

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, MAY 7, 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, Nate McKitterick and Alexandra Von Feldt; Vice Chair Nicholas Targ; Chair Denise Gilbert

Absent: None

Staff Present: Karen Kristiansson, Interim Town Planner
Craig Hughes, Town Council Liaison

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) PUBLIC HEARING: Revision to Approval of Variance Request X7E-135, 3 Grove Court (John and Crystal Ciancutti)

Ms. Kristiansson said this item involves a modification of a variance to encompass changes to an approved project, which originally included renovations and additions to the existing historic house on the property, replacement of the existing garage with a new one within the side setback and guest parking with a trellis in the front setback, construction of a second unit and a pool, installation of a level lawn area and associated grading and retaining walls.

She explained that the applicants want to reduce costs by reducing the grading (from 921 to 435 cubic yards) and retaining walls, preserving and repairing the existing garage, removing the front overhang of the garage and building an addition on the interior side, shortening the driveway, relocating the guest parking and eliminating the trellis feature, changing the footprint of the second unit and relocating it, along with the pool, further down the site to where the level lawn area was and reducing the size of the lawn area, and saving four trees previously approved for removal.

As Ms. Kristiansson explained, the Planning Commission approved a variance last November for four items, two of which would no longer be needed for the project, and two of which would not be affected by the proposed changes. The ASCC approved the proposed changes at its April 14, 2014 meeting and recommended that the Planning Commission grant the variance modification for the revised project.

The findings required for the variance are listed in Ms. Kristiansson's May 1, 2014 staff report, she said, noting that the reasons for approving the variance, which were set forth in the October 31, 2013 staff report, remain valid and would apply to the revised project. Only one change, referencing the ASCC's April 14, 2014 action, is recommended to the Conditions of Approval.

Commissioner McKitterick asked how many off-street parking spaces would be provided. Ms. Kristiansson said it would be unchanged from the original proposal.

Chair Gilbert opened the public hearing. When no speakers came forward, she closed the public hearing.

Commissioner Von Feldt said she supports the requested changes because they reduce the volume of grading and eliminate encroachments into setback areas. Vice Chair Targ said preserving the trees and relocating the pool to reduce the amount of lawn that would need watering are positive ecological steps and show further commitment by the applicants to retain the character of the existing structures.

Vice Chair Targ moved to approve the amendment to the variance, consistent with the conditions previously imposed by the ASCC, and for the reasons stated in the Planning Commission's previous approval. Seconded by Commissioner Von Feldt, the motion carried 4-0-1 (Hasko abstained).

(2) PUBLIC HEARING: Site Development Permit X9H-672 for 18 Redberry Ridge, Blue Oaks Lot #15 (David Douglass/Nanette LaShay)

As her May 1, 2014 staff report indicates, Ms. Kristiansson said that on March 19, 2014, the Planning Commission and ASCC had a joint site meeting on this new house project, which includes an attached garage, detached guest house and associated site work, and the Planning Commission conducted a preliminary review of the project at their evening meeting that night. The ASCC followed up with meetings on March 24, 2014 and April 14, 2014, and has approved the project with conditions, contingent on Planning Commission approval of the Site Development Permit. Planning Commission approval is required because more than 1,000 cubic yards of grading is included in the proposal. The ASCC also recommended that the Town Council release the building permit for the project, which the Council probably will consider at its May 28, 2014 meeting.

The revised set of plans in Commissioner packets includes an updated grading plan which shows a culvert for the swale crossing, with backfill against the north retaining wall to keep the exposed surface no taller than six feet. The retaining wall would be a dark grayish-brown integral color concrete, and vegetation in the backfill would further screen the retaining wall

In terms of the impacts of the auto court retaining walls on the manzanitas, which the Planning Commission had identified as an issue, Ms. Kristiansson said the project team found that the walls couldn't be moved without redesigning the house or potentially affecting the trees on the north side of the property by moving the house closer to those trees. Instead, the team proposed transplanting the manzanitas as required by one of the ASCC's recommended conditions of approval.

Ms. Kristiansson said the project is categorically exempt from CEQA as a single-family home, and staff believes the restoration effort to remediate the unauthorized removal of vegetation is sufficient to make further CEQA analysis due to the loss of screening unnecessary.

