

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, NOVEMBER 2, 2011, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

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

Present: Commissioners Arthur McIntosh and Alexandra Von Feldt; Vice Chair Leah Zaffaroni; Chair Nate McKitterick

Absent: Commissioner Denise Gilbert

Staff Present: Tom Vlastic, Town Planner
Carol Borck, Planning Technician
Councilmember Ann Wengert

ORAL COMMUNICATIONS

None

REGULAR AGENDA

- (1) Public Hearing: Request for deviation from Town Resolution 2506-2010, 21 Santa Maria Avenue (Chris Berka/Rebecca Akers)

Mr. Vlastic cited the Planning Commission's general support for the deviation during its preliminary review on October 19, 2011. Since then, the ASCC conditionally approved the project plans at its meeting on October 24, 2011, and, in response to Commissioners' comments, project architect John Richards submitted a list of eight specific structural upgrades that the proposal would accomplish on October 26, 2011.

Detailed criteria from Murray Engineers' March 29, 2011 report, which include a requirement for its detailed review of all plans and inspections of construction work, will be incorporated into the final building permit plans before they're approved. As recounted in the staff report of October 26, 2011, Mr. Vlastic said that the permits will include the report's criteria in regard to foundations, retaining walls, concrete slab-on-grade for the garage slab, earthwork and site drainage.

After reviewing the staff report as well as Mr. Richards' list of structural improvements, Mr. Vlastic said, the Town Geologist concurred that the important issues are addressed and supported the requested deviation, subject to provisions in the Murray report as stated in his September 29, 2011 memorandum to the Planning Commission.

Chair McKitterick asked whether the structural stability and foundation upgrades described are sufficient to satisfy Town Resolution 2506-2010's requirement for improvements that minimize the potential for structural failure. Mr. Vlastic said work on the retaining walls, garage construction, removal of the septic tank, dealing with the fill and drainage correction – along with issues tied to the seismic criteria set forth in the Murray report – would all result in significant site improvements. He also indicated that the property owner has taken great care to get geotechnical provisions, add drainage extensions and address deviation requirements comprehensively.

In response to Vice Chair Zaffaroni, Mr. Vlastic confirmed that neighbors were notified and have made no objections. The neighbor nearest to the proposed garage addition area came in to look at the plans but expressed no concerns, he added.

Commissioner McIntosh asked how the Vicinity Map in the latest staff report differs from that in the previous report. Mr. Vlastic said that although neither map includes the whole property, the most recent one shows that the property actually extends farther to the southeast.

Chair McKitterick opened the public hearing, and with no speakers stepping forward, closed the public hearing.

In response to Vice Chair Zaffaroni, Mr. Vlastic confirmed that no CEQA requirements apply in this case.

Commissioner Von Feldt said that the deviation requested seems to improve the safety and security of the structure, and although she wasn't on the Planning Commission when Resolution 2506-2010 went into effect, this strikes her as a good test case. Commissioner McIntosh said that he agreed. Vice Chair Zaffaroni added that she's comfortable with the addition of Mr. Richards' October 26, 2011 explanation of the improvements and their safety effects. Chair McKitterick concurred, noting that Mr. Richards' memorandum was done well.

In terms of deviation requests generally, Chair McKitterick pointed out that each of the circumstances involved have numerous variables, and each application will differ in terms of conditions, site and proposed improvements. For this particular request, he said, after due consideration by staff, the Town Geologist and the Planning Commission, he believes this proposal is ready for a motion for approval.

Vice Chair Zaffaroni moved to approve the requested deviation from Town Resolution 2506-2010, subject to the conditions set forth in the September 29, 2011 report from the Town Geologist, which specifically required conformity to the criteria in the Murray Engineers' report dated March 29, 2011, and subject to conditions of the ASCC's architectural review approval granted on October 24, 2011. The project as proposed for the property at 21 Santa Maria Avenue includes documents presented by architect John Richards, including a three-sheet-plan set dated September 8, 2011, revised site plan dated October 24, 2011, and a listing of structural upgrades dated October 26, 2011. The Planning Commission approval is based on findings and evaluations presented in the October 26, 2011 staff report and in the referenced attached materials, which establish conformity with the deviation criteria. Seconded by Commissioner McIntosh, the motion carried 4-0.

(2) Compliance with Annual Reporting Conditions: Conditional Use Permit X7D-30, The Priory School.

Vice Chair Zaffaroni recused herself.

Mr. Vlastic referenced the staff report of October 27, 2011, noting that The Priory's conditional use permit (CUP) requires informing the Town twice a year about sensitive matters relative to conditions of the use permit as amended in February 2005. He indicated that the Town has worked with The Priory on various issues related to enrollment, below-market-rate (BMR) housing, and frequency of larger-scale events.

