

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, JULY 2, 2014,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

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

Present: Commissioners Judith Hasko and Nate McKittrick; Vice Chair Nicholas Targ; Chair Denise Gilbert

Absent: Commissioner Alexandra Von Feldt

Staff Present: Karen Kristiansson, Interim Town Planner
John Richards, Town Council Liaison

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) Public Hearing: Request for amendment to Conditional Use Permit (CUP) X7D-156, Jelich Ranch Use Plan, 683 Portola Road (Phil and Cindie White)

Ms. Kristiansson said the proposed amendment would allow relocating Barn 4, update the use plan for the property to reflect improvements made over the last nine years, eliminate the option for a second home on the western portion of the property, refine the owners' objectives, and improve the property's conformance with the General Plan, particularly its Orchard Preserve designation. The ASCC and the Planning Commission held a joint field meeting for preliminary consideration on May 27, 2014, at which time Commissioners Hasko and Von Feldt were able to provide comments. The ASCC completed its review on June 23, 2014, Ms. Kristiansson said, recommending approval of the CUP and approving the architectural review of the relocated barn, contingent on the Planning Commission's action on the CUP amendment.

To approve the amendment, she said, the Planning Commission must make the seven findings listed in the June 26, 2014 staff report, as well as the finding that the project is exempt from CEQA. The recommended conditions of approval are substantially the same as when the CUP was issued in 2005, Ms. Kristiansson said, with a few additions based on ASCC recommendations, updated references, and exclusion of items that are no longer included such as the second house. The recommended conditions also contain revised review requirements, which going forward would be annual reporting to the Town Planner on educational activities on the property and detailed CUP review by the Planning Commission every five years, as opposed to the current requirement for annual Planning Commission review.

Phil White, applicant, said the ASCC's major concern was the screening on Portola Road and views of the Woodchopper's House. They also have a few places they want to thin out non-native trees such as acacia and live oak. In response to Chair Gilbert, Mr. White confirmed that their three-phased tree-thinning plan has been reviewed by the ASCC.

Commissioner Hasko asked what "residual" floor area is. Ms. Kristiansson explained that the CUP has allowed a total floor area for all buildings on the property of 17,500 square feet since at least 2002. The current uses plus the revised barn would account for all but 2,811 square feet, which is the residual amount. One of the conditions states that future proposals for use of any of the residual 2,811 square feet would go to the ASCC for review. The applicants would need to go to the Planning Commission for a CUP amendment only if the ASCC found the proposal inconsistent with the pattern of site use set with the overall site plan.

Vice Chair Targ asked how the CUP amendment would affect the status of the Woodchopper's House. Ms. Kristiansson said it essentially remains the same. Condition 10 of the proposed amendment, compared to Condition 8 of the 2005 CUP, updates the date, notes that the option for donation to the Town remains, and adds

that if a replica structure is built, it would need to be outside fault line setbacks, with design and placement subject to ASCC approval and with a historic marker that satisfies the Town Historian and the ASCC. It also notes that additional floor area could potentially be included. Ms Kristiansson also cited a May 7, 2008 memorandum from the Town Planner to the Planning Manager that sets the framework for alternatives relative to the Woodchopper's House.

In response to Chair Gilbert, Mr. White said the Woodchopper's House has completely deteriorated. He also said that if the Town is really interested in making the Portola Road Scenic Corridor more scenic, removing the building and taking out the trees in front of it would be the way to go. Vice Chair Targ noted that the matter would first have to go to the Town Council and through the CEQA process. Mr. White advised that they are currently considering putting up a plaque and constructing a replica further back into the property to open views to the hills.

In response to Chair Gilbert, Ms. Kristiansson said ASCC's recommended conditions appear on pages three and four of the draft minutes from the June 23, 2014 ASCC meeting that is part of the agenda packet. She also confirmed that the proposed amended CUP would replace the prior CUP in its entirety, so there would be no need to go back and forth between the documents.

Chair Gilbert opened the public hearing. No speakers came forward. She closed the public hearing.

Commissioner McKitterick said he was amazed by how far the Whites went back in 2005 to restore the house to look the way it did and operate a working farm in the 21st century, and all that they continue to do. He said the application generally is well within the range and scope of reasonable uses. He said he was concerned about the Woodchopper's House in 2005, and is even more concerned now. He said that reasonable public interests do not outweigh the reasonable use of the property, and he would be glad to see that issue resolved. He said the building is falling apart and has become an eyesore, and he hopes the Town recognizes what the Whites have done in the last 15 years in giving the Town an opportunity to have someone buy it or take it over.

In terms of screening, Commissioner McKitterick said that as a member of the Portola Road Corridor Plan Task Force, he prefers as little screening as reasonably possible and would like to see as much removed as possible. He said that seems to be the applicants' goal as well, except in front of the house for privacy reasons. However, he added, to avoid mixed messages, he's reluctant to leave the decision up to any committee, only the ASCC or the Planning Commission.

