

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, JANUARY 21, 2015, 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. Pedro called the roll.

Present: Commissioners Alexandra Von Feldt, Judith Hasko and Nate McKittrick; Vice Chair Nicholas Targ; Chair Denise Gilbert

Absent: None

Staff Present: Debbie Pedro, Town Planner
Karen Kristiansson, Deputy Town Planner
Leigh Prince, Town Attorney

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) Public Hearing: Portola Road Corridor Plan, Related General Plan amendments and Initial Study/Negative Declaration

Ms. Kristiansson said that tonight the Planning Commission would be considering and holding public hearings on the Portola Road Corridor Plan, related General Plan amendments and the CEQA Analysis for the project, with the aim of taking final action on these items and moving them forward to the Town Council for its review.

Work on the Portola Road Corridor Plan began in 2012, with three meetings of the Portola Road Task Force and follow-up Planning Commission work at 11 public meetings, all of which were duly noticed. Ms. Kristiansson said that property owners were not sent individual notices for the meetings because the proposed plan does not change the allowed uses or intensity of uses on any properties. Last fall, property owners at 555 Portola Road (Kirk Neely/Holly Myers) and 683 Portola Road (Phil and Cindie White) submitted their concerns about the plan to the Town. In addition, the Whites requested more time to review the plan.

In order to accommodate their request for additional time, consideration of the Plan was postponed after the Planning Commission meeting on November 5, 2014 until tonight. All of the letters received regarding the Plan were attached to the staff report, as well as a letter from Town staff to the Whites providing them with additional background information about the process and the draft Corridor Plan.

Ms. Kristiansson explained that the public comments and concerns can be grouped the concerns into four categories:

- 1) Consistency relative to the boundaries of the Portola Road Corridor, which is mentioned in four paragraphs and could be clarified to clearly refer to the boundaries shown on the Comprehensive Plan Diagram;
- 2) The last sentence of paragraph 6401, which begins, "New development should be subservient to the setting";
- 3) Screening and vegetation thinning along the Corridor, which is discussed in two paragraphs;
- 4) The description of the western side of Segment 2 of the Corridor, from The Sequoias to Town Center, which is in Paragraph 6413.

Ms. Kristiansson noted that the Corridor Plan would be an element of the Town's General Plan, which is a general vision document rather than a specific regulatory document like the zoning ordinance. As such, the aim is to provide general guidance and direction, rather than language that's detailed and tightly constrained. She advised that resolutions were attached to the staff report which the Planning Commission could use to approve

the Plan and the CEQA documents and forward them to the Council. The Town Council would then consider the documents and public comments, hold their public hearing, and have the opportunity to further refine the plan prior to final action.

Commissioner Von Feldt asked for clarification about preserves or proposed preserves in the Open Space Element. Ms. Kristiansson said the Open Space Element discusses its open space proposals as a whole, as well as the specific Meadow Preserve, Orchard Preserve, Stables Preserve, etc. along Portola Road. She explained that these are “proposed” in that the Town has no easements over them and they aren’t owned by a public agency. Ms. Prince added that these areas have been designated as preserves as part of the vision statement in the General Plan. There is no conservation easement, but the vision for these areas is that they would be preserves. Ms. Pedro noted that the current version of the Comprehensive Plan Diagram was adopted in the 1980s, and at the time, those areas were designated as “proposed” open space preserves. Some of them have matured as existing conditions, she said. For example, the Stable Preserve in front of the Spring Down property is now owned by the Town, and so is no longer a “proposed” Stable Preserve. Chair Gilbert said that by acting on conditional use permits (CUPs), the Town has already partially implemented some of the others as well.

