. Regnery's list included many from early California history, but the question remains about how to handle others since. Making a list seems like a daunting task, Mr. Mader said. Ms. Sloan suggested referring it to the Town Historian when a question of that nature arises.

Acting Chair Zaffaroni referenced Chair McKitterick's communication, in which he indicated that CEQA Section 15064.7 encourages certain criteria. She asked what's "encouraged" versus "required"? Mr. Mader said that CEQA requires consideration of the questions he's discussing. He said that the effort being made is to develop a reasonable procedure that responds to those required questions.

In response to Commissioner Gilbert, Mr. Mader said that at this point, it's not his intention to develop descriptive criteria of determining a person's importance to the Town. She added that in addition to the issue of a person's importance, the structure also would have to warrant preservation as an historic resource. Otherwise, putting up a marker might be appropriate and sufficient acknowledgment.

In time, Mr. Mader added, criteria might be set up to determine what attributes might be appropriate to consider in order for a ranch-style house to qualify as historic.

3. *Does the resource embody distinctive characteristics of type, period, region or methods of construction, or represent the work of an important creative individual or possesses high artistic value?* Mr. Mader suggested a way of dealing with this question might be to maintain a list of outstanding architects and designers who have worked in Portola Valley. His memorandum of May 25, 2011 contains some of these names, and Mr. Mader noted that it might be appropriate to seek the ASCC's advice for others.
4. *Has the resource yielded or may be likely to yield important prehistory or history?* Mr. Mader suggested consideration of Indian sites, particularly along the creeks. He also pointed out that Sonoma State University has a repository for relevant mapping that may help serve as a screening device.

Mr. Mader emphasized the importance of considering the owner's viewpoint in developing a review program. For instance, if CEQA analysis is required, would the buyer – or the seller – be responsible for bearing that cost? In terms of the potential impact on owners, he said that Police Commissioner Ed Davis – who owned a home designed by the late Cliff May, the architect famous for many of California's ranch-style homes – recommended keeping the bar high and being careful not to overreach.

Acting Chair Zaffaroni cited the statement in Mr. Mader's memorandum indicating that "the exterior of the house cannot be changed" if it is classified as historic. Mr. Mader said that he drew that statement from the Historic Element – "A historic resource noted for preservation shall have its exterior appearance retained to the maximum extent possible." CEQA could go further, he pointed out, and apply such restrictions to the interior as well.

Commenting further on language in the Historic Element, he said that modifications to historic resources noted for preservation "shall be accomplished in such a manner that they can be removed . . . to reveal the historic resource as it appeared prior to such additions or alterations." As Mr. Mader put it, that presents a huge issue.

Mr. Mader described the proposed procedure for handling demolition permit applications and the various steps involved in screening buildings in accordance with CEQA requirements. He also talked about his conversation with Ms. Sloan regarding Chair McKittrick's communication, which resulted in the following suggestions:

- Keep a checklist for staff to consult when permit applications involve buildings more than 50 years old. For buildings of that vintage with no particular historic merit, staff wouldn't have to consult the Town Historian or an architectural historian.
- Rely on the Town Historian to evaluate the question of a person's historic importance when that issue arises.
- Maintain an offline list of significant designers and architects and important persons as a staff reference.

Acting Chair Zaffaroni asked whether the Historic Element doesn't already meet CEQA requirements. According to Mr. Mader, the Historic Element lists the old buildings and some of the people who lived in them; however, it was written to record historical features in the Town rather than to meet CEQA requirements. Although a review of a property would involve a review of the Historic Element, he said, the issue on the table isn't whether the Historic Element satisfies CEQA, but whether the Town's review procedure does. A property that appears to fit the criteria as historic in terms of the element would trigger a CEQA analysis. Still, Acting Chair Zaffaroni said it would be good to avoid inconsistency between the process being described and the Historic Element.

Mr. Vlasic said that he would consider the Historic Element as a resource tool. To modify it for precise consistency with CEQA probably would require a harder look at a number of additional structures and would be a

difficult process. The point of developing procedures is to help staff be able to explain to people what criteria are involved in making judgments.

Commissioner Von Feldt said that she's satisfied with the direction Mr. Mader and Ms. Sloan have taken, but she isn't sure she agrees that staff should have the administrative authority to issue a demolition permit on a property that meets the 50-year criteria. Mr. Vlastic said that because an application for replacement would come in at the same time, it would typically go into architectural review. The architectural review application, which goes to the ASCC, triggers his involvement in the process. Recalling the situation with the McKinney property, the owners wanted to remove the little red house on Alpine Road in the Nathhorst Triangle without building a replacement, and staff didn't know whether it had historic merit or was unique from an architectural standpoint. Consequently, the owners engaged an architectural historian to evaluate it, and then, with the concurrence of Town Historian Nancy Lund, the Town ultimately issued the demolition permit.

Mr. Mader said that if the procedures being discussed are put in place, he imagines that staff will be much more sensitive to the question of the historical significance of buildings. He also said that the procedures should be reevaluated after about a year to see how it's working and whether modifications are warranted.

Councilmember Wengert said she hearkens back to Mr. Davis's advice. The question she struggles with, she said, is what the Town is required to do in terms of CEQA, relative to what is done now. Although she acknowledges that the Town Historian has the appropriate stature, this process puts a tremendous burden on a single individual to make a decision that can have enormous economic impact on a homeowner. Mr. Mader indicated that the Town Historian's role would be to determine whether a property is subject to CEQA analysis; it's only a screening device.

In terms of screening, Councilmember Wengert said that the least clear of the CEQA criteria is Question 3. She suggested changing the order of Questions 3 and 4.

Acting Chair Zaffaroni said that the proposal doesn't seem to go beyond what CEQA requires – unless Chair McKitterick is accurate in his interpretation that CEQA 15064.7 encourages review of certain criteria rather than requiring it. She also said that in terms of the list of notable architects and designers, she'd prefer to omit any names if there's no strong consensus that a particular individual or firm fits that category. Commissioner Von Feldt said that the length of the list doesn't bother her. In any event, Mr. Vlastic reiterated, the list would serve as a referential guide only.

Acting Chair Zaffaroni confirmed consensus among Planning Commissioners present that the proposed procedure could be forwarded to the Town Council for acceptance.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Mr. Vlastic said that he's unsure if there are sufficient items for the Planning Commission meeting scheduled for June 15, 2011, and the July 6, 2011 meeting may have to be cancelled for lack of a quorum.

APPROVAL OF MINUTES

Commissioner Gilbert moved to approve the April 20, 2011 minutes as amended; Commissioner Von Feldt seconded, and the motion passed 3-0.

ADJOURNMENT: 10:08 p.m.

Leah Zaffaroni, Acting Chair

Tom Vlastic, Town Planner