



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, October 3, 2018
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Hasko, Kopf-Sill, Taylor, Vice-Chair Goulden, Chair Targ

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject may do so now. Please note, however, that the Planning Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

NEW BUSINESS

1. [Study Session on Accessory Dwelling Units \(ADUs\): Consideration of Ways to Encourage ADUs in Portola Valley](#)
(Staff: A. Cassidy)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Report
4. [News Digest: Planning Issues of the Day](#)

APPROVAL OF MINUTES

5. [Planning Commission Meeting of September 19, 2018](#)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Laura C. Russell, Planning and Building Director
Arly A. Cassidy, Associate Planner

DATE: October 3, 2018

RE: Study Session on Accessory Dwelling Units

RECOMMENDATION

Staff recommends that the Planning Commission receive a presentation from staff, ask questions and provide comments, receive public comments, and identify any additional information that the Commission would like to have presented at the upcoming public meetings.

BACKGROUND

In the fall of 2016, the Town Council adopted the Housing Strategic Plan, which outlined a number of initiatives designed to engage residents on housing issues and explore potential ways to consider housing opportunities. Among the initiatives adopted by the Council was a request to study the possibility of expanding accessory dwelling unit (ADU) construction, also known as second units. The Town had previously expanded ADU production to more zoning districts, and increased the size of allowed ADU's in those districts. Additionally, the Housing Strategic Plan involved engaging residents on their ideas around housing issues, and asking whether the Town should work to expand housing opportunities.

In the fall of 2017, the Town of Portola Valley was awarded a grant from Home for All, an initiative of San Mateo County, to hold a series of convenings to receive that input. Two convenings were held in March and May of this year. These were structured as sharing and listening sessions: the Town shared information on how the housing crisis appears to be affecting Portola Valley, and subsequently asked residents to share their stories of how the crisis might be impacting them. The March convening provided, among other feedback, a strong desire from attendees that ADU issues should be further discussed, and that ADU's were seen as a viable resource to solve some of Portola Valley's housing issues. Based on the strong support for ADU's expressed in the first convening, and a desire to receive more information about them, the second convening was focused on sharing information and hearing ideas from residents around ADUs (summaries included as Attachments 1 & 2).

Based on that resident feedback, the Town Council held a Study Session on July 11, 2018, to review all of the possible code changes that might facilitate the creation of ADUs. Staff created a list that ranged from smaller code changes to significant programmatic endeavors. The Council considered each idea and sorted them all into three main categories: preferred ideas for immediate review, ideas to explore at a later date, and issues to not consider at this time.

Issues set aside included modifications to life safety regulations (such as sprinkler requirements), and sustainability-related efforts (such as the Green Building and Construction and Demolition Ordinances). Under the Ideas to explore at a later date, Council included a pooled funding mechanism for ADUs, utility and public agency coordination, and the ability sell ADUs separately from a main residence. Staff has begun researching some of the ideas in this second group, and will be prepared to discuss these items at a later meeting date should that be requested.

The Town Council has requested that the Planning Commission further review the preferred category of ideas. The remainder of this staff report is devoted to those ideas.

At this meeting, staff requests that the Planning Commission hold a study session to review ways to encourage Accessory Dwelling Units; no formal action will be taken at this meeting. At a future meeting, the Planning Commission will conduct a public hearing and provide recommendations to the Town Council on Municipal Code amendments, policy changes, and new programs to encourage ADUs. The Town Council has final decision making authority on all the proposed changes. Next steps and future meeting dates are discussed on the last page of this report.

DISCUSSION

At the July study session, the Town Council provided direction to the Planning Commission to focus on a number of “preferred ideas” out of the long list of possible changes generated by staff. The list of preferred ideas included where ADUs are permitted (size of lot), how big ADUs are allowed to be and how to calculate that floor area, parking and driveway and utility requirements for ADUs, and when to require ASCC review of ADUs. The full list is as follows:

- Expand second unit opportunities to all of the Town’s zoning district
- Allow second addresses, which would allow for separate utility panels
- Review floor area calculations on lots to encourage second units
 - Bigger ADUs
 - ADUs exempt from 85% rule
 - Bigger ADUs where house is smaller (looser ADU maxes but keep property max)
- Review alternative building types, including pre-approval of prefab units
- Examine reduction of design elements requiring ASCC approval
- Reduce parking requirements and allow for sharing of existing parking on properties (i.e., second unit parking in a guest space)
- Remove owner occupancy requirement

The Council's overall goal of promoting ADUs can be achieved by increasing consistency within the municipal code, removing barriers to ADU creation, providing incentives for ADUs, and creating a supportive process for residents interested in building an ADU. Each of the preferred

ideas listed above can be described as using one or more of these methods. Throughout this report, staff will identify which method is at work within each proposal description.

Guide to Staff Report

This report is meant to assist the Planning Commission, Town residents, and any other interested parties in considering the Council's list of preferred ideas. Ideas ranged from removing barriers by creating consistency within the code, to larger issues which required significant research and/or represented larger policy shifts for the Town. Given this range, staff has created three sections for this report, as described below:

Recommended by Staff includes four ideas that staff believes align with current policies, represent austere code clean-up, or are coordination efforts with other bodies. They include:

Code Changes

- 1) Basements as Floor Area (p.4)
- 2) ASCC Review for Floor Area (p.4)

Programs are issues which would require additional research and development

- 3) Streamlined Review Process for Pre-Approved Units (p.4)
- 4) HOAs Policy Alignment (p. 5)

Procedure: Staff Discretionary Review is a proposal to create an intermediate review level wherein staff reviews ADUs using the Town's Design Guidelines. Design elements which currently trigger ASCC review but could be reviewed by staff include:

- 5) Architectural Style (p.6)
- 6) Height (p.7)
- 7) Location (p.7)
- 8) 85% Massing (p.8)
- 9) Light Wells (p.9)

Policy and Code Changes include ideas representing more substantial code amendments:

- 10) ADUs on All Parcel Sizes (p.9)
- 11) Floor Area Allowed for ADUs (p.9)
- 12) Parking (p.10)
- 13) Utility Undergrounding (p.11)
- 14) Allow ADUs in All Zones (p.11)
- 15) Second Addresses (p.12)
- 16) Second Driveways (p.15)
- 17) Owner Occupancy & Short Term Rentals (p.16)

Each idea is then subsequently presented with the following information:

- Current code
- Proposal
- Background (if applicable)
- Questions for the Planning Commission to consider

Every question is in bullet format, for ease of navigation. Staff's intent is to provide a clear structure for the description and consideration of each preferred issued and how it might be reflected in changes to the Town's regulations.

RECOMMENDED BY STAFF

Code Changes

1) Basements as Floor Area

Current Code Basements under a building do not count towards floor area if the basement is completely below grade; if more than 18" of exterior wall is above grade, a portion of the basement square footage counts as floor area. Current code is more restrictive for ADUs, however: it states that even a basement fully below grade under an ADU counts as floor area.

Proposal Use the same definition of basement in all situations. (Increase consistency within the code)

Questions

- Should the existing definition of basements be applied to ADUs?
- Should ADUs be allowed within basements, existing or new? (Building code requirements for light and air would apply.)
- Should an ADU in a basement add to the floor area total for the property?

2) ASCC Review for Floor Area

Current Code If a proposed ADU has more than 1,000 SF, it automatically requires ASCC review. However, maximum ADU sizes vary by parcel size (i.e., a 2.5 acre parcel is allowed a 1,200 SF ADU). This means owners on larger lots must undergo additional review for ADUs allowed by code.

Proposal Remove the requirement for ASCC review based on size. (Increase consistency within the municipal code; remove barriers to ADU creation; create a supportive process for residents interested in building an ADU)

Questions

- Should ASCC review be completely removed, or should the trigger for ASCC review be a larger floor area?
- Should FA be a staff level discretionary review (as described later in this report)?
- Should staff level review be triggered at one size (1,000 SF) and ASCC review be triggered at another size (1,500 SF)?

Programs

3) Streamlined Review Process for Pre-Approved Units

At the Town Council study session, both residents and Councilmembers expressed support for creating a streamlined review process for certain ADUs. Pre-fabricated houses lend themselves to duplication, but some also supported traditional construction types gaining pre-approval in order to receive a shorter review process.

The basic idea is relatively simple: an ADU application, wither pre-fab or traditional construction, would go through a complete review by the Town, ensuring that all aspects of it met code requirements and adhered to the Design Guidelines. Once approved, exact copies of this ADU

would be “pre-approved,” and would no longer require as much time to review (though a basic check would still be needed).

Complications arise when implementation is considered. Is this pre-approval process only for pre-fab homes, only for a specific unit or units from a specific company, or might it be applied to any ADU application—once reviewed, duplicates would be pre-approved? In addition, Portola Valley’s topography means that relatively few flat spots exist, and any new construction would require grading and civil study specific to each property. How might a pre-approved unit interface with varying land conditions?

These questions and others require further study. If the Planning Commission feels this program warrants development, staff will research and draft a program to initiate a pre-approval or streamlined process for ADUs in Portola Valley. This program development would likely occur after a new ADU ordinance has been adopted by Council.

