

SHUTE MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

TAMARA S. GALANTER  
Attorney  
Galanter@smwlaw.com

January 3, 2025

**Via E-Mail**

Mayor Hasko and Members of the Town  
Council  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94128

**Re: Proposed Amendment to Lane Conservation Easement For 880  
Westridge Drive (Item 5.f)**

Dear Mayor Hasko and Members of the Town Council:

For the past 32 years I have represented land trusts and public agencies (including the Peninsula Open Space Trust and Midpeninsula Regional Open Space District) in their efforts to permanently protect California properties through conservation easements and conservation measures. I have drafted and enforced hundreds of conservation easements and advised land trusts and public agencies on when and how they can change such easements.

My clients came to me in 2020 for an honest assessment of whether the development proposed for 880 Westridge Drive complied with the conservation easement Bill and Jean Lane had donated to the Town. Based on my objective review, I concluded the development's trails through protected open space and the concrete and asphalt tennis and pickleball courts directly conflicted with specific prohibitions in the Conservation Easement—specifically on “surface alteration,” “grading, excavation,” and “installation of pavement and asphalt.” (Conservation Easement (CE) secs. 3.4 and 4.3)

The Architectural and Site Control Commission agreed. As a result, it approved the development project but conditioned that approval on this Council's approval of an amendment to the conservation easement that would allow the now prohibited trails and recreational courts.

Of course, any amendment must also comply with the terms of the Conservation Easement as well as state and federal laws governing conservation easements and tax deductions. Unfortunately, the proposed amendment violates the terms of the Conservation Easement, and state and federal law. It is also contrary to the Lane's intent when they donated the Conservation Easement to the Town.

We urge the Town Council to reject the proposed amendment. Any amendment must comply with the amendment requirements in the Conservation Easement and state and federal law. At a minimum, the amendment should limit new trails to Lots 72 and 78, and allow only a tennis court, not a pickleball court or other recreational improvements that require grading, paving, or asphalt.

### **I. The Lane Conservation Easement and Proposed Amendment.**

The California legislature enacted Civil Code 815 et seq. (State Conservation Law) for the purpose of encouraging parties to grant conservation easements to qualified organizations (namely, land trusts, public agencies, and tribes) "to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition." Civ. Code sec. 815.1. While often conservation easements protect large properties of open space, they also are used to protect smaller properties that allow a certain amount of specified development, as is the case here with the ten-acre Lane Conservation Easement. Notably, the Lane Conservation Easement protects the entire ten-acre property and prohibits specific uses and improvements on all three parcels, whether they were previously disturbed or not.

The Town has a special role as the holder of the Lane Conservation Easement. The easement states: "Town agrees by accepting this Conservation Easement to honor the intentions of Owners stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come." (CE Recital L). And the "Town must "undertake all reasonable efforts to enforce both the rights granted to it and the restrictions imposed upon the Property under this Conservation Easement in order to protect the Conservation Values of the Property in perpetuity." (CE sec. 5). Furthermore, in interpreting the provisions in the conservation easement the conservation easement "shall be liberally constructed in favor of Town to effect the purposes of this Conservation Easement." (CE sec. 19.2).

The proposed amendment has two components. First, it adds to the list of permitted improvements the over 6,000 linear feet of trails included in the current development proposal. These trails will require grading and the installation of nearly

three inches of granite, both which violate the existing terms of the Conservation Easement and detrimentally impact the property's conservation values.

Second, the amendment would remove the Conservation Easement's prohibition of recreational uses that require grading, paving, or asphalt. Instead, it would add language to allow such recreational uses and improvements on over 70% of the property (all but previously undisturbed areas of the property). This would allow not just the tennis and pickleball courts in the current development proposal, but any future recreational improvements regardless of their impact on the property's conservation values.

## **II. The Proposed Amendment Would Violate the Terms of the Conservation Easement.**

Conservation easements are not typical contracts that can be amended at the whim and will of the parties to the agreement. Amendments of conservation easements rarely occur, and when they do, they typically increase protected acreage or better protect the conservation values. They do *not* (and legally cannot) allow uses or improvements that will increase the impacts on the conservation values that the easement protects. And yet the Planning Commission treated the proposed amendment like any other contract; since the parties agreed to the amendment, the Planning Commission found it acceptable.