Typically, Mr. Vlastic said that each year the Planning Commission has seen the report in the fall, but no hearing is mandated. As pointed out in the 2010 annual review, he said, The Priory's student population had passed the CUP limits. Given attrition over the school year, the Town accepted the overage. Mr. Vlastic said that an unusual wave of higher enrollment responsible for the deviation from the CUP limit seems to be on the downside now, but the Town will continue to monitor it.

In terms of larger events – as determined by the use of overflow parking areas – Mr. Vlastic said that during the first five years after the CUP was granted, The Priory was allowed 10 such events. While the number of such events listed on the school calendar remains at or below the seven-event maximum allowed now, there's a concern about athletic event attendance reaching a point at which parking will exceed overflow capacity. Because the Priory continues to monitor the situation to minimize offsite impacts, such as parking along Portola Road and Georgia Lane, that doesn't seem to be an issue, Mr. Vlastic said. He noted receiving no complaints about that matter to date, but said that the seven-event limit may no longer be realistic. In terms of the larger events, Mr. Vlastic pointed out that the central issue involves offsite impacts, e.g., parking and traffic flow, rather than the number of events per se.

The Priory is in general compliance with BMR housing requirements in terms of the numbers of available and occupied units, Mr. Vlastic noted, with a total of seven units – one more than required. No very-low-income units are among them, but as Mr. Vlastic indicated, not many staff and faculty meet the criteria.

The Priory's CUP also limits lay faculty to 50. While The Priory's lay faculty count currently stands at 52, only 44 have full-time faculty positions, Mr. Vlastic stated.

The Priory has indicated a desire to pursue expansion of the athletic field, Mr. Vlastic reported, but the school is reconsidering its options in light of the opportunities now available on the Gambetta property. Expansion onto that property would require a CUP amendment, he indicated, and certainly an amendment would be in order if the school opts for a larger track – which would require more grading and removal of the berm between the Gambetta property and the existing track.

In conclusion, Mr. Vlastic commended The Priory for being proactive in tracking data, openly discussing issues that arise and working with the Town to resolve them, and continuing to make its athletic facilities available for community use.

Chair McKitterick suggested that the next time The Priory's CUP comes up for amendment, it would provide an opportunity be more future-focused. He specifically mentioned improving metrics to better define larger events and clarifying other areas that are somewhat ambiguous – such as using average daily attendance versus student body count for enrollment data and specifying full-time equivalent (FTE) in counting lay faculty.

Commissioner McIntosh asked why the CUP allowed 10 larger events during the first five years, when the school was smaller, but is now allowed only seven. Mr. Vlastic said that more frequent use of overflow parking areas was anticipated during the first five years, when construction staging activities would make some onsite parking areas unavailable.

In response to Commissioner McIntosh, Head of School Tim Molak explained that part-time faculty members typically teach one to three periods rather than all five, and the way the schedule works some may not teach every day. He also said that part-time faculty also includes administrators who teach one or two periods; they actually work full-time but teach only part-time. In terms of athletic events, Mr. Molak said, after boys' soccer moved from the fall to winter schedule – leaving cross-country as the only team sport for boys in the fall at the time – the school added water polo three years ago. The Priory also added football to its high school lineup in the 2009-2010 season, he said. Some games are on Saturdays, he noted, but some are held on Friday afternoons.

Commissioner McIntosh suggested that it makes sense to work with The Priory to amend the CUP to accommodate its changing conditions.

Commissioner Von Feldt asked why The Priory is required to submit reports twice a year. Mr. Vlastic explained that when the CUP was issued in 1995, The Priory had 325 students, well over the enrollment limit (250). The reporting conditions were designed to ensure tracking of the data over the school year and also to make sure neighborhood concerns about parking were monitored. At the time the CUP was issued, too, he said that annual reviews were typical with most of the Town's use permits.

Chair McKitterick suggested that in lieu of twice-yearly reports, the Planning Commission could go back to annual reviews of The Priory's CUP, with staff delivering oral reports at the six-month point. Commissioners McIntosh and Von Feldt agreed. So did Mr. Vlastic.

As for The Priory's athletic field turf proposal, Mr. Vlastic said that the school never actually filed a formal project, although the environmental review process had begun. The proposal remains on hold while The Priory decides what the project would entail – field materials, extent of grading, plans for the Gambetta property and so on. In response to Commissioner McIntosh, Mr. Vlastic said that the environmental consultants and the Town have vetted the artificial turf proposal "pretty extensively" already.

