

SPECIAL PLANNING COMMISSION MEETING. TOWN OF PORTOLA VALLEY, SEPTEMBER 26, 2007, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Wengert called the meeting to order at 5:04 p.m. Ms. Lambert called the roll:

Present: Commissioners McIntosh, McKitterick and Zaffaroni, and Chair Wengert
Absent: Commissioner Elkind
Staff Present: George Mader, Town Planner
Maryann Derwin, Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

(1) Review of Proposed Creek Setback Ordinance

Commissioner Zaffaroni stepped down from the Commission, noting that she would participate from the audience.

Town Planner Mader said the proposed ordinance reflected the detailed work the Commission had done. He said Commissioner Zaffaroni had raised two questions. He distributed copies of suggested revisions to the second "Whereas" clause that referenced a more updated version of the wording from Section 2304.4 of the General Plan. Commissioner Zaffaroni said when she looked through the material on sustainability, she found the updated version, which reflected the current General Plan language and enhanced the objective of the creek setback ordinance. Commissioners agreed the updated version was more comprehensive.

Town Planner Mader said Commissioner Zaffaroni had questioned why Section 18.59.140, Discharging and Dumping, was limited to chlorinated swimming pool water when there were other chemicals. She suggested "chemically treated" swimming pool water. He distributed copies of Chapter 8.28 of the Code and read the definition of "pollutant." Reading from Section 8.28.070.B, he noted that dechlorinated swimming pool discharges were permitted and chlorinated discharges were not permitted. There were many things covered under pollutant, and he suggested referencing this Code section. After discussion, Commissioners agreed on "Discharging or dumping pollutants into a creek, such as yard wastes, animal wastes, chemically treated swimming pool water and other pollutants are prohibited by Chapter 8.28 of this Code...."

Commissioners agreed to set the public hearing on the ordinance on October 17.

(2) PUBLIC HEARING: Conditional Use Permit X7D-166, Upgrade of AT&T Lightspeed Network

Ms. Lambert reviewed the staff report of 9/20/07 on the request to upgrade the existing AT&T communication network, which required the installation of 7 new above-ground equipment cabinets and related underground improvements. She noted that the Cable Committee and Mayor were supportive of the upgrade, which would offer residents an alternative to current cable services for interactive tv, video, home entertainment and high-speed internet access. She reviewed the ordinance requirements/findings for a CUP and Mr. Vlasic's comments relative to each finding. Town Planner Mader noted that Mr. Vlasic had confirmed that the cabinets did not interfere with any trails or paths. He distributed photos of cabinets taken in the field.

Responding to Commissioner McKitterick, Teddi Vriheas (AT&T) said the system used fiber optics to the box which connected to the copper wires that ran to each home. She described system capabilities. Regarding coverage, she said she did not know if this would reach every single home. Chris Buja discussed areas that were problematic. Ms. Vriheas said the technology was changing and greater distances could now be reached than was possible in 2005. Responding to Commissioner McKitterick, Ms. Lambert described box

locations and service areas. Ms. Vriheas said she would find out the amount of coverage that the Town could expect when the total system was in place.

Responding to Commissioner McKitterick, Ms. Vriheas said AT&T would paint the existing boxes to match the new boxes. The new boxes were graffiti resistant and contained electronics; the existing boxes were all copper based with no electronics. The new boxes were heat resistant which was why they came in light almond and light green; darker shades affected temperature. She confirmed for Chair Wengert that the new boxes would be in addition to existing boxes.

After seeing the pictures, Commissioner Zaffaroni said she had some concerns about the aesthetics. She questioned the decision not to have any landscaping or vegetative screening. From the record, it looked like only one member of the ASCC made that judgment call. Ms. Vriheas said AT&T was very willing to landscape for screening. Ms. Lambert said the final decision could be made by a couple members of the ASCC and planning staff. Chair Wengert noted that additional screen planting was one of the CUP's conditions for approval. Responding to Commissioner Zaffaroni, Town Planner Mader said it would be appropriate to make that determination after the boxes were installed.

