



TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, October 3, 2012 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners Gilbert, McIntosh, McKitterick, Chairperson Von Feldt, 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, and Variance Application X7E-134, 169 Wayside Road, Rollefson*
2. *Preliminary Review, Amendment to Blue Oaks PUD X7D-137, Lots 23-26, 3 & 5 Buck Meadow Drive, and Lot Line Adjustment X6D-214*

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: September 19, 2012

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 Town Center.

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: September 28, 2012

CheyAnne Brown
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: September 27, 2012
RE: Preliminary Review, Request for Deviation from Town Resolution 2506-2010, and Variance Application X7E-134, 169 Wayside Road, Rollefson

Requests, Background

This is a preliminary review of the subject requests for planning commission approval of a deviation from Town Council Resolution 2506-2010 (Resolution) and height and setback variances. The requests would permit remodeling of and additions to the existing house on the subject 30,714 sf (.705 acres) parcel. A copy of the Resolution is attached for reference and the attached vicinity map shows the parcel location on Wayside Road, immediately uphill of Valley Presbyterian Church and mostly within the channel of Bull Run Creek.

For several months the property owner has been in discussions with the town planner and town geologist on how best to deal with existing site problems and house deficiencies that were a result of construction initiated before town incorporation and development of contemporary town zoning provisions and policies and standards relative to safety from geologic hazards. Also, portions of the existing house, including some of the lower, southeast side, level and existing northeast side bedrooms were converted to living space inconsistent with current town codes and standards. The northeast side bedrooms are located in what appears to have been the original garage and, thus, there is no covered parking on the site as required by zoning standards.

The applicant desires to correct these existing problem areas, and obtain covered parking to meet current standards. However, since most of the parcel, including the areas of existing house improvements, is located in a slope area designated Pd on the town's map of land movement potential and most of the existing house is within the front yard 50 foot setback area, the desired improvements can only occur with planning commission approval of a deviation from the Resolution provisions and a setback variance. The variance also seeks relief from the height standards of the zoning ordinance due to the steep slopes under the house.

The first hurdle was for a geotechnical investigation to be developed that would support either a change to site slope designations or a deviation. In this case, these investigations led to the "Recommendations for the Repair of Potential Landslide," as set forth in the

attached July 16, 2012 letter, with attachments, from BAGG Engineers. This letter report and the attachments, including the June 14, 2012 letter from Sadek M. Derrega, PG, CEG, consulting engineering geologist, contain a slope stability analysis based on the proposed landslide repair. That report data and analysis have allowed the town geologist to conclude, as explained in his attached September 26, 2012 report, that the proposed construction of garage with upper level living space and floor area connections to the main house would meet the criteria for an "Engineered Design" solution as defined in the Resolution (Section X., page 9). With such an "Engineered Design," and planning commission deviation approval, the property can "achieve the floor area allowed under Chapter 18.48 of the Zoning Ordinance." The Resolution notes that each such application will be evaluated on a case-by-case basis. For this proposal, as noted above, variances would also be needed.

The project is shown on the following enclosed plans dated September 4, 2012 prepared by Banuazzi Associates Architects:

- Sheet A-0, Cover Sheet
- Sheet C-1, McCloud and Associates, 7/8/11
- Sheet A-1, Proposed Partial Site Plan
- Sheet A-2, Existing Floor Plans Demolition Plans
- Sheet A-3, Proposed Floor Plan
- Sheet A-4, Proposed Garage Level Floor Plan
- Sheet A-5, Exterior Elevations
- Sheet A-6, Sections
- Sheet LA1, Proposed landscape Plan
- Septic System Repair Plan, S.R. Hartsell, REHS

In addition to the deviation and variance requests, the proposal also requires architectural review approval by the ASCC and the ASCC is tentatively scheduled to consider the project at its October 8th 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 95% of the permitted floor area in the single largest, and only residential building on the property. Given the steep slopes above Bull Run Creek, pattern of existing development, necessary street access and limitations imposed by geology, including impact on floor area allowances, and need to provide required covered parking, 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 and variance requests, which likely will be noticed for a November commission meeting.

Parcel Description

The Resolution provides that any deviation must be for a "legal parcel" with "legal structures." The enclosed topographic survey map shows the "legal" boundary of the subject .705-acre property. It is located in the R-1/1A (One acre minimum) zoning district. The parcel existed prior to town incorporation and the existing residence with northeast side garage was constructed prior to town incorporation. The time frame for conversion of the garage to living area and other house lower level changes is not recorded in town files that we've reviewed. As noted above, however, the intent of the project is correct these conversions and bring the house with the proposed additions into conformity with current town standards. In any case, it appears that the structures meet the "legal" test of the

Resolution and any issues with the conversions inside the structures would be resolved with the project.

