

PLANNING COMMISSION MEETING. TOWN OF PORTOLA VALLEY, APRIL 16, 2008, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chairman McKittrick called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Gilbert and Zaffaroni, and Chairman McKittrick  
Absent: Commissioners McIntosh and Elkind  
Staff Present: Tom Vlastic, Dep. Town Planner  
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None.

REGULAR AGENDA

- (1) Public Hearing: Site Development Permit X9H-580, 3 Redberry Ridge, Blue Oaks Subdivision, Evans

Chairman McKittrick said the applicant requested continuance to the 5/7/08 meeting.

- (2) Public Hearing: Amendments to Conditional Use Permit X6D, Spring Down Equestrian Center, Goodstein

Chairman McKittrick said the Town had received e-mail from residents that contained misinformation. The main issue before the Commission was the timeframe for Spring Down's CUP. Staff had investigated why Spring Down's CUP had an expiration date and found that it was an historic anomaly. The Goodsteins would prefer that their CUP was open-ended with a review period. For other CUPs, the review period was 2-5 years. Concerns about noise from Spring Down had been dealt with in the permit by requiring a noise consultant to look at the loud speaker system and report to the ASCC. Additionally, the Goodsteins wanted to hold up to six, limited size, horse shows per year.

Commissioner Zaffaroni said the applicants had brought up a conflict with the Town with respect to noise startling the horses. Obviously, this was a safety issue. There was a lawsuit and liability issues that the Commission had not discussed. Responding, Mr. Vlastic said the dumpsters and things that were causing problems were moved and taken care of. With the movement of the lesson ring to the other side of the site, which would take place in 2010, there would be more of a buffer between Spring Down and the soccer field and other uses at the Town site. He did not think the Town needed to do anything further relative to that issue. Mr. Goodstein added that they were more concerned about the basketball court, which would have a lot more activity than the tennis courts. He had been told it had been moved further down from the property line. Mr. Vlastic said refinement of the Town Center plans was currently going on because of some trees in the area. There would be a multi sports court, but it was not intended to be used for organized games. The Town had a relationship with the Priory and schools for organized games. Mr. Goodstein said he was concerned about what would happen between July and 2010 and whether he would have to cut back use of existing lesson ring earlier than planned. It was definitely a safety issue, and he wanted to be further away from the basketball court. Mrs. Goodstein added that it would not affect what happened on the back of the property.

Mr. Vlastic reviewed the staff report of 4/10/08 and the requests for: 1) six horse shows per year; and 2) a 10-year extension of the permit from 2018 to 2028. He said the applicants had provided a response (received 3/24/08) to Commissioners' comments made during the preliminary hearing and a response to staff's memo to the ASCC of 3/6/08. Responding to Commissioner Zaffaroni, he said currently, there was no limit on the number of horse shows per year, but there was a limit on size. They could exceed 75 horses per show if they informed the Town and provided additional information. The current request had evolved over the last 8-10 years. After the subdivision of the property, the amendment to the use permit in 2000 included conditions that the applicants thought would apply after 2010 when use of the two front properties

discontinued. Last year, the applicants asked for more horse accommodation on site and other modifications to allow them to continue with the kind of operation they envisioned. The horse shows were due to terminate in 2018. At the hearing last year, the applicants had been encouraged to consider the fact that the horse shows served a local need. Within an eight year period, there had been three amendments with the current request being the third. This was not an unusual number of amendments. But, the factors affecting it were unusual because of the Town's involvement in the purchase of the front two properties. With the cutback in the number of horses and size of the facility, the request was to allow no more than 6 limited size horse shows per year. The characteristics of those were set forth in the staff report dated 4/10/08. In follow up to the Commission's preliminary review, it was found that the horse shows were far more local in nature with the intent of serving local youth; it was not intended to be an A-level circuit where people came from all over the country to participate at a very high level. With respect to potential conflicts with Town activities in terms of parking and circulation, staff recommended there be coordination between Spring Down and the Town as was required from the Priory and school district to avoid conflicts. Additionally, it was recommended that the maximum for horse shows be 60 horses with no more than 25 from outside. The applicants had indicated that that was not a problem. The only issue they raised was that other CUPs did not have a specific expiration date. Staff could not find a specific reason why the termination date was there other than it was an historic carryover when the Goodsteins acquired the permit.