Commissioner Hasko inquired about boundaries of the word corridor, wanting to know how far it extends from the trail. Ms. Kristiansson said the light green area along Portola Road on the Comprehensive Plan Diagram is currently the Town’s only visual depiction of the Portola Road Corridor. The width varies from 50 to 150 feet – most commonly in the 100 foot range – from the road. It’s not as specific as a zoning district, she said, but more a general depiction. The General Plan itself states that it is “general in nature and therefore does not indicate precise locations for land use and circulation facilities.” Ms. Kristiansson also advised that nothing in the Corridor Plan draft would prohibit development within the corridor itself, but only requires that any development be done carefully, respecting the views and features of the Corridor. In response to Commissioner Hasko, Ms. Kristiansson indicated that the variations in the width of the corridor as shown on the Diagram was likely done with some care and was not random, although it is not precise and cannot be measured to the foot all along the corridor. Ms. Pedro added that the boundaries of the corridor shown on the Comprehensive Plan Diagram was not meant to be precise, but was intended to show the general location and general width.

In response to Commissioner McKitterick, Ms. Pedro confirmed that the road right of way is delineated by specific boundaries, within which both the Town and landowners have certain rights and obligations. The corridor comprises the areas adjacent to the right of way that extends further into the properties on both sides of Portola Road.

Commissioner Hasko requested clarification of what was meant by the word “encourage” versus the word “require” in Section 6406.5, and how it would be applied. Commissioner McKitterick said that “encouragement” would be meeting with landowners about things that the Town wants to accomplish, reaching out to determine whether they’d be interested or ask property owners when they come to the Town with an application. He noted that the Town already does this in various neighborhoods for certain issues. For example, when property owners along trails propose projects, the Town may ask them to not denigrate the trail experience. It’s not forcing anyone to do anything, but educational efforts have proven successful. Ms. Prince added that, when an applicant seeks a use permit for example, the Planning Commission must make number of required findings, among which is conformance with the General Plan – and the Portola Road Corridor Plan would be part of the General Plan. Therefore, the Town would look at the application with that in mind.

In response to Chair Gilbert asking whether the Corridor Plan includes any provisions for trail-widening, Ms. Kristiansson said the Corridor Plan includes principles and standards for trail improvements that are consistent with the Trails and Paths Element.

Chair Gilbert opened the public hearing.

Kirk Neely, Portola Road, said the Community Open Space Preserves are “proposed,” as they appear in the General Plan, and will stay that way until they are implemented. He said he absolutely, unequivocally rejects the notion that the Meadow Preserve has been “partially implemented.” Those terms, which he considers deceptive and insidious, were never discussed when the use permit for his property was negotiated and are not in the CUP itself, he said. Dr. Neely also said he finds it absurd that the exact width of the corridor is not defined.

Cindie White, Portola Road, said she and her husband, Phil White, own Jelich Ranch, which is part of Segment 2 on the Portola Road Corridor Plan. She appreciated that the Town deferred action on the Corridor Plan to give them time to review it, and thanked staff for their assistance.

Ms. White said she has two particular concerns about where we stand today, based on the January draft of the Corridor Plan: 1) The definition of the corridor, and 2) views of the hills as the number one most important objective, with the secondary objective being the multiuse path.

Ms. White said that the Comprehensive Plan Diagram shows that the corridor includes private property. That being the case, she said she doesn't understand why her family didn't get notice that their property would be included as part of the Corridor Plan, or that a major portion of their property is identified as a Community Preserve. Considering their house is only 85 feet from of the property line at Portola Road, she said she objects to including private property in the definition of the corridor.

As far as having views of the hillside as the number one objective, Ms. White said that the General Plan prior to 2012 was sufficient. It characterized Portola Road as a scenic corridor and greenway which is green, natural, and rural. What anyone finds sacred is a matter of personal perspective, Ms. White said. Some people might find looking at the views sacred, but she finds ancient trees sacred, as well as shrubbery with animal habitats and personal privacy on her property. She said she thinks the views sacred too, but to make that the number one goal for the Portola Road Corridor Plan is very narrow, based on personal interest, and doesn't show the big picture. She sees no reason to change the General Plan from the way it was.

Ms. White asked why the Town would invest the time and trouble to develop a Corridor Plan because it isn't required by law. She said the only reason she can see is so that the Town can use government controls to take over private property and have control of it, from dictating landscaping, so that you can see the views, to expanding the local use path.

