



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Planning Commission
Wednesday, November 7, 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.

OLD BUSINESS

1. [Accessory Dwelling Units \(ADUs\): Review of Additional Information and Preliminary Code Outline \(Staff: A. Cassidy\)](#)

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 October 17, 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: November 7, 2018

RE: ADUs: Review of Additional Information and Preliminary Code Outline

RECOMMENDATION

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

BACKGROUND

On October 3, 2018, the Planning Commission held a study session on ADUs. The staff report (Attachment 1) contained background and research on the subject, and posed multiple questions for the Planning Commission's deliberation. The Commission discussed and gave staff direction on Sections 1 & 2, Staff Recommendations and Procedure: Staff Discretionary Review. The Planning Commission continued its discussion of Section 3, Policy and Code Changes, to its regular meeting on October 17, 2018. At the October 17th meeting, the Commission reviewed and gave staff direction on the third section of the staff report. Minutes from both meetings are included (Attachments 2 & 3).

The following week on October 22, 2018, staff presented a similar report to the ASCC (Attachment 4, Minutes at Attachment 5)), where questions and feedback were focused on design related issues within the proposed changes for ADUs.

This staff report addresses the Planning Commission's requests for additional information, offers a preliminary outline of the code which reflects feedback staff received from both Commissions. In some cases, feedback and direction was mixed, in which case the report describes this and calls out the proposed changes as a place for further modification.

At this meeting, staff requests that the Planning Commission review the materials and provide feedback; 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.

City Council Direction

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. Staff heard clear support from the Planning Commission for the goal of increasing consistency, removing barriers and creating a supportive process, but the Commission was more divided on the idea of providing incentives specific to ADUs. The overriding goal of the Council is to promote the creation of ADUs while retaining the Town’s character.

Relationship to State Law

Under current code, as required by State law, internal ADUs may be created by converting existing space on a property through a ministerial process. These internal conversion ADUs can be up to 1,200 square feet or 50% of the main house floor area, whichever is less, and located on any residentially zoned lot, including properties less than one acre. Existing areas subject to conversion include houses, garages and carports, studios, cabanas, and basements. This is an important baseline when considering revisions to the ADU regulations.

If the regulations are very restrictive, a property owner may consider two options when deciding how to create an ADU: 1) apply to construct an ADU, or 2) apply to construct an addition, then convert it to an internal ADU at a later date under a ministerial review. It is preferable to the Town to review both the physical improvements and the intended use at the same time in one transparent process. To encourage this, staff recommends creating a straightforward application process that includes consideration of the 1,200 square foot threshold from State law.

Guide to Staff Report

This report is meant to assist the Planning Commission, Town residents, and any other interested parties in reviewing a preliminary code outline and additional information. Staff's intent is to provide a clear structure for the description and consideration of each potential change to the Town's regulations. The following guide lays out how the staff report is organized and where to find specific information.

High Level Feedback from Planning Commission:

- How do regulations impact each other and come together?
- Staff Discretionary Review has potential as a tool but needs more detail
- ADUs must be accessory in nature
- Requests for more information to assist in decision making
- What is the Town trying to achieve overall? Are the proposed changes tied to the goals?

This staff report is organized around these questions and requests. Each of the five sections, listed below, addresses one of the broader pieces of feedback staff received. Lettered subsections are utilized to give detailed responses in an organized manner.

- 1) How Regulations Impact Each Other (p. 4)
- 2) Staff Discretionary Review (p. 10)
 - a) Process (p. 10)
 - b) Triggers(p. 11)
- 3) ADUs as Accessory (p. 13)
- 4) Requests for More Information (p. 15)
 - a) Allow ADUs in All Zones (p. 15)
 - b) Allow ADUs on All Lot Sizes (p. 16)
 - c) Floor Area – Total Allowed (p. 17)
 - d) Floor Area – Basements (p. 18)
 - e) Height (p. 19)
 - f) Parking (p. 20)
 - g) Driveways (p. 21)
 - h) Utility Undergrounding (p. 22)
 - i) Second Addresses (p. 24)
 - j) Owner Occupancy (p. 24)
 - k) Short Term Rentals (p. 25)
 - l) Findings (p. 26)
 - m) Notice (p. 26)
- 5) What Is the Town Trying to Achieve? (p. 27)

Information within each subsection is organized around the following headers:

- *Commissioner Comments*
 - Summarizes Planning Commission and ASCC feedback, including comments, questions, and subjects that elicited conflicting direction. Where feedback was mixed or direction split, this was called out. On many topics, a variety of views were expressed. Staff made every effort to capture the full range of opinion.

- *Additional Information*
 - Includes new research and data staff collected in response to these requests.
- *Initial Response*
 - Offers an explanation of how the code outline reflects the comments and research, as well as areas which need further direction from the Commission.
- *Outline*
 - Provides an outline of a preliminary code approach in **bold blue font**. On some topics where staff has not received specific direction, red underline font is used to indicate numbers or concepts that need additional discussion and feedback.

At the end of each larger section, staff has included questions for the Planning Commission, boxed for ease of navigation.

1. How Do Regulations Impact Each Other?

The Planning Commission stated that it was difficult to understand how individual elements of regulation could fit into the whole picture. There was also an interest in keeping the regulations as simple as possible.

