

~~REGULAR PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, APRIL 16, 2003, TOWN CENTER, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028~~

Chairman Breon called the meeting to order at 8:02 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, McIntosh, Toben and Zaffaroni, and Chairman Breon
Absent: None
Staff Present: Tom Vlastic, Dep. Town Planner
Leslie Lambert, Planning Manager
George Comstock, Council Liaison

~~ORAL COMMUNICATIONS:~~ None.

~~REGULAR AGENDA~~

(1) ~~PUBLIC HEARING: Site Development Permit X9H-495, 56 Hillbrook Drive, Dolezalek~~

Mr. Vlastic reviewed the staff report of 4/10/03 on the request for 1,550 cubic yards of grading in support of plans for residential redevelopment of the subject 1-acre property. Noting that the Commission held a preliminary review of the request at its last meeting, he said the ASCC concluded on 4/14/03 that the scope of grading was consistent with the plans found acceptable by the ASCC in April 2002. At the 4/14/03 meeting, he said the ASCC recommended adjustments to the landscaping plan for the western property line to provide sufficient tree height to accommodate: 1) the grading/repair of the slope; and 2) privacy between the properties without blocking distant views. Another issue discussed was the fence which would meander through the existing and new planting. Using the grading plans, he pointed out the drainage outfalls, noting that the Public Works Director had suggested (report dated 4/10/03) dispersing water to the slopes on the east side of the property. He described a concrete drain on the downhill property noting that it would need to be considered in the preparation of the final drainage plans for the project. He said the ASCC discussed the design of the outfalls to ensure they were not a standard, engineered, riprap design. Responding to Chairman Breon, he confirmed that any issues raised by the Conservation Committee during its review would be dealt with by the ASCC, as set forth in the ASCC's conditions of approval.

Responding to Commissioner Zaffaroni, Mr. Vlastic said a consistent position taken by the ASCC was that there would be no up lighting of trees for landscaping purposes. In rare instances, a light could be hung in a tree for needed illumination if it, for example, replaced a number of smaller lights. For this application, the ASCC reviewed options and alternatives and decided to allow one light in a tree by the entry and one in the rear yard area; other lights were removed that were not consistent with Town guidelines. Responding to Commissioner Zaffaroni, he said no lighting on entry gates was a guideline, but there was no prohibition. Commissioner Zaffaroni asked to see the guideline language. Responding to Commissioner Zaffaroni, Mr. Vlastic confirmed that all of the conditions resulting from the ASCC's 4/14/03 review were a furtherance of the conditions resulting from the April 22, 2002, review. Chairman Breon suggested revising condition "a" to include requirements resulting from the ASCC's April 14, 2003, meeting.

Referring to condition "d", Commissioner Zaffaroni pointed out that the Health Officer's email was dated March 17, 2003.

Bob Stoecker, project architect, noted that there was some friction between the neighbors over the V-ditch below the property. He confirmed that he would work with the civil engineer and Public Works Director on the details of the drainage.

Commissioner Zaffaroni noted that the Town Geologist recommended (report dated 3/27/03) that the geotechnical consultant consider pier embedment depths extending a minimum of 8' into bedrock to conform to the standard-of-care for hillside areas on the San Francisco peninsula. She asked what was the significance of non-conformance. Mr. Stoecker said the project consultant felt this was not a standard-of-care for the western hillsides of the peninsula. There were a number of projects in Portola Valley that did not use drilled piers because it was either unnecessary or because of seismic conditions. In Blue Oaks, for example, drilled piers were not appropriate because foundations needed to float on top of ground

separations. The standard-of-care depended on individual site conditions. He added that the conforming letter that the project consultant was required to provide would include a section on why drill piers would not be used.

By motion of Commissioner McIntosh, seconded by Commissioner Elkind, the site development permit project was found to be categorically exempt pursuant to Section 15303(a) of the CEQA guidelines by a vote of 5-0.

Commissioner McIntosh moved to approve the site development permit application as shown on the plans referenced in the 4/10/03 staff report, subject to conditions "a" through "f" set forth in the report, with the added language to condition "a" to include any additional conditions required by the ASCC during the 4/14/03 meeting. Commissioner Elkind seconded, and the motion carried 5-0.