The topographic survey also shows how the steep slopes of the property limited the initial building site and options of any improvements. Access is from Wayside Road on the northwest side where acceptable driveway grades are possible. To the south and west of the existing house, access, parcel use and even foot access is severely constrained by very steep slopes and significant trees. On the creek side, the house is essentially perched over the creek channel.

The original, now converted, garage on the northeast side of the house had street access, but this was modified over time with concrete walls and other changes. The plans would eliminate the existing barriers to garage access and make other improvements to accommodate grades needed for vehicle parking in the garage. The plans include some low walls and pillars and walls along the edge of the driveway; but these, as proposed, don't meet current fence ordinance or entry feature standards. We will be working with the applicant and project design team through the ASCC review process to correct the items.

As noted on proposed site plan, Sheet A-1, the existing house and "garage" are within the 50-foot front yard setback area required for parcels in the one-acre minimum zoning district. It is also noted that the garage extends to within 11 feet of the side parcel line, whereas a minimum 20-foot setback is required. The "proposed" garage site, however, is at the footprint of the existing "garage" and is the area defined for the proposed Engineered Design solution.

As noted, the parcel is along Bull Run Creek. This is not one of the creeks identified in the Creek Setback ordinance. Thus, no special creek setback is required in this case.

Preliminary Evaluation of the Deviation

As referenced above, the applicant has had his consultants conduct considerable investigation to support the plans to stabilize the site for the garage and upper level living space. The work and proposed site repair have resulted in a project that the town geologist has concluded meets the definition of "Engineered Design" as set forth in the Resolution. The Resolution notes that such designs can, however, require significant grading and access by drilling equipment, trucks, etc., and therefore each request needs to be reviewed under the deviation criteria, with particular attention to minimize impacts on native terrain, vegetation and neighboring properties. The criteria are discussed further below.

With an Engineered Solution, the permitted FA for the parcel can be pursued. In this case, with the Pd designation the total allowed floor area is 3,539 sf and the total proposed with the project is 3,430 sf. This will be achieved with the new garage and space above it and with "decommissioning" of existing lower level space to reduce living area exposure in the existing house. While the existing house will be upgraded with the project to meet current building and fire codes, it can't be stabilized as is now planned for the "garage" area. Thus, the intent is to reduce living area in the house and move it to the area of stabilized slope, i.e., with the Engineered Design."

The Resolution also provides that the Engineered Design does not change the Pd slope stability designation for the site. As a result, there is no increase in possible floor area. If

the .705-acre site did not have a Pd designation, the possible floor area would likely be between 4,000 and 4,500 sf.

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. This is discussed in the attached reports that have been the basis for the Engineered Design found acceptable by the town geologist. The town geologist will be at the planning commission meeting to answer questions on the project.
2. Limitations on final product and construction process. As noted in the report from the town geologist, we need details for the construction process, staging, etc. to ensure minimum impacts as called for in the Resolution.
3. Control of drainage to minimize off site impacts. Again, final detailed construction plans for drainage control need to be prepared and reviewed.
4. Septic system interference. The enclosed septic system plan was prepared by to meet current San Mateo County Health Department standards. We understand that the applicant has had the plan reviewed and approved by his geotechnical consultant and has shared it with the health department. We did receive the attached August 15, 2012 email from the health department noting that the stabilization work will not interfere with the proposed septic system.
5. Relocation of the structure to a more stable area. Essentially the entire property is designated PD, thus relocation to a more stable area is not possible.
6. Stabilization of the moving ground. The proposal is to modify slope conditions under the garage area to achieve stabilization as an Engineered Design.
7. Improvement of safety. The proposed improvements would substantially improve the safety of site conditions over the existing situation. This includes both relative to the slope stabilization and improving "code" conditions in the existing residence.
8. Avoiding risk to adjoining properties. There appears to be limited risk to adjoining properties, but this will depend on the details for project construction as called for above and in the report from the town geologist.
9. Reasonable demonstration that the structure is a legally existing structure. While there are questions associated with the legality of the some of the structural conversions, the house and "garage" buildings appear to have been constructed "legally." Again, considerable effort is being pursued with this project to correct the existing problems, stabilize the site to accommodate the planned garage side additions, and upgrade the existing house to current building and fire code standards.

Based on the foregoing, we conclude the requested deviation could be supported, but a number of conditions would need to be clarified. A final recommendation will be prepared for consideration by the planning commission after ASCC project consideration and further staff review and interaction with the applicant on the items noted above.