Commissioner Zaffaroni said one of the neighbors had noise concerns. While she did not think it was probable that it would be an issue, the measurements that Mr. Vlasic referred to in his report had been made from the location of the installation to the closest residence. That was a policy that the Town sometimes followed, and she did not think that that was necessarily the correct policy to follow. Yards and property lines should be looked at. When there was an external source of noise such as this, people had a right to peaceful enjoyment of their property—not just the internal noise level in a residence. Furthermore, ancillary buildings could be built and residences could change in terms of location on a parcel. For relatively permanent external noise sources of this type, she did not feel the Town Planners should just look at the location of the residence. She did not know what the decibel level would be based on the location of equipment relative to the location of the closest yard or property line. Apparently, the resident who had a concern thought the Town would address this.

Responding to Town Planner Mader, Ms. Vriheas said the fans did not go on until it reached 120 degrees at 10 p.m. at night. These had been placed in many densely populated areas, and there were no noise complaints. If necessary, AT&T could put up a fence if it was too noisy. Enclosures were usually not done because of access issues. If the noise level was too loud, AT&T would be happy to look at options.

Chair Wengert said she was concerned about massing in the longer term. There were already two types of boxes, and no one knew where the technology would go. Responding to Chair Wengert, Ms. Lambert confirmed that the condition relating to obsolete equipment applied to the existing boxes as well. Town Planner Mader noted that there was not a lot the Town could do because of federal law. Chair Wengert said having looked at most of the proposed locations for the boxes, she agreed with the recommendation not to do vegetative screening.

Chair Wengert asked for public comments, and there were none.

Commissioner Zaffaroni moved to find the project categorically exempt pursuant to Section 1303(d) of the CEQA guidelines. Commissioner McKitterick seconded, and the motion carried 4-0.

Commissioner Zaffaroni moved to make the findings required by Section 18.72.130 (zoning) of the Municipal Code and approve the CUP request for the AT&T system upgrade as shown on the 9/07 plans described in the 9/20/07 staff report, subject to conditions "a" through "d" listed on p. 5 of the report. Commissioner McIntosh seconded, and the motion carried 4-0.

(3) Discussion of General Plan, Sustainability, and Climate Protection

Town Planner Mader reviewed the staff report of 9/20/07 on possible General Plan revisions to reflect

sustainability and climate protection. He discussed: 1) current General Plan provisions that addressed sustainability; 2) other communities' efforts; 3) suggested modifications to the General Plan and development of a Sustainability Element; 4) mandatory versus optional checklists; 5) Title 24; and 6) BEET Committee recommendations.

Councilmember Derwin noted that a special Council meeting would be held on October 4 to discuss climate change. The Council would be discussing AB 32, BEET recommendations relative to building, metrics, etc. She said Town Planner Mader would provide a recap of the Planning Commission's discussion. Commissioners were invited.

Responding to Commissioner McKitterick, Town Planner Mader said some cities used a mandatory point system. Councilmember Derwin noted that Stanford just went to a mandatory system. Some cities started with voluntary systems and then moved to mandatory systems. Ms. Lambert said Palo Alto decided not to go the mandatory route. They felt they could get people to join in and get on board voluntarily. Menlo Park and Woodside were just getting started. Commissioner McKitterick said if it was voluntary, whatever was shown on the plans should be built. He did not want people to present plans that included green building and then build something different.

Chair Wengert said whether it was voluntary or mandatory should depend on what the Town would be asking people to do. The focus naturally went towards building. What the BEET Committee had done was the most relevant to what the Commission would likely tackle. She said Town Planner Mader's categorization of the General Plan provisions was extremely useful. The Planning Commission's work would probably focus on 1-2 things: the building/remodeling aspect and potentially transportation. Town Planner Mader had laid out a framework for organizing it; the policies that addressed the goals were the real crux of the matter.

