



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, August 17, 2011 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

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

Oral Communications

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

Regular Agenda

1. Portola Valley Energy Upgrade Program – Presentation by Brandi de Garneau, Portola Valley Sustainability Coordinator
2. *Preliminary Review of Revised 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)*

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: August 3, 2011

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

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

PUBLIC HEARINGS

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

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

Date: August 12, 2011

CheyAnne Brown
Planning & Building Assistant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: August 11, 2011
RE: Preliminary Review – Revised Conditional Use Permit (CUP) Application, CUP X7D-169, Request to Permit Additional Floor Area and Impervious Surface Area on 229-acre parcel, 555 Portola Road, Spring Ridge LLC (Neely/Myers)

Background and Revised CUP Application

On January 19, 2011, the planning commission continued the public hearing on the subject use permit proposal based on tentative conclusions and directions provided during the December 15, 2010 public hearing. The January 12, 2011 staff report prepared for the January 19th meeting had assembled the proposal into form for action on the proposed greenhouse/pool building and the cabana/entertainment building. As was apparent during discussions at the January hearing, there were some communication issues, and the applicant's representatives advised that the applicant was only seeking an approval action for the entire project, including the greenhouse/pool, cabana/entertainment building, guest house and art studio, stable and agricultural building in the meadow. Based on this applicant input, the planning commission acted to deny the "entire" project. For background, the January 12, 2011 staff report is attached and the minutes from the December 15, 2010 and January 19, 2011 meetings are available online at the town's web site.

Following the January commission action, the applicant filed an appeal of the denial with the town council. However, after further consideration and discussion with town staff and officials, the appeal was withdrawn. The following attached documents track the appeal process and further interaction leading to the withdrawal of the appeal:

- February 18, 2011 appeal application prepared by John Hanna
- March 15, 2011 letter to John Hanna from town attorney Sandy Sloan
- April 4, 2011 letter from John Hanna to Tom Vlastic agreeing to withdraw the appeal
- April 5, 2011 letter from Tom Vlastic to Dr. Neely confirming the withdrawal of the appeal

As noted in these documents, at the request of Dr. Neely, a town council subcommittee was appointed to meet with Dr. Neely and his representatives to discuss his plans and issues that were raised during the planning commission hearing process. These meetings took

place and were aimed at clarifying the issues, particularly relative to the agricultural uses in the meadow area and town general plan provisions for the meadow, and enhancing communications to avoid the misunderstandings that surfaced during the January 19th public hearing.

Based on the meetings and further discussions between the applicant, the applicant design team and staff, the CUP application has been revised pursuant to the provisions allowed for in the March 15, 2011 letter from the town attorney. The following revised CUP plans have been filed for town consideration. The revised plans, unless otherwise noted, have been prepared by CJW Architecture, have a revision date of June 21, 2011, and were submitted with the attached July 26, 2011 letter from Kevin Schwarckopf, CJW Architecture:

Sheet: A-0.0, "Title"

Sheet: A-1.0, Site Plan – All Projects, 10/4/10

Sheet: T-0.1A, Title Sheet: Cabana - Project #1, 6/18/10

Sheet: A-1.1A, Site Plan – Cabana, 10/4/10

Sheet: A-2.1A, Cabana Floor Plan & Elevations, 6/16/09

Sheet: T-0.1B, Title Sheet: Greenhouse – Project #2, 7/20/10

Sheet: A-1.1, Site Plan (Greenhouse), 1/14/09

Sheet: A-2.1B, Main Floor Plan (Greenhouse), 2/23/10

Sheet: A-3.1B, (Greenhouse) Exterior Elevations, 2/23/10

Sheet: A-1.1C, Site Plan (and building elevations) – Guest House (studio), 7/20/10

Sheet: A-1.1D, Site Plan (and building elevations) – Barn, 7/20/10

Sheet: A-1.1E, Site Plan (and building elevations) – Ag. Building

The "Cabana" and "Greenhouse" plans are the same as generally found acceptable previously and are the plans that were before the commission with a recommendation for approval in January. The guest house plans with art studio and the stable plans are the same as were considered in 2010. These plans and the proposed locations were extensively evaluated during the 2010 reviews and while there were no critical issues with the sites for building designs, complete CEQA reviews were not finalized due to lack of complete communication regarding plan intent and the overall scope of the application.

In addition to the above listed plans, the applicant submitted color and material boards for the Cabana/Entertainment and Greenhouse buildings. These are both dated 2/20/09 and were found conditionally acceptable, along with the building plans, by the ASCC during the architectural reviews conducted in 2009 and again 2010.

The most significant concern with the "entire" 2010 application had to do with the proposed agricultural building in the meadow area. Issues were associated with the building being in the earthquake fault setback area and highly visible from Portola Road and the trail along the east side of Portola Road. Staff had recommended consideration of a location at the northerly end of the meadow that was not encumbered by the earthquake fault constraints, where ground elevations were lower and that was closer to the agricultural buildings on the parcels to the north. The applicant was, during the 2010 review, opposed to the site suggested by staff. Concerns were expressed with the 2010 plans for the meadow that the scope of agricultural uses was not clearly defined.