Preliminary Evaluation of Variance Requests

As discussed above, the proposed garage with upper level living space will take place in the 50-foot required front yard setback area. Further, the addition between the garage and house will also mostly be in the front setback, see plan sheet A-1 for specific encroachments. The plans also face constraints due to slope and height restrictions. While the project can adhere to the 34-foot maximum height limit it does not fully meet the 28-foot limit for heights above adjacent existing grade. This is demonstrated on Sheets A-5 and A-6. Specifically, on the downhill side of the two-story addition, the height over existing grade would be approximately 29-31 feet, or 1-3 feet over the height limit. Wall plate heights are at 8 feet thus lowering of walls is not likely an option to lower the overall height. Further, the garage floor must be at a level for reasonable vehicle access and control of drainage, so it also likely can't be lower.

The finding needed for the planning commission, sitting as the board of adjustment, to grant a variance are contained in attached zoning ordinance section 18.68.070. Based on the factors impacting this site it appears that there are exceptional and extraordinary circumstances that don't generally impact parcels even in this complex Wayside Road area. This includes geology, creek channel, parcel shape and slopes, and location of reasonable, and accessible building site. Further, relative to the height of the space over the garage, it is a reflection of the need to place the space on a stabilized location. Moving this space to a location in the building envelope or where height might not be an issue would require significantly more site disturbance for stabilization.

Given the above, it appears that there would be practical difficulty to improve site conditions without the variance and this could result in unnecessary hardship for the property owner. Tentatively, we believe the other variance finding could be made, but the nature of the specific findings will depend on addressing construction issues, and the outcome of the normal ASCC design review process.

Next Steps

Planning commissioners should receive any public input that may be offered and then provide any preliminary comments on the requests. Project processing will then continue with ASCC review and further staff evaluation. It is likely that the formal hearing on the deviation and variance matter would then be scheduled for a November planning commission meeting.

TCV

encl.

cc. Steve Padovan, Interim Planning Manager
Ted Sayre, Town Geologist
Nick Pegueros, Town Manager
John Richards, Town Council Liaison
Matt Rollefson, Applicant



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission
FROM: Tom Vlastic, Town Planner
DATE: September 27, 2012
RE: Preliminary Review, Amendment to Blue Oaks PUD X7D-137,
Lots 23-26, 3 & 5 Buck Meadow Drive, and
Lot Line Adjustment X6D-214

Request and Background

This is a preliminary review of the subject conditional use permit/planned unit development (PUD) amendment and Lot Line Adjustment (LLA) applications for Lots 23 through 26 of the Blue Oaks development (refer to attached vicinity map). The applications are being processed at the direction of the town council to assist in implementing the provisions of the town's State certified housing element. The attached vicinity map shows the locations of the four lots that would be subject to the PUD amendment and LLA. The lots have the following addresses, assessor's parcels numbers and areas:

3 Buck Meadow Drive (combined area of 1.34 Acres):

Lot 23 – 26,627 sf
Lot 24 – 31,640 sf
(APNs: 080-241-230 & 240)

5 Buck Meadow Drive (Combined area of 1.13 Acres):

Lot 25 – 22,607 sf
Lot 26 – 26,760 sf
(APNs: 080-241-250 & 260)

The purpose of the PUD amendment and LLA is to merge the four lots identified in the existing Blue Oaks PUD for below market rate housing into two parcels to be sold for market rate housing development. The new parcels would be Lot A (5 Buck Meadow Drive) and Lot B (3 Buck Meadow Drive) as shown on the attached PUD amendment Exhibit A, dated September 2012, prepared by NV5 Engineering. The proposed PUD statement changes to support the modified lots are identified in attached Exhibit B.

Background to the request is presented on the town's website which includes a question and answer section explaining the problems the town has had in attempting to identify an entity to construct affordable housing in Blue Oaks on the subject four parcels. The matter is further considered in the town's State certified housing element where programs now

support town efforts to find an alternative site to accommodate the eight (8) moderate rate, affordable housing units that were to be built on the four Blue Oaks lots. The town council is now pursuing an alternative site and the proceeds from the sale of the two modified Blue Oaks parcels would be used to fund acquisition and, to the extent possible, development of affordable housing on the alternative site, as provided for in the town's housing element. Again, much of the background to this effort is set forth on the town's website under the link: <http://www.portolavalley.net/index.aspx?page=492>.