Commissioner Zaffaroni liked the approach laid out in the staff report on pp. 6-7. But, there were some significant things that were not included such as measures to improve the efficiency of existing buildings. She said she sketched out some things that could be included in that. With respect to green building, she thought floor area and impervious surface limits should also be addressed. In looking at green building and sustainability, size mattered. The Town had addressed size throughout the General Plan and the Code. That needed to be brought to the forefront. A lot of the new building in Town was larger than it used to be and size was an important consideration. She was gratified to see that the General Plan already addressed many of these issues. The Planning Commission could avoid having to do an entire General Plan amendment or addition. She said she went through the marked provisions but thought there were other provisions that were relevant that hadn't been marked and should be included; many of those authorized even further action. Things like FAR and IS limitations were quite relevant. The Town's approach to transportation in terms of frequently recurring needs of residents and what was allowed commercially was also relevant. The Town's urban plan was quite well thought out to avoid unnecessary car trips and avoid bringing in unnecessary traffic. That was articulated throughout the Plan. The framework laid out in the staff report was easy to follow. The implementation of the policies would be next.

Commissioner McIntosh said the staff report talked about adding a Sustainability Element to the Plan that would include material like that shown on pp. 6-7. Commissioner Zaffaroni said the authorization was already there. She liked the approach in terms of goals, policies and then implementation. She did not know if the Town needed to wait to develop a Sustainability Element. Town Planner Mader said you could adopt policy that was not in the General Plan. Commissioner Zaffaroni said most of what was mentioned was already in the Plan.

Town Planner Mader said there needed to be some structure to coordinate the provisions in the Plan. That might be an appendix or sections could be referenced. He felt there would be some policy statements that were not included now in terms of the overall nature of sustainability. Commissioner Zaffaroni said as with the creek setbacks, sections of the General Plan were referenced in the recitals. Those policies were implemented with some specific ordinance language. Town Planner Mader said the Commission developed

the regulations based on the policies. He questioned whether the Commission could go directly from what was in the Plan now to regulations. Creek setbacks was much more pointed than this issue. Commissioner Zaffaroni wanted to find an expeditious way to relate what the Commission would be doing to the various provisions that already existed in the Plan, which authorized the ordinances and regulations. As a second step, the Commission could go back and organize it in a better fashion if that seemed advisable. Otherwise, she was afraid the Commission would get enmeshed in trying to work with the General Plan. The provisions were scattered throughout. She asked how the Commission could link existing Plan language to the desire to implement specific policies, ordinances and regulations.

Town Planner Mader said the provisions would need to be organized in some way. The matrix in the staff report was one option. There were some provisions that had not been included. Some of those might come together and be simplified as statements; some were slight variations on others; some were duplicative; they weren't all mutually exclusive, etc. It might be easier to coalesce them into a more consistent set of statements that represented major concepts. That could be an appendix to the Plan or another document that would provide a basis for some of the actions.

Chair Wengert said if the building aspect was addressed first, it might become clearer which portions of the General Plan would be most relevant in terms of supporting what it was that the Town wanted to do.

Town Planner Mader said his preference was to organize the main concerns similar to the headings shown on pp. 6-7 of the staff report that relied on what was in the Plan. The Commission could come up with statements that would be sufficiently inclusive and move from goals to policies to specific programs. Whether that became an Element was another question. But, the ideas needed to be brought together in a coherent form. If the Commission wanted to focus on something like a mandatory point system, it might lose sight of the forest. He felt the whole picture was much larger than that.

Chair Wengert said she thought Town Planner Mader's organization in the staff report was very good. She felt the second goal, green building, had the highest priority. Town Planner Mader said the Council was concerned about global warming of which this was a part. The Commission could start thinking about these fundamental goals and the things that could be listed under them.

Chair Wengert agreed that FAR and IS had to be addressed--given what the Town was trying to achieve. Commissioner Zaffaroni said these needed to be called out as a policy statement for the ASCC. Floor area limitations were not entitlements but maximums. People could be encouraged to start coming in with something other than the maximums.

Town Planner Mader reviewed policy statements under the goals of protecting living environments for plants and protecting water resources. He noted that there were additional statements in the General Plan that applied.

Commissioner Zaffaroni said some of the major topical areas shown in the staff report, such as convenience and community, safety, etc., were all very important to sustainability, but she was concerned that it might be too inclusive. People often linked sustainability to energy usage, environmental issues, etc. It might be better at the beginning to try to focus.

Commissioner McIntosh agreed. He suggested the major topics be: 1) environment; 2) transportation; 3) resources, and 4) energy. It was vital to have a section in the Plan on sustainability. The other topics shown in the staff report could be referred to, but they shouldn't hold up some of the specific things the Town wanted to do right away.