The terms of the Lane Conservation Easement require more. The staff report states that the "Conservation Easement allows the Property Owners and Town to jointly amend the Conservation Easement if circumstances arise under which an amendment to the Conservation Easement would be appropriate." (Staff Report for January 8, 2025 at p. 2). However, under Section 14 of the Conservation Easement, it is not enough that the new owners and Town find it appropriate to amend the Conservation Easement. There are two additional requirements: (1) "any amendment shall be consistent with the purposes of this Conservation Easement," and (2) "no amendment shall be allowed that will affect the qualification of the Conservation Easement or the status of Town under any applicable laws, including Sections 815 et. seq. of the Cal. Civil Code, or Section 170(h) of the Internal Revenue Code." (CE sec. 14).

The proposed amendment meets neither of these two additional requirements.

**A. The Proposed Amendment is Inconsistent with the Purposes of the Conservation Easement and the Lane’s Intent in Granting the Conservation Easement.**

First, the amendment conflicts with the purposes of the Conservation Easement. The stated purpose of the Conservation Easement is twofold: (1) “to assure that the Property will be retained in perpetuity predominantly in its current natural, scenic and open space condition” *and* (2) “to prevent any use of the Property that will significantly impair or interfere with the conservation values [wildlife, habitat, and scenic] of the Property.” (CE Recital E and sec. 1).

Any amendment must be consistent with both purposes. Here the proposed amendment meets neither of these requirements. And it conflicts with the Lane’s stated intent in granting the Conservation Easement: to “confine the use of the Property to such activities as are consistent with the purpose of this Conservation Easement.” (CE sec. 1).

**1. The Amendment Would Not Meet the Conservation Easement’s Requirement that the Property be Retained in Perpetuity Predominantly in its Current Natural, Scenic, and Open Space Condition.**

Section 14 of the Lane Conservation Easement requires that any amendment must be consistent with the purpose of the easement to forever keep the property predominantly in the natural, scenic, and open space condition that existed in 2006 when the Lanes donated the conservation easement. The terms of the Conservation Easement detail what is meant by “predominantly in its *current* . . . condition” by identifying what improvements and development can occur on the property and which cannot. (CE at secs. 3 and 4). Those provisions protect the conservation values, including scenic values, of both previously disturbed and undisturbed areas of the property.

While the Conservation Easement allows one-story residential structures up to 11,189 square feet and recreational uses of the property, it prohibits “surface alteration or other development of the land” for such recreational uses. (CE sec. 4.3). The Conservation Easement also prohibits “alterations of the Property by grading, excavation of topsoil, earth, or rock, or installation of pavement and asphalt” except for the specifically permitted improvements (CE sec. 3.4 and 4), which without the proposed amendment would allow neither the three proposed trails nor the tennis and pickleball courts.

Thus, the plain language in the Conservation Easement makes clear what is meant by keeping the property “predominantly in its current . . . condition.” The intent of the Lanes was to prevent improvements that required grading or paving except for specified uses. An amendment that allows more than 6000 square feet of trails on protected open space and permits pickleball and tennis courts, *and* all other recreational improvements, on more than 70% of the property does not keep the property predominantly in its current condition. Such amendment is thus inconsistent with the purpose of the Conservation Easement.

**2. The Amendment Would Not Meet the Conservation Easement’s Requirement that it not Impair the Wildlife, Habitat, or Scenic Values of the Property.**

Section 14 of the Lane Conservation Easement requires that any amendment must be consistent with the purpose of the easement to prevent uses of the property that will significantly impair or interfere with the conservation values of the property. (CE secs. 14 and 1). The construction and use of trails on the undisturbed and most sensitive portions of the property and the construction and use of recreational improvements on more than 70% of the property would harm documented wildlife and its habitat as well as negatively impact the current natural, scenic, and open space condition of the property—all which the Lanes intended to protect through the Conservation Easement.

The Conservation Easement defines the protected conservation values of the property as wildlife, habitat, and scenic. (Recital E). The Baseline Documentation Report prepared for the Conservation Easement further describes those conservation values. That report explains that because of the “relatively restricted development” on the property, the property provides important habitat, food, and shelter for a variety of wildlife species, including deer, squirrels, skunk, coyote, bobcats, hawks, quail, and many other bird species. (Land Conservation Easement Baseline Documentation Report (BDR) pp. 2 & 5).