Staff has provided a full outline of a potential approach to the code. This is not a draft ordinance; instead, the outline uses informal language for simplicity and clarity. The outline includes suggested changes and specific numbers; all of these are starting proposals and open for further discussion and deliberation.

A full outline of the reorganized code follows in **bold blue font**. It is presented to provide an overview of how the code could be updated and provide a guide for considering individual topics later in this report. In later sections, many of the topics are considered individually.

1. Purpose

2. Definitions

- a. **ADU/Second Unit**
 - i. **Internal**
 - ii. **External**
 - 1. **Attached**
 - 2. **Detached**
 - iii. **Junior**
- b. **Discretionary Review**
- c. **Guest House (no kitchen)**
- d. **Ministerial Review**
- e. **Owner Occupancy**
- f. **Second Address**
- g. **Short-term Rental**
- h. **Staff Discretionary Review**

3. **Applicability**
 - a. **Zoning**
 - i. **Accessory Dwelling Units shall be permitted in all zoning districts, where primary residence or use is in existence or is proposed.**
 - b. **Parcel size**
 - i. **ADUs shall be permitted on all parcel sizes.**
4. **Development Standards. All existing development restrictions shall continue to apply, except as modified by this section. These requirements include but are not limited to coverage, open space, bulk, density, floor area, impervious surface, height, setbacks, parking, site development, and outdoor lighting requirements.**
 - a. **Floor Area – Total Allowed**
 - i. **The minimum size of an ADU shall be defined by the California Building Code. The maximum size of an ADU is 2,500 square feet.**
 - ii. **In order to be considered an accessory unit, an ADU cannot exceed 70% of the floor area of the existing or proposed main residence.**
 - iii. **Within the above parameters, an ADU may utilize any unused floor area within a property’s Adjusted Maximum Floor Area. The ADU may convert existing floor area, be new construction, or any combination of the two. Additions to existing ADUs shall be regulated by this section.**
 - b. **Floor Area – Calculations**
 - i. **Basements. Space which meets the definition of a basement (Section 18.04.065), whether under a primary residence or an ADU, shall not be counted as floor area nor be included in AMFA calculations. However, size limitations described for ADUs in Floor Area – Total Allowed, above, and size triggers for ASCC review of ADUs shall both apply to basement floor area.**
 - ii. **Parking provided for ADUs shall not count toward floor area calculations.**
 - c. **Entrance.**
 - i. **An ADU shall have a separate exterior entrance from that of the main house.**
 - d. **Height.**
 - i. **Height limitations for an ADU shall be those of the underlying base district. This includes daylight planes, where applicable.**
 - e. **Materials.**
 - i. **Color reflectivity values shall not exceed 40%, except that trim colors and roofs shall not exceed 50% reflectivity.**
 - f. **Parking and Driveways.**
 - i. **Parking Requirement. Internal ADUs shall not require any parking spaces. External ADUs shall require the provision of one parking space.**
 1. **Parking required for external ADUs may be located in a covered or uncovered space, in tandem with any other parking, and/or in setbacks.**

- j. Utility Undergrounding.**
 - i. The Town's existing requirement that utilities be placed underground under certain circumstances shall continue to apply, with the following modifications for ADUs:**
 - 1. A fully internal ADU and any associated service increases shall not trigger the undergrounding requirement.**
 - 2. A detached ADU shall always underground utilities between the main house and the ADU, when connecting from the main house (as opposed to a separate pole).**
 - 3. Any other instance of new ADU construction shall require undergrounding as stipulated in Section 18.36.010.B, with the exception that an applicant may apply to the ASCC for relief from these requirements, if it can be determined that undergrounding is not feasible or practicable, or that there is no reasonable alternative location for the related equipment. Significant financial costs may be included in this consideration.**
 - k. ADUs must comply with applicable Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. An ADU created by the conversion of existing space (internal ADU) shall not be required to provide fire sprinklers if they are not required for the primary residence.**
- 5. Review Required.**
- a. An ADU shall be reviewed by the Town's Planning and Building Department for consistency with the Zoning Code and Building Code. Application submittal requirements shall be set by the Planning and Building Director and shall include the information required by ASCC Review of Application – Required Information and Materials (Section 18.64.040.A).**
 - b. An ADU application which is dependent on a septic tank and drain field shall be referred to and require approval of the County Health Officer in accordance with Town policies.**
 - c. An ADU application which requires soil movement above fifty cubic yards or other work requiring a Site Development Permit under Section 15.12.070 shall be referred to the Town Geologist, the Town Engineer, and any other review bodies necessary as determined by the Planning and Building Director.**
 - d. Depending on the size and design of the ADU, planning review may be completed at one of three levels, described below.**
 - i. Ministerial Review: review for code compliance as part of building permit review. Completed by the Planning and Building Director. No public hearings are required as part of this review. An ADU application which qualifies for Ministerial Review shall be acted upon within 120 days of receipt.**