4) HOA Policy Alignment

The Town administers the zoning code, including Planned Communities (PCs), Planned Unit Developments (PUDs), and other zoning entitlements granted by the Town. This means that the Town enforces the recently updated ADU ordinance, as regulated by the state, but it does not enforce compliance with Home Owners Associations (HOAs) Covenants, Conditions & Restrictions (CC&Rs). These are contractual documents between homeowners and the HOA, and the Town is not a party to them. State and Town code state that internal ADUs must be permitted in a house on a residential property. Town code further states that attached and detached ADUs may be permitted on lots larger than one acre, if they undergo the correct reviews. On the other hand, some HOAs in Town prohibit ADUs altogether. This sets up a conflict between HOA documents and State/local law.

According to the Town Attorney, the Town administers the zoning code and permits issued by the Town, and nothing more. If a home owner applies for an ADU on a lot within an HOA, the Town must review that ADU according to its own procedure, regardless of whether the HOA prohibits the ADU. Should the homeowner decide to construct the ADU against HOA rules, the HOA may choose to take action against the home owner, but this would be a civil matter and would not involve the Town.

Planned Communities and PUDs are different, in that their governing documents are adopted in place of municipal code for the area they govern. The State mandates that the Town permit ADUs in residential areas and therefore PCs and PUDs must conform to State law. The Town may need to amend certain PCs and PUDs to better implement this new State requirement.

Individual HOAs and PUDs have developed their own zoning or CC&Rs to govern property within their boundaries. Most HOAs and PUDs currently prohibit ADUs in their documents, though the Town has approved ADUs in these areas, and some are already built.

In a town of approximately 1,700 parcels, 533 are in an HOA or PUD. This highlights the importance of working with these private entities to assist in aligning their policies with those of the Town and the state. Staff suggests creating a program to begin working with these bodies. If the Planning Commission feels this program warrants development, staff will research and draft a program to initiate a conversations and possible updates to PUD documents and HOAs’

CC&Rs. This program development would likely occur after a new ADU ordinance has been adopted by Council.

PROCEDURE: DISCRETIONARY STAFF REVIEW

At the Town Council Study Session, there was discussion about reducing the number of ADU projects that require ASCC review. Currently, ADUs require either ministerial building permit review or discretionary review by the ASCC. Ministerial reviews include a limited planning review which is focused on Code requirements. There is not an opportunity to consider site specific characteristics, neighbor comments, or exercise judgement in the decision making process. State law includes specific requirements around what ADU projects must be reviewed at a ministerial level. Discretionary review by the ASCC allows full consideration of the project within its context and can be applied to things not regulated by State law.

Staff has received feedback from residents that the ASCC process may act as a deterrent to them applying for ADU projects. It can be difficult for homeowners to line up qualified design professionals and contractors to work on relatively small projects, like ADUs. Extended review times can result in additional expense and uncertainty for homeowners. Homeowners sometimes decide to forgo the ADU altogether, or design to avoid the ASCC review triggers, even when the proposal is no longer what they were hoping to build. In other words, the triggers for ASCC review can sometimes have an unintended negative impact on a resident's desire to build an ADU, and the quality or desirability of what they are proposing.

There are currently four main triggers for an ADU to require ASCC review: floor area over 1,000 SF, an architectural style which does not match the main residence, height over 18' vertical/24' maximum, and visibility from a scenic corridor. These triggers were put in place to provide review of design elements that may be sensitive, depending on the context of the project.

Staff recognizes that the idea of eliminating discretionary review for all ADU projects and processing them through a ministerial process may not be appropriate for all designs since considering projects in context is an important Town value. Staff would like to suggest a middle path: the creation of a staff level discretionary review.

Staff would accept a planning application and review it against the Town's zoning code and Design Guidelines, notice adjoining neighbors, then make a decision. The processing time would be in between ministerial review and ASCC review. If projects raised concerns or significant neighbor comments, they could be sent to ASCC for review.

Each of the following design elements currently requires ASCC review. Council has suggested modifying the review requirements, and staff proposes that the intermediate Staff Discretionary Review might best fit for Portola Valley.

5) Architectural Style

Current Code ADUs of any architectural style may be proposed, but if the style differs from that of the main house, ASCC review is required. Design review is conducted by the ASCC when its review is triggered; if an ADU is ministerial, staff reviews to ensure the ADU matches the house, but does not review for conformance with Design Guidelines or for design quality.

Proposal Remove the requirement for ASCC review based on a different architectural style. (Increased consistency within the municipal code; removing barriers to ADU creation; creating a supportive process for residents interested in building an ADU)

Questions

- Should the Town review for matching architectural style?
- Should ADUs undergo design review?
- What level of review should be applied to Architectural Style?
 - ASCC
 - Staff Discretionary
 - Ministerial

6) Height

Current Code ADUs are permitted on parcels of one acre or larger, with a height matching R-E zone height: 28' vertical /34' max. If an ADU is over 18' vertical/24' max, it must go through ASCC review for height.

Height and size triggers for ASCC review are different for ADUs compared to other detached buildings. A detached structure with a different use (garage with office over; guesthouse without kitchen) would not trigger ASCC review *for height*—though any other structure over 400' requires ASCC review, whereas an ADU doesn't trigger ASCC review until 1,000 SF or greater. Example: An existing two car garage has a new second story, 350 SF office added on top at 24' vertical height. No ASCC review is triggered. If the office is greater than 400 SF, ASCC review is required.

Proposal Remove ADU-specific height triggers for ASCC review. (Increased consistency within the municipal code; removing barriers to ADU creation; creating a supportive process for residents interested in building an ADU)

Questions

- What level of review should be applied to ADUs taller than 18'/24'?
 - ASCC
 - Staff Discretionary
 - Ministerial

7) Location

Current Code Any ADU visible from a scenic corridor must receive ASCC approval.

The Town has an extensive code section on Scenic Corridor Setbacks (PVMC 18.58.020) and what is allowed within them, which applies to all structures. In summary, it states:

1. Skyline Boulevard
 - a. No structure closer than 200' to Skyline ROW
 - b. ASCC may allow 100' setback if it finds structure is not visible from Skyline ROW
2. Alpine Road
 - c. No structure closer than 75' to Alpine ROW
3. Portola Road
 - d. Zones 1+ acre, no structure closer than 50' to Portola ROW

- e. Zones <1 a, one story house shall have 35' setback with any second story addition 45' setback; alternatively, two story house 40' setback (same setbacks for structures "which are not buildings").
- f. Where a parcel has side or rear along Portola, ASCC may allow 35' or 20' setback, respectively, for accessory structures, if it finds structure will not be seen from Portola Road or that existing/proposed planting consistent with character and quality of corridor will largely obscure the structure.

Proposal Remove ASCC review for ADUs visible from the scenic corridor; allow current Scenic Corridor Setbacks to apply to ADUs in the same manner they apply to other structures.

Scenic Corridor Setbacks require larger setbacks along scenic corridors, whereas ADU code requires ASCC review for ADUs visible from the corridor, no matter what their distance. This implies that ADUs are less attractive than all other types of buildings, which are regulated by the Scenic Corridor Setbacks. (Increased consistency within the municipal code; removing barriers to ADU creation; creating a supportive process for residents interested in building an ADU)

Questions

- Are ADUs visually less desirable than other structures on residential properties? Is it important to regulate them more carefully than other buildings?
- What level of review should be applied to ADUs visible from the Scenic Corridor?
 - ASCC
 - Staff Discretionary
 - Ministerial

8) 85% Massing

Current Code When more than 85% of the Adjusted Maximum Floor Area (AMFA) is massed in the main house, ASCC must review and make findings to approve the massing. The four findings can be summarized as follows:

- Any one of the following:
 - Larger building will result in superior design than without massing;
 - Larger building is appropriate due to slope, geology, or flooding limits on property;
 - Larger building is appropriate because AMFA is so reduced that a reasonable building requires greater FA.
- There is no greater impact regarding views.
- There is no greater negative impact to neighbors' properties.
- The building is in keeping with the character and quality of the neighborhood.

Proposal Remove ASCC review for more than 85% massing in main building when an attached ADU causes the additional massing. (Providing incentives for ADUs)

Questions

- Should the ASCC review of more than 85% massing be waived when an attached ADU causes the increase? This is akin to ministerial review.
- What level of review should be applied to over 85% massing?
 - ASCC
 - Staff Discretionary

9) Light Wells

Current Code When basement light wells are larger than required by building code, the ASCC must review and make a finding to approve them:

The larger light wells will not be visible from adjoining or nearby properties as they exist now, or as the ASCC believes they may be developed or used in the future.

Proposal Remove requirement for ASCC review of light wells when adjoining an ADU. (Providing incentives for ADUs)

Questions

- Should ASCC reviews for light wells for ADUs be removed? This is akin to ministerial review.
- What level of review should be applied to Light Wells which are larger than required by the building code?
 - ASCC
 - Staff Discretionary

POLICY AND CODE CHANGES

The proposals below represent a range of possible policy changes for consideration. Some of the topics required additional research to consider the potential implications of the decision and to understand the connection to other agencies. In those cases, a Background section has been included with staff's research on the topic.

10) ADUs on All Parcel Sizes

Current Code External (attached and detached) ADUs are permitted on residential lots which are one acre or larger. Internal (conversion only) ADUs are permitted on any residentially zoned parcel so long as a primary residence is also present.

Proposal Allow external ADUs on lots less than one acre in size.

Questions

- Should there be a minimum lot size for external ADUs?
- Should attached ADUs be allowed on smaller lots than detached ADUs?
- Should different design requirements be created for small lot ADUs, such as height/stories, size, materials, and setbacks?
- Should ASCC review be required for smaller lot ADUs?