Preliminary Evaluation

To grant the PUD amendment, the planning commission must consider and make findings under the provisions of Section 18.22.030 C. of the zoning ordinance (copy attached). All of the findings were considered when the Blue Oaks project was evaluated and were made with the original PUD and subdivision approvals. The density allowed for under the zoning and PUD was higher than eventually approved and the parcel consolidation now planned would be less density and intensity of use than allowed for in the current PUD. The density and location of development, relative to physical impacts, including traffic, visual impacts, etc., were all considered in the certified EIR for the Blue Oaks development.

Pursuant to Section 17.12.020 of the subdivision ordinance and State law, a lot line adjustment can be processed as an exception to the normal subdivision procedures. The main elements of processing are that the planning commission hold a noticed public hearing and that review and actions be confined to the commission's determination that the adjustment is in compliance with the zoning and building regulations, no easements or utilities are adversely impacted, and that the change would not result in a greater number of parcels than originally existed. Further, when approved by the commission, the adjustment must be reflected in a recorded deed or record of survey.

The following preliminary review comments are offered for planning commission consideration:

- The proposed changes would modify the four existing Blue Oaks lots identified for affordable housing to two lots that would then be sold and available for development for market rate use. The number of total residential lots in Blue Oaks would be reduced from 36 to 34 and the number of potential housing units from 40 to 34.
- The four subject parcels are located roughly in the center of the developable area identified for Blue Oaks, just to the southeast of the intersection of Buck Meadow Drive and Redberry Ridge. Currently, the total development potential on the four lots is 15,200 sf of floor area (FA) and 24,000 sf of impervious surface (IS) area. The proposed modifications would reduce the potential FA by 3,800 sf and IS area by 4,000 sf (reductions of 25% and 20% respectively). The proposed FA and IS for the two modified parcels would be the same for each parcel as follows and these numbers are consistent with the minimum FA and IS standards set for lots in Blue Oaks:

Maximum FA = 5,700 sf per lot
Maximum IS = 10,000 sf per lot

- The proposed building envelopes for the modified parcels are shown on attached Exhibit A. The building envelopes reduce the possible building area for the lots from what was shown for the four affordable parcels. The existing building envelope configuration is

shown on the attached vicinity map. The building envelopes for the two modified lots as shown on Exhibit A are:

Lot A (5 Buck Meadow Drive) = 16,841 sf

Lot B (3 Buck Meadow Drive) = 18,639 sf

The total existing building envelope area is 55,100 sf. The proposed area for the two lots is 35,480 sf. This is a reduction of 19,620 sf, i.e., 36%.

In addition to reducing permitted FA and IS and the size of the building envelope area, the proposed changes also include more generous setbacks, particularly for Lot A for more separation from the residentially developed parcel to the east and from Buck Meadow Drive and Redberry Ridge. The setbacks also ensure protection of the significant grove of Blue Oaks to the southeast of the intersection of Buck Meadow Drive and Redberry Ridge. The modifications, however, preserve the Private Open Space (POSE) and storm drainage easement on the southeast side of Lot B and the slope easement along the street frontages of both parcels.

- The existing PUD assigns a two-story height limit for the four affordable lots and this height limit would also apply to the two proposed lots, with reduced building area. The other design provisions of the PUD would apply to the parcels as they apply to all other market rate lots in Blue Oaks. As a reminder, while pools are permitted on the parcels, the permitted floor area is reduced when a pool is included with a project.
- The four affordable housing parcels were not included with the Blue Oaks Homeowners Association (HOA) with the PUD and acquisition of the lots by the town. If the modifications are approved and recorded, the lots could be annexed to the HOA and the HOA CC&Rs modified to accommodate the added parcels. According to information provided by the town attorney, this would be a town council decision.
- The only easements potentially impacted by the project would be the recorded "proposed" 20 foot joint access and utility easements that extend from Buck Meadow Drive along the common boundary between the proposed two modified lots as shown on Exhibit A. The existing east to west dividing line would not be changed, but there no longer would be the need for the easements, as they were to serve development of the two existing lots that don't currently have frontage on Buck Meadow Drive. These easements would be removed with the lot line adjustment application.
- Driveway access to Lot B would be from Buck Meadow Drive as anticipated with the existing PUD provisions. Some utility boxes may have to be moved to accommodate access, but this would be the case with either the proposed modified or existing PUD. Driveway access to Lot A would preferably be from Redberry Ridge, but if a design with access from Buck Meadow Drive were found to allow a plan with less overall site a tree impacts, this would also be possible with the proposed PUD modifications.
- The proposed modified lots, as indicated by the comments offered above, would be developable within the zoning provisions set forth in the Blue Oaks PUD. The zoning standards would ensure conformity with the development permitted on the other market rate parcels in Blue Oaks. All utilities are available to the parcels, and normal requirements for final utility connections would be as for any other residential lot in Blue Oaks.