- ii. **Discretionary Review:** review for code compliance as well as design, utilizing the Town's Design Guidelines. Discretionary review includes site visits, public noticing, and an opportunity for public comment.
 - 1. Staff Discretionary Review is completed by the Planning and Building Director. Contentious or complex projects may be referred by the Planning and Building Director up to the ASCC for review, as appropriate. This review process is further described in the Staff Discretionary Review Policy adopted by the Town Council on ____.
 - 2. Architectural and Site Control Committee Review is a discretionary review completed by the full ASCC at a noticed evening meeting.
- e. **Ministerial Review.** An ADU shall be subject to Ministerial Review if:
 - i. The proposed ADU is internal, provided it conforms to the following requirements:
 - 1. In a residential zone.
 - 2. 1,200 square feet or less.
 - 3. Occupies internal space which obtained a final certificate of occupancy at least one year prior to the date of application for an ADU.
 - ii. The proposed ADU is external (attached or detached), provided it conforms to the following requirements:
 - 1. 1,200 square feet or less
 - 2. No more than the maximum height allowed by the base zoning district, or 18' in vertical height and 24' in maximum height, whichever is lower.
 - 3. Not located on an Arterial Road as identified in the General Plan.
 - 4. Designed to match the existing house on the property.
 - 5. No ADU light wells larger than required by building code.
 - 6. If an attached ADU, does not cause main house to exceed 85% of AMFA
- f. **Staff Discretionary Review.** An ADU which does not qualify for Ministerial Review shall be subject to a Discretionary Review Process. All ADUs not subject to ASCC review shall be reviewed at a staff level.
- g. **ASCC Review.** ASCC review is required for projects as described below.
 - i. An ADU with a proposed separate driveway shall be reviewed by the ASCC.
 - ii. An ADU proposed in a non-residential zone shall be reviewed by the ASCC.
 - iii. An ADU proposed on a property with historic resources, as identified in the historic resources element of the general plan, as provided for in Section 18.31.050.
 - iv. Floor area. If proposed external ADU is larger than the floor area listed below for Staff Review, it shall be reviewed by the ASCC.

Parcel Size	No. of ADUs	Staff Review (FA)	ASCC Review (FA)	Notes
0-0.99	1	0-1,200	1,201 +	Or 50% of house, whichever is less
1.00-1.99	1	0-1,200	1,201 +	
2.00-3.49	1	0-1,200	1,201 +	
>3.5 (two choices)	1	0-1,500	1,501 +	OR
	2	0-1,000 ea	1,001 +	IF: 1 attached, 1 detached OR Both detached if one is converted

6. Additional Restrictions

a. Second Address

- i. All new ADUs may be assigned a separate address, at the property owner’s discretion. Applicants requesting an address shall submit an application as part of the Building Permit submittal. The Planning and Building Director, in consultation with Woodside Fire Protection District, shall review and approve applications.

b. ADUs shall not be sold separately from the main dwelling.

c. Occupancy and Rental Restrictions.

- i. Owner Occupancy.
- ii. Short term rentals.

7. Findings

- a. ADU shall be accessory in nature.
- b. Design of the ADU shall reflect its position on the property, such that units placed on or adjacent to setbacks shall be designed to minimize impacts toward adjacent properties.

8. Notice

a. Minimum noticing for ADUs shall include:

- i. Noticing to adjacent neighbors by the applicant, as described in the Staff Discretionary Review Policy document.
- ii. Noticing as described at ASCC – Notification (Section 18.64.085) shall apply to Staff Discretionary and ASCC reviews for ADUs.

9. Appeals

- a. Any decision on an ADU may be appealed, if the appeal is filed within fifteen days of the decision.
 - i. A decision made by the Planning and Building Director is appealable to the ASCC.
 - ii. A decision made by the ASCC is appealable to the Planning Commission.

Questions:

- Is anything missing?
- Are the topics well named and organized?

2. Staff Discretionary Review

In this section, the report considers Staff Discretionary Review. The first subsection includes the process itself, and the second subsection discusses the various triggers for ministerial, Staff Discretionary, and ASCC review.

a. Staff Discretionary Review – Process

Commissioner Comments

The Planning Commission expressed support for the idea of Staff Discretionary Review, but had a number of concerns around how this new review would function, including:

- Need for specific criteria to address neighborhood compatibility concerns
- Desire to see ASCC involvement in the process
- Need for public noticing and neighbor involvement

The ASCC expressed support for Staff Discretionary Review with ASCC involvement, and offered the following suggestions for the process:

- Important to have resident involvement in project review
- One member assigned to role quarterly
- Meets with staff regularly to review pending applications
- Provides feedback to staff on project review

Additional Information

The Commission asked for further information on the potential cost and time savings represented by this streamlined review. Additional information is provided here:

- Staff has developed a draft Staff Discretionary Review Policy document, outlining how the process would work, reviews, timelines, noticing, and documentation (Attachment 6).
- Architectural Review for an ADU has a flat fee of \$690 and an initial deposit of \$1,500.
 - Staff Discretionary Review would use the same flat fee
 - Staff estimates that Staff Discretionary Review would require approximately 7 hours of staff time initially, while ASCC review requires approximately 14 hours. This represents approximately \$560 of additional staff time.
- Staff has only received one stand-alone ADU application which required ASCC review, which incurred planning charges of \$2,061 (flat fee and deposit).
- Building permits for ADUs requiring only ministerial review are typically \$8,000 or more.