Commissioner McIntosh also requested clarification of the definition of larger events. In response, Mr. Vlastic said that a larger event is one requiring use of the overflow parking area on the soccer field closest to The Priory's entrance drive. Mr. Molak said that would be upwards of 250 vehicles.

Commissioner Von Feldt said that in terms of BMRs, The Priory's CUP ought to reflect not only the Town's desires but also the reality, especially considering the fact that Portola Valley has ample very-low-income units because that category includes guest houses. As she pointed out, the Town has greater need for BMR units in the other categories – and The Priory helps meet those goals. Commissioner McIntosh agreed.

Commissioner McIntosh noted that the CUP sets a 50-student limit on boarding. Because boarding tends to decrease rather than increase traffic, he asked about the rationale behind that limit. Mr. Molak said that the limit relates to the number of spaces The Priory has available for boarders. At this time, he said, the school could actually accommodate five to seven additional girls, but the boys' accommodations are full.

In terms of enrollment, Mr. Vlastic said that if The Priory wanted a fairly significant increase in enrollment permitted under its CUP – such as moving up to 400 students from 350 – it would require careful evaluation and reexamination of the factors considered when the initial conditions were developed. Mr. Molak noted that one of those factors – traffic impact – does not exactly mirror student enrollment. That's because some families enroll multiple children, he explained, but transport them to and from school in a single vehicle. At this time, he indicated, 42 families have two children enrolled, while five families have three. The typical range is 44 to 50 families with multiple students, he said.

In response to Chair McKitterick, Mr. Molak confirmed that The Priory has a waitlist for new students.

Intrigued by the idea of removing the berm on the Kalman athletic field, Commissioner Von Feldt asked whether Mr. Vlastic knew when and why it was installed in the first place. Mr. Vlastic said that he thought it was a remnant of work done when the fields were constructed. Chair McKitterick said that it's part of the original slope that existed there. Mr. Molak described it as a man-made berm installed when the soccer fields were flattened out, so in one sense its removal will take the area back to its original condition. The combination of berm removal with the acquisition of the Gambetta property and a lot-line adjustment would enable The Priory to replace its 330-meter track with a regulation-size 400-meter track.

Commissioner Von Feldt asked Mr. Molak about The Priory's negotiations with cellular providers. He said that the lawyers are talking to one another, but he doesn't know the current status.

Chair McKitterick invited public comment.

From the audience, Ms. Zaffaroni said that someone is doing a good job of preventing parking problems on Georgia Lane.

Following up on Commissioner Von Feldt's inquiry about the status of the wireless communication facilities at The Priory, Ms. Zaffaroni also said that some of the pine trees appear to be dying. Commissioner Von Feldt said that the culprit is the pine bark beetle, pointing out that the trees – all planted about the same time, when the Westridge Neighborhood was being built – also are getting old. Considering that The Priory has a lot of other pines that provide screening, Ms. Zaffaroni wondered whether there's a way to treat unaffected trees. Commissioner Von Feldt said that based on what she understands from tree care company S.P. McClenahan, she doesn't think so but is not certain. Mr. Molak confirmed that there are rows of pines all over campus.

Commenting also on the berm, Ms. Zaffaroni advised that it's very important to conduct a thorough drainage study, because removal of the berm would alter drainage patterns and possibly redirect runoff toward Corte Madera Creek. While she favors school improvements generally, Ms. Zaffaroni said that she's concerned about additional track meets with concomitant traffic if The Priory builds a new regulation track, and any amended CUP would have to deal with that as well.

Mr. Molak said that most of the large events on The Priory are school-related – open houses, back-to-school nights, etc. He said that those over which The Priory has less control are the larger crowds drawn by winning teams, but over the past few years, they've hired a parking service to work at every large event. In addition to making every part of the campus available for attendee parking, The Priory also installs temporary lighting for after-dark events.

Commissioner Von Feldt said that The Priory seems to be in general compliance with its CUP, and efforts are underway to address areas where it may not yet be in technical compliance. She said she also looks forward to opportunities for The Priory to incorporate some sustainable ways to address drainage issues, etc., as plans gel for various improvements ahead.

Commissioner McIntosh moved to accept The Priory's annual report. Seconded by Commissioner Von Feldt, the motion carried 3-0.