Referring to the matrix in the staff report showing the number of sections for each of the categories listed, Chair Wengert noted that energy was particularly relevant but had few Plan provisions. Town Planner Mader agreed that some of the categories he listed were more applicable to other types of communities. Categories could be limited to just those that Commissioners wanted to act on.

Commissioner McIntosh preferred to make a modification to the General Plan and at the same time, focus on specific things that everyone recommended. At some point, the Commission could address things such as a point system. Ms. Lambert added that the Town had come a long way since it started using the checklist. More and more people were finding that green wasn't so challenging and were incorporating more and more items into their projects. Some things fell out during the project because something else was more important; cost was also a factor. She felt people were very responsive and that the Town needed to provide the education and outreach and give them the material so that they knew where to find things.

Town Planner Mader said one question was the role of the BEET Committee in trying to formulate recommendations. Chair Wengert said Linda Yates indicated at the last meeting that the Committee was waiting for direction from the ASCC/Planning Commission. Commissioners and staff discussed mandatory versus voluntary systems. Town Planner Mader suggested that the Commission might want to have some outside input from BEET or other jurisdictions that had adopted programs or chosen not to make it mandatory.

Chair Wengert said the Planning Commission needed to focus on the policy.

Commissioner Zaffaroni suggested linking existing Plan provisions to the goals/policy headings in the staff report as a next step. Commissioner McKitterick wanted to deal with the specifics first and worry about the General Plan last. Commissioner Zaffaroni said taking the goals/policies set out in the staff report and linking them to the Plan sections would be a simple process. Commissioner McKitterick was afraid the Commission would get stuck talking about what the General Plan should look like when the issues that everyone was moving on were very specific things. The Plan could always be modified later. It sounded like the Council was interested in specific, concrete proposals. Commissioner Zaffaroni reiterated that she wanted the existing language linked to the broader goals. She did not think it would take a great deal of time. Commissioner McIntosh said Commissioner McKitterick wanted to move forward with some of the concrete things that were on the table right now. These were things that conformed to the General Plan, and there were plenty of references in the Plan to these types of things.

Commissioner Zaffaroni said she liked the idea of knowing what the policy was before going to the specifics of what was to be done. She felt that the policies were general enough. Chair Wengert said goal/policies and the specifics could take place at the same time. There were specific recommendations being discussed that could be inserted. Commissioner Zaffaroni agreed, noting that the General Plan language was broad by design. Town Planner Mader said the General Plan was structured from goals or principles to policies to standards, and they all flowed and fit together. The standards were based on the above statements. He did not think it would be a big issue to get a lot of this material in that form. One of the confusing things was at the Council meeting, Mayor Driscoll asked the Planning Commission to look at the whole picture while Councilmember Tobin said he wanted concrete things on building.

Commissioner McKitterick suggested approaching this through the general categories of transportation, home construction and "other categories," and talk about specific proposals like giving away CFLs, etc.

Town Planner Mader said the first goal shown in the staff report was to "Reduce pollutants in the air that contribute to global warming." You could reword it to focus on transportation, which contributed to pollution. Commissioner Zaffaroni said she had some additional policies to add to that which related to reducing pollutants in the air but were not related to transportation, such as prohibiting fire place and fire pit burning. She didn't think this goal could be switched to focus on transportation; it was broader. Commissioner McKitterick said global warming was very broad. At some point, specific policies needed to be addressed. Town Planner Mader noted that green building related to global warming as well. The Element could be called Global Warming Element.

Commissioner McKitterick said he agreed with Commissioner Elkind's recommendation to start talking about

particular policies. There were a lot of potential ideas aside from wordsmithing.

Chair Wengert wanted to start by fleshing out the policies and add as many things as needed now. The first policy under the goal of reducing pollutants was to reduce the amount of vehicular traffic in Town that relied on non-renewable resources of energy. There could be ten ideas on that one alone: limiting the number or type of cars, etc. She wanted to get the policies lists down as rapidly as possible. Then, the specific actions could be developed. Town Planner Mader said the headings could always be reorganized later, but it would be a starting point.