Initial Response

Staff created a Staff Discretionary Review Policy document outline (Attachment 6), which attempts to address the primary concerns around the new proposed process. This document outlines how the process would work, what review would take place and when, how review and approval would be documented, and how noticing would function. The document is suggested as a stand-alone policy which could be adopted by resolution by the Council, similar to other guiding policies.

Staff has provided an outline of a Staff Discretionary Review Policy. Key components include:

- Town noticing would be consistent with existing ASCC noticing, and applicants would also be required to reach out to their adjacent neighbors before submitting an application.
- An ASCC member's involvement is included consistent with the ASCC's recommendations.
- The Planning and Building Director has the ability to bump any project up for full ASCC review. This may be done in consultation with an ASCC member.
- A written record, consisting of project details (similar to the staff report table), a summary of ASCC and public comments, findings, and conditions of approval would be issued as a final approval document and kept in the record.

While cost and time estimates for ministerial, staff discretionary and ASCC review do not show a large disparity, staff has heard a strong perception of uncertainty of ASCC review from applicants.

Questions:

- Does the provided Staff Discretionary Review Policy answer the questions and concerns around this new process?
- Is the Commission comfortable with the parameters of this review?

2.b. Staff Discretionary Review – Triggers

Commissioner Comments

A range of comments were received that did not always represent a consensus. They included:

- Keep architectural review discretionary, with ASCC input; ministerial review is only appropriate if architectural style matches
- Allow for different styles, don't replicate existing undesirable architecture
- Review for ADU's location on property; control for impacts due to adjacencies across property lines
- Make a distinction between review of a non-habitable structures (barn) and ADUs

- Split Direction On:
 - Whether Scenic Corridor setbacks should govern or ASCC review should remain
 - Whether attached ADUs over 85% should be staff or ASCC discretionary review
- ASCC commented that ADU site design should not be regulated, as different ADU occupants would suggest different site layouts:
 - Units for aging parents or nannies might be sited closer to the main house, while a unit rented to a separate household might be placed farther away.
- How many properties along the Scenic Corridors?

Additional Information

- Approximately 210 parcels, or 12% of the Town's 1,763 parcels, are located adjacent to a Scenic Corridor (Alpine, Portola and Skyline).

Initial Response

- This section describes which design or location elements of an ADU trigger discretionary or ASCC review.
- Most of the current triggers for ASCC review have been shifted to triggers for discretionary review.
- Although the Commission expressed a number of concerns around triggers for this review level, many of these concerns were due to lack of clarity around how the ASCC might be involved in the Staff Discretionary Review process. Staff has attempted to address these concerns in this report and the policy document, but looks to the Commission for additional direction.
- Additional triggers for ASCC review were added, including:
 - Non-residential zoning (discussed in section 4.a.)
 - Second driveway (discussed in section 4.g.)
 - Properties with historic resources
 - Floor area above 1,200 square feet, or 1,500 for a single ADU on 3.5 acres
- Staff heard a strong concern about general impacts from ADUs placed far from primary homes, but close to other properties or homes. In response, an additional finding was added for discretionary review of ADUs (also listed under Findings, Section 4.I.):
 - *Design of the ADU shall reflect its position on the property, such that units placed on or adjacent to setbacks shall be designed to minimize impacts toward adjacent properties.*

Outline

- b. Ministerial Review. An ADU shall be subject to a Ministerial Review process if**
 - i. The proposed ADU is internal, provided it conforms to the following requirements:**
 - 1. In a residential zone.**
 - 2. 1,200 square feet or 50% of primary dwelling unit, whichever is less.**
 - 3. Sufficient side and rear setbacks for fire safety.**
 - 4. Occupies internal space which obtained a building permit final at least one year prior to the date of application for an ADU.**

- ii. The proposed ADU is external (attached or detached), provided it conforms to the following requirements:
 - 1. **1,200** square feet or less
 - 2. No more than the maximum height allowed by the base zoning district, or 18' in vertical height and 24' in maximum height, whichever is lower.
 - 3. **Not located on an Arterial Road as identified in the General Plan.**
 - 4. **Designed to match the existing house on the property.**
 - 5. **No ADU light wells larger than required by building code.**
 - 6. **If an attached ADU, does not cause main house to exceed 85% of AMFA**
- c. Staff Discretionary Review. An ADU which does not qualify for Ministerial Review shall be subject to a Discretionary Review Process. All ADUs not subject to ASCC review shall be reviewed at a staff level.
- d. ASCC Review. ASCC review is required for projects as described below.
 - i. An ADU with a proposed separate driveway shall be reviewed by the ASCC.
 - ii. An ADU proposed in a non-residential zone shall be reviewed by the ASCC.
 - iii. An ADU proposed on a property with historic resources, as identified in the historic resources element of the general plan, as provided for in Section 18.31.050.
 - iv. Floor area. If proposed external ADU is larger than the floor area listed below for Staff Review, it shall be reviewed by the ASCC.

Parcel Size	No. of ADUs	Staff Review (FA)	ASCC Review (FA)	Notes
0-0.99	1	0-1,200	1,201 +	
1.00-1.99	1	0-1,200	1,201 +	
2.00-3.49	1	0-1,200	1,201 +	
>3.5 (two choices)	1	0-1,500	1,501 +	OR
	2	0-1,200 ea	1,201 +	IF: 1 attached, 1 detached OR Both detached if one is converted

Questions:

- Are the review triggers provided the appropriate ones?
- In combination, will they result in the appropriate level of review for projects?

