



**TOWN OF PORTOLA VALLEY**  
**REGULAR PLANNING COMMISSION MEETING**  
**765 Portola Road, Portola Valley, CA 94028**  
**Wednesday, October 19, 2011 – 7:30 p.m.**  
**Council Chambers (Historic Schoolhouse)**

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**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. Preliminary Review, Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes:

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).

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

Date: October 14, 2011

CheyAnne Brown  
Planning Technician

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# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission  
**FROM:** Tom Vlastic, Town Planner  
**DATE:** October 13, 2011  
**RE:** Preliminary Review, Request for Deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue, Berka/Akers

### **Request, Application Processing**

This is a preliminary review of the subject request for planning commission approval of a deviation from Town Council Resolution 2506-2010 (Resolution). A copy of the Resolution is attached for reference. In this case the applicant is seeking approval of plans for additions and modifications to the existing residential improvements on the subject 22,059 sf Woodside Highlands property. The property is shown on the attached vicinity map. The entire parcel is designated Pd on the town's map of land movement potential and, under Resolution policy, residential development is not permitted in this designation. At the same time, since this is a "legally existing parcel" with "legally existing structures," repairs, modifications or additions, are possible subject to Resolution deviation provisions (Section IX., page 8.) when such deviations are considered and approved by the planning commission.

The proposed project would increase the size of residential improvements from 2,331 sf to 2,910 sf, or by 25%, i.e., 579 sf. This includes replacement of an existing deteriorating detached carport (165 sf) with a new, attached garage (417 sf) and also kitchen and bath addition to the existing two-story residence (total residential additions of 327 sf). It is noted that the existing carport does provide covered parking, but this parking does not meet current zoning standards for two covered spaces. The carport also extends into the required northwest, side yard setback area. The proposed garage would meet current covered parking standards and also would eliminate any side yard encroachment. In additions to the floor area additions, the project includes a new deck extension on the southeast side of the house. This deck does not increase floor or impervious surface areas, pursuant to zoning definitions, and also meets all setback standards.

The project is shown on the following enclosed plans dated September 8, 2011 prepared by F. John Richards Architect:

- Sheet A.1, Site Plan
- Sheet A.2, Proposed Plans
- Sheet A.3, Existing Plans

As noted, the project would result in a net floor area increase, i.e., over existing conditions, of 25% and this is the maximum increase possible under the deviation provisions of the Resolution. When such an increase in floor area is requested, the planning commission must review and act on it taking into account the criteria in the Resolution (Section XIII., page 12).

In support of the deviation request, a comprehensive geotechnical investigation has been prepared by Murray Engineers, dated March 2011. The preliminary evaluation comments presented below reference data in the investigation that are included with attachments to this report. In addition, the town geologist has completed review of the proposal and the geotechnical investigation and supports the deviation and project as discussed in the attached September 29, 2011 report from Ted Sayre, Cotton Shires and Associates.

In addition to the deviation request, the proposal also requires architectural review approval by the ASCC and the ASCC is tentatively scheduled to consider the project at its October 24<sup>th</sup> regular meeting. In this case, the ASCC must also make findings to permit over 85% of the permitted floor area to be concentrated in the single largest structure. The subject request seeks to place 94% of the permitted floor area in the single largest, and only residential building on the property. Given the steep slopes on the north side, pattern of existing development including septic tanks and system, limitations imposed by geology on possible floor area, and need to provide required covered parking to replace the existing, deteriorating carport that encroaches into the side yard setback area, it appears that making the required findings should be possible. Nonetheless, this will need to be considered and acted on by the ASCC. The results of the ASCC review will be available for planning commission reference when it finally considers the deviation request, which will be noticed for the November 1, 2011 commission meeting.

### **Parcel Description**

The Resolution provides that any deviation must be for a "legal parcel" with "legal structures." The attached vicinity map shows the "legal" boundary of the subject 22,059 sf property. It is comprised of two assessor's parcels (i.e., 079-211-030 and 040) that were merged by town action into one parcel under state subdivision map act provisions in December of 1985. The enclosed project plans do not show the full property boundary, but the parcel area data and floor area and impervious surface numbers do reflect the conditions associated with the "legal" merged parcel. The 1985 merger brought the property into conformity with the minimum 20,000 sf parcel area requirement for the R-1/20M zoning district in which it is located.

The parcel area not shown on the enclosed project plans is to the southeast, i.e., APN 076-211-040, and the existing residential improvements do not extend into the area. The space provides additional separation from the neighbor to the southeast than might be expected from review of the plans. At the same time, the plans make it clear that none of the improvements, existing or proposed, are close to required yard areas on the southeast side of the parcel.

It is also noted that the house and detached carport have existed for some time, since prior to town incorporation, and minor improvements have been made consistent with town building regulations. It is considered a legal structure. The detached carport was in place prior to current town covered parking standards, and no house additions have been made

previously that would have triggered compliance with current zoning parking standards. Removal of the carport, as is now proposed, means that replacement covered parking is necessary and the proposal is to provide an attached garage that would meet the current requirements for two covered parking spaces.