11) Floor Area Allowed for ADUs

One of the issues raised by residents which ADUs help address is that of ageing in place. Many residents have homes which have become too large for them, but they want to stay in Portola Valley. The solution of building an ADU in their own backyard, moving into it, and potentially freeing up the primary residence for relatives or a renter is appealing to many.

However, most parcels which currently allow an ADU—that is, parcels with an acre or more of land—have a maximum floor area in the 4,000-6,000 square foot range. Downsizing from 5,000 to 1,000 square feet can feel extreme, and a number of residents at the Town Council Study Session expressed a strong desire for ADUs with more floor area. The Council identified a number of current code restrictions which could be modified to allow for larger ADUs.

Current Code Current code allows the following maximum floor areas for ADUs per parcel size:

Parcel Size	Number of ADUs	Max Floor Area (in SF)	Notes
1.00-1.99	1	1,000	
2.00-3.49	1	1,200	
>3.5 (two choices)	1	1,500	OR
	2	1,000 each	IF: 1 attached, 1 detached OR Both detached if one is converted

If a proposed ADU is larger than 1,000 SF, the ASCC must review it, irrespective of the zone or parcel size (discussed above, under ASCC Review for Floor Area). Proposed improvements, ADU or otherwise, must not exceed the Adjusted Maximum Floor Area (AMFA) for the property, and ADUs are further limited by the floor area maximums in the table above.

Proposals

1. Increase the maximum size of ADUs. (Providing incentives for ADUs)
2. Remove ADU maximums: allow larger ADUs, within the AMFA for the property. (Providing incentives for ADUs)

Questions

- Should maximum ADU size be increased?
 - Should current maximums be allowed with staff discretionary review, and larger sizes be allowed with ASCC review?
- Should maximum sizes be different for attached and detached ADUs?
- Should ADU maximums be removed or become more flexible, if floor area is still within the AMFA for the whole property?
- Should additional criteria be required for larger ADU sizes?

12) Parking

Current Code Required parking for dwelling units is as follows:

	0 or 1 Bedroom	2+ Bedrooms	More than 1 acre lot
Main Dwelling	1 covered	2 covered	2 guest
External ADU	1 uncovered/tandem	1 uncovered/tandem	0
Internal ADU	0	0	0

If an ADU is created by converting covered parking, then the replacement parking may be provided uncovered, in tandem, and in the setback.

Proposal Allow the required parking space for external ADUs to be shared with existing guest parking space. In other words, the ADU parking requirement could be satisfied by an existing parking space on the property, without needing to create a new one. (Removing barriers to ADU creation; providing incentives for ADUs)

Questions

- Should shared parking be allowed using any parking space, or only guest spaces?
- Should shared parking be allowed only if the property satisfies current parking requirements, or also using informal parking on site (driveway aprons, gravel areas)?

13) Utility Undergrounding

Current Code Overhead electrical service must be placed underground when:

1. Location of service box is moved
2. Route of wires is changed
3. Point where wires attach to the structure is changed
4. Service is increased over a total of 100 amperes (amps)

Building Code requires that each dwelling unit have 100 amps for its use. Any parcel adding an ADU with less than 200 amps already in place would be required to underground its utilities.

Proposal Exempt ADUs from utility undergrounding. (Removing barriers to ADU creation; Providing incentives for ADUs)

Questions

- Is encouraging ADUs more important than undergrounding?
- Should only certain cases or ADUs be exempt?
 - Internal/Attached
 - If cost exceeds a certain amount
- Should Undergrounding Committee review/recommend/decide? This would place an additional time and cost burden on the applicant, but give them an avenue for relief.
- Should the undergrounding committee create criteria
 - For staff approval of exemption?
 - For committee exemptions?

14) Allow ADUs in All Zones

Current Code ADUs are permitted only in residential zones, where an existing residence exists. Outside of the affiliated housing program, very few opportunities for housing on non-residential lots exist.

Proposal Allow ADUs to be built in non-residential zones, so long as the unit is accessory/subservient to the primary use. Examples include a unit at PV Garage, Roberts, at Churches, and at Village Square. (Removing barriers to ADU creation)

Questions

- Should the municipal code be updated to allow ADUs as accessory uses in all zones?
- Are some non-residential zones more appropriate than others?
- Should ADUs on non-residential properties be required to meet use and design criteria
 - In order to be considered?
 - As part of the review process?
- Should non-residential ADUs require ASCC review?

15) Second Addresses

Second addresses make ADUs easier to rent, and easier for emergency services to find. They facilitate the construction of and billing for separate utilities, and allow for separate mail delivery. A separate address indicates a physical and personal independence—a separate unit rather than a guest house.

This section reviews the current code and proposal to change it, then takes a focused look into the practical implications of a second address, including sub-sections on other jurisdictions, various utility, life safety, and mail services, and Town processes. The questions section considers two sets of questions: how the proposal fits in with the values of the town, and the practical considerations of implementing second addresses for ADUs in Portola Valley.

Current Code The California Department of Housing and Community Development (HCD) states that jurisdictions may assign, require, allow or prohibit addresses for attached or detached ADUs. This includes internal ADUs created from converted space, so long as the unit includes full bathroom and kitchen facilities. (Junior ADUs, which are not discussed in municipal code, can share facilities with the main house, and should not have a separate address.)

The Town’s code states that “the second unit shall have the same address as the main dwelling.” This requirement has been part of the second unit code section since at least 2012, and is generally thought to emphasize the accessory nature intended for ADUs.

Proposal Allow or require that ADUs be assigned a separate address. (Removing barriers to ADU creation; providing incentives for ADUs)

Background*Other Jurisdictions*

A second address for ADUs is not a new idea. A number of neighboring and similar jurisdictions have chosen to allow or require second addresses, as described in the table on the following page.

	Second Address		Address Type	Submittal Requirements	Assigned By	Concerns
	Allowed	Required				
Menlo Park	X		"A"	Form & fee at time of building permit	BO	Format indicates original address, plus ADU
Atherton		X	"A"	Forms & fee	BO reviews & approves	
Los Altos Hills	X		"A" or "B"			
Los Gatos		X	Attached: "A"; Detached: separate No.	Address required prior to building permit	Building Permit Tech works with BO to create	Communicating policy to prevent building permit delays
Woodside	X		"A" & "B" strongly encouraged; chosen by owner	Can be applied for at any time, usu. during construction	Planning & Fire review & approve; route to PO & County Assessor	Applications for an address for unpermitted ADUs are denied
Palo Alto		X				

Utilities

During the Town Council Study Session on ADUs, a number of residents spoke about their desire to build an ADU as a separate rental unit. In order to do this, they stated, they needed separate meters for the unit’s utilities, in order to bill their renter correctly and avoid expensive tiered charges. Staff did research into how outside utilities and agencies viewed the issue of a second address.

Pacific Gas & Electric

Pacific Gas & Electric (PG&E) will not install separate electric and gas meters without a separate address for a unit. Both PG&E and HCD confirm that a gas line is not required to have a fully functional ADU, as an electric stove top is enough to qualify as a full kitchen.

According to PG&E, a separate address allows for the correct distribution of their tiered rates. Under tiered pricing, if a single home uses more than a given amount of electricity, they are charged a higher rate for the additional electricity. If an ADU is added to the same meter, then the additional electricity use may be charged at the higher tier rate. Without a separate meter, a home owner is likely to pass on any additional utility charges, which could result in higher and unfair utility costs for ADU renters.

As stated above, a gas connection is not required in order to qualify a living unit as a separate ADU. However, many individuals prefer a gas flame stove top and oven for their cooking needs, which does require a new and separate gas line. As with electricity, PG&E will not install a separate meter without a separate address for the unit, and gas is also billed at a tiered rate.

Sewage & Waste Water

Portola Valley residents utilize one of two methods for disposing of their sewage and waste water: septic systems with leech fields which are reviewed by San Mateo County Department of Environmental Health, and sewer lines which connect to West Bay Sanitary District.

The Department of Environmental Health does not have objections to using separate addresses for ADUs. Their record keeping is done by Assessor Parcel Number (APN) and can be linked to two addresses. Connecting to sewer through West Bay would be unaffected by a second address.

Life Safety

One of the primary concerns when adding or changing addresses is the ability of life safety services to respond to calls for help from a specific address. Staff reached out to the Woodside Fire Protection District (WFPD), San Mateo County Sheriff's Department (SMC Sheriff) and our own Consultant Building Official to learn what the code says and how their departments feel about ADUs having second addresses.

Woodside Fire serves Portola Valley, Woodside, and unincorporated San Mateo County in the vicinity. The Town of Woodside has already established a process for issuing separate addresses to ADUs; given this demand for a process, Woodside Fire has created a common procedure for review and approval of these address requests, as follows:

1. WFPD receives an address request from the originating agency/entity (Ex: Town of PV).
2. WFPD reviews the request and performs a field visit to confirm details.
3. WFPD approves or denies the request and sends it back to the originating agency/entity. If an address request is denied, alternatives are suggested.

A single contact person handles the majority of the requests: Sean Devlin of WFPD. New addresses on the same parcel with an existing address must be a letter addition to the same address number (A, B). Separate numbers on the same parcel are only allowed where buildings are accessed by different streets or for large, multi-acre parcels. No half numbers (205 ½) are permitted. WFPD encourages all ADUs to have a separate address, "as it makes it much easier for the fire crews to understand which building they are responding to," according to WFPD staff.