Vice Chair Zaffaroni returned to the dais.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Chair McKitterick reported that he, Mr. Vlastic, Town Attorney Sandy Sloan, Town Manager Angela Howard and Vice Mayor Derwin met with the developers who are considering purchasing the Lodato property, which is currently approved for a five-unit senior housing complex for residents aged 62 and-up, with one BMR unit in front. Mr. Vlastic said that the plan includes remodeling a commercial building onsite and replacing the unit that might be a BMR. The current Tentative Map is good through 2015. One of the major concerns for the Planning Commission on that proposal was the creek, Chair McKitterick pointed out, including siting units in relation to the creek, drainage issues and the wildlife corridor. He said that the developers were interested in learning about the Town processes and procedures, and what to expect if they make the purchase.

In response to a question from Vice Chair Zaffaroni, Mr. Vlastic said that the developers don't want to change the entitlements already granted. Rather, they'd like to make some changes so that the project better serves the senior market. They also want to refine the design so the project is more economical to build.

Commissioner McIntosh asked whether the initial floor plans were approved. Mr. Vlastic explained that the ASCC – not the Planning Commission – had approved the plans as proposed. The primary ASCC concern was that the units were single-story units, each with a garage parking space, that were compatible with the basic design.

Commissioner Von Feldt asked what's happening with the former Al's Nursery property. Mr. Vlastic said that the buyers, Geoff and Colleen Tate, continue to discuss the property with the Windmill School, which had been nearly ready to purchase it in March 2011. Commissioner McIntosh noted that some environmental issues on the property were being investigated as well, and Vice Chair Zaffaroni indicated that she understands there's an interest in the site being used for low-income housing. In response to Commissioner Von Feldt, Mr. Vlastic confirmed that the property, located at 900 Portola Road, does not abut the Lodato parcel; a shopping center is located between the two.

Mr. Vlastic also reported that T-Mobile let its Peak Lane use permit application expire on October 27, 2011, and did not apply for renewal or extension. However, the company has submitted other applications, including two facility upgrades and one new facility. Deemed incomplete, the applications are back in the company's hands.

Mr. Vlastic said that in the meantime, the Town is working with AT&T and Verizon on other applications. Commissioner Von Feldt noted that where AT&T trucks frequently pull off Alpine Road has become a dittrichia field, which results in the invasive weed being transported to other places via the truck tires. She suggested that future permits require something to address this problem. Mr. Vlastic said it's certainly possible, noting that it could also be part of the encroachment permit, because the area is within the public right-of-way.

Chair McKitterick said that since Planning Commissioners are Town representatives, it bears remembering the importance of using discretion in discussions with staff, applicants, other Town representatives or other Town citizens.

Commissioner Von Feldt asked about the status of the Meadow Preserve. Mr. Vlastic said that when the Neely/Myers application comes back to the Planning Commission (within the next month or so), the Town Council wants the Planning Commission to consider the wording in the General Plan as it existed when the application was initially filed. He reported that Councilmembers did not consider an agricultural building a problem, and suggested that the Planning Commission exercise its discretion as to the range of agricultural uses under consideration.

Councilmember Wengert said that some of the miscommunication regarding preserves apparently resulted from the fact that the open-space definitions the Town Council drafted – also used by the Planning Commission in its work on the Open Space, Conservation and Recreation Elements of the General Plan – used the Town-owned Spring Down property as a referential point.

She also commented on a point that Councilmember Toben made during the discussion about the Meadow Preserve. In terms of policy, he said, when the Council considered the General Plan amendments in May 2011, he envisioned the potential for row gardening. In the same way that the Town has applied forward-thinking insights in terms of sustainability, with the first municipal LEED Platinum complex in California, and in its review of septic systems in light of greenhouse gas effects, etc., he noted that limited-impact agricultural production that enables local experimentation might be worthwhile in terms of augmenting the food supply, and it wouldn't harm the visual values of the meadow. Councilmember Wengert said that his perspective, in the spirit of Portola Valley's history of leadership, could well apply in terms of understanding the food chain, knowing the quality of the food on your table, minimizing transportation costs and so on. She said a strong case could be made for sustainable agriculture close to home.

In conclusion, Councilmember Wengert said that because the General Plan is overarching, it gives the Planning Commission flexibility.

Mr. Vlasic said that the Town Council also approved the wireless ordinance as recommended, except for one additional word for clarification. The ordinance will be up for the second reading and adoption at the Council meeting of November 9, 2011.

APPROVAL OF MINUTES

Commissioner Von Feldt moved to approve the September 21, 2011 minutes of the Planning Commission meeting. Seconded by Vice Chair Zaffaroni, the motion passed 3-0-1 (McIntosh abstained).

Commissioner Von Feldt moved to approve the October 19, 2011 minutes of the Planning Commission meeting, as amended. Seconded by Commissioner Von Feldt, the motion passed 4-0.

ADJOURNMENT 8:36 p.m.

Nate McKitterick, Chair

Leslie Lambert, Planning Manager