The revised CUP request is significantly different relative to the agricultural building and scope of proposed agricultural uses. The current proposal calls for the building to be sited as recommended by staff and the plans on Sheet: A-1.1E state the owner's intent relative to the use of the Ag building and the agricultural uses for the meadow area. The majority of the meadow would be in the historic hay and grass agricultural uses, with limited areas to the north and west identified for fruit and vegetable uses. The plantings could include grapes, but this would not be part of the vineyard operation. Nonetheless, the grapes could be processed at the existing vineyard. None of the proposed agricultural production would be sold on site and the scope of the operation for non-hay/grass production would be less than seven acres, and this is less than half of the actual open meadow area, i.e., the area away from significant tree cover.

The currently proposed Ag building would be 2,400 sf and 600 sf larger than the 1,800 sf planned with the original CUP application. Further, the covered porch would be larger than the last version of the building considered by the applicant. The changes reflect the additional thought that has been given to the meadow agricultural uses and the family's evolving commitment to rural agricultural uses for the meadow. At the same time, in light of town concerns, the applicant has been willing to limit the uses as set forth in the intent statement on Sheet: A-1.1E of the plans and the proposed impervious surface associated with the Ag building has been reduced from 14,000 sf to 8,000 sf.

The proposed Ag building is modeled after a larger building located on the Stanford campus designed and used for service purposes. The specific reference and location of this building will be provided for reference at the planning commission meeting. The building has been considered an appropriate model given its barn-like character but also its sustainable design.

During discussions with staff and council representatives, the applicant has again expressed interest in committing the entire property to a Williamson Act contract, so that the CUP plans would, in effect, set a minimum 10-year time frame for the proposed uses. We have discussed the Williamson Act provisions at length with the county planners charged with ensuring that the Act is properly applied and regulated. We have been assured that the property with the existing vineyard and open space uses would meet current Act tests and that the entire property could be placed under a Williamson Act contract. The key qualifying matter would, however, be how much tax relief the county assessor would actually allow in light of the specific property conditions. Thus, the entire property could be limited in terms of proposed uses for a minimum of 10 years, but the actual scope of tax relief would be worked out between the property owner and county assessor. Dr. Neely has already had preliminary discussions with county representatives on this matter and, based on the discussions, has continued to state that he fully intends to seek the Williamson Act contract after action on the entire CUP application.

It should also be noted that the town attorney has advised that any Williamson Act consideration is a matter that should be kept separate from the CUP application. Thus, while the applicant has again stressed his commitment to pursue the Act, this is not proposed as part of the CUP application.

Application Processing

Following preliminary discussion with the planning commission on August 17th, a joint planning commission and ASCC site meeting has been scheduled for August 22, 2011. The

purpose of the meeting would be to review the revised meadow and agricultural building plans and the proposed changes to the existing northerly secondary driveway that serves the agricultural uses. Story poles will be set for the field meeting and the proposed driveway relocation marked at the site.

The town geologist has reviewed the revised plans including the Ag building plans and found them geotechnically acceptable. He notes that the Ag building plans do not conflict with fault setback provisions, but that some additional soils evaluations may be needed to set the final framework for foundation design.

The public works director has reviewed the plans and has found them generally acceptable. He, however, requested that the driveway relocation be marked in the field for his further review. This is to be completed by the end of the week.

The revised plans have been forwarded to the conservation committee and the committee has been invited to attend the August 22nd site meeting.

Following the 8/17 and 8/22 reviews, we intend to complete CEQA reviews and put the entire plan package into form for public hearing before the planning commission. This would likely start at the September 21, 2011 planning commission meeting.

Amendments to Open Space Element of the General Plan approved by Town Council on May 25, 2011

Following resolution of the appeal matter, as summarized above, the applicant became aware of the proposed amendments to the open space element of the general plan. He considered the changes relative to "Open Space Preserves" in general and the meadow preserve in particular. Based on this consideration, he forwarded the attached May 25, 2011 letter to the town council that was considered at the council's May 25th public hearing on the general plan amendments. In light of the concerns, the council modified the proposed general plan wording to clarify that the open space preserve limitations in Section 2204 applies only to open space preserve areas owned by the town. Further, the council agreed to modify Section 2216.2 to read, "The Meadow Preserve should be kept in a natural condition and the existing agricultural character preserved." The council discussion on the matter is contained in the attached minutes of the May 25, 2011 meeting. Final wording for Sections 2204 and 2216.2 as adopted by the town council is attached.

Based on the changes agreed to by the council, it was understood that agricultural uses which include related structures could be considered on the property as long as the basic character of the meadow was preserved.