On reducing pollutants, Commissioner McKitterick suggested breaking it down into vehicular and "other" categories. He said he did not think the Town should be telling people what kind of cars they should be driving. Commissioner Zaffaroni agreed. A more practical approach was to link The Sequoias and Priory to some community usage. Consolidation of trips for construction was also relevant. Ms. Lambert pointed out that a number of these points were in the BEET Committee report.

Commissioner McIntosh said transportation in Town was difficult. People wanted the convenience of having their own cars. Commissioner McKitterick agreed noting that he didn't expect everyone to be able to ride their bike to work. Chair Wengert said the incentive approach was better.

Commissioner Zaffaroni said if you had solar and an electric vehicle, you were completely using renewable energy sources. The Town could impose an energy users' tax. An energy tax could be used to fund other things that would be beneficial--like the bulk purchase of CFLs. Chair Wengert said there needed to be an incentive system in place so that people could make changes as they became available. In the meantime, people who were actively reducing energy use or wasted energy should be rewarded or penalized on some level.

Commissioner McKitterick said he could support an energy tax. He felt energy was under taxed, and it was unfortunate there was no nationwide gas tax that accurately reflected energy use. As long as the tax money was being used in a segregated, energy-specific way, that should be explored.

Commissioner McIntosh liked the idea of specific things like assisting in purchasing light bulbs. If one household put in solar, changed out their light bulbs and got one efficient car, that household could make a huge impact. He also felt that the surplus from the existing UUT funds could be allocated to energy. Councilmember Derwin noted that the increase in use of solar would decrease the amount received from the UUT. Commissioners agreed the issue should be explored.

Regarding transportation, Commissioner McKitterick said he would like to see the Town put in an electric car station at the Town Center in a prominent place. Chair Wengert noted that the current technology required recharging for a number of hours. Commissioner McKitterick said the charging time was decreasing and other towns were doing this. For propaganda as well as practicality, he wanted people to start thinking more about electric cars. Commissioner Zaffaroni said an incremental increase in the UUT could be used to put in solar panels on Town Center property, and Town vehicles could be converted.

Town Planner Mader said years ago, the concept in transportation was that everyone had electric vehicles that were driven down to the transportation system and plugged in. It was very logical, but he did not know if it had been carried out anywhere. The electric vehicle also took a fraction of the space that a normal vehicle took. But, there needed to be more electric vehicles to choose from.

Commissioner McIntosh said a huge impact was the traffic to/from the schools. Commissioner McKitterick said he supported school buses. Town Planner Mader noted that the Town used to have school buses, and that was a suggestion in the report. He felt it should be looked at, see what the savings would be, and see if something could be done. It was now a totally inefficient system. Commissioner Zaffaroni suggested a school shuttle. Commissioners discussed the bussing system instituted at Woodside during their school construction project. Chair Wengert said there could be a tax on those who didn't ride the bus.

Commissioner McKitterick felt the Priory would be interested. Another option was to create bicycle lanes to all the schools that were safe. Councilmember Derwin noted that Safe Routes to Schools was an on-going program. Town Planner Mader said the Town really didn't have the space for safe bicycle paths. Bike lanes were also questionable for young kids.

Commissioner McKitterick said three things had been identified: a school shuttle, electric car station at Town Center, and trails/paths to schools. Chair Wengert suggested bio-diesel re-fueling in Town. Commissioner Zaffaroni said employees could be required to drive electric cars; they could recharge at Town Center.

Town Planner Mader noted that the reason there was no school busing was because the school districts didn't have the money. Logically, the cost of getting kids to schools was more than it would cost to have buses. The question was how to work out a funding mechanism. Commissioners agreed it should be pursued.

Under the "other" category for reducing pollutants in the air, Commissioner Zaffaroni reiterated that she wanted to discuss burning in fire places and outside fire pits. The Town also still allowed burning of agricultural waste. As vineyards became more common, that would increase. Additionally, she suggested requiring that domestic garden tools be 4-stroke engines or electric. Responding to Chair Wengert, she questioned whether charcoal burning should be addressed. Commissioner McIntosh felt fire places would not be easy. Ms. Lambert noted that a ban on wood burning fire places several years ago had not been supported.