Commissioner McKitterick noted that his primary concerns relate to the Portola Road frontage, and particularly the trail and screening along there. He said that he would prefer if the ASCC's condition relative to vegetation thinning and pruning specifically referenced the goals of the draft Portola Road Corridor Plan.

Vice Chair Targ said it's a very generous gift to the Town, wholly consistent with the General Plan and further implementing its spirit. The applicants' approach to thinning and the trails goes well above and beyond what he would feel comfortable requiring, he said, and their plans to replace a barn that needs replacing and create additional open space and view corridors greatly benefit of the Town. He's delighted they benefit the applicants as well. It's a true contribution, he said. While he doesn't see a relationship between the thinning and the project itself, Vice Chair Targ said he would be satisfied to add a statement addressing Commissioner McKitterick's concern to the CUP if the applicant is comfortable with it. Ms. Kristiansson said the most efficient way to do that would be to add a condition to the CUP that says, "Thinning and pruning to be implemented as required by the June 23, 2014 ASCC approval should also take into account the Portola Road Corridor Plan." Mr. White said what they do not plan to do is take out the eucalyptus, which are historic and have been there for years. He said they would thin from the bottom up, and take out a lot of the acacias, so a lot of light will go through there. They plan to do it in three phases.

Commissioner Hasko said the applicants have been really cooperative and very thorough in thinking about the project. She said she made comments during the site visit, which she summarized by saying it's a great plan, makes the project safer by moving structures away from the fault line, and they've made an extreme effort to cooperate with the Town regarding the Woodchopper's House and probably have done as much as is feasible to work with the Town. She said she does not support an additional requirement in the CUP to reference the Portola Road Corridor Plan, because it's clear that the applicants will work with the ASCC to make the outcome

beneficial and she would leave the wording as is. Ms. Kristiansson clarified too, that the ASCC did discuss the Portola Road Corridor Plan and believes it was their intent to take it into consideration.

Chair Gilbert said a reason to include the reference in the CUP itself to achieve some consistency with how the Neely/Myers CUP was handled. In this case, Commissioner McKitterick said, the execution is actually the most important part.

Vice Chair Targ asked whether including the reference to the Portola Road Corridor Plan in the CUP would be intended to recognize the work of the task force. Chair Gilbert said no, it would underscore the importance of the view corridor. Vice Chair Targ suggested wording such as "in consideration of." Commissioner McKitterick said he would prefer the specific reference to the Portola Road Scenic Corridor, but if the ASCC already took this into consideration, he's fine with leaving it as is. Commissioner Hasko reiterated that she would not support revising the CUP language, because the issue is being managed.

Commissioner McKitterick moved to find the project categorically exempt pursuant to Sections 15301 and 15305 of the CEQA Guidelines. Seconded by Vice Chair Targ, the motion carried 4-0.

Commissioner McKitterick moved to approve Resolution No. 2014-3, making the required CUP findings and conditionally granting the requested CUP amendment. Seconded by Commissioner Hasko, the motion carried 4-0.

(3) Request for Exception to Town Utility Undergrounding Requirements, 147 Crescent Avenue, David Kramer and Barbara LaVigna

Commissioners agreed to hear Item 3 ahead of Item 2.

Ms. Kristiansson noted that staff, following up on a Planning Commission discussion in February 2014, has begun developing a policy statement and ordinance amendment prompted by requests for exceptions to the Town's electrical undergrounding requirements. In the meantime, the background report dated June 26, 2014, provides information about approved Town policies and previously granted exceptions to help provide a framework for tonight's discussion.

In their April 21, 2014 letter to the Planning Commission, property owners David Kramer and Barbara LaVigna, suggested that an exception might be appropriate due to the cost and the impacts of undergrounding on trees, and aesthetics. Pointing out that the Town's 1974 policy statement calls for undergrounding when a project was of sufficient magnitude that the expense of undergrounding would be reasonable, Ms. Kristiansson said in this case, underground would cost about two-thirds of the cost of the project. Also, in consideration of the trees along where the electrical lines extend from the house toward the utility pole and minor aesthetic effects, she said it appears the Planning Commission could grant an exception. In response to Commissioner Hasko, Ms. Kristiansson showed on the site plan where the utility lines run in relationship to the pole and the trees.

Vice Chair Targ asked whether there was an arborist's report. The applicants' contractor said that there was not an arborist's report, but given the proximity of the line to the trees, it appears to him that trenching would likely endanger them. While acknowledging that the cost of the undergrounding may be a substantial factor, Vice Chair Targ said he would be more comfortable with certification by a qualified individual about the trees. He considers issues of infeasibility more important than lack of proportionality.

