

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, MARCH 15, 2017, COUNCIL CHAMBERS, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the Planning Commission regular meeting to order at 7:00 p.m. Planning Director Pedro called the roll.

Present: Commissioners Goulden, Hasko, and Von Feldt; Vice Chair Targ, Chair Gilbert

Absent: None

Staff Present: Debbie Pedro, Planning Director
Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

NEW BUSINESS

- (a) Preliminary Review of Proposed Lot Merger, File #LLA-02-2017. 4 & 5 Blue Oaks Court, Paul Koontz. APN #'s 080-241-020 & -030.

Associate Planner Arly Cassidy described the proposal and background of the lot merger between the two parcels located at 4 & 5 Blue Oaks Court, as detailed in the staff report. Associate Planner Cassidy said the HOA has reviewed the proposal and have no objections. She said the applicant has had a preapplication meeting with staff regarding the construction of a new home on the merged lots.

Chair Gilbert called for questions from the Commissioners.

Commissioner Hasko said she noticed in the 2001 merger application that the PUD needed to be changed. Planning Director Pedro confirmed that the chart would need to be updated to recognize the lot merger.

Vice Chair Targ asked what kind of modifications, if any, would need to be made to the PUD. Planning Director Pedro said the chart that shows the number of Blue Oaks lots, floor area, and surrounding impervious surfaces would be updated.

Chair Gilbert said the numbers indicating the adjusted maximum floor area and impervious surface are lower than the Zoning numbers and asked how the applicant arrived at that figure. Planning Director Pedro said the maximum numbers were from a rough initial calculation. Kristen Lomax, project architect, said the owner proposed 7,500 square feet because he didn't need to go up to 8,200 square feet.

With no further questions, Chair Gilbert invited public comment. Hearing none, she brought the issue back to the Commission for comment.

Commissioner Von Feldt said all three findings could be easily made, and she was very supportive of the application because it preserves the vegetation and forest on the site and localizes the development to preserve the blue oaks.

The other Commissioners were in support of the project for the same reasons as stated by Commissioner Von Feldt.

Planning Director Pedro said the application will next be reviewed by the ASCC and then return to the Planning Commission for final review.

(b) Proposed “Clean-Up” Text Amendments to the Municipal Code Regarding Vending Machines, Basements, and Scenic Corridor Setbacks

Associate Planner Cassidy presented the suggested amendments to the Municipal Code as detailed in the staff report.

Chair Gilbert called for questions from the Commissioners.

Commissioner Goulden asked if this affected the Alpine Hills project in any way. Associate Planner Cassidy said staff has not considered that project specifically, but generally it would not affect any projects currently under review and they are only trying to tighten the wording so that the original intent is clear.

In response to Commissioner Von Feldt’s question regarding the scenic corridor setback, Associate Planner Cassidy said an existing structure would have had to be there before 1991, at the adoption of the ordinance.

Commissioner Hasko asked how staff determined the original intent of the ordinance. Planning Director said that staff researched meeting minutes and reports and also reviewed precedents in other applications along the Alpine Road Corridor where this Code was used to regulate structures.

Chair Gilbert said this ordinance only applies to Scenic Corridor setbacks, and asked if the word building or structure was used in the language for other front yard setbacks. Associate Planner Cassidy said this section is very specific to the Scenic Corridor setbacks and the wording in the Code regulating other setbacks is different.

With no further questions, Chair Gilbert invited public comment.

Vice Mayor Richards said it is fairly common in zones outside the Scenic Corridor to have parking structures and retaining walls in a setback. Planning Director Pedro said this amendment doesn’t cover that and retaining walls are currently allowed in setbacks. Associate Planner Cassidy added that there are exceptions in the Code that are specifically called out, such as for fences.

With no further public comments, Chair Gilbert brought the item back to the Commission for discussion and action.

Commissioner Hasko asked if staff was aware of any undue restrictions that would spring from this amendment and if it was consistent with past applications. Planning Director Pedro said the amendment will clarify that no structures are allowed within the scenic corridor setback which is consistent with how the ordinance was applied in past.