With only three private property owners within Segment 2 of Portola Road, she's concerned the Town is pitting three private property owners against 4,500 residents in Town, and in the worst case, they could lose their private property. She said that when the Town was incorporated in 1964, it seems like there was a loose, general vision of Portola Road as a rural, scenic greenway, but somewhere along the line, someone decided the views and the path were more important.

She wonders how the Corridor Plan will be interpreted when there are different people on the Commission, because the Corridor Plan would give the Town a lot more control over their property and allow them take it by force, maybe by eminent domain. She said she doesn't think any law grants anybody a legal right to a view of the mountain.

Marilyn Walter, Coyote Hills, said she thinks the views are very important. She said she'd like people to be able to maintain the shrubbery in front of their houses, too, but said there are areas where there could be open views such as south of the Town Center and over Dr. Neely's meadow. She said that she doesn't want to look at their house or the barn, but just wants to look up and see the views of the mountains.

Phil White, Portola Road, said they just added a new wing on their house which is 80 feet from Portola Road, but now they find out that they're in the Corridor Plan. As Mr. White read it, the first line of the Plan draft defines the Corridor as comprising "Portola Road, the trail that Mr. White cited several objectives and principles from the plan: "To protect and reestablish open views," "Encourage more pedestrian, bicycling and equestrian along the paths," ". . . actively pursue acquisition of the properties or other property rights." He said if he had seen such wording beforehand, he'd never have purchased his property. He also cited the section, "Where appropriate, the Town should acquire land, easements or other property rights along the edge of the road to allow for better trail configurations" and noted that a winding trail 10 feet along his property would reduce his property's value. Jelich Ranch is private property, and he does not want it to be the Orchard Preserve, he wants it to be Jelich Ranch. In closing, Mr. White encouraged the Commission to restore the original Portola Road wording and take out everything else, which is really detrimental to private property rights.

Beverly Lipman, Favonio Road, said she wasn't on any of the committees but has been following the Portola Road Corridor Plan because she thinks it is important. She said that she thinks the comments of the large

property owners are important also, but she said Ms. Walter hit the nail on the head – it's encouraged; nobody's going to make the property owners do anything. She also pointed out that the "Portola Road Corridor" terminology isn't new but is mentioned in the Land Use Element of her old copy of the General Plan. In addition, Ms. Lipman also credited Ms. Kristiansson for spending time listening to the property owners and drafting recommendations that responded to the concerns expressed in their letters. She said that the Commission should take the property owners' comments into account but that the Corridor Plan is important and the Commission should move ahead with it.

Dr. Neely said that the recommended wording for the formerly contentious paragraph 6413 is now much more acceptable to him. However, he said that he continues to find the last sentence of paragraph 6401 problematic. Since it specifically mentions features such as the western hillsides and fields and orchards and so on, it's clearly targeting major landowners, he said. The prior sentence says "along the corridor," Dr. Neely noted, but that phrase isn't defined and because it doesn't say exactly where these structures are, it could be a controlling General Plan statement that limits development all the way up to Skyline Boulevard. Dr. Neely said the beginning of Section 6401 stands alone quite well and get the point across, and he emphatically agrees with Dan Casas, the Whites' lawyer, who suggested striking the last sentence of 6401, so that it would end after the phrase "open and rural character." Dr. Neely would make the respectful request that that sentence be eliminated if possible.

Dan Casas, the Whites' attorney, said he understands the plan's objectives and finds them reasonable in all respects except for the definition of the corridor. It wasn't until he saw the color Comprehensive Plan Diagram today, and in the context of the revision in Section 6400 that he realized the extent of private property within the corridor's boundaries. He said that given what history he does know, he does not think that the Comprehensive Plan Diagram was prepared at a time when the Corridor Plan was being considered; it seems like it is a historical map that was done for other reasons. There were references in the old General Plan to a greenway and that seems to be indicated by the Diagram. Now it's included as the definition of the corridor in paragraph 6400. Mr. Casas said what he finds objectionable is that the Corridor is located in part outside of the original Portola Road right of way, so it in effect encroaches on private property, somewhat like an overlay zone. He said he could foresee a scenario in which the Corridor Plan could rise to the level of a taking of private property. The way that would happen is that an applicant whose property is within corridor boundaries could apply for a building permit, and town staff could require eliminating some vegetation on the property as a condition of the building permit, because the property is within the corridor. In Portola Valley's General Plan, both your Open Space Element and Scenic Roads and Highways Element already define Portola Road as scenic. The issue that scares the Whites is, why the Corridor Plan encompasses private property, Mr. Casas said, and he also thinks it's Dr. Neely's concern. Mr. Casas said it's a balancing act between private property interests and the interests of the general public and the general policy for the Town. He said the idea of the Corridor Plan is great and the objectives are reasonable, but it's over-inclusive.