3. ADUs Must Be Accessory in Nature

Commissioner Comments

Throughout the Planning Commission's earlier study sessions, the question of how to define an ADU arose multiple times. The need for the ADU to be considered accessory was expressed by multiple Commissioners, especially around the issues of floor area and height.

Additional Information

The municipal code provides definition for both Accessory Use and Accessory Structure:

- **18.02.110 Accessory Uses**

Accessory uses are those related secondary uses necessary or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which located in the districts where so authorized by the district regulations. No use in any district shall be permitted as an accessory use which is not qualified as set forth in this section, or which constitutes in effect a conversion of a principal use to one not permitted in that district.

- **18.04.030 Accessory Structure**

"Accessory structure means a detached building or structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure, or use on the same lot.

Initial Response

The code offers definitions of accessory which can be referenced in this case. Staff has responded to Commissioners' concerns around how to define an ADU by providing an objective standard for maximum square footage and percentage of the main residence. Additionally, a finding that the ADU is accessory has been included.

Outline

3. Development Standards

a. Floor Area – Total Allowed

- i. The minimum size of an ADU shall be defined by the California Building Code. The maximum size of an ADU is **2,000** square feet.
- ii. In order to be considered an accessory dwelling unit, an ADU cannot exceed **60-70%** of the floor area of the existing or proposed main residence.

6. Findings

a. The ADU is accessory in nature.

Questions:

- Do the objective definition and discretionary finding for "accessory" provide effective tools for controlling this important element?

4. Request for More Information to Assist in Decision Making

In this section, staff has gathered all of the remaining concerns and questions from the Planning Commission and attempted to address them one by one. Each lettered subsection includes detailed comments, suggestions and questions from Commissioners; where feedback was mixed or direction was split, this was called out. On many topics, a variety of views were expressed; staff made every effort to capture the full range of opinion.

a. Allow ADUs in All Zones

Commissioner Comments

Commissioners were supportive of allowing ADUs in non-residential zones, but split on the appropriate method of implementation.

- Ensure ADUs are accessory, and that primary use remains – don't allow commercial to become residential use
- Allow ADUs only with a Conditional Use Permit (not accessory use)
- Restrict non-residential ADUs to housing for employees of primary land use if possible
- How much commercial space is viable for ADUs? How much interest from commercial property owners?
- Do the general plan and zoning code allow for residential uses in C-C and A-P zones?

Additional Information

- Both the Town Center and the Nathhorst Triangle Area Plans include a mix of community commercial, community service, institutional and residential uses. Each Plan includes a policy which allows for the flexible use of a zone:
 - “Flexibility shall be allowed as to land use on those community commercial parcels which due to location and access can reasonably accommodate commercial, office or residential uses. Requirements shall be established to ensure their compatibility with surrounding land uses” (p.2, Nathhorst Triangle).
 - In the Town Center Area Plan, community service lands are proposed for flexibility (p.2).
- Both C-C and A-P allow for residential care facilities for seven or more individuals with a CUP, per state law. C-C does not discuss other residential uses, to allow or prohibit them. A-P allows single family homes by right, and otherwise does not discuss residential uses.

Initial Response

- Given the general support from Commissioners for ADUs on non-residential properties, staff has included this in the code outline.
- Similar to residential ADUs, these units would be restricted as to size and design; additional restrictions required by the base district such as coverage and landscaping would also apply.

- Non-residential ADUs could only be proposed where a primary use was in existence or proposed concurrently, and would need to meet the findings that they would be accessory in nature and direct impacts inward.
- All ADUs in non-residential zones would require ASCC review.

Outline

a. Zoning

- i. Accessory dwelling units shall be permitted in all zoning districts, where a primary residence or use is in existence or is proposed.**

b. Allow ADUs on All Lot Sizes

Commissioner Comments

- Interest in the concept of allowing ADUs on all lot sizes (including less than one acre)
- Concerns around:
 - Design criteria
 - Review for potential impacts
 - Fire safety and access
 - Road capacity
 - Noticing
- ASCC supported ADUs on smaller lots, but did not offer specific criteria.
- The body felt that an ASCC member's involvement in Staff Discretionary Review would provide a satisfactory opportunity for review of potential impacts.

Additional Information

- Existing code limits heights for smaller lots to 15'-24' vertical, with a daylight plane sloping away from the property line. This applies to all properties smaller than one acre (discussed further below, under Height).
- Parking requirements are limited by state law: no parking may be required for interior ADUs, one space may be required for exterior ADUs.
- Smaller lot zones will not be effected by the proposed shared parking (below), which applies only to guest parking on parcels of one acre or larger.
- The Town does not restrict parking on public streets, which applies to all users equally. Violations that block emergency or service access can be ticketed by the San Mateo County Sherriff.
- The Fire District reviews all ADUs as part of site development permit and building permit review to ensure compliance with fire safety elements of the building code.

Initial Response

- This code outline allows for ADUs on parcels smaller than one acre in size. Following code sections offer controls for the concerns listed, including design criteria, review, height, and noticing.

- A primary concern from the Commission is around individuals who park on the street, and potential impacts to services and emergency access. However, the zoning code cannot regulate public streets, and state law limits the Town's ability to require additional parking.