Project architect Tom Carrubba pointed out that the ASCC reacted positively to the project, and emphasized that the volume of grading is not unusual in Blue Oaks. He said that he and Stefan Thuilot, the landscape architect for the project, would be happy to answer Commissioners' questions.

In response to Commissioner Von Feldt, who asked whether the culvert beneath the driveway is bottomless or a solid pipe all around, Mr. Carrubba explained they didn't go with the bottomless culvert, which would have provided more roughness, because in terms of appearance from across the way, 12-inch pipe would be more discrete. Commissioner Von Feldt said the function of the swale was of more concern than the appearance. Mr. Thuilot said the watershed was very small and he expected very little water to actually go through the swale. Construction of the cul de sac changed the natural flow of water, so now it's away from the area.

Commissioner Von Feldt also asked about the length of the pipe proposed, and whether it would extend into the basin below the driveway. Ms. Kristiansson said it would have to extend through the backfill. Mr. Carrubba said the 12-inch pipe would go about 20 feet. Commissioner Von Feldt said she's often seen serious erosion when the water velocity is almost as if it's coming out a fire hose – especially at that length, she said, because it's not slowed down. Chair Gilbert said the concern would be the speed of the water going through the pipe versus going over natural ground. Commissioner Von Feldt said water goes straight down the pipe, versus taking its the natural course, losing velocity as it spreads out, and dropping sediment along the way. She said typically serious erosion occurs beneath pipes going into creeks due to the velocity of the water coming out.

Mr. Carrubba said the civil engineer does not expect problems with erosion. Mr. Thuilot said there would not be much water, and also the project involves regrading the area south of the driveway. The pipe will end in a dissipation area near the swale.

Commissioner Von Feldt also asked for elaboration about how the project team came to determine that the retaining wall of the auto court could not be moved just a few feet. Mr. Carrubba enumerated several factors, including the required size of the fire truck turnaround, the proximity of the trees on the north side of the property, the need to increase the height of the retaining walls if the house were moved, and the fact that moving the wall a short distance would only save a few plants.

In response to Chair Gilbert, Mr. Thuilot said they propose transplanting three manzanitas and one small oak tree from the retaining wall area.

Commissioner Von Feldt said she still sees mention of gum trees, Chinese pistaches and other non-natives on the landscaping plan. Noting that because the Planning Commission's purview covers both grading and site development, she wants to know what species are proposed to replace the manzanitas. She said those listed are not appropriate. Ms. Kristiansson said the first ASCC Condition of Approval requires a revised planting plan that conforms to all the Planned Unit Development (PUD) provisions, including all native plants outside of the building envelope and only specified tree species. The revised planting plan would require approval of a designated ASCC member and staff, she said.

Commissioner Von Feldt said she also still sees a note calling for pre-emergent herbicide on the plans, and that needs to be removed.

In response to Commissioner McKitterick, Mr. Carrubba said the retaining wall by the culvert is six feet tall, including the 18-inch curb on top. Commissioner McKitterick also asked whether the wild lilac and mountain mahogany would provide adequate screening. Mr. Thuilot said that together with the large manzanitas in that location, the view of the retaining wall would be obscured.

Commissioner Hasko asked whether all of the Manzanitas would be transplanted, or if some of them would remain where they are. Mr. Thuilot said the original plans affected about 30 or 40 Manzanitas, and now there are 14 or 15, the vast majority of which would be transplanted.

Vice Chair Targ, following up on Commissioner Von Feldt's comments, said it seems as if the contours of the hillside fed a great deal of the watershed via gully prior to the installation of drainage when the subdivision was created, and now the water flows primarily through the subdivision's stormwater system and very little actually reaches that location. He asked whether the project team has been there during a heavy rain to observe how the water flows under those circumstances. David Douglass, property owner, said it doesn't fill up. He said that neighbor George Salah, who attended the ASCC meeting, said that the way the end of the cul de sac was banked takes the flow of the water between his property and the next property to the south.

Referring to the May 14, 2014 staff report, Vice Chair Targ noted that the staff report states that the project team proposes transplanting as many of the existing manzanitas located near the auto court's south retaining wall as possible, but this language isn't in the Conditions of Approval from the ASCC. He asked if this was an oversight. Ms. Kristiansson said the ASCC's intention was to require transplanting of as many manzanitas as possible and this could be added.