With no other speakers coming forward, Chair Gilbert closed the public hearing and asked Ms. Prince to address the implications of having private property within the corridor. Ms. Prince said that the California constitution gives the Town various powers, including the power to adopt a General Plan and impose zoning regulations. The General Plan can be thought of as a global document which covers all of the land in Town, not just the Town's own land. As a result, the mere fact that private property is included in this Corridor Plan isn't necessarily a taking. The Corridor Plan just sets a vision similar to the other Elements of the General Plan, such as the Land Use Element and the Housing Element, for what the Town hopes to see in this area. The concept that the corridor wasn't just the road itself, but the road and lands adjacent, has been in existence in the General Plan for some time, she said. For example, Section 2161 in the Land Use Element, which would be deleted with adoption of the Corridor Plan, states that, "The Portola Road Corridor includes those lands lying adjacent to the Portola Road from the northern Town limits to Alpine Road."

In response to a further question from Chair Gilbert concerning potential impacts that adoption of this Corridor Plan could have on private property owners, Ms. Prince responded that legislation occurring at the Town level such as adoption of an element of the General Plan would have an impact on private property owners. So it does have some impact, but not the same as zoning regulation, which would say you can only develop a certain number of square feet or the setbacks have to be this defined amount. It doesn't necessarily indicate that they can or cannot do certain things. It just sets that broad brushstroke vision.

Commissioner McKitterick, who served on the Portola Road Corridor Plan Task Force, said that the group reviewed the General Plan overall and the Open Space Element in particular for guidance in what they should put together. He said he is sympathetic to specific concerns that pertain to notification about meetings and screening of houses, but is less receptive to the idea the Town has no ability to control things outside the road itself and that this is a big change from what's on the books already.

Vice Chair Targ said he would agree with the Town Attorney that this is not taking material. That notwithstanding, he said there are valid issues related to the line drawn with respect to personal and real property, and the direction given by the proposed modifications.

Chair Gilbert asked the Commission to begin working its way through the Plan starting with the Introduction.

Commissioner McKitterick said that he would like to talk about the boundaries of the road corridor and whether it has defined boundaries. Commissioner Von Feldt said that she had concerns about that as well, and felt that adding the reference to the Comprehensive Plan Diagram in Section 6400 seemed to insinuate that there is a defined area under discussion rather than a broad brush of 50 to 100 to 150 feet.

Ms. Kristiansson advised that the Portola Road Corridor plan is consistent with the Alpine Road Corridor Plan in that the boundaries of the corridor is not specifically defined.

Commissioner McKitterick said he wouldn't want to delineate a particular distance for the Portola Road Corridor, and likes it as it was previously stated with the reference to the land immediately on either side of the road. Chair Gilbert asked whether it would work better to refer to views of the land on either side of the road, and Commissioner McKitterick responded that there would still be the question of where it begins and ends, and where the Town is exerting control. He said that what he remembers from the Task Force discussion is that the idea was to refer to land on either side of the road to the town border. They did not talk about how far into adjacent properties the corridor extended. Commissioner Hasko agreed and said that she remembers the Task Force focused more on the general policies of how the whole area should look.

Ms. Prince suggested that one approach to provide more definition yet remain broad as is appropriate for a General Plan would be to say "generally as shown on the adopted Comprehensive Plan Diagram."