Commissioner McKitterick said we also have the Town Council's policy statement when it passed the ordinance, including "making a change of sufficient magnitude that the additional expense of undergrounding is reasonable," and the Town Council left the Planning Commission with discretion to come up with policies to administer the paragraph. Given that, he said he's happy making the decision strictly on the basis of cost alone. Commissioner Targ noted that he could get to the same end on different grounds.

Commissioner McKitterick moved to approve the request for exception to the Town's utility undergrounding requirements for 147 Crescent Avenue. Seconded by Vice Chair Targ, the motion carried 4-0.

- (2) Request for Exception to Town Utility Undergrounding Requirements, 21 Santa Maria Avenue, Chris Berka and Rebecca Akers)

Vice Chair Targ recused himself because he owns property within 500' of the site.

Ms. Kristiansson noted a May 21, 2014 letter requesting the exception in the agenda packet from the project contractor, William S. Rehlich. In that letter, he outlined the circumstances that merited the exception, which Ms. Kristiansson said are discussed in her June 25, 2014 staff report. Based on staff's analysis, she said it appears that the Planning Commission could grant an exception based on steep slopes around the utility pole and the practical difficulties of undergrounding in that location, as supported in a letter from PG&E dated May 19, 2014.

Representing the owners, Mr. Rehlich affirmed that it's a very difficult location with difficult access. He said that with the base of the pole approximately six to eight feet above the ground level, trenching to get undergrounding to it would undermine the stability of the pole. He also mentioned water drainage problems due to previous trenching for pipelines in the area by CalWater, which would be exacerbated by further trenching.

In response to Commissioner McKitterick inquiring about the estimated expense of undergrounding, Mr. Rehlich said that that he did not know the amount but it would be significant. PG&E said that they would not want to underground to the closest pole in its current position, but would want them to move the pole, provide significant cables to stabilize it, or underground to a more distant pole.

Chair Gilbert, noting the staff report listing of past exceptions that have been granted, asked whether property owners do actually underground their utilities as a consequence of the Town policy. Ms. Kristiansson said that most property owners do underground and exceptions are relatively unusual. Town Council Liaison Richards noted that in all of the projects he has completed in Portola Valley over the years, this is the first one that he has worked on which asked for an exception.

Commissioner McKitterick observed that it's no coincidence that many of the projects requesting exceptions are in the Woodside Highlands and Brookside Park neighborhoods, due to the size and expense ratio in those areas. In this particular case, he said the elevation issue also comes into play. While it is certainly a substantial expense in this instance as well, he added, he is swayed mainly by PG&E's suggestion that feasibility was questionable, and even if feasible, the expense would be considerably more than typical undergrounding due to improvements needed to the pole.

Commissioner Hasko agreed, saying that she also is sympathetic to both feasibility and cost aspects, but considers the aesthetic impacts irrelevant.

Chair Gilbert said with the feasibility problems, it's not even necessary to look for other reasons.

Commissioner McKitterick moved to approve the request for exception to the Town's utility undergrounding requirements for 21 Santa Maria Avenue. Seconded by Commissioner Hasko, the motion carried 3-0.

Chair Gilbert noted that Items 4 and 5 are both continued to the Planning Commission meeting on August 6, 2014.

Vice Chair Targ returned to the dais

- (4) Public Hearing: Site Development Permit X9H-671 for 17 Redberry Ridge, David Yang (continued to next regular meeting date)
- (5) Request for Modifications to the Town's Land Movement Potential Map, Assessors Parcels 077-212-070, 125 Deer Meadow Lane, Robert and Cheryl Zider (continued to next regular meeting date)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS [8:26 p.m.]

Ms. Kristiansson said the July 16, 2014 Planning Commission meeting has been canceled, so the next meeting will be on August 6, 2014. However, a joint field meeting with the ASCC at 123 Pinon Drive has been scheduled for July 14, 2014 to review a request for a variance to allow a ground-mounted solar panel system in the side yard setback. This item will then be on the agenda of the August 6, 2014 Planning Commission meeting for follow-up. Commissioner McKitterick said it might be helpful to see Woodside's policy on ground-mounted solar panel systems if there is one.

Commissioner McKitterick reported that Karen Tate from Windmill School reached out to him about possibly getting together with staff and Town officials about the school's application. He said he advised getting the application submitted first. Ms. Kristiansson said staff have been looking at the entitlements and process that would be needed. For disclosure purposes, Vice Chair Targ said that he is representing the Tates on the environmental matter at 900 Portola Road.

Ms. Kristiansson said she met with representatives of Mission Hospice, which is looking at the Donald McKinney property at 4394 Alpine Road, a 1.2-acre parcel in the Nathhorst Triangle area immediately north of Robert's Market. The property is zoned AP – Administrative Professional. The hospice has expressed interest in a 12-person home-like facility, which would require a CUP.

ADJOURNMENT [8:34 p.m.]

Denise Gilbert, Chair

Karen Kristiansson, Interim Town Planner