He asked for confirmation that about 15 manzanitas would be affected, and all but perhaps three could be transplanted. Mr. Thuilot stated this was correct. Vice Chair Targ also asked whether any of the manzanitas would be part of the screening for the culvert's retaining wall. In reply, Mr. Thuilot said there's no specific plan yet, but the objective is to plant them onsite.

Commissioner Von Feldt asked how much soil must be dug out to take out a mature Manzanita for transplanting, and how well they fare after transplanting. Mr. Thuilot said the amount of soil depends on the age, but given the access in that area, they would dig about a 64-inch space. Mr. Carrubba reported a 90% success rate for transplants on another project two years ago.

Chair Gilbert asked about access to the construction site without damaging vegetation or the hillside, given the location of the Salah house, the slope and the trees. Mr. Carrubba said they'd basically build a road to get the equipment in and out, and there's not much vegetation between the houses. Ms. Kristiansson pointed out that

project requirements include a vegetation protection and construction staging plan that also involves Rana Creek to ensure protection of all of the restoration plantings.

Commissioner Von Feldt asked whether they had considered having Rana Creek grow any manzanitas from seed as a hedge against the transplanting. Mr. Thuilot said seed is an option, but it's a very slow process, so manzanitas typically grow from stock that's a little older. Commissioner Von Feldt said the type of Manzanita is rare and can't be found in the nursery trade.

Chair Gilbert opened the public hearing. With no speakers coming forward, she closed the public hearing and brought the matter back to the Commission.

Commissioner Von Feldt, saying she appreciated the explanations in response to her questions, asked about other Commissioners' thoughts about the swale. She said she understands that much less water flows there now than it did historically due to subdivision redesign, but she noted that we haven't experienced a serious El Niño year since then either. While we have the opportunity, she wants to ensure that the pipe installed is large enough to do the job.

In terms of the manzanitas, they're impressive, important and in a perfect spot. Because moving them involves a lot of risk (as well as money and resources), she said she'd hoped more of them could stay where they are. She'd also like to see Rana Creek grow some new ones from seed.

Commissioner Von Feldt said that she would like to see a revised landscape plan prior to approving the Site Development Permit, perhaps as part of the group to review the revised planting plan, which Ms. Kristiansson said requires approval of a designated ASCC member and staff.

Vice Chair Targ said he's pleased that the project team intends to transplant as many manzanitas as possible, and that Commissioner Von Feldt volunteered to re-review the planting plan. Noting that he'd not previously seen any manzanitas like those on the Douglass/LaShay property, he asked whether they are a threatened or endangered species. Commissioner Von Feldt said to her knowledge, they aren't officially designated as such. She pointed that they grow in very specific localities, but there are 15 to 20 different Manzanita species in the Santa Cruz Mountains alone.

Vice Chair Targ said he appreciated the follow-up on his question regarding CEQA compliance, with the staff report addressing issues of screening created by unauthorized removal of vegetation. He added that he had asked ASCC Commissioner Danna Breen about the ASCC's consideration of this issue and heard that she had considered the issue carefully and concluded that the modification didn't affect the viewshed from the parcels across the canyon.

Commissioner McKitterick said he would approve the project as proposed, with the conditions added by ASCC. He said he'd defer to the project engineer regarding the size of the culvert pipe, noting that his concern about the visual impact of the exposed retaining wall has been addressed by the color, the new plantings for the slope and the existing manzanitas.

Commissioner Hasko said past comments have been addressed rather well. She noted that if there are concerns about the size of the culvert pipe, the engineer could be asked to use assumptions from an El Nino year in the calculations. Mr. Carrubba volunteered that the calculations were based on a 100-year flood. Commissioner Hasko said that she's pleased that as many manzanitas as possible will be saved, and agrees with Commissioner Targ's suggestion that this should be spelled out in the conditions of approval.

Chair Gilbert said that this is a tough project, with the challenge of preserving views while being restricted to a limited building envelope. She was concerned about the swale because it's such a major feature of the landscape, but she's satisfied with the explanation about the current water flow, and is satisfied with the project.