The SMC Sheriff plays a much less active role. They do not normally review any new address requests and did not convey any desire to be included in the process. The Consultant Building Official for the Town states that the building code allows for separate addresses, so long as they are in correct numerical order.

Mail and Delivery

The United States Postal Service (USPS) will only separate mail according to address. If a new ADU is created with the same address, mail for all residents of the main house and ADU will be delivered to the same location. This means that one or both of the units will have full access to mail for the other unit, raising some privacy concerns.

Once a new address is established, a separate mail delivery location (box, slot, bin or otherwise) will be utilized by the USPS. This has implications for Portola Valley, where mail

boxes are often some distance from the house, whether down a long drive at the street edge or miles from the house in the more rural areas of town.

Town & County Functions

Here in Town, the company LYNX utilizes San Mateo County data to update our Town GIS system, which is then linked to Energov, the Town's permit tracking system. Regular imports of county data are needed to keep Town systems up to date and fully functional.

From a Public Works perspective, there are many physical improvement requirements which would be triggered by a second address. All of the existing design requirements for primary driveways would be triggered if ADUs were allowed separate driveways, as discussed below, under Second Driveways. Additionally, separate utilities would require separate utility connections for ADUs. Increasingly, utility agencies are asking that Portola Valley projects provide access to the utility connection from the public right-of-way, so that they are not required to enter private property to do work. This means that West Bay sewer connections and PG&E meter or gas/electrical connections are above ground installations adjacent to and visible from the right-of-way. Utilities also often request that a parking space outside of the travel lanes be created adjacent to the connections.

Questions

- How does a second address align – or not – with the Town's values?
- How does having a second address change the feel of an ADU from the outside? Is this desirable? If not, are impacts mitigatable?
- Should second addresses be allowed, or required?
- If required, should *existing* ADUs be assigned a second address?
- Should PV's Emergency Preparedness Committee be involved in
 - Creating a process?
 - Review of address assignments?

16) Second Driveways

Current Code Double access or "loop" driveways with two entrances to a road or street are not permitted. Town policy has been to interpret this to mean that each property shall have only one driveway entrance from the street. An existing section of the code regulates driveway design.

Proposal Allow second driveways for ADUs. (Providing incentives for ADUs)

Background The Conservation Committee feels that second driveways should rarely be approved, and only when there is a special need, such as a large parcel with significant road frontage.

Questions

- Should second driveways be allowed for ADUs?
- Should criteria be established for when a second driveway is permitted, such as:
 - The driveway does not cross a trail
 - It does not connect to a scenic corridor
 - Safe traffic movements and visibility into and out of driveway can be achieved
 - The driveway would not add impervious surface, or must use sustainable materials

- Should second driveways
 - Have curb cuts?
 - Have address signs and/or mailboxes located next to them?

17) Owner Occupancy & Short Term Rentals

Many jurisdictions use owner occupancy requirements in association with ADUs, but an increasing number of cities and towns are removing them. Both owner occupancy and limitations on short term rentals tend to reflect a desire for local control.

At the Town Council Study Session, councilmembers voiced a willingness to consider removing the owner occupancy requirement, given its sometimes negative impacts on a land owner’s ability to use their property as they desire.

Current Code When an ADU is built, the property owner is required to occupy one of the units on the property, either the main house or the ADU; the other unit may be rented. No deed restriction is currently required. If the ADU is rented, rental shall be for 30 or more days, though no such restriction exists if the property owner lives in the ADU and rents the main residence. No owner occupancy requirement exists for residences in Portola Valley without ADUs.

Proposal Remove owner occupancy requirement, allowing both the main residence and the ADU to be rented, together or separately. (Increasing consistency with the municipal code; removing barriers to ADU creation)

Background According to Housing and Community Development, local governments may require that properties with ADUs have owner occupancy in the primary or accessory structure, and that an ADU not be used for short term rentals (less than 30 days). However, HCD states that agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with Government Code Section 27281.5, which states that a restriction placed on a property by a municipality shall be recorded.

Jurisdictions in the surrounding community are fairly split when it comes to a requirement that the property owner occupy a unit if an ADU is built, as shown in the table on the following page:

	Owner Occupancy Required with ADU	Short Term Rental Restriction	Deed Restriction	Additional Restrictions
Menlo Park	X ¹	X		
Atherton	X	X		
Palo Alto	X ^{1,2}	X	X	No subleasing
Healdsburg		X	X	
Half Moon Bay		ADU may be rented short term if owner occupies primary	X	No subleasing

¹ Where both units are occupied as dwelling units.

² Owner occupancy not required if entire property is rented to single tenant.

Menlo Park also offers a non-tenancy status registration process. If the owner has lived on the property for two of the previous five years, then they may be absent for up to four years, but must re-register each year. A Use Permit is required for absences longer than four years.

Best Practices

Kol Peterson is an ADU expert from Portland, OR and speaker at a recent San Mateo County 21 Elements meeting. He is author of the book *Backdoor Revolution: The Definitive Guide to ADU Development*. At his presentation to local planners, he stated that the common owner occupancy requirement is one of the largest impediments to the creation of more ADUs:

“Owner-occupancy bylaws unfortunately strike directly at the heart of one of the greatest benefits of property ownership: the flexibility of choosing how to use the property. An owner can no longer opt to move away from the property without selling it. The owner cannot consider the option of the property serving a future use as an investment property. Eliminating these options from the possible uses of the property diminishes the flexibility of a property with an ADU” (p.140).

He goes on to ask the following difficult questions: “Is there a justifiable rationale for targeted owner-occupancy ADU bylaw – one that is not based on discrimination against renters? If so, why is that same bylaw not being applied to other forms of housing?” (p. 142).

Questions

- Does the owner occupancy requirement impact potential and existing ADU owners?
- What are the potential impacts of lifting the owner occupancy requirement?
 - Is there a way to mitigate these impacts?
- PV does not currently require a deed restriction or other form of enforcement for owner occupancy or short term rental requirements. Without it, are these restrictions effective?
- Would requiring a deed restriction further burden the potential ADU owner, such that it discouraged ADU creation?

NEXT STEPS

This is not the last ADU discussion! Staff plans to ask for the ASCC’s input, then to return for additional guidance from the Planning Commission as code language is drafted and honed. The following future meeting dates are tentative and subject to change:

Planning Commission	October 17, 2018 – Wednesday	Study Session, Continued
ASCC Review	October 22, 2018 - Monday	Study Session

Meetings will be scheduled through December 2018, with updated meeting dates published to the Town website. Once satisfied that the new draft ordinance addresses the goals laid out by Council, the Planning Commission will recommend it to Town Council for final review and approval, likely in early 2019. All meetings will begin at 7:00 PM and be held in the Historic School House at Town Hall.

ATTACHMENTS

1. Community Conversation About Housing: March 3, 2018 Meeting Summary
2. Community Conversation About Housing: May 5, 2018 Meeting Summary



Portola Valley
**Community
 Conversation
 About Housing**

March 3, 2018

Meeting Summary

Project Overview

Last year the Town of Portola Valley was awarded a grant from Home for All to pilot new approaches to community engagement around the topic of housing. Home for All is a community collaborative addressing housing challenges in San Mateo County through convening community, sharing information and promoting innovation. The grant, that includes technical assistance from Home for All and consultant Common Knowledge, will help the Town conduct more inclusive, informed and sustained engagement than the traditional civic participation model. Toward that end, the first major project in the pilot, “A Community Conversation About Housing in Portola Valley” was held on Saturday morning, March 3rd at the Town Center Community Hall. The goal of the event was to:



- Broaden participation in the conversation about housing in Portola Valley
- Share the Town’s Housing Options Strategic Plan adopted in 2016 by the Council
- Connect community members who are interested in continuing the conversation

The March 3rd convening drew 69 participants of varying ages and perspectives, including longtime residents, business owners, and people who work in Portola Valley but do not live in the town, representing a range of ages and perspectives. While attendees expressed appreciation for the mix of people at the tables, many also hoped for an even more diverse mix in the future.

As people walked in the room, they stopped at a large board to place stickers on a map, noting where they live and work in Town, and were also asked to write a word or phrase describing what they value about Portola Valley. The meeting format alternated between table discussions supported by trained facilitators and two short presentations by Town Manager Jeremy Dennis. All five council members attended as listeners but did not participate in the table discussions. At the end of the event, each council member shared their appreciation for the community's robust participation. Input was captured as discussion notes by facilitators at each of the ten tables and in the 56 participant feedback forms. The overriding sentiment was that the meeting was both informative and valuable to everyone.



People are more interested than I realized in creating a more diverse community in Portola Valley. I am encouraged!

- Participant



Themes from Opening Dialogue

Rural Environment: Many community members moved to Portola Valley for its beautiful rural atmosphere, open spaces and abundant hiking and horse trails. There was a strong sense that Portola Valley should strive to “balance open space and housing.”

- *“There are ways to keep the rural character of Portola Valley that we love and still add housing.”*
- *“We can “build creatively in harmony with nature.”*
- *“Well planned, green housing need not detract seriously from open space.”*

Family Connections: People are concerned that they, their children, or other family members may not be able to stay in or return to Portola Valley. Community members expressed a desire to “age in place” and live near their children and grandchildren.

- *“My neighbors and I are growing older and no young people are coming to join us.”*
- *“People who grew up here can't live here.”*
- *“Make it possible for multigenerational families to stay.”*

Maintaining Vital Workforce: Participants expressed concern that those who work in Portola Valley are unable to live close to Town. As a result, commute times increase and employers (business, school, public safety, health care) struggle to attract and retain employees.