Commissioner Hasko moved to recommend approval of the Ordinance Deleting Chapter 5.48 Regarding Vending Machines, Amending Section 18.04.065 Regarding Basements and Amending Chapter 18.58 Regarding Special Setback Lines. Seconded by Vice Chair Targ; the motion passed 5-0.

(c) Proposed Amendments to the Accessory Dwelling Units Ordinance

Planning Director Debbie Pedro presented the proposed modifications to the Town's Ordinance necessary to comply with the passing of Assembly Bill 2299 and Senate Bill 1069, as detailed in the staff report. The purpose of the change is to allow the further reduction of barriers, better streamline the approval process, and help incentivize the development of ADUs in California.

In response to Chair Gilbert's question, Planning Director Pedro said the ASCC is recommending that units 1,000 square feet or smaller would be ministerial review, but anything over 1,000 square feet would be subject to ASCC review. She said having a secondary set of guidelines is in compliance with the State law as long as it is subordinate to the primary guidelines that have a ministerial process.

Planning Director Pedro noted that the new State law includes provisions for repurposing existing space and that a local agency must ministerially approve an application for a building permit when an ADU is created within an existing building. She said that language will need to be added to the draft ordinance.

Vice Chair Targ said he has concerns that an ADU project in a high-fire danger zone with an over-capacity road would only require a ministerial determination. Planning Director Pedro said the reasoning for a ministerial approval is that the footprint of the building is not being expanded and therefore there would be minimal impact. Vice Chair Targ said it did not seem wise to allow increased density in an already congested, high fire danger area, unless the road system was improved to accommodate increased capacity. Chair Gilbert said there is no limit on how many people can live in the house, regardless of whether or not there is an ADU.

Planning Director Pedro said she will discuss with the Town Attorney whether or not fire danger can be a consideration in regulating interior conversion of space into an ADU.

Commissioner Von Feldt asked Vice Chair Targ if he meant there should be no opportunity for conversion or just that conversions should have sprinkler systems associated with them. Vice Chair Targ said he was generally in favor of ministerial approvals of ADUs; however, if there is a health and safety consideration, then at a minimum, it should be reviewed and the fire dangers considered.

Planning Director Pedro asked the Commission if there were any concerns with the ministerial approval of interior conversions on properties without the fire hazard area issue. Vice Chair Targ said he cared more about health and safety than the size of the lots. He said there might also be a health and safety issue with larger lots as well.

The Commissioners agreed that ministerial review was acceptable, but it should include a health and safety check-off by the Fire Department and Public Works, whether it's a separate unit or a conversion within the current building envelope.

Chair Gilbert asked if ADU's on less than an acre could be allowed with ASCC review. Planning Director Pedro said the Ad Hoc Committee discussed the question of whether a 750 square foot ADU is appropriate on smaller half acre lots and decided to defer that issue to a later time.

Commissioner Hasko said the Ad Hoc Committee's goal was to modify the current ordinance to comply with the new state law and they were being conservative rather than looking at broader changes beyond the purview of what the Ad Hoc Committee was trying to accomplish.

Vice Chair Targ said there are approximately 1,000 lots that could be allowed to have a second unit with ministerial review. He said at an extreme, that would be 1,000 additional units, which would be a

dramatic increase. He said he would prefer to see how things go and pursue it on a more incremental basis. He said this may be going beyond the initial scope to also introduce a non-ministerial pathway and perhaps that should be introduced in the next phase.

Vice Chair Targ said, with regard to second units having to comply with local building codes including fire sprinklers, his recollection is that the Fire Marshal would make determinations based on fire safety standards and procedures on a case-by-case basis. Planning Director Pedro said all building permits go to Fire for review regardless of whether it's ministerial or discretionary, and the Fire Marshal then determines whether sprinklers are required. She suggested changing the language to "a design that meets the Fire Marshal's approval." Vice Chair Targ agreed and said he is very concerned about health and safety issues, but has great faith in the judgment and expertise of the Fire Marshal.