The Baseline Documentation Report also explains what is meant by scenic values. Scenic values are the historic appearance, rural character, and scenic landscape of the property and surrounding area. (BDR pp. 2-4). The report explains the importance to the Town and Lanes of maintaining the property’s scenic rural appearance and open space. It notes its visibility from Windy Hill Open Space Preserve, Westridge Drive, and other areas. It describes the importance of protecting the unique rural open space.

The Lane’s desire to protect the wildlife and preserve the historic appearance and rural character of the property explains the limitations on future improvements and

development included in the Conservation Easement, especially those requiring grading and changes to the property's natural surface. The Amendment will significantly harm the property's wildlife and scenic values. Construction of trails and repeated foot traffic on those trails will result in concentrated noise, cause erosion, facilitate the spread of invasive species, and negatively impact the plants and animal life on the property in ways that occasional walks through the open space without trails would not.

Likewise, the noise from the pickleball and tennis courts, especially the sound of a pickleball hitting a paddle (which reaches 85 decibels) would negatively impact wildlife. The noise can disrupt animal behavior, potentially causing them to flee, alter their feeding patterns, and abandon their nesting sites. (<https://new.nsf.gov/news/noise-light-pollution-affect-breeding-habits-birds>). For these reasons the City of Seattle refused to allow pickleball courts near wildlife habitat. (It's a No to Pickleball and a Yes to Wildlife for Seattle's Lincoln Park, May 24, 2024 <https://www.kuow.org/stories/it-s-a-no-to-pickleball-and-a-yes-to-wildlife-for-seattle-s-lincoln-park>).

In addition to the impacts from the trails, allowing recreational improvements on over 70% of the property (including the tennis and pickleball courts on 8,800 square feet) would significantly impair the property's scenic and wildlife conservation values, which the Conservation Easement protects by limiting future development to specific improvements and allowing only recreational uses that do not require grading, paving, or asphalt. The amendment would allow for shooting ranges, go-kart tracks and races, basketball courts, waterslides, and other uses that would harm wildlife and the scenic rural character. (And even if prohibited in the Town now, future councils may allow such uses.)

**B. The Amendment Fails to Meet the Conservation Easement's Requirement that any Amendment not Affect the Qualification of the Conservation Easement or the Status of the Town under any Applicable Laws.**

The amendment also violates the Conservation Easement because it would affect the qualification of the Conservation Easement under state and federal law and jeopardize the Town's status as an easement holder. Specifically, the amendment is contrary to Sections 815 et. seq. of the California Civil Code and Section 170(h) of the Internal Revenue Code.

**1. The Amendment Would Affect the Qualification of the Conservation Easement Under State and Federal Law**

Both federal tax law and the State Conservation Law (Civ. Code § 815 et. seq.) require that conservation easements protect conservation values in perpetuity, meaning forever. The amendment would violate that requirement by allowing uses the Conservation Easement prohibited to protect the conservation values.

A conservation easement is by definition “perpetual.” Civ. Code § 815.2(b). It must be to serve its public purpose of “binding . . . successive owners . . . to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.” Civ. Code § 815.1. In the case of donated conservation easements like the Lane Conservation Easement, perpetual restrictions serve the additional purpose of protecting the public’s investment in conservation values through substantial tax deductions. If either the conservation easement grant (I.R.C. § 170(h)(2)(C)) or the protections provided thereby (I.R.C. § 170(h)(5)(A)) are not perpetual in nature, then the easement cannot support a tax deduction under the Internal Revenue Code or Treasury regulations. I.R.C. § 170(h); 26 C.F.R. § 1.170A-14.

In signing a conservation easement, a landowner voluntarily gives up some of the rights that normally come with ownership of land. Those rights have value, and that value is determined by an official appraisal. According to the appraisal prepared for the Lanes by John J. Hollwedel & Associates, the restrictions in the Conservation Easement reduced the value of the property by Three Million Dollars. These restrictions included the grading, paving, and changes to the surface of the land that the Amendment would now allow.