Commissioner McKitterick pointed out that the definition in the Corridor Plan appears to be based on the language currently in Section 2161, with the addition of the reference to land immediately adjacent to the road and trail. He said that he recalls some discussion by the Planning Commission about how far the influence of the corridor should extend, and he is comfortable with the language in the previous version of the Plan. In response to Chair Gilbert, he said that he has no objection to adding the word "generally," although he doesn't think it solves the problem and would be happier without the reference to the Comprehensive Plan Diagram.

Commissioner Von Feldt said that including a reference to the Comprehensive Plan Diagram in the Corridor Plan would not be either more or less binding, because the Diagram has already been adopted as part of the General Plan.

Vice Chair Targ said the idea of viewing the corridor as a bit of an overlay – not as a zoning overlay but in the context of the General Plan – isn't necessarily wrong, but limiting the corridor to a specific ribbon could lead to further confusion. Vice Chair Targ suggested striking the reference to the adopted Comprehensive Plan Diagram in added to Section 6400.

Chair Gilbert offered another alternative for consideration. She said that on the one hand, she would prefer to keep the language as general as possible, but she also wants to minimize uncertainty for the property owners. With that in mind, she suggested revising the first sentence of 6400 to read:

The Portola Road Scenic Corridor comprises Portola Road, the trail that parallels the road, lands within the setbacks, and views of the lands immediately on either side of the road and trail.

Commissioner McKitterick said the Task Force had added “immediately on either side of the road” to modify “lands” and he would like to see that included. Commissioners agreed to strike out the language about the Comprehensive Plan Diagram that had been added to Section 6400.

Chair Gilbert said she believes the language in the last sentence of Section 6401 echoes a broader, overriding principle of the General Plan about development being subservient. After some discussion, the Commissioners agreed to strike the final sentence of Section 6401.

Chair Gilbert turned to Objectives (Section 6404.1 through 6404.5) and suggested reorganizing the objectives by having the broadest statement, which is currently #5, to the top. The rest of the Commissioners agreed.

Section 6405.1 speaks to the Town’s active pursuit of acquisition of properties or other property rights, such as conservation easements . . .” Chair Gilbert said someone in the audience expressed a concern that this point implied takings, and she asked whether Commissioners had any concerns about the way this section is worded.

Ms. Prince clarified that a “taking” is taking someone’s property without just compensation, but there is a give-and-take that would be part of actively pursuing property rights such as conservation easements. She also pointed out that generally, property owners rather than jurisdictions seek Williamson Act contracts or conservation easements.

Vice Chair Targ said he’d favor striking Section 6405.1 since he doesn’t think it is necessary, but he suggested the statement could also work by inserting the concept of a willing seller. Commissioner McKitterick said that he thinks the Town has been too passive about property acquisition. He would like to leave Section 6405.1 in since he thinks it’s important for the Town in the next 50 years to purchase open space and land to improve trails.

Commissioner Von Feldt said that if a large property owner wanted to do more development on property on the Corridor, she could see that having language like this could lead to approaching the Town about a conservation easement along the Corridor in exchange for more development rights elsewhere on the property.

Commissioner Hasko said that she is a little concerned that something like this could be overreaching and imply that providing a conservation easement could be necessary for a permit to do something to which a property owner is entitled, but the concept of a willing property owner does address that in part.

Commissioners agreed to modify the language in 6405.1 to refer to willing property owners, and to make the same change to Section 6405.9.

Commissioners briefly discussed and agreed on the staff-recommended changes for Sections 6405.10 and 6406.4.

The Commission moved on to discussion of 6406.5. Commissioner McKitterick proposed keeping the language intact with the exception of substituting “where habitable structures” for the phrase “such as in places where structures.” After discussion, Commissioners agreed to leave the language as presented, without referring to habitable structures. Vice Chair Targ suggested removing the word “close” to avoid redundancy, and the Commission agreed.

Discussion then moved to Section 6413. Commissioner McKitterick asked whether the Town has property rights in the Portola Road corridor outside of the road right of way. Ms. Prince explained that oftentimes when a street is dedicated to the Town, the easement that’s dedicated is wider than the actual roadway width. So although a chunk of it is paved, a portion on either side of the paved roadway that’s still part of that right of way also may be given to the Town. In addition, staff clarified that this language would refer to lands such as the Town Center and the open space in front of Spring Down which are owned by the Town.