Environmental Impact Review, CEQA compliance

The development of the area of Lots 23 through 26 was confirmed with the certified Blue Oaks EIR. As explained above, the changes reduce the scope of possible development but allow for residential uses of the parcels within the standards required for all Blue Oaks lots based on EIR findings. Thus, and given the provisions of the general plan's State certified housing element, and discussions with the town attorney, we have concluded that the subject PUD amendments are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, minor alternations to land use limitations. In this case, the density and intensity of land use is being reduced, but would be fully within the findings made for the Blue Oaks PUD.

A lot line adjustment project is also categorically exempt from CEQA. Section 15305 of the CEQA guidelines specifically states a lot line adjustment is exempt when it does not result in creating any new additional parcels.

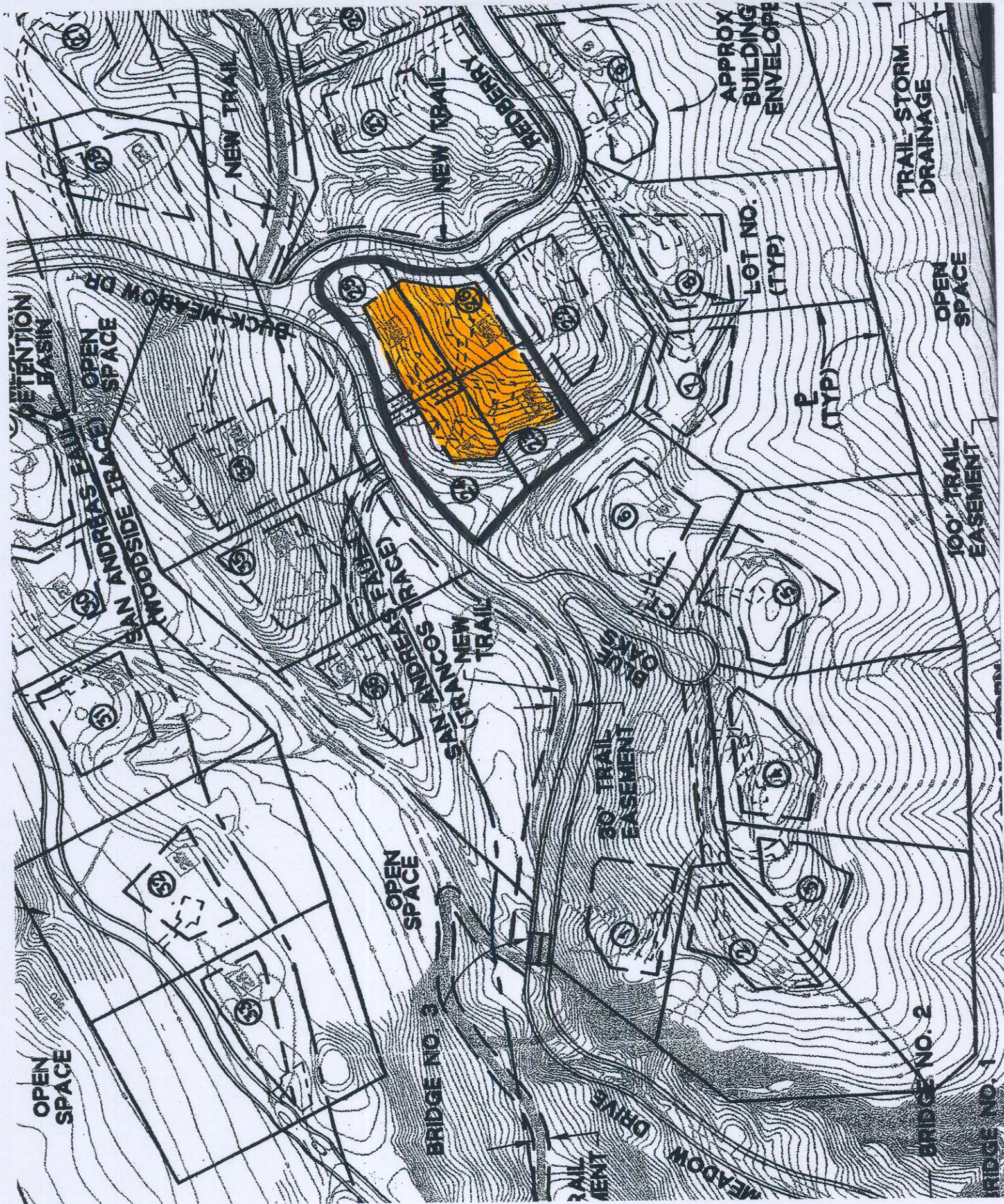
Next Steps

The planning commission should conduct the October 3 preliminary review and offer any comments and reactions for consideration by staff in process of the normal use permit/PUD and LLA application review. Thereafter, the application would be circulated for consideration by the ASCC, now scheduled for the 10/8 regular ASCC meeting, and other staff members and committees. Depending on the preliminary planning commission review, and further consideration by town staff and committees, it appears that the formal commission hearing on the request would likely be set for the first planning commission meeting in November.

TCV 

Attach:

cc. Nick Pegueros, Town Manager
Sandy Sloan, Town Attorney
Steve Padovan, Interim Planning Manager
Maryann Derwin, Mayor
John Richards, Town Council Liaison
Blue Oaks Homeowners Association



Vicinity Map

Scale: 1" = 200 feet

Blue Oaks PUD Amendment – LLA X6D-214

Lots 23 through 26, Blue Oaks, Town of Portola Valley
September 2012

NO.	DESCRIPTION	DATE	BY	REVISIONS

PREPARED FOR: TOWN OF PORTOLA VALLEY
 TOWN OF PORTOLA VALLEY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA
 VOLUME 128 OF MAPS, PAGE 64
 BLUE OAKS LOTS 23, 24, 25, & 26
 PROPOSED LOT LINE ADJUSTMENT

DATE: 09/11/2012
 DRAWN BY: CA
 CHECKED BY: [Signature]
 NIVS
 CIVIL ENGINEERING
 2005 ALVARADO BLVD. SUITE 200
 SAN FRANCISCO, CA 94133
 TEL: 415.774.2800
 FAX: 415.774.2801
 WWW.NIVS.COM