- *“My employees travel from the East Bay to work in Portola Valley. If we can provide housing for them, it will be a life changer.”*
- *“It is very hard to keep young people working in our community because it is so expensive.”*
- *“The commutes are getting horrible and we won’t be able to retain the best teachers.”*

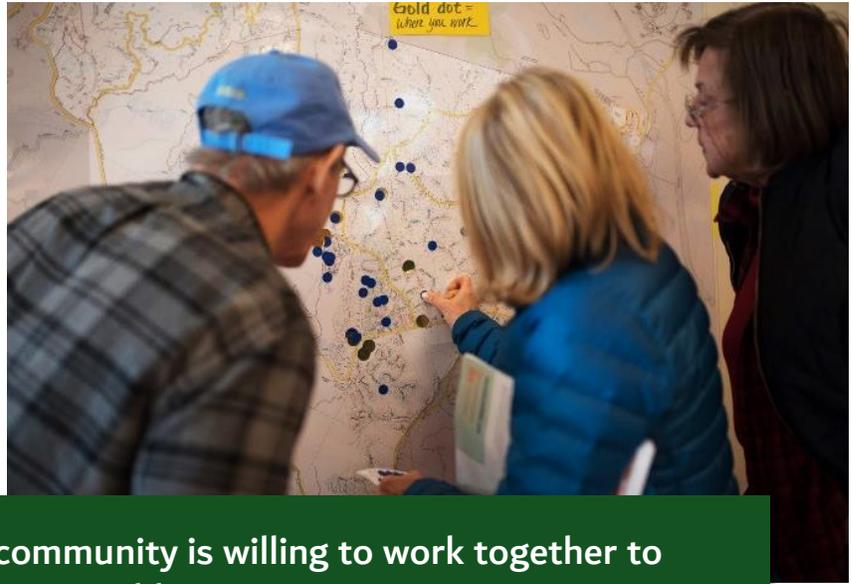
Creative Solutions: A recurring theme was the need to be creative, “think outside the box” and “try new things.” Community members called for housing solutions that emphasize innovation and reduce barriers (such as regulations and fees) to building more places to live in Portola Valley. Examples of new ideas included tiny homes and mixed-use housing such as apartments over commercial space.

- *“Empower our community to be innovative for our whole area preserving beauty, housing, and jobs.”*
- *“Ease building ordinance zoning regulation to allow owners flexibility to build/develop on property.”*
- *“Use and communicate smart design guidelines to preserve town character and reduce obstacles to building housing.”*

Housing Options Strategic Plan

The meeting also included an overview of the Town’s Housing Options Strategic Plan, which was adopted in the fall of 2016. The plan includes six core elements:

Housing Options Strategic Plan Elements	
<p>Community Engagement</p> <ul style="list-style-type: none"> • Create a variety of opportunities to have a Town-wide conversation about housing, both to educate community members about current conditions and to allow decision makers to hear about the community’s needs and the kinds of housing strategies that fit with the Town’s character 	<p>Second Units (ADUs)</p> <ul style="list-style-type: none"> • Make it easier for homeowners to propose and receive approval to build an accessory dwelling unit (ADU) on their property • Increase the number of locations where ADU construction is allowable to increase the supply of rental housing or units for additional family members
<p>Affiliated Housing</p> <ul style="list-style-type: none"> • Longstanding program in Portola Valley allowing three institutions (The Priory, The Sequoias, and Stanford) to build housing for their employees • Explore expansion of the program 	<p>Town-Owned Property</p> <ul style="list-style-type: none"> • Explore the potential of building homes on Town-owned land, as well as occupancy criteria for those whose needs the Town would prioritize (e.g., public safety officials, residents aging in place, etc.) – <i>Report completed in 2017</i>
<p>Shared Housing</p> <ul style="list-style-type: none"> • Broaden the community awareness of HIP Housing, a nonprofit organization that facilitates home sharing for the benefit of both homeowners and those who need an affordable place to live 	<p>Affordable Housing Funds</p> <ul style="list-style-type: none"> • Consider how to spend the Town’s existing funds for affordable housing (approximately \$3.5 million) • Uses of moneys to be determined after Housing Strategic Plan is fully implemented



The Portola Valley community is willing to work together to get the best solutions possible. *- Participant* ”

There was significant interest in all elements of the Town’s Housing Options Strategic Plan. Several participants felt that the Town could be doing much more to promote second units (also called Accessory Dwelling Units or ADUs). Many attendees also identified affiliated housing as an area ripe for creative solutions. Partnerships with Stanford or the Sequoias were seen as particularly promising. Others called for reviewing Town regulations and policies that present potential barriers to housing, which may include building codes, permit fees, property taxes and minimum size requirements. It was clear through the discussion that no one solution would be sufficient. Overall, people were ready to see the Town put more of this multi-part plan “into action.”



Next Steps

- Promote more conversations and provide additional opportunities to be involved.
- Build on the Town’s long history of volunteerism to help address the housing challenge.
- Convene a session on May 5 that focuses on Second Units.
- Develop alternative Affiliated Housing, Town-Owned Property and Shared Housing options.
- Keep the conversation going!

SAVE THE DATE
Portola Valley Community Conversation About Housing: Second Units
Saturday, May 5 | Doors open at 12:30 pm for lunch | Meeting from 1–3 pm



www.homeforallsmc.com
www.secondunitcentersmc.org

CommonKnowledgePlus

www.ckgroup.org



www.portolavalley.net



Portola Valley
**Community
 Conversation**
 About Housing

May 5, 2018

Meeting Summary

Project Overview

The Town of Portola Valley hosted the second in a continuing series of “Community Conversations About Housing” on May 5th focused on ADUs (accessory dwelling units) or second units.

At the first “Community Conversation About Housing” event on March 3rd, residents shared their interest in learning more about second units – how to build them and expand their production-- as well as their desire to learn more about prefab units and “tiny homes.”

The May 5th convening represented a wide range of perspectives, drawing nearly 50 participants including longtime residents and representatives of local institutions interested in building second units. Some sought more information on how to build an ADU on their property, while others wanted to learn more about constructing tiny home communities in Portola Valley. Many had attended the March 3rd event, while others had never previously attended a Town-sponsored community meeting.

Moderated table discussions followed two presentations by Town Staff on definitions of second units (including prefab units and tiny homes), building regulations, and a Q and A with participants.



Themes from Table Discussions

Strong Support for Shared Housing Principles – Meeting participants strongly supported addressing housing needs consistent with the principles created by the Town Council contained in the Housing Strategic Plan:

- Create more opportunities for those who wish to age in place in Portola Valley
- Increase housing for children who grew up here but can't afford to stay
- Find ways to allow more workers, including firefighters, teachers, and other critical workforce, to live in the community

"There must be a way to keep families together in our community"

"Teachers and firefighters should have an opportunity to start out here in Portola Valley"

"We would like to offer housing for young families and others who need housing here"

Allow All Residents to Build Second Units – The Town currently does not allow second unit construction on lots smaller than one acre. Many meeting participants were keen to create opportunities to allow such construction on properties that are less than one acre.

"We have a smaller lot and want to build an ADU"

"The Town and the County should offer more flexibility in design and type of second unit"

"All lots should have second units on them!"



Mitigate Potential Roadblocks to Construction – Participants were very interested in learning more about impacts from potential sewer hook-ups, tax implications of a second unit, and overall construction costs.

"Could the Town pre-approve prefabricated unit designs?"

"If the Town's rules are not easily understood, perhaps a check sheet could be created to quicken the process"

"Remove any restriction that are barriers to second units!"

Best Practices from Successful (and perhaps not so successful) Local Projects – Some Portola Valley residents have already built second units, and participants were eager to hear from those who have successfully (or perhaps not-so-successfully) tackled an ADU project. Hearing from architects on layout and design was also high on the list.

"Please identify residents who have built second units and ask them to mentor us"

"Let's host an ADU discussion meeting with architects, homeowners who have built ADU's, and a tax advisor to answer questions"

Housing Options Strategic Plan

The meeting also included a quick overview of the Town’s Housing Options Strategic Plan, which was adopted in the fall of 2016. The plan includes six core elements:

Housing Options Strategic Plan Elements	
<p>Community Engagement</p> <ul style="list-style-type: none"> • Create a variety of opportunities to have a Town-wide conversation about housing, both to educate community members about current conditions and to allow decision makers to hear about the community’s needs and the kinds of housing strategies that fit with the Town’s character 	<p>Second Units (ADUs)</p> <ul style="list-style-type: none"> • Make it easier for homeowners to propose and receive approval to build an accessory dwelling unit (ADU) on their property • Increase the number of locations where ADU construction is allowable to increase the supply of rental housing or units for additional family members
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I applaud what I’ve seen so far, including the two meetings.

- Participant



Next Steps

- This summer Town Staff will bring forward second unit ordinance amendments, including allowing second units on all residential properties, with adoption of new regulations scheduled for late fall.
- The Town will reconvene the Ad Hoc Housing on Town-Owned Property Committee this summer, with a “Community Conversation About Housing” event focused on this topic in the early fall.
- The Town will also reconvene a meeting of Affiliated Housing Partners in late summer to hear about potential new housing. The Town will invite prospective new Affiliated Housing Partners to hear about their housing ideas
- If you want to know more about the Town’s second unit regulations, or are thinking about building a second unit, feel free to contact us at towncenter@portolavalley.net



And please add your voice to the conversation [by sharing your thoughts](#) on both the May 5th and March 3rd conversations – let’s keep the conversation going!