Vice Chair Targ suggested adding the “from willing property owners” language to the last sentence, after the phrase “open space easements and asked whether saying “the west side of the corridor includes mostly larger parcels” extends the corridor up into the hillside. Ms. Kristiansson suggested a modification such that this sentence would simply indicate that there are large parcels on the west side of the road in this segment. Commissioners agreed to both changes.

Commissioner Hasko mentioned that Mr. Casas had proposed alternative text to the last part of the sentence which starts, "The Town will need to manage its lands . . ." and suggested that the Commission discuss that. In particular, that version says that the Town should "work with" landowners rather than "encourage" landowners, and also that this should be done "to preserve and protect such views, consistent with the General Plan and applicable state and federal laws." Commissioner Hasko said the phrase "work with" may capture some of the spirit of collaboration that some people feel is missing. She said it has a better tone than "encourage," which comes over as more prescriptive.

Commissioner Von Feldt said she also likes "working with," but that "preserve and protect such views" seems much narrower than "take action on their properties. With the focus on views, other things in this Corridor Plan, such as removing invasives and planting native plants, may be left out a bit. She said that preserving and protecting properties could perhaps be read as including managing for some views and trying to remove some invasive species.

Commissioner McKittrick said he thinks the Commission wants not just preservation and protection; we want affirmative action to be taken. After a brief discussion the Commission decided to change "encourage" to "work with" and to otherwise move forward with the original proposed language.

The Commission briefly reviewed of the sections of the General Plan proposed for elimination with the adoption of the Portola Road Corridor Plan and agreed with the changes.

Chair Gilbert then invited public comments.

Ms. White said she thinks the idea of the views being the number one concern was not put into the General Plan wording until the 2011 revisions to the Open Space Element. It's not something that's been in the General Plan all along, although it's being perceived that way. She said that she wanted to go back to the original language about Portola Road and the greenways. By definition, open space is not private property but is public land or MidPen. In terms of their land being characterized as "Community Open Space Preserve," Ms. White stated that she does not agree with that because their land is not a preserve, it is proposed, although the 2011 amendments to the Open Space Element took out the word "proposed." In addition, when the words "community" and "open space" are added in front of it, it doesn't make any sense because their land is not open space but is private property, and nothing on it will ever be available to the community. In sum, she would like the Commission to understand that she doesn't agree that the views and trails are most important; that their land is not part of the corridor; and that their land is not open space but private land.

Dr. Neely said the fact that the Town has identified four Community Open Space Preserves does not preclude the fact that they're proposed, and they're stated as proposed elsewhere in the General Plan, but he can live with the language proposed for the Corridor Plan. He also inquired about the use, and former use, of the word "greenway" to describe the Portola Road Corridor in the General Plan language to be deleted, and whether that had any specific meaning.

Chair Gilbert said that in terms of the Community Open Space Preserves, the Town Council asked the Planning Commission perhaps a year ago to look at these with a couple of things in mind. One would be to ensure that requirements are applied to each Community Open Space Preserve in similar fashion, and the other would be to review the definitions. The Commission has been accumulating items to add to that discussion, and although the discussion will be a difficult one, the Commission does need to have it because they continue to make decisions that relate to it.

In terms of the word "greenway," Commissioner McKittrick noted that the label on the map indicates a "greenway" but then there is language that greenways are corridors. Staff advised that there is a definition of greenway in Section 2203 of the Open Space Element, which says, "Greenways are corridors of natural beauty often enhanced by landscaping. They provide pleasant traveled ways for motorists, cyclists, those on foot and equestrians that link portions of the planning area. A number of greenways are proposed in the plan along roads and natural features such as canyons, streams and woods." Ms. White also read excerpts from the background report and suggested that the change from greenway to scenic corridor occurred with the 2011 Open Space Element in order to prioritize views. In response to Commissioner Von Feldt and Vice Chair Targ asking about whether "greenway" is a legal term of art in the Municipal Code, Ms. Prince said she found only one mention of it

in the Municipal Code. In discussing the dedication of land for open space as part of a subdivision, Section 17.20.200 says all land to be dedicated for park or recreational purposes must be found suitable and one suitable location would be in parkways or greenways.