SHEET NUMBER: 1
 SCALE: 1" = 40'
 PROJECT: [Signature]
 DATE: 09/11/2012

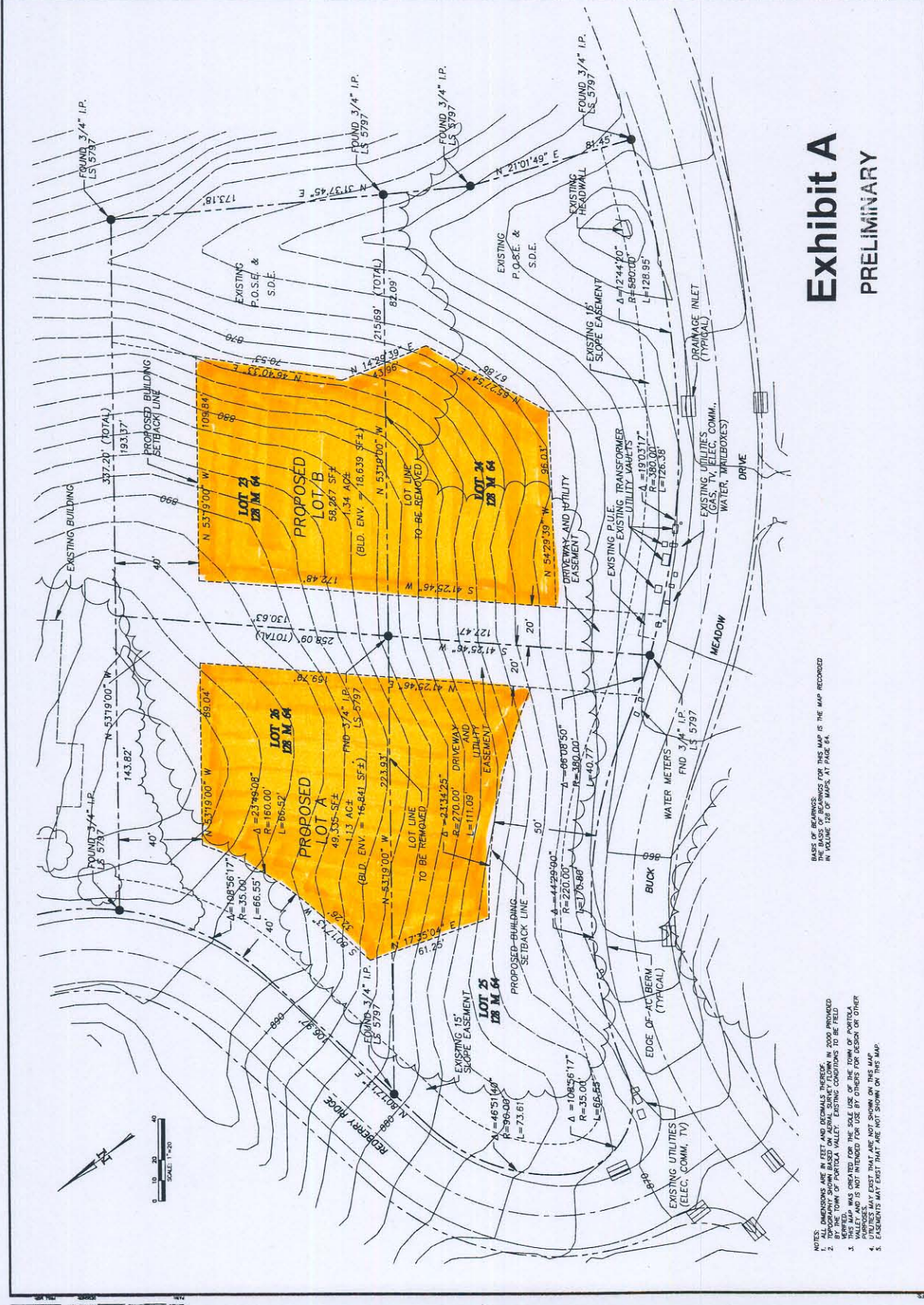


Exhibit A

PRELIMINARY

BASE OF BEARINGS FOR THIS MAP IS THE MAP RECORDED IN VOLUME 128 OF MAPS, AT PAGE 64.

- NOTES:
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ELEVATIONS SHOWN BASED ON AERIAL SURVEY FLOWN IN 2000 PROVIDED BY PORTOLA VALLEY.
 3. VERIFIED TOWN OF PORTOLA VALLEY. EXISTING CONTOURS OF PORTOLA VALLEY AND IS NOT INTENDED FOR USE BY OTHERS FOR DESIGN OR OTHER PURPOSES.
 4. DIMENSIONS MAY VARY SLIGHTLY FROM AS SHOWN ON THIS MAP.
 5. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

NO.	DESCRIPTION	DATE	BY	REVISIONS

Exhibit B
Proposed Amendments to CUP/PUD X7D-137
Blue Oaks Planned Unit Development Statement
Lots 23, 24, 25 and 26
(3 and 5 Buck Meadow Drive)

September 27, 2012

The following changes to the Blue Oaks PUD Statement, as approved January 14, 1998, are proposed to merge existing lots 23, 24, 25 and 26 to create two market rate lots. The background to the proposed changes is as set forth in the September 27, 2012 report to the planning commission from the town planner.

Only those PUD sections where changes are proposed are identified below. Anyone wishing to review the full PUD statement may do so in the Planning Department at Portola Valley town hall, 765 Portola Road.

The following changes are proposed with wording to be added in *italics with underlining* and wording to be deleted shown with ~~strikethrough~~:

Section I. Definitions

- C. Members of the Association. All lot owners in the development including the ~~Below Market Rate (BMR) Lots~~.
- L. BE. Building Envelope as conceptually shown on the Amended PUD Plan, including the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B) and described in Appendix C of this PUD Statement.

Section II. Development Requirements

- B. **General Description of Development.** The parcels of land to be established pursuant to this permit are identified on the PUD plan which is Sheet T12, Amended Conceptual Subdivision Map Enlargement, as modified by the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B). The residential PUD includes ~~32~~ 34 "market rate parcels" to accommodate conventional single family housing development, ~~and 4 BMR parcels to accommodate below market rate housing in conformity with the Housing Element of the Portola Valley General Plan.~~

	Acres
Residential Lots:	
Building Envelopes	47.96 <u>17.51</u>

- B2. **Private Open Space and Common & Public Open Space Areas.** These areas will be preserved in essentially their natural condition. . . . Such open space easements will be placed over all areas on residential parcels that are generally beyond the limits of the building envelopes as shown on the PUD Plan Map T 12, the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B), and in Appendix C . . .

