

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, FEBRUARY 20, 2008, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Commissioner Elkind called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, Gilbert and McKitterick
Absent: Commissioners McIntosh and Zaffaroni
Staff Present: Tom Vlastic, Dep. Town Planner
Steve Toben, Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS

Councilmember Toben said he was the liaison to the Planning Commission for the coming year. Noting that he served as a Planning Commissioner, he said the issues facing the Commission were challenging. There was nothing more vital to the future vibrancy of the community and preservation of its ethos than the decisions the Commission made week in, week out. He thanked the Commissioners.

Bill Lane, Westridge, discussed his involvement with the bond for County parks coming up in the June election. He said pressures would be coming in the future for: 1) Redwood City in developing the salt lands; 2) communities to deal with global warming; and 3) commercial development in Town. He said the Town was very fortunate to have capable Commissioners, consultants, and staff.

REGULAR AGENDA

(1) Public Hearing: Proposed Amendment to the Zoning Ordinance Regarding Variances

Mr. Vlastic reviewed the agenda memo of 2/14/08 and staff report of 1/14/08 on the proposed amendments to the variance findings in order to conform to State law. Responding to Commissioner McKitterick, he said the Town Attorney indicated that State law had some recognition of the way a property was used over a period of time, which should be included in the Town's provisions. Where there was conflicting language, it had been removed. The Town Attorney felt that what was proposed was consistent with State law. Responding to Commissioner McKitterick, he said if there was a problem with finding #6, it would probably not be brought to the Planning Commission.

Commissioner Gilbert suggested "general plan" in finding #6 be capitalized because it was an official document. Referring to finding #5, she asked how conditional use permits were dealt with. Responding, Mr. Vlastic said a use permit established its own special zoning within the overall context. Typically, there would not be a need to seek a variance. It was possible to grant a variance from unique zoning provisions that were established in a PUD like the Ranch. But, in most use permits, whatever adjustments were necessary were built into the permit. Responding to Commissioner Gilbert, he said a use permit in a residential zone could be for an institutional use. For example, the setbacks for the Priory were more generous under the use permit provisions than they would have been within the zoning district. A broader setback was required from the boundaries to adjoining properties. The Priory would not be granted a variance for encroachment into that; they would have to modify the use permit. He confirmed that "...authorized by the zone regulation..." (finding #5) included uses defined by the use permit.

Referring to finding #6, Commissioner McKitterick said Town Planner Mader and the Town Attorney did not feel that finding was necessary, and no variance had apparently ever been denied because of it. A variance could not be granted if it was inconsistent with the General Plan. He questioned whether it should be included. Mr. Vlastic confirmed that a variance could not be granted if it was contrary to the General Plan. The purpose of the zoning ordinance was to implement the General Plan. Taking an action that was inconsistent with the General Plan meant that the zoning wasn't functioning the way it was supposed to. Commissioner McKitterick said he didn't like the terms "in harmony with" and "intent" in finding #6. He

preferred: "The granting of such variance will not be inconsistent with the General Plan."

Commissioner Elkind said she wanted to keep finding #6. It was important to remind people over and over that the General Plan was the overriding document. While there might be a redundancy, she saw it as an educational place marker and reminder about what the Town was trying to do. She felt it provided a reminder for the soft, qualitative decision process that the Commission followed. Responding to Commissioner McKitterick, she said she could support "...the granting of such variance will be consistent with this title and the General Plan."

Commissioner Elkind opened the public hearing.

Bill Lane said he was not informed of the details of the amendment. But, there needed to be a unified awareness and understanding by all of the members of the Planning Commission in case something very serious came before the Commission at a future date. He felt the whole Commission should be involved in the very good points that had been brought up. This could be challenged in the future.

Commissioner Elkind said it was clear in the minutes from the previous meeting that she, Commissioner McIntosh and Commissioner Zaffaroni wanted the language shown in finding #6 included. Mr. Vlasic said the Town Attorney felt it was a redundant requirement. It was there because the Commission wanted to emphasize consistency with the General Plan as one of the findings. It didn't have to be there because a judgment would be made on that at any rate. The intent of the existing wording or the modified wording was the same. By including it, it let people know that the General Plan was a factor. The zoning ordinance was an implement document for the General Plan. Finding #6 was a reminder flag.

Commissioner Elkind reiterated that she valued that flag. Commissioner Gilbert said she could support it with the wording change suggested. It would eliminate the words that could be challenged. After looking at it, she could not imagine an example where someone adhered to everything but finding #6. Mr. Vlasic said if a variance met all of the other findings, it would be consistent with the General Plan. In and of itself, it was not the key evaluating point. Commissioner Elkind said including #6 made it a necessity for the Planning Commission to look at the General Plan and discuss the merits of the request within the context of the General Plan. That could not be done too much.

Commissioner Elkind closed the public hearing. Commissioner McKitterick moved to adopt Resolution No. _____ recommending approval of the amendments to Section 18.68.070 of the Portola Valley Municipal Code regarding variances, as set forth in the draft dated 1/28/07, with finding #6 reworded to read: "That the granting of such variance shall be consistent with this title and the General Plan." Commissioner Gilbert seconded, and the motion carried 3-0.