Commissioner Hasko asked staff for more information. Ms. Kristiansson said that the intent was to consolidate all of the references to the Portola Road Corridor in one place, and that while there were references in other elements to the corridor as both a scenic corridor and a greenway, it appeared that most of the references called it a scenic corridor. However, she noted that there were multiple references and it was not entirely clear. Ms. Pedro noted that in terms of implementation, the appendix to the Open Space Element states that greenways should be implemented by actions such as acquisition of fee title and conservation easements.

Commissioner Hasko said that deleting the greenway reference with no deliberate purpose might be interpreted in a way that the Commission does not intend. She proposed putting in one line to retain it: "Portola Road is designated as a greenway." Commissioners discussed this suggestion and alternatives. Chair Gilbert said that including this could add confusion, and since there seems to be a lot of overlap in the definitions, putting in a reference to a greenway does not add a lot. Commissioner Hasko agreed that it is not as clear as she would like, but she is concerned that taking it out could be construed as a deliberate decision on the Commission's part to change the designation of Portola Road rather than simplifying language. Based on the information available tonight, she would not be comfortable making that change. After some discussion, Commissioners directed staff to add "Portola Road is designated a greenway" where it makes sense in the first paragraph.

Chair Gilbert asked whether Commissioners had any issues with the negative declaration.

Vice Chair Targ moved to adopt the resolution recommending that the Town Council approve the Negative Declaration for the Corridor Plan. Second by Commissioner Von Feldt, the motion carried 5-0.

Commissioner Von Feldt moved to adopt the resolution recommending that the Town Council approve the Portola Corridor Plan as amended during the discussion. Seconded by Commissioner McKitterick, the motion carried 5-0.

Chair Gilbert thanked everyone in the audience for their patience and suggestions.

ANNUAL ELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR

Chair Gilbert nominated Vice Chair Nicholas Targ as Chair and Judith Hasko as Vice Chair of the Planning Commission, effective with the next meeting. Seconded by Commissioner Von Feldt and passed unanimously.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Kristiansson said the Town Council had approved the Housing Element as recommended by the Planning Commission. There were no public comments. She will submit the Element to the state as soon as she receives the signed resolution. Vice Chair Targ said the Element was very nicely done.

Commissioner Von Feldt asked whether the Town has a process for mitigation when new people move in and cut down heritage oaks. Ms. Pedro said that staff would first try to determine the type and number of trees removed and then work with the owner to try to replace the trees and mitigate impacts to neighbors, such as views and light pollution.

Commissioner Von Feldt said that it would be nice to have a discussion about penalties or tree replacement ratios for removing heritage oaks.. She noted that removal of these heritage oaks is not just an issue of screening and views for neighbors, but habitat loss and carbon released into the environment. She said mature oaks sequester a lot of carbon and once it's lost, it takes 50-odd years to get it back. She would like the Town to have a very clear plan for what happens if they are cut down so that it doesn't become a personal issue between neighbors.

Ms. Pedro said she would review the code more closely in terms of penalties and look into strengthening that section.

Vice Chair Targ noted that it's not just owners, but sometimes the fault lies with arborists or tree service contractors, and maybe training or educational literature could help as well as substantive provisions. He also emphasized the importance of opportunity for restorative justice to enable owners to make demonstrations of good faith rather than being pilloried. Commissioner Von Feldt said she would support the restoration aspect more than fines, since that is really what the Town is trying to get at here.

Ms. Kristiansson said staff has talked previously about sending letters to landscapers and others doing work in Town to inform them of the rules and that they are supposed to get permits.

APPROVAL OF MINUTES: December 3, 2014

Commissioner Hasko moved to approve the minutes of the December 3, 2014 meeting, as amended. Seconded by Commissioner McKittrick, the motion carried 5-0.

ADJOURNMENT [9:52 p.m.]

Denise Gilbert, Chair

Debbie Pedro, Town Planner