Section II. Development Requirements

- C. **Tentative Map and Planned Unit Development.** The Tentative Subdivision Map for Blue Oaks is composed of . . . The planned unit development (conditional use permit) pertains to all land in the subdivision boundaries as well as the lands known as Upper Portola Glen Estates and shown on the PUD Plan, . . . ~~However, a separate PUD plan may be established for the BMR parcels 23, 24, 25, and 26 under the authority and direction of the Town of Portola Valley. The Developer may or may not participate in any separate PUD and/or development process for the BMR parcels. However, prior to recording of the final subdivision map, or such other time schedule allowed by the town Council, the develop shall submit to the Town Council a comprehensive evaluation of the requirements for construction and sales of the BMR units with an indication of whether or not the developer believes he can construct the BMR units. The town shall take title to the BMR parcels at the time of recording of the final map.~~
- D. **Subdivision Units.** Only one final map will be prepared for the Blue Oaks properties . . . ~~Phasing of the project, however, may be allowed by the Town Council but only if determined necessary to accommodate development of the BMR parcels.~~
- E. Streets and Emergency Access easements.
1. **Private Streets and Common Driveway.** All streets will be held in common by all residents of the Blue Oaks project, ~~including the owners of the BMR parcels. . . .~~
All common driveways will be pursuant to private easements and agreements for maintenance affecting all the parcels that are served by the common driveway. . . . As part of the subdivision improvements, the developer will be responsible for installation of all common driveways serving more than two lots, ~~except for the BMR parcels,~~ in conformity with the final map and subdivision agreement.
 - I. Zoning and Site Development Standards.
 1. **Designation of Homesites, and Summary of Development Criteria.** The primary homesites and Building Envelopes (BE) for all residential parcels are shown on the PUD Plan Map Not. T 12, and the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B).
. . . .
All lots can be developed for single family ~~or BMR~~ use subject to Town zoning restrictions as modified by the PUD Statement. Single family dwellings ~~or BMR~~ structures, pools, and other accessory structures as provided for herein can be built only within that portion of the lot which is defined as a BE.

Table 1. Blue Oaks Site Development Criteria (a) for Individual Home Sites

Make the following changes to Table 1 and Table notes:

Modify Table 1. to combine Lots 23&24 and Lots 25&26 for conformity with the September 2012 plan for combined Lots 25&26 (Lot A) and Lots 23&24 (Lot B) with the development criteria:

Lots 23&24 (Lot B):

Area = 1.34 Acres

Maximum Floor Area = 5,700 sf

Maximum Impervious Surface Area = 10,000 sf

Lots 25&26 (Lot A):

Area = 1.13 Acres

Maximum Floor Area = 5,700 sf

Maximum Impervious Surface Area = 10,000 sf

Identify Pools as "conditional"

Delete Table 1. Note (p) relative to swimming pool provisions for the BMR parcels.

K. Lot Description by "Architectural Zone of Habitation."

4. **Combination.**

Lots 23, 24, 25 and 26. Replace the existing provisions for BMR use with the following:

Lot 23&24 (Lot B as shown on the September 2012 plan for combined Lot 25&26-Lot A, and Lots 23&24 - Lot B). This lot is east of Buck Meadow Drive and bordered on the south by a POSE and drainage easement. The BE would be accessed by a driveway off of Buck Meadow Drive and some grading, and possibly utility box adjustment would be needed for driveway construction. The BE has a number of oaks and some will need to be removed to accommodate residential development. Primary views are to the south and southeast and the residence should be located lower in the BE to minimize the apparent height when viewed from below and also relative to views from Lot 22.

Lot 25&26 (Lot A as shown on the September 2012 plan for combined Lots 25&26-Lot A, and Lots 23&24 - Lot B). This lot is located immediately east of the intersection of Buck Meadow Drive and Redberry Ridge. The BE has been identified to ensure protection of the Blue Oak trees that separate it from the street intersection. While BE access can easily be achieved from Redberry Ridge, and this would be the preferred access, if a driveway from Buck Meadow Drive allows for a development more in keeping with the design objectives for Blue Oaks, such access can be considered. As with Lot 23&24, the BE has a number of oaks and some will need to be removed to accommodate residential development. Primary views would be to the northwest, where there are some openings to the Spring Ridge portion of Windy Hill. As with Lot 23&24, any residence should be located mainly in the lower portion of the BE to minimize the apparent height when viewed from below and also relative to views from Lot 22. It is recognized, however, that to capture views to the northwest, a portion of the residence would likely be sited somewhat higher in the BE, but the profile should be kept low, perhaps using a stepped design in concert with site slopes.

Ordinance Requirements

In order to grant the requested Conditional Use Permit, the planning commission must make findings in support of the following requirements of Section 18.72.130 (zoning) of the Municipal Code:

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.
7. When this title or the town general plan specifies that a proposed use shall serve primarily the town and its spheres of influence, the applicant shall have demonstrated that a majority of business of the proposed use will come from the area immediately or within a reasonable period of time. In making such a demonstration, all similar uses in the town and its spheres of influence shall explicitly be taken into consideration by the applicant.