In terms of Commissioner Zaffaroni's added goal of improving energy efficiency in existing buildings, Commissioner McKitterick said he felt this would be more difficult to mandate. Commissioner Zaffaroni said light bulb purchases by the Town had been discussed along with double paned windows. Commissioner McIntosh said if you were adding a room to your house, it would be hard to require people to change the windows in the whole house. Commissioner Zaffaroni said she was thinking more in terms of ways the Town could encourage or incentivize. Commissioner McIntosh said Title 24 had pretty stringent requirements for glass and insulation. Chair Wengert said anything that the Town could offer to help people do the upgrade should be considered. Commissioner McIntosh felt remodeling should come under new construction.

Town Planner Mader said the US Green Building Council had a list of 16 ways to green your house. He read the list. Commissioner McIntosh said this was where education came in. In the UK, they had a fair amount of advertising that was creative and informative to help people reduce their energy use.

Commissioner Zaffaroni said not that many people were in the process of building a new house or remodeling. There were a number of things that people could do to reduce energy use in existing homes. Commissioner McIntosh said the incentive approach would be best for this goal--like the solar group purchase.

Chair Wengert said she thought the role of the Town in all of this would be huge. Councilmember Derwin noted that there was a proposal to hire a resource efficiency coordinator who would coordinate all of these activities. This was driven by the TOSA Foundation donation. The role had expanded with all the different types of programs, and there was a job description. Commissioner McKitterick suggested sharing the cost with surrounding towns. It might be helpful in terms of bulk purchases, educational outreach, etc. Chair Wengert said she felt it would be a full-time job for the Town.

With respect to policies for improving efficiency of existing homes, Commissioner Zaffaroni said she thought there should be some recycling facilities on site for CFLs. Commissioners discussed increasing recycling services.

With respect to the green new building goal, Commissioner Zaffaroni questioned whether remodeling should

be included. Commissioner McKitterick said some of the standards worked for remodels and some didn't. Town Planner Mader noted that the Building Code kicked in on certain things and didn't on others. Councilmember Derwin noted that there was a separate checklist for remodeling (Build it Green) and for new construction (LEED). There was also a separate system for greening existing homes.

Commissioner McKitterick suggested starting with a voluntary checklist; it could always be made mandatory at a later time. There were some things that could be mandated now as well as Building Code regulations that would be beneficial. Commissioner Zaffaroni said there should be a smorgasbord of things that people could choose from in order to meet a mandated number of points when they were doing new construction. It would be an education process just going through the list. Commissioner McIntosh agreed. If 80% of the new construction was being done by people who were new to the Town, he would have an easier time imposing things.

Chair Wengert felt it should be mandatory and phased. The phasing could occur for the local residents. If you were new to the Town, there could be a whole new set of criteria. Ms. Lambert felt everyone should be treated the same. Chair Wengert suggested a phased approach for everybody. Commissioner McKitterick suggested starting with a lower point number that would be raised later. Chair Wengert agreed it should be raised over time.

Chair Wengert said she was in favor of bringing down the size of houses and thought that should be a major policy objective. That would be very contentious. Commissioner McKitterick agreed there should be points awarded for smaller houses. Commissioner McIntosh noted that Linda Yates's environmental consultants had made her do an assessment of each space. She indicated that had a huge impact. That could accompany the checklist.

Chair Wengert said the Town would be well-advised to figure out a way to not only educate people but also incentivize with a point system to bring down the size. Commissioner McIntosh said people should be allowed to get almost all of their points by just scaling back the size. Chair Wengert agreed this would be a huge saving. Town Planner Mader noted that basements also had a big impact; that would be back before the Commission at the next meeting. It related to the global warming issue very nicely.

Commissioner McKitterick suggested that the homeowners affirm that they had done an energy audit of their home. That seemed to get people thinking. Chair Wengert agreed it was a good tool. Commissioners and staff discussed how much this would impact property owners who wanted to build large houses. *[Tape inaudible for rest of discussion.]*

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS *[Inaudible]*

APPROVAL OF MINUTES

Commissioners submitted changes to the minutes of the 8/29/07 meeting. By motion and second, the minutes were approved as amended by a vote of 4-0. *[Inaudible]*

ADJOURNMENT: 7:35 p.m.

Ann Wengert, Chair
Planning Commission

Leslie Lambert
Planning Manager