SAVE THE DATE

Portola Valley Community Conversation About Housing: Housing on Town-Owned Property

Date TBD – Coming this Fall!



www.homeforallsmc.com
www.secondunitcentersmc.org

CommonKnowledgePlus

www.ckgroup.org



www.portolavalley.net

Elevating the Role of Architects as Advocates for Equitable Housing

BY EMILY NONKO | SEPTEMBER 20, 2018

FacebookTwitterEmail



A model of Colville Estates, a publicly-owned, half public housing, half market-rate development in London. (Credit: Karakusevic Carson Architects)

In the early 2000s, urbanist Karen Kubey began thinking about harnessing architecture for social equity.

“We were sort of fringe characters,” she says of the urbanists, architects and planners who believed architecture could serve as an important piece of more equitable cities. “A lot of [that work] was small-scale, a lot of it was pro-bono.”

In ensuing years, as the world moved toward urbanization and a global housing crisis has emerged, she witnessed a change. “I’m interested in how some of that thinking has become a

part of the way major firms are working and how profitable work is happening,” she says. “The field of architecture is paying much more attention to housing.”

It’s with that in mind Kubey served as guest editor for the latest issue of *Architectural Design*, titled [Housing as Intervention: Architecture Towards Social Equity](#). The issue includes 17 essays tackling how housing projects and their design processes could serve as interventions towards greater social equity in cities, and how that work could potentially reposition the architectural profession at large.

“Despite its potential for impact in residents’ lives – and though it was Modernism’s central project – ‘housing’ is often considered separate from ‘architecture,’” Kubey writes in her introduction. She points out that regulatory constraints, profits for banks and developers, NIMBYism and supply-chain challenges often take center stage in discussions around housing. Architects, Kubey believes, can be powerful voices in the complex housing challenges increasingly dominating cities.

Each essay offers a unique perspective taking up that challenge. Matthew Gordon Lasner’s essay, “Architecture’s Progressive Imperative: Housing Betterment in the 19th and 20th centuries,” presents a historical look in architect’s roles for social change.

“In many respects, architects have limited control, especially in such a diffuse arena as housing,” Lasner writes. “Policymakers, developers and lenders tend to shape the larger contours of the system.”

He believes architects are still critical in catalyzing progressive housing policy: their importance, he writes, “lies equally in their ability to engender public support for housing intervention by translating social concerns, especially about the negative effects of modernity on family life and public health, into new physical forms that capture the public and political imaginations.”

Take, for example, the early history of the multi-family apartment building, a common housing type for centuries in Scotland but virtually unknown in England and the United States. In the 1840s, British architects promoted the idea of the multi-family building as a solution to the high cost of urban housing; a parallel campaign in the United States, led by architects like Calvert Vaux, emerged after the Civil War.

Other writers offer modern-day examples of architects serving as equitable housing advocates.

Kaja Kühn and Julie Behrens highlight the work of architects in Berlin in their essay, “Spaces of Migration: Architecture for Refugees.” In a 2014 housing plan, Berlin called for 100,000 housing units over the next 10 years to meet the city’s need for affordable housing. But by

2017 the estimate was considered insufficient — without including the arrival of an estimated 65,000 refugees under the federal government’s resettlement program.

Local architects rejected the concept of emergency, dormitory-style shelters for refugees and instead advocated for units with private kitchens and bathrooms that could be converted into permanent affordable housing. In further collaboration, they challenged the mindset of “architecture for refugees” to instead design “architecture for all.”

The authors add that these times of crisis, in both housing and resettlement, offer opportunities “for architects and their clients to leverage this publicly funded effort as long-term contributions to the city.”

In the Brooklyn, N.Y. neighborhood of Sheepshead Bay, architects pushed for a better resiliency prototype post-Hurricane Sandy. Cynthia Barton, former housing recovery program manager at the New York City Emergency Management Department, and architects Deborah Gans and Rosamund Palmer of GANS studio, wrote of their collaboration around effective models of modular design and community engagement after a storm devastates a community.

The challenge to house people quickly — without relegating them to emergency shelter — resulted in a prototype that demonstrated how “purportedly short-term housing can offer aspects of permanence after disaster and become a long-term asset that is integrated into the community,” the team writes in their essay, “Beyond Temporary: Prototypes for Resilient Communities.”

In London, where city government has re-invested in its public housing stock, the role of architect as advocate has never been more important, argues Paul Karakusevic in his essay, “A New Era of Social Housing: Architecture as the Basis for Change.”

He cautions against a “one-size-fits-all approach” to build or rehabilitate public housing and pushes architects to forge close relationships with residents’ associations and local authorities and use it as the basis for their work.

Karakusevic’s firm, Karakusevic Carson Architects, worked to rehabilitate a public housing project with “a community left disillusioned and disengaged after 18 years of stalled schemes,” he writes. “In 2000, approximately half of the estate was demolished, leaving behind a rubble-filled wasteland.”

The firm kicked off its design process in 2013 with the resident’s association at the center. He writes that “through regular steering-group meetings and public-consultation events, the residents were heavily engaged throughout; from the site planning of new streets right through to the internal specifications.”

Kubey hopes that by presenting a wide range of examples of housing and architecture for the common good, it'll inspire further change within the profession. The editing process of *Housing as Intervention* began in 2015, she notes, and the need for architectural advocacy has only grown.

“The housing crisis is not going away — it’s only getting worse,” she says. “This material has felt more and more urgent for me, and I’m heartened that the field is paying more attention.”

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DAILY WEEKLY



Emily Nonko is a Brooklyn, New York-based reporter who writes about real estate, architecture, urbanism and design. Her work has appeared in the Wall Street Journal, New York Magazine, Curbed and other publications.

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

SEPTEMBER 19, 2018

CALL TO ORDER AND ROLL CALL

Commissioner Hasko called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Hasko, Kopf-Sill, and Taylor
Absent: Vice Chair Goulden; Chair Targ
Town Staff: Laura Russell, Planning & Building Director; Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

PUBLIC HEARING

- (1) **Architectural Review and Site Development Permit for a New Pool Cabana and Undergrounding of an Existing Seasonal Creek, File #40-2017, 199 Mapache Drive, Mainzer Residence**

Associate Planner Cassidy described the history of the project and recommended that the Commission act separately on the two proposed elements. She noted that the Planning Commission and ASCC have previously reviewed the project and found the cabana could be approved with minor conditions while the culvert would require more research and modifications. Staff recommended approval of the proposed new pool cabana subject to the conditions in the attachment and recommended denial of the proposed culvert for the existing seasonal creek, as detailed in the staff report.

Commissioner Hasko invited questions from the Commissioners.

Commissioner Taylor asked about tree protection in response to concerns raised by the Westridge Committee (WASC) over email. Associate Planner Cassidy said there are tree protection measures, which were reviewed and approved at the time of the building permit. She said the Town has been migrating into better protection measures, so the protection measures for this property were reviewed and approved by the arborist and Town. She said in this case much of the tree protective fencing is quite tight around the trunk of the tree. Planning & Building Director Russell said since comments were received from the Westridge Committee, staff will confirm the status of the tree protection measures. She said that, due to the conditions on the site and some of the changing conditions over time, she will be asking their arborist to return to do another evaluation of the tree protection measures and make any necessary improvements.

Commissioner Hasko asked if there had been any follow-up or further comparison with 5 Naranja, which had been listed as a point of reference. Associate Planner Cassidy said she looked into the review process for the 5 Naranja property and found that the condition on that property was that flooding existed on the ground to the house at the time of their proposal, so the culvert that was approved was to prevent further flooding. She said the difference between 5 Naranja and the proposed project being reviewed is that the channel that had already been created and dug was done to mitigate past flooding. She said there is no current flooding to be mitigated at this time as that channel has solved that issue; however, the applicants want to modify it further.

DRAFT MINUTES

Commissioner Hasko asked if there was any additional information available regarding the legal determination of the seasonal ephemeral characterization of the stream and whether or not it is considered natural. Associate Planner Cassidy said at the time of the preliminary review, the Planning Commission asked the applicant to research how that determination is made, but staff has not received that information.

Commissioner Hasko invited comment by the applicant. Carter Warr, project architect, said the drainage plan referenced is the 1970 plan. He said the current master drainage plan for the Town identifies it as a ditch, not as a gulch. He said there never has been a creek and no testimony or evidence that it ever was a creek or an ephemeral creek. He said there was no wetland habitat before the ditch was dug. He said there was an overland release of water collected above Mapache and from Zapata that was dumped on the property. He said it became a nuisance and was abated by manmade means – the digging of the ditch. He said it is an incised ditch and does not have the characters of a creek or the aesthetics or appeal of a seasonal creek and was not created by nature. He asked the Planning Commission to allow the exchange of one manmade abatement for another manmade abatement that puts the site back into a much more natural aesthetic while continuing to abate the nuisance that was created by the subdivision when Zapata and Mapache were constructed. He said if the property lines had been more respectful of the natural drainage patterns instead of setting the site up to carry the water, versus the property line or some subset of property line and setbacks, there would not be the current situation where the applicant's property is being partially bifurcated by this drainage. He said the additional fill requested as part of the application will give a greater opportunity for the applicants to retain soil on-site rather than hauling it away, reducing the number of truckloads of material being hauled into the public roadway and disposed of in landfills. He said they believe the property owner has the right to do this. He said there has been no definition by the Town that the ditch is ephemeral or seasonal. He said the water in the ditch is likely precipitant from uphill residential development and not from nature. He said they don't know the actual location of it, but they do not believe the water would have been there if not for the uphill residential development.