The Lanes received a substantial tax deduction under Internal Revenue Code section 170(h) for its donation of the Conservation Easement to the Town. (See Memo from Town Attorney Sandy Sloan to Mayor and Council Members dated December 5, 2006, noting that the donation provided the Lanes with both state property tax benefits and federal gift tax benefits.)

When the current property owners purchased the property, the price paid reflected the restrictions on the property and limitations on future development. If the Town were now to allow facilities and improvements to the property that the Conservation Easement prohibits, it would result in a windfall to the owners, an impermissible gift of public funds, and a violation of the federal tax law and State Conservation Law.

The amendment would reduce both the protections of the conservation values and the monetary value of the easement, which the public long ago paid for by way of a tax deduction. The amendment is therefore unlawful under the Internal Revenue Code and Treasury regulations and conflicts with the requirements in Civil Code section 815 et. seq. that the protections in the conservation easement be perpetual. As a result, the amendment would violate Section 14 of the Conservation Easement and its prohibition against amendments that effect the status of the Conservation Easement under applicable law.

## **2. The Amendment Would Affect the Town's Status as an Easement Holder.**

Acceptance of the Amendment would also violate Section 14 of the Conservation Easement because it would affect the Town's status as an easement holder under applicable laws. As holder of the Conservation Easement, the Town is obligated to protect the conservation values of the property in perpetuity and, in so doing, ensure that the full value that the public paid for the Conservation Easement is preserved. I.R.C. § 170(h)(5)(A); see also 26 C.F.R. § 1.170A-14(g)(6). Approval of the amendment would be counter to these responsibilities and jeopardize the ability of the Town to hold this and other conservation easements and thus its ability to protect other important privately held conservation land. Town residents will be reluctant to grant easements to the Town if they believe the Town will willingly amend them to accommodate a future owner's development plans for the property.

The Conservation Easement makes clear that if the Town does not uphold its obligations under the Conservation Easement, it can lose its status as a beneficiary of the easement and lose its rights to hold this easement: "If at any time [the] Town is unable to enforce this Conservation Easement in full or fails to do so, then its rights and responsibilities under this Conservation Easement shall become vested in and fall upon another qualified organization in accordance with a cy pres proceeding in any court of competent jurisdiction" (CE at sec. 5). Since the Amendment would threaten the Town's status as an easement holder, it would violate Section 14 of the Conservation Easement.

## **III. Conclusion**

The proposed Amendment would undermine the protections provided by the Conservation Easement by allowing over 6000 square feet of trails on undisturbed open space where no surface alteration is currently permitted (Amendment sec. 1) and allowing surface alteration, grading, and other development for recreational uses on more

than 70 percent of the currently protected acres (Amendment sec. 2). Section 14 of the Lane Conservation Easement prohibits the proposed Amendment.

The Amendment would be inconsistent with the purpose of the Easement to keep the property forever predominantly in the natural, scenic, and open space condition that existed in 2006. It would also be inconsistent with the purpose of the Conservation Easement to protect the wildlife and scenic values of the property. Furthermore, it would threaten the validity of the Conservation Easement and the Town's ability to hold this and other conservation easements.

We urge the Town Council to reject the proposed Amendment. If the Town wishes to amend the Lane Conservation Easement, the Town Council should direct staff to return with an amendment that complies with the amendment requirements in the Conservation Easement and state and federal law. At a minimum, any future amendment should limit trails to Lots 72 and 78, and allow only a tennis court, not a pickleball court or other recreational improvements that require grading, paving, or asphalt.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Tamara S. Galanter

Mayor Hasko and Members of the Town Council  
Town of Portola Valley  
765 Portola Road  
Portola Valley, CA 94128

**Re: Proposed Amendment to Lane Conservation Easement For 880 Westridge Drive (Item 5.f)**

Dear Mayor Hasko and Members of the Town Council:

I want to respond to the letter you received from Tamara Galatar regarding the proposed amendment to the conservation easement that my parents placed on their property at 880 Westridge. I spoke at the ASCC in support of Konstantin Guericke's plans as submitted including the walking paths and the pickleball court. It's annoying to hear people talk about my parent's "intent" when they created the easement. I'm confident that I am in the best position to speak to what my parents would approve of as it relates to development on their former property.