Commissioner Zaffaroni said she had questioned why the termination date was included. This was an unusual situation with the Town purchasing some of the Goodstein property. A lot of that negotiation had been closed without the Commission knowing what was going on. She assumed there had been a reason why the termination date was inserted in the permit. Responding, Mr. Vlasic confirmed that the termination date was in the permit before the sale. If the Goodsteins had raised the issue at that time, it probably would have been discussed, and it could have been eliminated at that time. It was an unusual stipulation. He added that the Public Works Director indicated that there was no history of problems with traffic and that problems were not anticipated for the future with the plan as presented. He [Vlasic] felt there was a basis to extend the life of the permit and allow the horse shows with the recommended conditions. Both of the requests were to allow--at a lesser level--the use to continue as it currently existed. Responding to Commissioner Zaffaroni, he confirmed that the current permit would expire in 2018 and that the request was to extend it to 2028.

Responding to Commissioner Zaffaroni, Chairman McKitterick said after seeing the staff report, the Goodsteins now realized that their permit was an historic anomaly and wanted to be treated like the other CUPs in Town with no expiration date and a review period of 2-5 years. Mr. Vlasic noted that if there were any problems, regardless of what the review period was, the Town would hear about it and would have an opportunity to deal with it. The issue of the length of time of the permit was part of the hearing. It could be extended or modified by the Commission because it had been noticed for the hearing.

Responding to Commissioner Zaffaroni, Mr. Vlasic said Portola Road was available for parking for Town Center activities. Parking associated with Spring Down off of their property was not encouraged. But, people could legally park off the road. Commissioner Zaffaroni said she assumed that staff had run this by the Town Council and the planners for the new Town Center to be sure that they weren't anticipating any potential conflicts. Since the Planning Commission had not been involved in the planning of the Town Center, she was not in a position to anticipate any conflicts. Responding, Mr. Vlasic said the Council was aware of the application, and staff had heard nothing in terms of a potential conflict. Commissioner Zaffaroni said the applicants specifically said they assumed that the Town would have raised an issue in the planning process if there had been an issue. However, when the planning process was taking place, this permit had different terms in terms of its time period and its anticipated use. She wanted to make sure for the record that this particular extension had been explored with the people involved with the Town Center planning. Mr. Vlasic said they were aware of the request. When the Town Center process was going on, there was clear awareness that this operation would continue. He had not heard that there were any issues. Mr. Young had also indicated that he had no issues with this.

Responding to Commissioner Gilbert, Mr. Vlasic said staff recommended the number of horse show horses be reduced from 60 because it was more in scale with the cutback of the number of horses on site. It was meant to address the questions about the intensity of the site use. It was not a huge cutback but seemed more consistent with the average numbers. He confirmed there was no specific concern about lack of parking.

With respect to the expiration of the permit, Chairman McKitterick said he supported revising it to an open-ended permit. He was also inclined to impose a 5-year review period. With only 6 horse shows/year, the use was less intensive than some of the other CUPs with shorter review periods. There were other parts of the permit that the Goodsteins were fine with such as having an acoustic consultant.

Responding to Commissioner Zaffaroni, Mr. Vlasic said many of the older CUPs did not call out a review period. The Town received a report from the Priory twice a year, but it was not a formal review; once a year, the report was shared with the Commission. That had to do with the problems the Priory faced in terms of exceeding the population. Alpine Hills had a provision for an annual review, but the Commission had had so many requests for amendments, annual reviews were conducted through the amendment process. When they sought additional membership, it would be reviewed. Roberts Market had a review after 6 months; after that, it would be a 2-3 year period. The Town was moving away from an annual review provision because it was too much of a burden both on the permit holders and on staff. Staff tried to pick a time within the 2, 4 or 5 year period that seemed reasonable based on the use. Responding to Commissioner Zaffaroni, he said with the conditions of this permit and the zoning ordinance, he felt an open-ended permit with a 2-, 3- or 5-year review would be appropriate. With Spring Down, there was a condition that addressed noise and an on-going review process to address runoff. Equestrian facilities had far more inspections on a regular basis than almost any other use. Responding to Chairman McKitterick, he said this use had one of the highest level of operation and quality control of any that the Town had had. He thought a 3- or 5-year review period was appropriate and consistent with other permits. You could require a 3-year review after 2010 and then 5 years after that. In 2010, they would no longer have the front parcels. There would be interaction between the Town and the operator at that point even though it might not be a formal Planning Commission consideration. Between now and 2010, the interaction would be pretty regular because they would be moving ahead with the construction of the riding ring.

Stan Goodstein said he felt it was fair to have a 3-year review period after 2010 and then go to a 5-year review period. He confirmed for Chairman McKitterick that he agreed with staff's recommended conditions in the permit.

Chairman McKitterick opened the public hearing.