### **Preliminary Evaluation of the Deviation**

Under deviation provisions XI.A., Resolution page 10, buildings on unstable ground, but not damaged by lands movement, may be altered or replaced under specific circumstances, and with planning commission approval, floor area can be increased by up to 25%. The provisions limit changes to those necessary to improve foundation and increase structural safety with limitations on grading and drainage and no potential impacts off site. This proposal is for improvements on unstable ground that have not been impacted by land movement.

The subject plans are evaluated in the attached excerpts from the Murray Geotechnical Investigation, and 9/29/11 report from the town geologist. Only minimum grading is needed and this will include replacement of existing retaining walls that have not been improved to conventional standards. While the excerpts from the Murray report provide descriptions of site and project conditions, and summarize the conclusions and recommendations relative to criteria for new improvements including enhancement of existing foundations and retaining walls, drainage, structural ties between existing and new elements, we have not included the all of the detailed criteria in the report that would be incorporated into construction documents and actual site work. Nonetheless, it is clear that a number of existing problems, particularly with respect to the retaining walls, and structural elements would be addressed with the project. In addition, an existing abandoned septic tank may still be on site, as shown in attached Figure A-2 from the Murray report, and the project would remove this tank if it is still in place and, in any case, properly compact the fill in the area prior to construction of the new attached garage.

It is noted that the Murray report suggests that further slope stability analysis might be required by the town, but this would be if a land movement designation change to a more favorable category were to be considered. Based on the evaluation in the Murray investigation and comments from the town geologist, it is highly unlikely that the scope of the mapped landslide could be reevaluated so that a map change could be supported. In this case, the proposed deviation seems to be the most appropriate process given that most of the project is to address covered parking needs, correct existing problems and add a relatively small amount of floor area to the property. It is also noted that given the scale of the mapped landslide, both the project consultant and town geologist conclude that the added loads are unlikely to have any impact on slope stability.

The above comments address many of the criteria listed on pages 12 and 13 that the commission must consider in granting a deviation. In summary, the following comments are offered relative to the criteria:

1. State-of-the-art structural/geotechnical standards. Assuming that the detailed criteria contained in the Murray report are incorporated into the project plans, as recommended by the town geologist, then it appears that the plans would be to state-of-the-art standards. The criteria address:
  - Foundations, including continuous spread footings and drilled piers for the new deck.

- Retaining wall design, including lateral earth pressure, drainage, backfill.
- Concrete slab-on-grade for garage floor, including interior and exterior areas and vapor “retarder” factors.
- Earthwork, including clearing and site preparation, demolition and backfill of the existing abandoned septic tank excavations, fill materials and compaction, and temporary slopes and trenching.
- Site drainage
- Geotechnical final construction plan review and construction oversight.

In addition to the above, the town geologist in his review letter has suggested that the owner consider other structural upgrades, such as bolting the house framing to the foundation (if such work has not already been completed).

2. Limitations on final product and construction process. These too are addressed in the detailed criteria in the Murray report that the town geologist has recommended by a condition of deviation/project approval.
3. Control of drainage to minimize off site impacts. Again, this is addressed in the details of the Murray report.
4. Septic system interference. The old septic system was abandoned when the current well system was installed on the north side of the site. The plans avoid the area of the current tanks and wells and no conflict with the system was identified in the either the project geotechnical investigation or review by the town geologist.
5. Relocation of the structure to a more stable area. The entire property is designated PD, thus relocation to a more stable area is not possible. Further, this is not a practical consideration given the minor scope of the project.
6. Stabilization of the moving ground. Given the size of the mapped landslide, this is also not a practical consideration.
7. Improvement of safety. As long as the proposed work is accomplished consistent with the recommendations and criteria in the Murray report and the recommendations of the town geologist, it appears that safety will be improved.
8. Avoiding risk to adjoining properties. Same conclusion as offered for comment 7 above.
9. Reasonable demonstration that the structure is a legally existing structure. This was discussed above and town records do demonstrate that this is considered a “legally existing structure.”

Based on the foregoing, we tentatively conclude the requested deviation could be supported. A final recommendation will be prepared for consideration by the planning commission after ASCC project consideration.

### **Next Steps**

Planning commissioners should provide any preliminary comments on the request. Project consideration should then be continued to the November 2<sup>nd</sup> regular planning commission meeting. This will permit time for the ASCC to consider and act on the architectural review

plans and also consider the request to concentrate 94% of the permitted floor area in the single largest structure.

TCV

encl.

cc. Leslie Lambert, Planning Manager  
Ted Sayre, Town Geologist  
Angela Howard, Town Manager  
Ann Wengert, Town Council Liaison  
John Richards, Project Architect  
Rebecca Akers and Christopher Berka, Applicants