Commissioner Hasko moved to approve Site Development Permit X9H-672 for 18 Redberry Ridge, Blue Oaks Lot #15, with two Conditions of Approval in addition to those required by ASCC: 1) The applicants transplant as many as manzanitas as possible from the south side of the driveway; and 2) A designated Planning

Commissioner be included in the review and approval of revised planting plans. Seconded by Vice Chair Targ, the motion carried 5-0.

(3) CONTINUED STUDY SESSION: Housing Element Update

Ms. Kristiansson said that the Commissioners had the Housing Element goals and policies from 2009 for review and to update as appropriate. She also noted that the analysis of constraints and evaluation of the 2009 Housing Element, the last two sections that the Commission has not yet reviewed, are scheduled for the Planning Commission's meeting on May 21, 2014, with a full draft of the document to be ready for the June 4, 2014 meeting. The full draft will then go to the Town Council on June 18, 2014.

In addition, she said, a representative from the California Department of Housing and Community Development will come to town on May 13, 2014 as part of a tour of various communities and will spend a couple of hours visiting Portola Valley. In response to Commissioner Von Feldt, Ms. Kristiansson said these tours have occurred previously, too, and she considers it helpful to be able to show them the Town and its constraints – in addition to the geology map and the Ground Movement Potential map, they see for themselves what the western hillsides look like and where the San Andreas Fault is located.

Commissioner McKitterick asked what Commissioners' think about keeping Policy 2C (*Work to make land available for affordable or mixed-income housing developments*), given the inclusion of Policy 2A (*Accept and fulfill responsibility for a reasonable share of the regional need for affordable housing*) and Policy 4A (*Continue to participate in regional and county efforts to increase the availability of affordable housing in the region and county, including housing for people with special needs*). As for Policy 2C, Commissioner McKitterick said even without the "affordable" and "mixed income," he'd have a problem with the statement "making the land available for housing developments." He said he's particular sensitive after the Town's experiences with Nathhorst Triangle and 900 Portola Road.

Vice Chair Targ said he believes we're required to have land available for affordable housing. He said Policy 2C could be rephrased to be less aggressive in tone, but he thinks it means making sure zoning is acceptable and consistent with the availability for affordable housing. He said case law deals with jurisdictions that don't have land available. Commissioner McKitterick said he prefers the more general language of Policy 2A, which means that we'd use our full discretion as Planning Commissioners to comply with the law.

Ms. Kristiansson said Policy 2C was intended to cover the inclusionary housing program, which as currently constituted provides land for housing, such as the Blue Oaks lots. Ms. Kristiansson also noted that the affiliated housing program could be seen as making land available for affordable housing; the Town makes the land available by approving the conditional use permit to allow affordable employee housing at the Priory, for example.

Commissioner Von Feldt, said the Policy seemed more to support the intention of having more mixed-income housing in Town and suggested that the State Density Bonus Law (SDBL) in effect makes land available for affordable housing.

Commissioner Hasko said that she also is sensitive to keeping Policy 2C on the basis of Ad Hoc Affordable Housing Committee discussions, with feedback suggesting that residents don't want the Town involved in owning land for housing. She suggested adding "and availability" (as shown) to Policy 2F (*Continue to encourage the provision and availability of affordable housing that can be produced in association with market-rate housing*). She said the point is that we want the housing to be made available, and to encourage that availability – without the focus on availability of land. Vice Chair Targ said he agreed with that modification.

Commissioner McKitterick said that he also supports that change, noting for the record that if the Town needs to buy land to meet its affordable-housing needs, we have the power to do so. Vice Chair Targ wanted the record to reflect that the modification to Policy 2F is intended to address the intent of Policy 2C, as we understand it.

In addition to modifying Policy 2F, Commissioners agreed to strike Policy 2C.

Commissioner Von Feldt questioned Policy 3B (*Continue to encourage energy-efficient cluster development*), suggesting the focus be on sustainability and energy efficiency rather than clustering. Ms. Kristiansson, noting

that clustering minimizes sprawl and the need for driving, reduces the need for additional infrastructure, etc., said she could reword the text.

Bud Eisberg, Wyndham Drive, who served on the Ad Hoc Affordable Housing Committee, said the Committee did a lot of work and he's concerned about seeing the Committee's report go into the dust bin, and would like to find a way to incorporate the Committee's mission statement and overarching criteria from its report, or at least referring to it.