Victoria Kline thanked the Commission and staff for their due diligence and thoughtfulness. She had been riding and enjoying the benefits of Spring Down for over 25 years. She supported the Commission's inclination and any opportunity to support the horse community. That was why many people lived in Portola Valley. It was impressive that the Goodsteins were willing to invest a significant amount of money to support the horse community with a potential devaluation of their property when they sold it. It would be very specifically a horse property, which was a benefit to all equestrians. Chairman McKitterick noted that when the Goodsteins came before the Commission with an application that didn't include any horse shows, the Commission encouraged them to come back with another request. Additionally, CUPs could be amended in the future as the need arose. This was an important historical use. In terms of the front property, Ms. Kline said she hoped it would be available for some kind of equestrian usage.

Rick Anderson, Woodside, said he was not an equestrian. He fully supported Spring Down and the Goodsteins' operation. He felt it was a very important thing to have in Town. He was the closest neighbor and said they had been wonderful neighbors. He felt the noise issue was a red herring. In the last 14 years, he had called twice about loud noise, and it was immediately taken care of. They were very responsive. He appreciated the efforts the Town was making on this issue in case it did change ownership. There was one neighbor who didn't like the noise, but they had never contacted the Goodsteins about it. A bigger noise

issue was the soccer field or motorcycles on Portola Road. Regarding the horse shows, he suggested that the limit be per calendar year. He had no problems with conditions “e,” “g,” or “i.” But, he questioned how some of the other conditions would be monitored or enforced. On condition “h” and parking, the condition should address horse trailers because there was a limit to the number of horse trailers that would fit on the site. He also questioned whether you could monitor whether the riders were young or local and whether that condition was necessary. Additionally, the permit didn’t define the difference between “entry level” versus “A level” shows in condition “b.” If there was something bad about A level shows, it should say “no A level shows.” It also shouldn’t dictate that the majority of competitors had to be under 18 years old because there was no way to enforce that unless records were kept. Condition “c” talked about a practice the Goodsteins had of providing scholarships. That was wonderful, but the condition didn’t say that was required. It was also not enforceable. In the future, the Goodsteins might not be able to provide scholarships. Condition “d” was already covered by the requirement that only 25 horses come from outside. Even if his comments were ignored, he supported the request.

Mr. Vlasic said the conditions were written to provide flexibility and set a general character. There had been a lot of discussion about what the horse shows were intended to be. The conditions were not intended to be precise but to provide an understanding between the community and the operator as to the general nature of these shows. If there were banners and trailers from international locations showing up on the property, the Town could come back and say this was not geared to the local service that was intended with the permit. The use permit was an agreement between the Goodsteins and the Town about how the site would be generally operated. The Town did not expect to monitor everything but would note activities that were glaringly different than the understanding. Chairman McKitterick pointed out that this was language that the Goodsteins and staff could live with.

Chairman McKitterick closed the public hearing.

Referring to the conditions, Commissioner Gilbert said she liked the language in condition “a” that was in one of the earlier amendments that said “give priority to” instead of “targeted.” On condition “b,” she suggested deleting the language about the majority of competitors being under 18 years of age. There was nothing wrong with an entry-level adult rider. On condition “c” and the reference to scholarships, she said that was commendable but she did not want that to be viewed as a requirement if the property changed ownership. She did not think that was necessary in describing the general character of the operation. Finally, there had been some questions raised in communications between staff and the applicant as to whether the Commission understood that Spring Down was an asset to the community. In addition to hearing the comments from all the equestrians, Commissioners read all the letters and acknowledged the community outpouring of support for the center. She appreciated the time and effort that everyone had made.

Referring to Commissioner Gilbert’s suggested changes, Commissioner Zaffaroni said she had question marks on the same items. The conditions were somewhat unusual. But, the assumption was that when material came to the Commission in this format, it had been worked out between the applicant and the staff, and this was something that they both were comfortable with. Conditions about hours of horse shows, parking and scheduling were important to have in the permit. But, the changes suggested by Commissioner Gilbert made a lot of sense. It would also have been helpful to have language from the municipal code in the staff report. Some of the questions coming from Commissioners as well as questions raised by Commissioner Elkind in her e-mail might seem intrusive to an applicant. She wanted to clarify that to approve a CUP as well as an amendment to a CUP, the Commission was required to make findings based on criteria that were established in the municipal code. She read the required findings. She said finding number six required that the use serve generally the Town and its sphere of influence. That was why some of the material referred to “service to the community” in terms of the number of outside users, etc. Questions about parking, outside users needed to be answered in order to make the findings to approve or disapprove a permit. While those questions had to be asked, she was very supportive of the horse community in Town and this particular facility. Bill Lane framed the issue very well when he said this was a way of staking the use of equestrians in the community and putting them on parity with other kinds of sports

and recreational uses. She supported the application. Not having a permit termination date was also appropriate.