Planning Director Pedro said the ASCC recently recommended the encouragement of motion sensor switches for outdoor lighting fixtures. This conflicts with the design requirements currently indicated for second units. The Commissioners agreed the sentence in the ordinance should be changed from specifying no motion sensor lights to indicate that lighting should be in conformance with the Town's Design Guidelines.

Hearing no further questions, Chair Gilbert invited public comment.

Helen Wolter, Alpine Road. Ms. Wolter submitted a letter, included in the staff packet, describing her concerns regarding the restrictions on ADU sizes. She recommended that 400 to 500 square foot ADUs be allowed on lots smaller than one acre for an au pair or caretaker, which would allow the conversion of a 400 -square foot garage. She suggested a 3.5-acre parcel could have one detached 2,000-square-foot ADU or both a detached 1,500 square foot and an attached 500 square foot unit.

Vice Chair Targ asked Ms. Wolter how she heard about the meeting. He said he wished more people had attended. Ms. Wolter said she is considering building an ADU. She said the 750 square foot limit for properties less than two acres didn't meet her needs for creating a rental unit. She said she has been talking with staff about what could work for her family.

Chair Hasko brought the issue back to the Commission for discussion. She said no vote would occur tonight, but the Commission would make recommendations for changes to be drafted by staff and brought back for review.

In response to Commissioner Von Feldt's question, Planning Director Pedro said that ADUs that fits within the size restrictions and the Town's Design Guidelines would only require a ministerial review. She said the intent of the ministerial review is to allow a streamlined process as an incentive to build more housing units.

Commissioner Von Feldt said she was comfortable with the proposed amendments.

Chair Gilbert reminded the Commission that they were prepared to allow for a size increase in ADUs, but with the change of the California regulations which allowed ministerial review, the Commission stepped back and formed the subcommittee to study the implications of that change.

Commissioner Von Feldt said there is benefit to phasing in the changes to have a chance to see how these changes play out.

Commissioner Goulden said he is sympathetic to being able to build something on less than one acre. But he agrees that changes should be done in phases.

Commissioner Hasko said she was concerned that people may not have attended the meeting tonight because they thought it was about ministerial review without realizing that discussion was also about increasing floor area limits on ADUs. She said she understands the Town's commitment to affordable housing and doesn't find these increased numbers outrageous, but is concerned about how we are getting there. She said it was also important for the Town to get an understanding of how these units would actually be used. She said the RHNA numbers will be easy to meet in terms of this mechanism, but if the objective is to actually increase affordable housing, there is not data that she knows of regarding actual use. She said if ADUs are not being used for affordable housing, it does not forward the mission being encouraged by the Town Council. She said she has read enough in prior ad hoc meetings to understand where the 1,200 square feet limit comes from, but feels she doesn't have a great sense of where the other numbers are coming from.

Planning Director Pedro explained that the ASCC came up with 1,500 square feet because two 1,000 square foot units (one attached and one detached) were already being allowed, but they wanted to offer the option of building one 1,500 square foot unit instead. Commissioner Hasko said the visual density would be different. Chair Gilbert pointed out that option would go before the ASCC for review.

Chair Gilbert suggested advertising these proposals so that more residents were aware of the changes and could provide feedback. Commissioner Targ said he agrees and said he would be more comfortable forming an opinion regarding the non-ministerial review of a 1,500 square feet ADU if there was more public feedback around it. He said the ASCC has put forward an interesting proposal and suggested that the next meeting be re-noticed with the ASCC's recommendation and that a concerted effort be made to involve the community.

Planning Director Pedro asked the Commissioners to go over the specific changes to the six topics presented tonight.

Commissioner Goulden was supportive of more flexibility in the size of ADUs, and did not have a significant concern with 1,500 square feet. He said communicating clearly about what is and what is not ministerial is important.

Chair Gilbert said she is generally supportive, but would like to receive more public input.

The Commissioners were supportive of ministerial review for units of 1,000 square feet or less, and staff confirmed that they will check on the fire safety concerns for interior conversions for ADUs on less than 1 acres.