In terms of what the Housing Element requires, Commissioner Hasko asked how free we are articulate in the way we want to. Ms. Kristiansson said the Housing Element is required to have goals and policies, which should relate to the programs, but there's ample leeway within that framework. Chair Gilbert, who said it may be a matter of "borrowed wording," said she'd sit down offline to work with the Committee's report and the 2009 Goals and Policies to see where they might mesh. Commissioner Hasko, who also served on the Committee, offered to work with her.

Ms. Kristiansson said that Chair Gilbert and Commissioner Hasko could bring the document back to the Planning Commission's meeting on May 21, 2014, or even the June 4, 2014 meeting. Commissioner Von Feldt said she had some wording issues that they might address in their review, too. For example, she referred to Policy 3C (*Continue to require native landscaping, which reduces both water and power consumption*). If that policy remains, she said she'd like to see it expanded to include something about providing ecosystem services or habitat – some other element that underlies the desirability of native landscaping.

Commissioner Von Feldt also asked which policy would cover HIP Housing programs such as home-sharing. Ms. Kristiansson said that probably falls under Policy 2B (*Encourage the creation of a diversity of housing options to meet the needs of people in different stages of the life cycle and with different income levels*).

Louis Ebner, Wyndham Drive, stated that the Ad Hoc Affordable Housing Committee report deserves some scrutiny prior to submitting the 2014 Housing Element update draft to the Council. He quoted an example recommendation from the report, "that Town funds should only be used to purchase land or pay for construction of housing after a rigorous open and public process that includes adequate notice, identification of the property and disclosure of the financial viability, and proposed density of the project before entering into a contract." He said that this recommendation, in a nutshell, is the lesson learned from the 900 Portola Road situation.

Mr. Ebner said he's asked the Council to consider a public discussion of the application of the real estate section of the Brown Act because it's too easy to use that as a cover for strategizing real estate transactions, which goes beyond its intention regarding privacy of specific negotiations. He stated that members of the Town Council and at least one member of the Planning Commission strategized about acquiring 900 Portola Road for more than three years without ever specifically contacting the contiguous neighbors about their intentions. He said that's not a transparent process.

When the Council discussed the SDBL ordinance, Mr. Ebner said he reviewed the record to confirm that no density bonus was ever mentioned in the context of 900 Portola Road. With this law, he stated, a development "touted as eight to 10 small cottages could easily have turned into a project three or four times that size." He said that if we are to have a serious discussion and review of the Town's prospects in developing affordable housing, we at least must have an understanding of what the parameters of the project would be, and it's too easy to dismiss uneasiness about density as objections to affordable housing.

Chair Gilbert said Mr. Ebner's comments would be taken into account when she and Commissioner Hasko review the Ad Hoc Affordable Housing Committee's report in light of the Housing Element goals and policies, but she pointed out that he's addressing a specific, detailed incident and this part of the Housing Element deals with high-level goals and policies. She said that to give Mr. Ebner the satisfaction he's seeking would be a much more detailed process than they can hope to do with this document.

(4) REVIEW: Housing Element Annual Report for 2013

Ms. Kristiansson said that each year, the Town is required to submit an Annual Element Progress Report to the California Department of Housing and Community and Development and the Office of Planning and Research. In

addition, the Housing Element itself requires monitoring three programs – Inclusionary Housing, Multi-Family Housing and Second Units. Because the Planning Commission has discussed the three programs over the past few months, she said Commissioners won't find anything new about them in the documents provided, except for updating the number of second units permitted through March 2014. She said the 2009 Housing Element had projected 34 second units and the Town has permitted 32 during the period.

Some of the fields on the Annual Element Progress Report form don't really apply to Portola Valley, Ms. Kristiansson said, noting that the majority of information about the town's housing programs is in Table C. For each program in our Housing Element, Table C shows the objective, timeframe in the Housing Element, and the status of implementation.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

None.

APPROVAL OF MINUTES

Commissioner Hasko moved to approve the minutes of the April 2, 2014 Regular Planning Commission meeting, as amended. Seconded by Commissioner Von Feldt, the motion carried 4-0-1 (McKitterick abstained).

ADJOURNMENT [8:48 p.m.]

Denise Gilbert, Chair

Karen Kristiansson, Interim Town Planner