Chairman McKitterick said he also agreed with Commissioner Gilbert's suggested changes—all three of which were favorable to the Goodsteins. He also felt the termination date should be removed. He felt an initial 3-year review was appropriate followed by 5-year reviews.

Responding to Commissioner Gilbert, Mr. Vlasic said all of the conditions as amended would be put in a clean version and provided to Commissioners.

By motion of Commissioner Zaffaroni, seconded by Commissioner Gilbert, the Commission found the project categorically exempt pursuant to Section 15303 of the CEQA guidelines by a vote of 3-0.

Commissioner Zaffaroni moved to approve the requested use permit amendment as described in the staff report of 4/10/08 and make the specific changes and additions to conditions as established in the 11/7/07 use permit amendment (modified condition wording as presented in the staff report) and described in paragraphs 1 through 3 of the staff report of 4/10/08, as amended by the Planning Commission. Commissioner Gilbert seconded, and the motion carried 3-0.

(3) Public Hearing: Conditional Use Permit X6D-164 for Small Winery, 875 Westridge Drive, Brown

Chairman McKitterick noted that the application was still pending but had been removed from this agenda. Mr. Vlasic said the Westridge committee (WASC) was also involved with the application.

(4) Update on Douglas Conditional Use Permit X7D, 888 Portola Road

Ms. Lambert said she received the request for city staff comment from LAFCo on the proposed annexation for the Douglases. Input had been provided to LAFCo, and the hearing date would be May 21.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said there would be a joint meeting with the Town Council on 4/23/08 at 7 p.m. on the fire mapping. Mr. Vlasic said there was a meeting with the State representatives today to get clarification on the building code requirements. Chapter 7A focused largely on embers and pertained only to new buildings—not remodels. The Town Council had a great deal of authority to say what would be included, and fire agencies would encourage local jurisdictions to go farther than that. He said the staff report would be ready by Friday. The formal map posted on the State's website showed no area in Town as very high risk. The Fire District sent a package of information that identified what they felt should be very high fire risk. The State had not issued a revised map and had been asked to take into consideration the mapping that the Town was doing, which was much more detailed and showed more areas of very high fire risk. The Fire Marshal had taken into account factors other than vegetation such as structures, water, access, etc. The State wanted to give the Town and Fire District an opportunity to work it out and inform the State about what was felt to be appropriate. He understood that whatever the Town Council forwarded to the State would be accepted. Everything in the State's area of regulation had to abide by the new building code—irrespective of how it was classified in terms of fire risk. Within the local jurisdictions, only the very high risk areas had to abide by the code. The final map would probably only show that one category within the local jurisdictions. He said there were still a lot of unanswered questions. He discussed fire resistance surfaces, enforcement of the code, fire district concerns, fuel management, etc. Responding to Commissioner Zaffaroni, he reiterated that the State knew that the Fire District and the Town were doing their own local mapping. When there was a mutual agreement, it would be forwarded to the State. The mapping done by the Town's consultant was much more fine-grained and was based on fuel types and took into account steeper canyon areas. He described areas that were shown as high fire risk. He felt the State would adopt the map; those in the very high risk areas would have to abide by the building code requirements. Commissioner Zaffaroni said a lot of people's concerns had to do with insurance. Mr. Vlasic said staff had talked to insurance

agents. They had their own information that they used, and that should reflect what was being done or not being done in the community to reduce high risk.

Ms. Lambert said the green building workshop was held on 4/5/08. It was well attended with 60-70 people. Mr. Vlasic said a third of those were involved in some aspect of green building. Ms. Lambert said the small group discussions went very well. A summary was being put together.

Ms. Lambert said the basement ad hoc committee met and completed their action in one meeting. The recommendation to the Council was to hold off on doing anything on basements while the Town was looking at issues related to sustainability. Clay Baker would be putting together performance standards for basements for the ASCC. Commissioner Zaffaroni said the Planning Commission never stated that basements were less energy efficient. It was simply that expanding square footage of the home normally increased energy usage. Mr. Vlasic noted that site disturbance and other issues the Commission had discussed disappeared in the committee discussions.

#### APPROVAL OF MINUTES

Commissioner Zaffaroni submitted a change to the minutes of the March 19, 2008, meeting. By motion and second, the minutes were approved as amended by a vote of 2-0, with Commissioner Zaffaroni abstaining.

ADJOURNMENT: 9:47 p.m.

---

Nate McKitterick, Chair  
Planning Commission

---

Leslie Lambert  
Planning Manager