(2) ~~Preliminary Review: Site Development Permit X9H, Simonic Trail (APN: 080-040-080), Lefteroff~~

Chairman Breon described the purpose of a preliminary review. Mr. Vlasic reviewed the staff report of 4/10/03 on the application for grading and vegetation removal to facilitate reconnaissance efforts on the subject 10-acre, southwestern hillside property. Using a map and photos, he discussed the site, access, exploratory road, proposed septic drainage area and well, the previously cut road, the location of water tanks, the building site, and tree cover.

Kevin Schwarzkopf, project architect, said in order to get access through the Palmer property, grading and work on that property would be required; this was not desirable. Additionally, the existing road on the property would not withstand the weight of equipment necessary to drill the water well. If that kind of work was necessary, Mr. Lefteroff wanted it to be done on his property. As planned, the location of the temporary road would be the same as the permanent road in the future. He noted that there was only one building spot of 85' x 300' on the top of the ridge; alignment of road would need some geologic investigation which might lead to map modification review by Town Geologist. The location of the temporary road was, by far, the easiest location for access; the slope of the road was very minor and worked with the grade. Using photos, he described the Simonic Trail, the building zone, and brush and tree impacts of grading. Per the Town Geologist's recommendation, he said exploratory testing was being done of the potential leachfield area; if the results were favorable, a deviation would be required. Additionally, it would need to be determined if the proposed turnaround would work geologically. It was hoped that the grading necessary would not approach the level that would require approval from the Planning Commission. He discussed vegetation that could remain in some fashion or be replaced.

Responding to Chairman Breon, Mr. Schwarzkopf said the house would be 4,000-5,000 sf. He estimated that about 20 trees would be impacted; the major trees would be avoided wherever possible during this preliminary phase. He said the road was needed to do the geological investigation at the top of the hill and drill the well. Using photos, Mr. Vlasic described the option of pulling the equipment up-slope rather than negotiating a curve. He noted that the Conservation Committee had been very concerned about the impact on the trees. After viewing the trees, it was found that they were not of the classic heritage character; however, a lot of trees would be impacted. The trees, geology, and slope also made it questionable how much could be put on the site. He discussed the need for a second turnaround.

Responding to Chairman Breon, Mr. Schwarzkopf said if the leachfield and well worked, the site would be essentially viable. Neither of the contractors involved wanted to complete their part of the project until the other one was approved; steps needed to be taken to ensure both of those things could happen. Responding to Chairman Breon, he confirmed that the well digger needed confirmation on the location of the leachfield before he would drill. Responding to Commissioner McIntosh, he said perc tests had been done for the leachfield. Mr. Vlasic noted that the problem was the geology as it was in a potential deep landslide area. Mr. Schwarzkopf added that the next step was the geological investigation to make sure that a deviation could be obtained for the leachfield. That investigation could be done from the existing road, and the movement potential for that portion of the site could then be mapped. If these hand-dug excavations could start next week, the report would take about a month. If the report was favorable, the next phase was the temporary road which would allow the well to be dug. He added that only the amount of engineering necessary to satisfy the Town Engineer would be done for the temporary road, and it would not be to the

extent necessary for the permanent road.

Responding to Commissioner Elkind, Mr. Vlastic said there was no prohibition against residential development in a Ps area under Resolution 500; it just needed to be done with care and review. Responding to Commissioner Zaffaroni, he confirmed that the turnaround was a key issue. Responding to Commissioner Elkind, Mr. Schwarzkopf described where retaining walls were planned on the site; if the project was viable, he added that there were options to minimize grading and save trees which would be looked at. Commissioner Elkind said she was concerned about the impacts associated with the final project. She was reluctant to delay addressing those final impacts to a time after which a lot of money had been spent on preliminary studies. In particular, she was concerned about the grading impact and vegetation removal. What made the hills in Portola Valley beautiful was the consistency and texture of the vegetation. As soon as major grading and vegetation removal was done, the natural beauty was interrupted.

If this plan resulted in significant vegetation removal, that was of as much concern as the removal of big trees.

Mr. Vlastic noted that the scope of development of that ridge and how much was ultimately put there might not be the maximum potential possible under the ordinances. The scope of development might need to be scaled back in order to adequately build on the site and not disrupt the area to the extent suggested.