Commissioner Hasko asked about the proposed additional grading. Mr. Warr said there is an element of the revised application shown in the submitted drawings. He said there are some additional areas where they are trying to dispose of more material and also raise the landscape areas, in response to the Westridge Committee's desire for more substantial screening. He said by raising that ground 2 to 4 feet, in the driveway area and along the parking notch, they will be able to dispose of a substantial amount of additional material instead of hauling it away. Mr. Warr said they hoped to get the ditch approved so they could have a much more balanced site. He said the Westridge Committee in the original review encouraged the applicants to continue to apply for the pipe in the ditch so the material could be retained on-site and not hauled down Mapache and other roads. Mr. Warr said they are trying to make sure they don't give up the opportunity to retain as much soil on-site as possible even if they don't fill the ditch, approximately 200 yards more.

Commissioner Hasko asked if that would require separate approval. Associate Planner Cassidy said this aspect was not previously described clearly to staff. She said the breakdown of grading numbers was conveyed in email format so they do not have an updated civil plan. She said this was the first staff was hearing of a berm or physical changes to the outside property line. Commissioner Hasko asked if they had drawings to demonstrate what they were requesting. Mr. Warr replied that they do not.

Associate Planner Cassidy said the cabana itself requires a site development permit because of the grading numbers. She said the site development permit can be expanded to include the additional grading improvements. She said if the Planning Commission wanted to expand the approval to include the front, a condition could be added to have the ASCC review those changes at the time of building permit. Planning & Building Director Russell said it was noticed as a site development permit.

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Commissioner Taylor asked if the application would come back again if not approved tonight because it would be considered additional cut and fill. Associate Planner Cassidy said if the applicant wanted to bring it back again, it would need Planning Commission approval because it would still be above the 1,000 cubic yard threshold.

Commissioner Hasko invited questions from the Commissioners.

Commissioner Taylor said Sausal Pond is clearly a manmade feature that the Army Corps of Engineers cared about deeply, and the Town spent a fair amount of time working with them on it. He said he is puzzled about whether this is considered water of the State or of the U.S. versus just a ditch. He said he hoped there would be more information from the applicant. Mr. Warr said the issue is the amount of time that it takes. He said their experience is that all of the jurisdictions – California Fish and Game, U.S. Fish and Wildlife, Army Corp of Engineers, and Bay Area Storm Water Quality Management District – are extraordinarily slow to respond. He said there is a 30-day period in which the agencies can decide if the application is complete or not. He said three of the jurisdictions have a statutory 30 days to respond with approval or denial, but the Bay Area Storm Water Quality Management District has 180 days. He said the application process to achieve this is 210 days of waiting in order to get a determination. He said the applicant is motivated to try to pursue this this season rather than next year. In response to Commissioner Taylor's question, Mr. Warr said they have not talked to any of the agencies and said they require an application first.

The applicant said she talked to Public Works Director Young who advised that if the applicant asked FEMA or any of these agencies to come to the house, they would first look at their property maps and would not respond to their requests because the ditch doesn't appear anywhere on their maps.

Commissioner Kopf-Sill said she reviewed all of the previous comments and suggestions, and there appeared to be overwhelming encouragement to look for open water solutions, filling it in slightly and making it more gentle. She said she was expecting to see some plans with those kinds of solutions; however, all she saw was a letter saying the applicants looked into it, and it would not work, which seemed a little thin. Mr. Warr said he appreciated that the response letter appeared thin. He said the issues are principally about geotechnical responses to filling in ditches. He said it requires an over-excavation and rebuilding of the area. He said most of the trees in that oak grove predate the digging of the ditch. He said the excavation and recompacting of the ditch to then broaden it to create enough water flow for the 25- and 100-year storms would result in more damage to the trees than they felt would be responsible. He said they felt the preservation of that extraordinary and truly natural oak grove at the bottom of the site was superior to the effect of the ditch.

Commissioner Hasko said she appreciates that the site is challenging. She said she would have liked to have seen some cost benefit comparisons of trying different mitigations. She said part of the issue for her was access to that type of information.

With no further questions, Commissioner Hasko invited public comment.

Loreen Jackson, 20 Trail Lane, Woodside. Ms. Jackson said their home backs up to the subject property. She said she appreciates what the applicants are doing and said it looks beautiful. She asked about the elevation between the guest cottage, the main house, and the swale. Mr. Warr said the guest house is at an elevation of 406.67 feet, the main house is 401.17 feet, and the ditch between them is 395 feet. Ms. Jackson said that is about 10 feet, which makes it a difficult transition between the two houses. She said that, while it doesn't directly affect their property, her concern is the volume of water coming through – water that would normally be articulating through the earth. She asked regarding the difference in speed of that water. She said the creek has at times reached 6 inches, and that kind of volume is scary. She said she very much appreciates aesthetically what the applicants are trying to do.

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Commissioner Hasko said Lea & Braze Engineering did some water flow calculations, included in the online packet. She said in their prior review, she had asked regarding the impact of changing something that is spread, narrowing it at the end to something that could shoot out water. She said she wanted to know if the higher volume could result in more erosion, depending on where it goes, and they don't have that information. Mr. Warr said Lea & Braze provided detailed hydrology for the tributary area, what a 25-year-storm would create, and the volume of water the ditch provides versus the volume of water through a pipe. He said the volume provided by the ditch is more than adequate for a 25-year-storm, but is not adequate for a 100-year-storm. He said that as a consequence, there was an overflow swale that ran from the driveway, sending the water back into the creek below the Jackson property. Commissioner Hasko said her question was not about the capacity of the culvert but was about the impact on the egress.

Ms. Jackson asked how long water from a storm would take to get to the creek through the soil. She said in a heavy rain the creek is filled within two hours, and she would think the speed of the water coming down would be a concern. She asked if there was a way to have the water pool at the bottom before it gets out to the creek so it just doesn't come flying through very quickly, impacting the creek with too much water. She said if a tree goes down, excess water can only go into the lower properties. She said if the water percolated through the soil, it may take 24 hours before it got to the creek, which would allow time for the creek to be able to handle it.

Dana Jackson, whose residence is across the creek, thanked the Commission for their thoughtfulness about the project. He said he did not think the ditch had much affect, and the oaks need to be protected. He said, however, in a big storm that goes for a week or two weeks, the water comes down Mapache and Zapata and also Farm Road and everything upstream. He said when they look at accelerating that volume of water into the creek, somebody downstream will be flooded. He asked the Commission to consider the cumulative effect. Associate Planner Cassidy said there is a requirement that the site and any improvements be engineered such so that no more water is leaving the site than before the project. She said the speed of the water flow is not evaluated in the same way. Mr. Jackson said knowing the volume is an important bit of information, because it's the volume that creates the flood. He said they have a fair amount of property line on the creek, and they walk it to clean up fallen trees. He said Stanford used to walk the creek all the way up, but they don't do that anymore. He said dams get built by fallen trees, and the water builds up. He said the volume of water coming at one time is what causes the problem. Commissioner Taylor said that is exactly why the Town has stated explicitly that they want to leave waterways open and clear and why they are not put into a culvert, trying to keep the flow more natural, slowed, and percolated into the soil rather than just moving the water quickly into a creek bed. Mr. Jackson said they have only been there approximately 15 years, but he has seen more and more expediency to get water to the creek from upstream. He said in a wet winter, Trail Lane has water flowing from Farm and Hidden Valley.

Mr. Warr said the ditch is not carrying the Mainzers' water, but is curing the tributary area above them. He said there is no plan to increase the flow of water.

Commissioner Hasko asked for clarification regarding the runoff being dug parallel to the ditch. Mr. Warr said the excavation next to the ditch is for the on-site water retention system designed by the project civil engineer, which has been reviewed by the Town Engineer. He said it is a principle part of where the water from the applicant's site is being contained and re-infiltrated into the ground. He said it is intended to disperse below the ditch because it is deeper than the ditch. Mr. Warr showed the area of the infiltrator. He said the amount of improvement made on the site exceeded the amount of existing improvement and that water is being collected into the infiltrator. Planning & Building Director Russell said it is an engineered system for permanent water infrastructure for on-site drainage and water disbursement. Associate Planner Cassidy said all the additional water from the roof and decking of

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new house must be captured and released slowly so that it does not reach the creek or go off the property.

Cheryl Marks said she lives across the creek from the subject property. She said they've owned their property for 18 years and have flooded many times. She shared photos to show the last flood of her property on Christmas Eve five years ago. She said they had two floods within a month, and it took two to three weeks to clean it up. She said she is quite concerned about the impact regarding the flow of the water.

With no further public comment, Commissioner Hasko brought the item back to the Commission for discussion.

Commissioner Taylor was supportive of the cabana. He said his only concern was that the current construction would damage the trees but assumed there will be much more diligence to make sure the trees are protected. Planning & Building Director Russell said the applicants will be asked to evaluate all of their trees and have their arborist ensure that all of the trees are being protected.

Commissioner Kopf-Sill was supportive of the cabana subject to the proposed conditions.

Commissioner Hasko was supportive of the cabana subject to the proposed conditions.