There is no question in my mind that both of my parents would be thrilled to support Konstantin's plans. They would absolutely approve of the walking path as that is something my Dad was going to put in before his death. My mom was going to put in a tennis court when they first moved there and only decided not to when our neighbors built one and offered to share. My dad told me that his dream was for a family to buy their property and enjoy it as much as our family did for over 60 years.

I'm also sure that they would be very disappointed that so much time and money has been spent by attorneys trying to use his easement as a weapon to block a very reasonable and respectful use of their former property. I urge you to approve the proposed amendment to the Lane Conservation Easement and allow Konstantin to proceed with his plans.

Respectfully submitted,

Brenda Lane Munks

Dear Town Council and Members of the AHSEC:

I have attended or watched the recordings of the 4 AHSEC meetings and continue to be concerned about the disconnect between the objective of the Sunrise Provision (to replace the 50 VLI units at Ford) with the work of the Committee.

Ford is listed in the Housing Element at 50 units of Very Low Income (VLI), as indicated in the Adequate Sites table on page 121 of the HE, with zoning at 20 units/acre. Therefore, as confirmed by the Planning Department, ***in order to be accepted by HCD, any replacement would also need to accommodate 50 VLI units on parcels zoned at 20 units/acre.***

As reported by the AHSEC, the Sunrise Provision Outreach Committee “identified” 26 sites. Of these, 7 were already in the HE (i.e. Ladera Church, Glen Oaks, Christ Church, etc.), 11 are “private properties in stalled discussions or with no interest,” and others were previously considered during the AHSEC but dismissed for various reasons (Blue Oaks strip due to fire risk/slope, Town soccer field due to public input, sub-station due to limited development opportunity and constrained location, etc.).

If I have followed the process accurately, of the 26 on the list, there are currently 3 new parcels identified, however none appear viable relative to the objective of the Sunrise Provision (replacing 50 VLI at 20 units/acre zoning) and/or have other additional significant challenges:

- 1) 3350 Alpine Road - this would not replace Ford but has the potential to lower density at Ford
- 2) Fogarty - constrained site for wildfire risk, complexity of Williamson Act
- 3) Hawthorns Historical Complex - seems highly unlikely this would be of interest to MidPen given their mission, working with MidPen is an extremely long process (not possible within Sunrise timeline), and development at the Historic Complex would be extremely expensive

The Sunrise Provision Outreach Committee was created on 9/27/23 and the final report was published on 9/11/24. The new Ad Hoc Site Evaluation Committee has met for the past 4 months. Altogether the post-AHSEC process has spanned 16 months (longer than the AHSEC) and has yet to identify a viable alternative to Ford. As mentioned in my initial comment to the AHSEC (attached below), ***I too would 100% prefer an alternative location to Ford and will be the first to join what will be a chorus of gratitude from the community if an alternative is identified***, but given my experience with HCD's requirements and our robust and expensive efforts over the last 3+ years, it remains an enormous challenge.

The Site Inventory has remained effectively unchanged since December 2022, despite the Town investing hundreds of thousands of dollars in consultant fees and countless hours of staff time over the past two years; a process which has been a root cause of the Town's financial challenges and ongoing staffing shortage. While a few smaller incremental opportunities have been identified, the substantial expenditure of time and money has yielded no meaningful progress or results for the objective of the Sunrise Provision.

I encourage the Council to require a cost-effective and efficient approach toward realistic outcomes by the AHSEC, and have two suggestions/requests to this end:

- 1) Given the Town's limited resources and other important priorities in the Planning Department, and as a taxpayer, I ask that the Council limit and monitor staff time spent by the AHSEC and report on all costs for transparency to the public.
- 2) I suggest the Council re-focus the AHSEC on their objective of identifying a site or sites that will accommodate 50 Very Low Income units - with zoning at 20 units/acre.

Attached for reference is my initial comment to the AHSEC after their first meeting in November.