Responding to Commissioner Zaffaroni, Mr. Vlastic said there might be a map modification as a result of the investigation. If the geology could not be changed, a deviation would be required. He noted that at this point, the Town Geologist did not think it was likely that the geology map would change. It was also possible that the investigation would be supportive of a safe septic system but not support a change in the geology. If a deviation was reasonable, then the question was the turnout. A site development permit would be required for review by both the ASCC and Planning Commission. He discussed the potential need for a restoration plan and other questions that would have to be addressed during the process. With respect to the Commission's long-term action on this project, he said the grading would exceed 1,000 cubic yards, and there would be considerable disturbance.

Responding to Commissioner McIntosh, Mr. Schwarzkopf said the water to the tanks that had been illegally placed on the property could be shut off. Mr. Palmer had, however, agreed to move the water tanks to his property some time in the next two months. Mr. Vlastic noted that this would require a permit and compliance with setbacks, etc. Responding to Commissioner McIntosh, Mr. Schwarzkopf reiterated that access to the site through Mr. Palmer's property would require work and grading on that property which was not desirable. Improvements to the neighbor's property did not benefit his client, other than allowing for the well to be drilled. There were also a number of things that the temporary road would help clarify for the project. For example, it still needed to be determined whether this could become a permanent road and how easily that could be done; doing the investigation of that was important.

Responding to Commissioner Zaffaroni, Mr. Vlastic confirmed that there was a roadbed to access the tanks from Mr. Palmer's parking area; if there had been any grading, it was only at the bend. Unless forced to, Mr. Schwarzkopf repeated that his client did not want to improve the neighbor's property. It had taken over eight months to get a response from Mr. Palmer regarding the water tanks. Mr. Vlastic noted that Mr. Palmer was in a precarious position in terms of the permits with the Town. Additionally, there would be a considerable amount of disturbance in getting the tanks to a different location. Mr. Palmer might need to do more work on the slope as there had been some sloughing since the tanks were put in.

Commissioner McIntosh suggested that the cost of the grading necessary to move the tanks might be less than the cost of constructing the temporary road--especially if the well couldn't work. Mr. Schwarzkopf said the owner's assumption was that the well would work, and the well driller was fairly confident that a well could be drilled on this property.

Chairman Breon thought it might be appropriate to go through the CEQA process for this project; the exemption pertaining to 5 homes or less did not apply if there were potentially significant impacts of vegetation clearing, tree cutting, potential for erosion, geologic instability, and off site views. At this point, he felt the wisest choice was to ask the applicant to work with Mr. Palmer and discuss whether those things that needed to be done could be done in a more cooperative manner. It could be more costly for the

applicant if everything worked out as anticipated. But, if everything didn't work out, a lot of disturbance would have been avoided.

Commissioner Toben agreed. He felt these two owners could solve each other's problems with the right attitude. It was a very straightforward matter to engage a third party to sit down, perhaps with Town staff present, and assist in negotiating a solution that would minimize the applicant's cost and make for a much better result from the Town's perspective. Responding to Mr. Schwarzkopf, he felt the fact that Mr. Palmer resided elsewhere was not an insurmountable problem.

Chairman Breon said if that could be worked out and the well was found to be good, it would be worthwhile to investigate whether the driveway/access could be through the other road as well. Commissioner McIntosh said another option was a bt line adjustment whereby the Palmer water tanks could remain in exchange for access through his property. Using the maps, Mr. Schwarzkopf showed the location of the Palmer driveway and roadbed to the tanks. He said the entry drive to the Palmer property was very close to his house. Mr. Vlasic felt that if everything else worked out, finding a common solution for a driveway would be very difficult. As this point, if something could be worked out on this temporary access road, it would allow for a much better decision-making process.

Responding to Commissioner McIntosh, Mr. Vlasic said the properties on either side had nowhere near the access problems this site had. He described the Jaeger and Palmer properties. Responding to Commissioner Toben, he agreed Commissioners should hold a site visit before taking any action.

APPROVAL OF MINUTES

By motion of Commissioner Elkind, seconded by Commissioner Toben, the minutes from the meeting/site visit on March 25, 2003, were approved as submitted by a vote of 5-0. Commissioners discussed the site visit to the Hewlett Foundation.

Commissioner Elkind submitted a change to the minutes of the April 2, 2003, meeting. By motion of Commissioner Toben, seconded by Commissioner Elkind, the minutes were approved as amended by a vote of 4-0, with Commissioner McIntosh abstaining.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS: None.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 p.m.

Craig Breon, Chairman
Planning Commission

Leslie Lambert
Planning Manager