Commissioner Taylor asked if it was enforceable to prevent the enclosure of the separation between the two buildings. Associate Planner Cassidy said this topic was discussed by the ASCC. She said anything that encloses that separation will be different from what was approved. If any complaint is received by staff, the owners will be required to bring it into compliance with the approval. Planning & Building Director Russell said it would require a building permit to enclose it and would be reviewed against the standards in effect at that time.

Commissioner Kopf-Sill moved to approve the Architectural Review and Site Development Permit for a New Pool Cabana with the conditions proposed by staff. Seconded by Commissioner Taylor, the motion carried 3-0.

Commissioner Kopf-Sill said she was the liaison at the ASCC meeting where this project was discussed. She said enclosing the culvert is not in line with the Town guidelines and the Town's desire to have water flow remain open. She said while she understands that it is not natural because it had already been altered, she said there were concerns that enclosing it would not allow water to drain into the ground and would send it directly to the creek. She said she could not support undergrounding the existing seasonal creek.

Commissioner Taylor agreed with Commissioner Kopf-Sill. He said he does not feel the conversation has moved much from the last discussion. He said he had hoped to receive considerably more information to be able to move this project ahead but it was not provided.

Commissioner Hasko asked Commissioner Taylor if there was anything new today that he wanted more information about. Commissioner Taylor said they have nothing from Public Works Director Young discussing this project, which may or may not be relevant, but he would like to at least understand if these are official waters that actually have a different set of laws that apply to them. He said even without that, it is clear the Town has a strong preference to leaving these water areas open, such as with Sausal Pond, which is clearly manmade. He said it is not so much that it's manmade, but that it's an opportunity for water to percolate naturally into the ground, to slow it down, to keep it out of the creek at full speed. He said he has not seen any compelling information to go against the larger set of Town principles.

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Commissioner Hasko said she appreciates the challenge of this project. She said she understands the problem with having something that looks funky going between two beautiful buildings. She said whether it's a ditch or natural, there are hills on the other side of the road, and there is water that will come down. She said tampering with the enclosure of that raises the same concerns as expressed by the neighbors. She asked for information on the impact on the creek itself and the rate of water percolation. She said she appreciated the applicants' respect for the oaks. She said she did not mean to be disrespectful to Mr. Warr, but said the Commission did not see Public Works Director Young's report or the definitions of natural. She said she understands that 180 or 210 days is a challenge, but wondered if there were other sources of information they could use as a guidepost for how these things are considered. She said her concern is changing how the water disperses. She said the engineering report was more focused on what it does to the subject property, but not the impacts farther down the creek. She said she wants to make sure the Commission fully understands the effect on neighboring properties. She said she would need to see the analytics. She said she would love to see a creative way to help the project go forward, but at this point she cannot support it.

Mr. Warr said it appeared to him there were two questions – the definition of the water by the State of California and waters of the United States and the difference in the effects of the water flow from an open ditch and a pipe.

Commissioner Taylor said he would like the answers to those questions. He said another piece is that this goes against the guidelines of the Town to not allow the filling in of waterways. He said there is also the broader issue about how the Town wants to set up guidelines for developing the town.

Mr. Warr said he is trying to summarize and define information that the Commission needs regarding this project, rather than the broader issues. Mr. Warr said he would like a five-minute break to talk with his clients.

Commissioner Hasko said the point made by Commissioner Taylor is important. She said the ASCC has said they are uncomfortable covering water and going against the Town guidelines. She said she would like the applicant to provide information to clear up some of the aspects of the decision. She said she would not agree if the applicant is suggesting there not be a discussion, that may or may not have an equally high hurdle, around the Town principles of land management. Mr. Warr said he understands that is part of the decision. He said if part of the decision is objective – such as the definition of this waterway and the effect of putting this water in a pipe versus the flow through the ditch, the those are definitions they can potentially get to more quickly.

The Commission recessed for approximately five minutes.

Mr. Warr said he discussed the issues with his clients, and they would like to get the decision tonight.

Commissioner Hasko invited additional public comment. Hearing none, Commissioner Hasko brought the item back to the Commission for discussion.

Commissioner Kopf-Sill moved to deny the application for Undergrounding of an Existing Seasonal Creek at 199 Mapache as outlined in the staff report. Seconded by Commissioner Taylor; the motion carried 3-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

None.

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(3) Staff Report

Planning & Building Director Russell said the current Town practice for lot line adjustments includes several ASCC and Planning Commission reviews. She said staff is considering simplifying that review and said the code does not require multiple reviews. She said lot line applications are more technical than discretionary. She suggested that in order to best utilize the Commissions' time, unless there are questions or concerns, staff would prepare lot line adjustments for approval with just one review by the Planning Commission. Commissioner Hasko asked why four reviews were previously required. Planning & Building Director Russell said it is a common practice in other communities to have lot line adjustments reviewed and approved at staff level, with no review by a discretionary body. She said staff hypothesizes that long ago Commissions more actively participated in project review and performed the technical reviews on the fly, reviewing projects for nonconforming situations. She said today, the application is submitted to staff, planning reviews it for any planning issues or nonconformities, and it is reviewed by qualified civil engineers. She said the proposal is to streamline the process consistent with the code.

Commissioner Kopf-Sill asked if staff had considered requiring only staff review as done in other towns and cities. Planning & Building Director Russell said staff believes one review is appropriate. Commissioner Taylor said it is important to have a public hearing. In response to Commissioner Taylor's question, Planning & Building Director Russell there were typically no design issues related to lot line adjustments. She said Planning [staff] reviews to make sure that changing the lot line does not create any non-conforming situations, which is a technical exercise. In response to Commissioner Kopf-Sill's question, Associate Planner Cassidy said they've received three or four requests for lot line adjustments in the last two years.

Associate Planner Cassidy said this issue has been discussed by staff for a few months, and it was brought to the ASCC in the past, and they were supportive.

Commissioner Taylor said his concern would be how a lot line adjustment would impact possible third parties. Commissioner Hasko said two contiguous parcels could move a lot line which might have impacts to where the drainage would go on the property below. Planning & Building Director Russell said if there were any unusual situations, it would be brought to the Planning Commission for Preliminary and Final Reviews. She said if the Planning Commission identified unique characteristics, or neighbors commented upon noticing, a two-step review would be recommended. She suggested that for very routine lot line adjustments that impact only the two neighbors involved, they can be noticed and wrapped up smoothly if there were no concerns.

Commissioner Hasko asked if there were any problems that came up with the last four lot line adjustments. Associate Planner Cassidy said there were not.

The Commission was supportive of the suggestion for one Planning Commission review for lot line adjustments.

Planning & Building Director Russell said they held a very productive meeting recently with the Mayor, Vice Mayor, the Chairs of the Planning Commission and ASCC, Town Manager Dennis, and herself. She said they discussed coordination between the different bodies, trying to ensure alignment of the Planning Commission and ASCC with the Council priorities. She said it was also an opportunity to figure out what to do with issues that come up in the ASCC and Planning Commission meetings in the course of their normal decision-making – the good ideas, issues, research projects, potential future work, and policy implications. She said the consensus of the group was that as these issues and thoughts occur at the meetings, staff would provide an initial response advising that something is a very routine and quick item to look into and bring back with minor research. She said if something was

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a larger issue that required a lot of staff work or policy decisions or implications, then those issues would be brought through the Chair of each Commission to a quarterly meeting, to provide the opportunity to coordinate ASCC, Planning Commission, and the Town Council to make sure everything is lining up. Planning & Building Director Russell said this would also be an opportunity for her to provide information to the bodies on the progress on ongoing projects. She said the first thing they did was this minor change in the agenda to separate the Commission and Staff reports. She said this should be discussed again when Chair Targ is present, since he attended the meeting. Planning & Building Director Russell said, for example, an issue has come up at both the ASCC and Planning Commission regarding covered parking and requiring garages or carports. She said it is a good question – whether it aligns with Council priorities, whether staff should be spending time and resources on it – and they need a place to vet those questions. She said that type of issue would come through the Chair to the quarterly meeting for discussion and decisions about whether it goes into the budget process, or it goes back to the Council as a standalone item, or assigned to staff for further research and study.

Commissioner Taylor suggested waterways of the Town be added to the list. Planning & Building Director Russell said that is a good suggestion and will be put onto a future agenda of the Mayor and Chairs meeting.

(4) News Digest: Planning Issues of the Day

Staff shared an article of interest with the Commissioners – “CityLab University: Induced Demand.”

APPROVAL OF MINUTES:

(5) Planning Commission Meeting of July 18, 2018

Commissioner Taylor moved to approve the minutes of the July 18, 2018, meeting, as submitted. Seconded by Commissioner Hasko, the motion carried 2-0-1, with Commissioner Kopf-Sill abstaining.

(6) Planning Commission Meeting of August 1, 2018

Commissioner Taylor moved to approve the minutes of the August 1, 2018, meeting, with a wording correction from Commissioner Kopf-Sill to page 7 to clarify that she was not opposed to ADUs on smaller lots in general, rather, she was concerned about the application for one before Town Council considered changing the regulations. Seconded by Commissioner Kopf-Sill, the motion carried 2-0-1, with Commissioner Hasko abstaining.

(7) Planning Commission Meeting of September 5, 2018

Commissioner Kopf-Sill moved to approve the minutes of the September 5, 2018, meeting, with a wording correction from Commissioner Hasko to page 3 clarifying that Planning & Building Director Russell said, from a staff perspective, one could go either way on making that finding. Seconded by Commissioner Hasko, the motion carried 2-0-1, with Commissioner Taylor abstaining.

ADJOURNMENT [8:32 p.m.]