Thank you,  
Sarah Wernikoff

11/22/23 Email to Karen Askey and the AHSEC

Hi Karen:

Thanks again for volunteering to Chair the new Ad Hoc Site Evaluation Committee. Here are some initial quick thoughts for the Committee to consider based on my observations of the first meeting:

- a) Ford is on the HE for 50 Very Low Income (VLI) units, with 20 units/acre zoning (page 129 in the HE). In order for HCD to accept an alternative location the landowner will need to be willing to re-zone at 20 units/acre. *Terrence, please correct me if I'm misunderstanding.*
- b) Attached is the most recent data on requirements for the VLI category from SMC, including rental rates.
- c) Regarding financing, the CEO of Alta Housing confirmed with me last month that 40 units at a single location is likely the lowest number of units a nonprofit developer would go to ensure economies of scale. This is based on the competitive process of how organizations like Alta or MidPen get funded by the State. I'm happy to share more about what I learned if there is interest from anyone on the Committee.
- d) Attached is a presentation on affordable housing financing from an event I attended last year. I think Craig Adelman from [LeSar Development Consultants](#) could be a good resource. I shared this with the Council Post-Adoption subcommittee last year; I'm not sure if they pursued it, but you may want to check. At the time, Mr. Adelman shared that in his experience, he had not seen these funding models achieved in smaller developments.
- e) Some of the questions from the Committee suggested a lack of familiarity with 180 hours of meetings during the AHSEC and beyond including the post-approval meetings between Jan-May 2023 (process with HCD, past discussions on Town-owned property, zoning requirements, etc.). Given the cost of that process which significantly contributed to our budget issues, I want to ensure the information is leveraged, vs. spending precious staff time on re-educating Committee members. I'm happy to help provide background on all prior work to any interested Committee member.
- f) While I understand the preference for anonymity from property owners, at this point after many months of review, as a taxpayer, I'm concerned about the lack of transparency in the process proposed in your first meeting, especially if the Committee is planning to use Town resources/staff. (I'm also a little surprised given several on the Committee have been strong public advocates for, or critics of perceived lack of, transparency over the last several years). Regarding staff, we must not lose sight that we also need Planning staff focused on items where we are already sorely behind in the HE (including several ADU programs, [see page 33-41 from the 4/10/23 Council meeting packet](#), and [recording including my questions that start around timestamp 48:00](#)) as will be evident at the next annual review in April 2025.
- g) Our Housing Element is the only HE in SMC to be decertified, evidence that our Town is already under scrutiny by HCD, and we are currently pursuing recertification.
- h) Our HE has drawn both local and national media attention (most recent example last week in the SF Standard).

To be clear, I too would 100% prefer an alternative location to Ford and will be the first to join what will be a chorus of gratitude from the community if an alternative is identified, but given my experience with HCD's requirements and our robust and expensive efforts over the last 3+ years, I encourage a cost-effective, transparent and efficient approach toward realistic outcomes in the pursuit of an alternative by the new Ad Hoc Committee.

Thank you,  
Sarah

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Re: Interview Questions for ASCC/PC Applicants

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From Gina Dixon [REDACTED]  
Date Tue 1/7/2025 3:37 PM  
To Emily Lane <elane@portolavalley.net>  
Cc Terrence Grindall <tgrindall@portolavalley.net>; Christine Boland <cboland@portolavalley.net>

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi Emily and Terrence,

Thank you very much for sending this over.

Terence and I have previously spoken about this, but I won't be able to make it to the interviews tomorrow evening.

I gave birth to my son just last week and am still recovering and taking time for family.

I've provided responses to the interview questions that were sent over. Is this something that Terrence or someone in Planning could present so it's on record?

1. Tell us about yourself and why you are interested in serving on the ASCC?

I am an architect and partner at Fergus Garber Architects in Palo Alto and have lived in Portola Valley for ~6 years.

I have enjoyed my time serving on the ASCC over the past year. I feel I've been able to leverage my experience and expertise in the architecture field to contribute to the group's rulings on multiple projects. I also think I was able to provide helpful insight on the code and zoning regulations that were brought forth for review and comment. I would imagine there might be more on our plate in this upcoming year given the Town's goals and financial status, and I hope to continue to be part of the commission.

I have a lot of appreciation and respect for the community that was built here, and as someone raising a family in this community, I feel very invested in its future and trajectory.

2. Have you attended one or more full Design Review Commission meetings within the last 12 months (in-person or virtually)? Please comment on your reactions. [For existing members: What are your impressions of ASCC meetings from your initial year of service? What has gone well and where do you see opportunities for improvement?]