With regard to the parking requirements, Vice Chair Targ said he would like to redefine for the Town of Portola Valley what it means to have a transit stop. Chair Gilbert said the transit stops in Town are not viable options if someone wants to use them to get to work. She said however, if the transit stops are redefined, then parking spaces would be required for ADUs, which would make them more difficult to build.

Commissioner Von Feldt said they want to avoid densifying neighborhoods that are already dangerous for ingress and egress in the event of a fire. She said cars blocking the street due to the lack of available parking for their unit would make that situation even more dangerous.

The Commissioners were supportive of the utility requirements with more research on the fire sprinklers language.

The Commissioners were supportive of the occupancy requirements.

Vice Chair Targ suggested that in the next draft ordinance, the ASCC recommendations and tonight's comments could be bracketed so the options are called out.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Commissioner Von Feldt said Planning Director Pedro and Ted Driscoll presented a report to the Town Council explaining the Town Center Master Planning process. The Committee requested that the Town hire an expert to provide mock ups of the different alternatives so they can further assess feasibility. She said the Council discussion resulted in directing the Master Plan Committee to come up with clear criteria before retaining an expert.

Chair Gilbert asked if the Planning Commission should look at expanding the reference to safety in the General Plan. She suggested it could be included in community goal number 3 or it could be an additional goal. She said the safety element is meant to address both natural and manmade safety issues; however, most people interpret it as natural because Portola Valley is in an earthquake zone. She said neighboring communities safety elements also address crime and human-caused threats to public safety such as structural fires, crime, and hazardous waste.

In response to Vice Chair Targ's question, Planning Director Pedro said the General Plan is updated as needed. She said only the Housing Element has a specific timeline of eight years. She said the Safety Element was last amended in 2010.

Commissioner Goulden was supportive of the idea, primarily because most of the Commissions and Committees are taking safety into consideration as a result of the recent concerns about community safety.

Commissioner Von Feldt said since they have discussed trying to tie everything together to be consistent with the General Plan, which is rather silent regarding community safety, if there are regulations that might be coming forward, it would be helpful to be able to ensure those things are consistent with the General Plan.

Commissioner Hasko said she is hesitant to make changes to the General Plan, and she would want to look more closely at the Safety Element.

Chair Gilbert said she would not want a resident to be denied, for example, a slight change in lighting for safety reasons because the General Plan doesn't allow it. She said those issues should be able to be balanced and must be mentioned. Planning Director Pedro said that not having it in the General Plan doesn't mean the issue cannot be acknowledged or discussed.

Vice Chair Targ said he doesn't like amending General Plans unless there is a very compelling reason to do so. He said if the General Plan hasn't created an obstacle or a problem, he is reluctant to open it up.

Chair Gilbert says having a discussion does not mean staff needs to come to a decision to make a change.

Vice Chair Targ suggested asking staff to identify how safety is addressed in the General Plan prior to the Commission having that conversation. Chair Gilbert said staff should also look at how some of the local communities handle it, maybe something as minor as including "safe community" in the list of important values in community goals, to give people the opportunity to balance safety with some of the other values. Chair Gilbert said the message she got at the last meeting was that community safety issues was not in the General Plan and the Safety Element didn't require it, therefore, the ASCC and

Planning Commission should defer those issues to the Town Council. Commissioner Goulden said it would be difficult to reach a finding if it's not covered by a Code or the General Plan. Chair Gilbert said part of it is to let the residents who are concerned about community safety know that the Town is looking into it and doing whatever is necessary to help. Planning Director Pedro said she will research that aspect and will bring back additional information for the Planning Commission's review.

APPROVAL OF MINUTES:

Commissioner Von Feldt moved to approve the minutes of the February 15, 2017, Planning Commission meeting, as amended. Seconded by Commissioner Hasko, the motion carried 3-0. Commissioner Goulden and Vice Chair Targ abstained.

Commissioner Von Feldt moved to approve the minutes of the March 1, 2017, Joint Planning Commission/ASCC meeting. Seconded by Commissioner Goulden, the motion carried 4-0; Vice Chair Targ abstained.

ADJOURNMENT [9:55 p.m.]