Summary of Revised Floor area and Impervious Surface Areas Proposals

Based on the above listed revised plans, the revised CUP proposes the following existing and new floor areas for the subject 229-acre property (see Sheet: A-1.0 for the details of the proposed areas):

Floor Areas:

Existing main residence with detached garage	7,808 sf
Existing agricultural/winery building ¹	1,787 sf
<i>Proposed greenhouse</i>	<i>3,420 sf</i>

<i>Proposed entertainment/cabana building</i>	2,285 sf
<i>Proposed guest house</i>	740 sf
<i>Proposed art studio</i>	1,400 sf
<i>Proposed horse barn</i>	3,540 sf
<i>Proposed agricultural building</i>	2,400 sf
<i>Total proposed floor area</i>	23,380 sf

Impervious Surface (IS) Areas:

Existing paved and other IS areas including existing reservoir structures	31,614sf
Existing tennis court surface	6,766 sf
<i>Proposed greenhouse IS</i>	675 sf
<i>Proposed entertainment/cabana building IS</i>	1,550 sf
<i>Proposed guest house/art studio IS</i>	7,000 sf
<i>Proposed horse barn IS</i>	8,000 sf
<i>Proposed agricultural building IS</i>	8,000 sf
<i>Total proposed IS Area</i>	63,605 sf

Thus, the application requests approval for 13,785 sf of new floor area and 25,225 sf of new impervious surface area. This is 600 sf more floor area than the plans considered at the December 15, 2010 public hearing and 6,000 sf less impervious surface area. These changes are directly related to the revised plans for the agricultural building and access to the building.

Further Discussion of Proposed Agricultural Building and Agricultural Uses

During the course of review of the original use permit application, we found it difficult to support the proposed agricultural building in the fault zone, particularly given the proximity to the Portola Road Corridor and visual impacts within the corridor. The currently proposed location does not conflict with fault setbacks and is over 300 feet west of the Portola Road right of way. Further, the site is 25 to 30 feet lower in elevation than the elevation of the parking lot of the open space preserve. The building would have a maximum height of 24-25 feet and, thus, the potential visual impacts from the very public open space district parking lot and lot entry would be significantly less than for the locations previously proposed for the building. In addition, the building would be roughly 900 to 1,000 feet away from the parking lot and entry to the parking lot.

The building design, as noted above, has been modeled after a similar, sustainable, service building on the Stanford campus. This building location will be identified for viewing at the planning commission meeting. Also as noted above, a site meeting with the ASCC has been scheduled for 4:00 p.m. on Monday, August 22nd to review the proposed building location and story poles will be in place to facilitate the site meeting.

During initial discussions with the applicant regarding the Ag building location, he expressed concern over the staff recommended site in part due to the closer proximity to the rural "Butler" metal building on the Jelich property immediately to the north of the subject property. Concerns were related to the building design and maintenance of the grounds around the building. The 2,600 sf accessory building was approved by the ASCC in 2001 as a structure to house and repair farm equipment of the Jelich family, including some "historic" equipment used during the early life of Portola Valley. While the ASCC did authorize the

building, its concerns were expressed with the proposal, and Dr. Neely was one of the individuals who worried over the visual impacts of the design.

Dr. Neely's current proposals, while accommodating staff's preferred siting, also are intended to provide some separation from the uses on the property to the north. Specifically, the building design is more sensitive to its surroundings both in terms of form and colors and materials. In addition, the plans call for relocation of the existing service driveway to further distance the proposed agricultural uses from the uses on the neighboring property.

The proposed meadow agricultural uses would largely be grasses and hay, with limited area reserved for fruits and vegetables. These areas would be to the north and west of the most visible meadowlands. The site meeting will also provide the opportunity to consider the areas proposed for fruit and vegetable uses.

The intent statement on Sheet: A-1.1E notes that grapes could be grown with the fruits and vegetables, but that these grapes would not be processed at the Ag building. The CUP approved for the property's vineyard uses (i.e., CUP X7D-151) allows for processing of only grapes grown on the site. Thus, any small area of grapes grown within the family farming operation could be processed at the vineyard. If, however, the entire non-hay grass area were to be devoted to vineyards, there could be a question as to consistency with the approved winery CUP. We have discussed this with the applicant and it is clearly the intent to have a range of fruit and vegetable uses and not only vineyards.

Next Steps

The planning commission should conduct the August 17, 2011 preliminary review and the August 22nd joint site visit with the ASCC. Based on these reviews, comments should be provided to assist staff and the applicant complete processing of plans so that the public hearing can take place in September as discussed above.

TCV

Encl.

Attach.

cc. Angela Howard, Town Manager
Sandy Sloan, Town Attorney
Carol Borck, planning technician
Leslie Lambert, Planning Manager
Ted Driscoll, Mayor
Ann Wengert, town council liaison
Dr. Kirk Neely, and Ms. Holly Myers, Applicants
Kevin Schwarckopf, CJW Architecture