In general, I think the meetings are successful. I would like to pick up the sub-committee work Carter and I were doing to shift the timing of initial ASCC engagement. The times when I've felt we weren't able to serve the community in the best possible way came from a feeling that we were getting our review in too late.

3. Please rate your ability to read, interpret, and understand architectural and construction drawings, documents and architectural details: Proficient [ ] Intermediate [ ] Novice [ ]

Willing to Learn [ ]

Most definitely Proficient

4. What strategies would you use to build consensus among members of the ASCC?

I've been pleased with our current process. There is an openness and respect among members that has led to productive discussions and decisions. Everyone listens well and is flexible in their interpretations and opinions on different issues. I would continue this process of listening to others, providing feedback, and having open discussions.

5. How do you view the balance between the rights of single-family property owners to develop their property and choose the design of their home versus impacts to the character of the surrounding streetscape and the rights of neighboring property owners? The design guidelines and zoning code provide a solid framework for homeowners to work within while developing plans for their property. If someone is working within these guidelines, then there should be minimal issues with impacting the character of the street and/or neighbors. There is of course some subjectivity to the design guidelines, but in general they provide a framework as well as flexibility with style, materiality, color, etc. that fosters creativity and variety in the architecture of new development while encouraging continuity with the character of the Town. Involving neighbors in project discussions so they are informed and can ask questions is an important part of the process. I do think neighbor input does have limitations, though, when property owners are following the rules set out by the Town (zoning code and design guidelines as mentioned above).

6. Please share any foreseeable conflicts of interest or reasons you may need to recuse yourself. My conflicts of interest have arisen with projects that I or my company have been architect on. Other than that, I shouldn't have any conflicts beyond those of the average resident.

Best,  
Gina

On Tue, Jan 7, 2025 at 10:42 AM Emily Lane <[elane@portolavalley.net](mailto:elane@portolavalley.net)> wrote:

Hello,

Thank you for expressing your interest in the upcoming selection process for new Planning Commission (PC) and Architectural and Site Control Commission (ASCC) members.

Yesterday, you should have received an email detailing the time and location of the interviews. As a reminder, the interviews are scheduled to take place tomorrow during the **Town Council Meeting on Wednesday, January 8, 2025**. The meeting will begin at **7:00 PM**, and staff anticipates that the interviews will start at approximately **7:30 PM**. Each interview will last no more than **15 minutes**. We strongly encourage you to attend the meeting in person at the **Historic Schoolhouse, located at 765 Portola Road**. If you are unable to attend in person and plan to participate via Zoom, please let me know in advance.

Attached to this email is a document containing the questions you will be required to answer during the interview. The first page includes questions for applicants interested in becoming **Planning Commission members**, while the second page contains questions for **prospective ASCC members**. Please review these questions and come prepared for your interview.

Best regards,

**Emily Lane**  
Associate Planner  
Town of Portola Valley

To the Town Council, Town of Portola Valley,

An ardent conservationist had a vision - to maintain his property in open space condition always. He conferred with the Town - who will maintain our wishes after our deaths ? The Town agreed to become the grantee, accepted this gift of open space, and pledged to protect this Conservation Easement in perpetuity.

The first subsequent owners of the property drew up elaborate, detailed plans, but after realizing the true import of the Conservation Easement, decided to abandon their proposals. The second subsequent owner, tonight's applicant, wishes recreational uses of the property that require asphalt paving (a pickleball court) and new development (man made trails) on land that has not been impacted by imposed development and is not permissible under the Conservation Easement document.

A solution is proposed to this dilemma: why not go against the Grantor's stated and recorded conditions of development, and attempt to amend the Conservation Easement so that the applicant may develop beyond the limits of the document and the Portola Valley Municipal Code and be granted all his desired recreational features on the property?

You, the Town Council, are not required to acquiesce in this modification scenario. Its effect would be to nullify the document. The Council can find a middle ground that satisfies the applicant's highest priorities and still maintains the conservation ethos of the document.

This hastily drawn amendment does not meet all the conditions of an allowable amendment, as outlined in Section 14 of the document. In addition, the first part is too specific, and the second part is too general and concerningly open-ended. Any recreational use would be allowable on "previously disturbed" areas : water slide? golf driving range? go-kart track?