Outline

b. Parcel size

- i. ADUs shall be permitted on all parcel sizes.**

c. Floor Area – Total Allowed

Commissioner Comments

- Consensus to increase floor area maximums
- Provide parameters for increasing size
- Maintain floor area triggers for ASCC review
- Restrict to a percentage of main house floor area, ensure ADUs are truly accessory
- Concern about change in character or “feel” of Town
- Concern about appearance of subdivisions
- Larger sized units don't create affordable housing
- Split Direction On:
 - Different maximums for attached and detached units
 - Remove maximums and use AMFA
 - Larger or “duplex” sizes for ADUs
- What are other jurisdictions doing?

Additional Information

- 21 Elements 2017 report, Summary of San Mateo County Jurisdictions ADU Standards Survey (Attachment 7) provides information on ADU regulations across the County.
 - Unit Size Range (p. 14) shows few minimums and maximums ranging from 640 SF (multiple jurisdictions) to 1,500 SF (Woodside).
- Public comment at the October 17, 2018 Planning Commission study session included an architect specializing in ADUs, who stated that ADUs for those desiring to age in place needed to be accessible. Accessible units require larger hallways, rooms, and space to turn around, and therefore generally required larger footprints.

Initial Response

- Commissioner feedback was generally positive around raising maximum sizes, with concerns focused on the accessory nature of an ADU.
- Proposed code includes a maximum size for ADUs in all zones, and a maximum percentage of floor area of the main house, in order to ensure an accessory “feel.”
- Numbers included in **red** are presented as a starting point for discussion.
- Under Review Required, below, floor area triggers for ASCC review are described at 1,200 square feet. As discussed above in the Relationship to State Law section, this size allowance encourages applicants to submit applications for the design and use as one,

instead of proposing an addition as one permit and a conversion to an ADU as a separate permit.

Outline

4. Development Standards

All existing development standards shall continue to apply, except as modified by this section. These requirements include but are not limited to coverage, open space, bulk, density, floor area, impervious surface, height, setbacks, parking, site development, and outdoor lighting requirements.

a. Floor Area – Total Allowed

- i. The minimum size of an ADU shall be defined by the California Building Code. The maximum size of an ADU is 2,000 square feet.**
- ii. In order to be considered an accessory dwelling unit, an ADU cannot exceed 60-70% of the floor area of the existing or proposed main residence.**
- iii. Within the above parameters, an ADU may utilize any unused floor area within a property's Adjusted Maximum Floor Area (AMFA). The ADU may consist of converted existing floor area, new construction, or any combination of the two. Additions to existing ADUs shall be regulated by this section.**

d. Floor Area – Basement

Commissioner Comments

- Consistency in the code is desired, but not if it doubles the allowable size of ADUs by allowing a full basement
- Are there examples of living space (bedrooms) in house basements? Are house basements used as living space which increases intensity?
- Split Direction On:
 - ADU basements count as floor area that increases allowable ADU sizes

Additional Information

- It is possible to count ADU basements, and ADUs *in* basements, toward ADU size maximums, without including these basement areas in floor area or AMFA calculations for the property.

Initial Response

- Excluding basements under ADUs from floor area calculations aligns ADU regulations with existing code for primary residences.
- Including basement areas that are part of an ADU's living space in their size calculations allows the Town to control for total ADU size, thus keeping ADUs truly accessory.
- This provision also encourages applicants to place ADUs in basements, where there are fewer visual impacts, but there are trade-offs with grading impacts.

- Triggers for Site Development Permits would remain in effect. However, grading directly below a building, including ADUs, does not count toward the threshold for Site Development Permits. Grading for light wells *would* count toward this threshold.

Outline

b. Floor Area – Calculations

- Basements. Space which meets the definition of a basement (Section 18.04.065), whether under a primary residence or an ADU, shall not be counted as floor area nor be included in AMFA calculations. However, size limitations described for ADUs in Floor Area – Total Allowed, above, and size triggers for ASCC review of ADUs shall both apply to basement square footage that is habitable area.**

e. Height

Commissioner Comments

- Height is especially sensitive
- Height needs to be considered carefully within the context of each property
- It doesn't belong in the Ministerial Review category
- Even the lower height of 18' feels too tall, especially when considered at the edge of a setback, in conjunction with steeply sloping properties, or in zones with smaller lots.

Additional Information

- The current ADU code references only the height allowed in the R-E zoning district, which is one of the larger lot and more permissive zoning districts. Currently, an ADU may have a height up to 28'/34' (R-E base height), with the special restriction that ADU heights above 18'/24' must go to ASCC for review.
- Smaller lot zones have a lower base height restriction of 15'-24' vertical. The range of 15'-24' is due to a daylight plane restriction, which is an imaginary diagonal plane which starts at the property line and angles upward into the property. The a daylight plane acts to keep taller buildings toward the center of a property, while shorter buildings are allowed closer to the setback line. This is further described in the Municipal Code:
 - *In combining districts 7.5M, 15M and 20M no portion of a building shall intercept a theoretical plane which starts at the natural ground surface at the property line and increases in height at a ratio of one and one-half vertical to one horizontal up to a maximum horizontal distance of twenty-four feet from the property line provided, however, that such provision shall in no case prohibit any portion of a building fifteen feet or less in height as measured from the finished ground surface adjoining the wall of the building nearest said portion of the building (18.54.020.B.).*
- ASCC review is triggered by construction which adds a second story.