(2) Public Hearing: Amendment to Fence Provisions of the Zoning Ordinance

Mr. Vlasic reviewed the staff report of 1/14/08 on the amendment to the fence provision and technical corrections needed to include the existing provisions on fences in other than residential and Open-Area (O-A) zoning districts. The existing language should have been retained.

Commissioner Elkind opened the public hearing, and there were no comments.

Commissioner McKitterick moved to approve Resolution No. _____ recommending the approval of the ordinance amendment to Section 18.42.040 of the Municipal Code, as set forth in the staff report dated 1/14/08. Commissioner Gilbert seconded, and the motion carried 3-0.

(3) Preliminary Review of Amendments to Spring Down Equestrian Center Conditional Use Permit, X7D-29

Mr. Vlasic said the Goodsteins were not represented. He felt they should be during a preliminary review to answer questions, etc. He recommended the item be continued to the next meeting. The ASCC was scheduled to review the request, but that should be deferred until the Planning Commission held its preliminary review. Responding to Commissioner Elkind, he said Commissioners could ask questions, and staff would share those with the applicants. Ms. Lambert added that there had not been any questions or comments to staff on the application.

Commissioner Gilbert said the original use permit was issued in 1984. This would be the fourth amendment. She asked if CUPs were ever rewritten as opposed to making a lot of amendments. Mr. Vlasic said the 1984 permit was a complete rewrite of the permit. The 2000 amendment and more recent adjustments had been linked to the property and the 2010 timeframe. Once the Commission completed this process, staff would administratively put together an updated list of conditions. Responding to Commissioner Gilbert, he suggested e-mailing questions and comments to Ms. Lambert. Those would be provided to the applicant, and any response would be available to the Commissioners at the next meeting.

Bill Lane said the research that had been done emphatically came down on maintaining a rural feeling on Portola and Alpine Road. It was very important to keep in mind the agreements the Town had with the Goodsteins in order to preserve the frontage of the lot and perpetuate the horse ethic, which was important for the feel of the community. Responding to Mr. Lane, Mr. Vlasic confirmed that the use permit changed as of 2010 when the Town took control of the two parcels that the Town purchased. The applicants wanted to ensure that the operation continued to serve the community. In order to run the facility successfully after 2010, the Goodsteins wanted to install a new riding rink, which had been approved. Currently, the use terminated in 2018. From 2010 to 2018, the applicant had an 8-year window left, and they wanted to extend that for another 10 years. The second request was to allow six limited size horse shows after 2010-- primarily for local riders. The permit right now did not allow that after 2010. Mr. Lane said he had judged some of those horse shows over the years and arranged for friends to board their horses there. The parking area they previously used in front of the Town Center would no longer be there. Parking could be a problem. He was supportive of the applicant and hoped the Commission appreciated the value of having a first-class operation like that in the community. He hoped the Town could find a way to let the Goodsteins have some shows. The shows were like the playing fields—instead of soccer or baseball, it was horses. Horses were just as generic if not more so to the Town. A lot of young people were learning to ride in Woodside, and he hoped there was some similar capability in Town. From what he heard, it was a very nice and appropriate amenity to have in the Town.

As indicated in the staff report of 1/14/08, Mr. Vlasic said staff would continue to work with the Public Works Director on access and parking. The item was continued to the next meeting.

(4) Report from Douglasses on Conformance with CUP X7D-55, 888 Portola Road

Ms. Lambert said she received an e-mail yesterday from Lisa Douglas indicating that Michael Douglas, Mike Sposito, builder, and Nicholas Jellins had been working on the sewer connection. They spoke with Sharon Hogan and Bill Kitajima of West Bay. Mr. Jellins had been in touch with Tim Clayton, the manager at West Bay. Ms. Douglas also spoke with Martha Poyatos at LAFCo about the annexation process. As indicated in her e-mail, the Douglasses had not been able to connect with Chris Buja, but she understood that they spoke today.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Mr. Vlasic said the Town learned that the State had taken a lot of heat on the fire mapping process. They apparently decided to circulate the maps again in draft form for a 30-day period for review and comment. The timing of that was not clear. The Fire Marshal did not know if the maps for this area had been modified. She was also worried that the timeframe for review was not sufficient. The Town had not received any written communication from the State. Once the maps were received in draft form, the community would need to know and have an opportunity to comment. That would likely be a session before the Planning

Commission. The Town was also still working on its own mapping. He said he and Ms. Lambert would keep the Commission updated.

Commissioner McKitterick said he would continue to post information on the PV forum until someone came up with a better idea for communicating with residents. There had been a number of complaints about the basement issue. He received positive feedback about his postings about things coming before the Planning Commission. People needed to understand that this was his own interpretation. Ms. Lambert said staff planned to post a brief notice on the forum directing people to the Town's website. With the updated website, it would be easier to link and get around on the Town's website. Commissioner Elkind agreed it was important to refer readers of the forum to the Town's website—especially if the website was going to be fleshed out substantially.

APPROVAL OF MINUTES

By motion and second, the minutes of the 2/6/08 meeting were approved as submitted by a vote of 2-0, with Commissioner McKitterick abstaining.

ADJOURNMENT: 9:p.m.

Linda Elkind, Acting Chair
Planning Commission

Leslie Lambert
Planning Manager