Regarding Part 1 of the amendment:

We suggest that only one loop trail around the residence and garden be allowed, and that no built trails be allowed in previously untouched portions of the property. (Of note: The amendment is internally inconsistent. If one accepts the distinction between "previously disturbed" and "previously undisturbed" land noted in Part 2, then no development of man-made trails on pristine untouched hillsides is allowable.)

Regarding Part 2 of the amendment:

To protect against unlimited possibilities, the wording could be changed to allow one sports court (presumably the tennis court.)

The asphalt surfaced, noisy pickleball court proposed is specifically prohibited by Sections 3.4 and 4.3 of the document, and is contrary to all wildlife protection conservation values. Deleting this sports court would also bring the impervious square footage for the proposed development down to just under the maximum allowable impervious square footage (20,834 SF) for the lot, per the Town of Portola Valley Municipal Code, thereby not allowing an exception, to have more than the maximum allowable per Code, as is proposed.

The Town Council has the responsibility to uphold and protect this Conservation Easement in perpetuity, not to dismantle it. Please do not capitulate by granting approval to all of the proposed wishes that go beyond both the conservation easement document and the Town of Portola Valley Municipal Code regulations. Please adjust the amendment to allow only one court (the tennis court) and one built loop trail extending around the residence and garden.

Thank you,  
Rob and Mary Jack

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**Fw: New Entry on Town Council Comments Survey**

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**From** Town Center <TownCenter@portolavalley.net>  
**Date** Wed 1/8/2025 9:23 AM  
**To** Christine Boland <cboland@portolavalley.net>

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**From:** webmaster@portolavalley.net <webmaster@portolavalley.net>  
**Sent:** Tuesday, January 7, 2025 9:25 PM  
**To:** Town Center <TownCenter@portolavalley.net>  
**Subject:** New Entry on Town Council Comments Survey

A new entry to a form/survey has been submitted.

**Form Name:** Comment on an Agenda Item for Town Council Meeting  
**Date & Time:** 01/07/2025 9:24 PM  
**Response #:** 62  
**Submitter ID:** 7419  
**IP address:** 107.137.70.107  
**Time to complete:** 14 min. , 12 sec.

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**Survey Details**

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Page 1

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**1. First and Last Name**

Gary and Liz Nielsen

**2. Email address ( will not be publicly displayed)**

[REDACTED]@portolavalley.com

**3. Organization ( Enter name of organization, business, or non profit if you are submitting comments on their behalf.)**

Not answered

**4. Street address ( will not be publicly displayed)**

[REDACTED]

**5. City**

Portola Valley

**6. State**

CA

**7. Zip Code**

94028-7324

**8. Date of Meeting you are submitting comment for.**

01/08/2025

**9. Agenda Item number or name**

Consent Agenda item 5-f

**10. Comment**

Mayor Judith Hasko and members of the Portola Valley Town Council,

We are writing to urge you to adopt the Resolution approving amendments to the Conservation Easement and Declaration of Restrictions and Covenants for the property at 880 Westridge Drive.


As you know, the former owners of the property, Bill and Jean Lane, were constant supporters of and contributors to our town throughout their lives. They demonstrated their stewardship of their property and their desire to protect open space in 2005 when they began planning the Conservation Easement for their property that permanently preserves more open space for our town. The Lanes were active users of the recreational part of their property, the barn and graded riding rink nearby, and were often seen riding the trails of Portola Valley. At one point they had four horses on the property.

We first met Bill, and later, Jean, about 44 years ago when we had a short chat as Bill rode by our driveway on horseback. We shared the back fence with them so we had frequent interactions through the years. A wonderful friendship developed as well as collaborations on town events.

We believe that the Lane's intent of the Easement and amendments is to offer to all future owners of the property use of the property's recreational opportunities equal to the uses that the Lanes had enjoyed. We believe that the current owner's plans fall well within an equal use of the property. Please approve the Resolution and amendments to the Conservation Easement.

Thank you in advance.

Gary and Liz Nielsen

  
Portola Valley, CA

**11. Optional: You can upload a copy of your comments.**