Initial Response

- The height limit as described below restricts all ADU heights to the base zoning district. This means zones allowing parcels of 7,500, 15,00 or 20,000 square feet have a height limit of 15-28' vertical height and 34' maximum height.
- All other residential zones, from one acre in size and up, maintain the existing maximum height of 28'/34'.
- Discretionary review for height 18'/24' and above is required for ADUs in all zones.

Outline

d. Height.

- i. Height limitations for an ADU shall be those of the underlying base district. This includes daylight planes, where applicable.**

f. Parking

Commissioner Comments

- Maintain safety and access for services
- Aesthetics of cars parked on the street
- Split Direction On:
 - Allow ADU parking to be shared with guest parking spaces
- Why was covered parking required in the first place?
- ASCC recommended that shared parking trigger staff discretionary review.

Additional Information

- General Plan Land Use Element does not discuss parking. The Town's zoning code does not include a purpose or goals section. Therefore the original intent cannot be confirmed.
- It is assumed that the covered parking requirement was created to visually screen vehicles. However, parking within a garage or carport is not required by the code, and many residents do not park according to their site plan.
- Two guest parking spaces are required for parcels one acre or larger in size.
- Allowing ADU parking to overlap only with guest parking, as opposed to required parking for the house, effectively limits this code section to parcels one acre or larger in size.
- This means that four parking spaces would need to exist on site, all placed outside of any required fire access facilities, such as a turn around.
- Zoning regulations do not control for use of the public right of way.

Initial Response

- This provision was written to allow for ADU parking to overlap with guest parking.
- Allowing this flexibility encourages applicants to apply for an ADU, as opposed to applying first for an addition and later for an internal ADU with no parking requirement.

Outline

f. Parking and Driveways.

i. Parking Requirement. Internal ADUs shall not require any parking spaces. External ADUs shall require the provision of one parking space.

- 1. Parking required for external ADUs may be located in a covered or uncovered space, in tandem with any other parking, and/or in setbacks.**
- 2. Parking space design shall conform to Parking, Dimensions and Access (Section 18.60.020).**
- 3. Shared Parking. On parcels of one acre or larger, the ADU parking may be shown on top of, or overlapping with, one guest parking space, provided the property is compliant with the Town's current parking requirements.**

g. Driveways

Commissioner Comments

- Potential to impact feel of Town and traffic patterns, parking, etc.
- Would need a lot of limitations, only allow if necessary
- Negative impacts to pedestrians, cyclists and equestrians
- Too far towards subdividing
- Existing variance process is appropriate
- Significant factor in decision making for ADU applicants?
- ASCC support for a second driveway
 - If Fire Department requirements are met
 - If impervious surface meets requirements *and is lower than extending the existing driveway*
 - Supports independent living. Tandem parking (required by state law) only functions between shared households. A separate renter needs separate driveway access.
- Split Direction On
 - Differing direction from the Planning Commission (No) and the ASCC (Yes, with review)

Initial Response

- Staff provided language for allowing a second driveway, with strong limitations. However, the Planning Commission may also choose to remove this section, and keep only the existing prohibition against double access or loop driveways.
- The proposed allowance for a second driveway, above, is strictly limited to larger parcels (two acres and above) where the proposed second driveway results in less impervious surface than an extension of the existing driveway.
- Existing impervious surface maximums would apply.
- Additional restrictions around trails, scenic corridors, and safe traffic movements exist.
- ASCC review would be required for a second driveway.

Outline

iii. Driveways. Double access or “loop” driveways are not permitted, including separate driveways (Section 15.12.300.J). However, a separate driveway to serve an ADU may be approved, if it meets the following requirements.

- 1. Any driveway for an ADU shall conform to the Driveways section of this code (15.12.300) and shall be reviewed by the ASCC.**
- 2. An ADU shall not have a driveway access from the street separate from that of the main house unless it can be shown that:**
 - a. The property is two (2.0) acres or greater in size.**
 - b. Impervious Surface maximums provided by the Town shall apply.**
 - c. The ASCC must find that the separate driveway would result in less impervious surface than providing a paved extension from the existing driveway for the main house.**
 - d. The proposed driveway:**
 - i. Does not cross a Town trail.**
 - ii. Does not exit onto a Scenic Corridor.**
 - iii. Provides for safe traffic movements into and out of the adjoining street.**

h. Utility Undergrounding

Commissioner Comments

- If undergrounding is simple/easy, require for house to detached ADU connection
- Exempt internal ADUs from undergrounding requirement
- Split Direction On:
 - Exempt all ADUs from undergrounding requirement
- Need information, including cost, before providing direction

Additional Information

- The General Plan Scenic Roads and Highways Element discusses undergrounding in Principle 13: “Give high priority to placing underground all existing overhead utility lines, and structures to the extent possible, along the town scenic roads. Do not erect new or additional overhead facilities.”
- The Town requires permits for undergrounding:
 - Building permit (\$210 to \$300)
 - Encroachment permit if work crosses a public Right of Way (\$235, plus \$500-1,500 deposit on average).
 - A minimum of two to three inspections are needed (\$125/hour, each).

- If traffic control is needed during street work, that role must be hired for; at times the public works inspector must also be present during traffic supervision.
 - Minimum fees are therefore \$820, and typically range above this number.
- A resident recently applied for permits for undergrounding, which was triggered by a solar panel installation. The undergrounding involved connecting to a pole directly across the street from the property on relatively level ground.
 - PG&E engineering costs were approximately \$5,000, and construction costs were approximately \$18,000 - \$20,000.
- An exemption process does exist in the Town's undergrounding code section. Two exceptions have been approved by the Planning Commission within the last 5 years or so, for distant/expensive connections.
- PG&E provides their own cost estimates (Attachment 8) for undergrounding, averaged over their service area. They list project elements which drive costs up, including right of way or easement requirements, upgrades to infrastructure, and difficult conditions or long trenches. It is likely that some or all of these conditions will apply to at least half of all applicants.
- PG&E sometimes requires connection to a more distant pole or doesn't approve of the proposed route for undergrounding.
- If the proposed route touches another owner's private property, permission to work is required, which can raise additional permitting and liability concerns.

Initial Response

- The code outline includes the Commission's suggestion of generally continuing the Town's current policy, with some modifications:
 - Internal ADUs are exempt from triggering undergrounding
 - Detached ADUs must underground between the main house and ADU, whether the main house is undergrounded or not.
 - All other cases shall follow existing requirements and procedure, with the exception that applications for relief from undergrounding requirements for ADUs shall be heard by the ASCC, and costs may be considered.

Outline

- j. Utility Undergrounding.**
 - i. The Town's existing requirement that utilities be placed underground under certain circumstances shall continue to apply, with the following modifications for ADUs:**
 - 1. A fully internal ADU and any associated service increases shall not trigger the undergrounding requirement.**
 - 2. A detached ADU shall always underground utilities between the main house and the ADU, when connecting from the main house (as opposed to a separate pole).**
 - 3. Any other instance of new ADU construction shall require undergrounding as stipulated in Section 18.36.010.B, with the exception that an applicant may apply to the ASCC for relief from these requirements, if it can be determined that undergrounding**

is not feasible or practicable, or that there is no reasonable alternative location for the related equipment. Significant financial costs may be included in this consideration.

i. Second Address

Commissioner Comments

- General support to allow but not require a second address
- Implement with consultation from Woodside Fire
- Additional requirements or negative impacts associated with a second address?

Additional Information

- Utility providers prefer panels and boxes to be placed alongside the street. In the past, some property owners opted to place them further into the property, which required them to issue the utility an easement. Utilities have found that their access across properties can cause damages for which they do not want to be liable. This situation is resolved by placing boxes as close to the right of way as possible.
- This decision lies with the property owner.
- The Town does not have any requirements around this issue.

Initial Response

- Support for second addresses was unanimous (among the four commissioners present). Should this provision be approved by Council, staff will work with Woodside Fire Protection District to develop an address application process.

Outline

a. Second Address

- i. All new ADUs may be assigned a separate address, at the property owner's discretion. Applicants requesting an address shall submit an application as part of the Building Permit submittal. The Planning and Building Director, in consultation with Woodside Fire Protection District, shall review and approve applications.**

j. Owner Occupancy

Commissioner Comments

The Commission had a variety of views in favor of and against this proposal.

- A property owner should be connected to the community when building an ADU
- Prevent speculation and investment properties
- Create a program to solve for rental conflicts/require a certain amount of residency over some time
- Concern around potential conflicts between owner occupancy requirements and landlord-tenant laws.

- Create policies which are enforceable.
- Deed restrictions burdensome, difficult to enforce. Middle ground?
- Split Direction On:
 - Remove owner occupancy requirement.

Additional Information

- California Tenants: A guide to residential tenants' and landlords' rights and responsibilities, published by the California Department of Consumer Affairs, states that a lease must stay in place if a property is sold. If a month-to-month agreement is in place, the owner may give notice that the tenant must leave within 30 to 60 days, as dictated by the lease.
- According to the 21 Elements report on ADU standards in SMC (Attachment 7), sixteen jurisdictions currently require owner occupancy in at least one unit, including Portola Valley. The County and three jurisdictions do not require it: Hillsborough, Millbrae and Woodside.

Initial Response

- The restrictions of a lease mean that a homeowner who rents an ADU may not be able to sell their property as easily, as the buyer must live on site in order to legally have a tenant. When choosing to lease an ADU, a property owner would need to consider their plans to live locally for the period of the lease. This discourages property owners from renting their ADUs.

Outline

Staff has not provided a code outline in this instance, as there was a split in direction from the Commission. Additional feedback is requested.

k. Short Term Rentals

Commissioner Comments

- Restrict short term rentals; all rentals should be 30 days or longer
- Apply restriction equally to ADUs and houses.

Additional Information

- There has been no direction from Council that it would like to create or enforce a prohibition on short term rentals community-wide.

Initial Response

- The current ADU code states that the ADU itself shall not be rented for less than thirty days, but places no such restriction on the primary residence when an ADU is present.
- ADU regulations are under consideration, not town-wide regulations; therefore the Planning Commission may wish to provide a recommendation for the Council's consideration separate from the current ADU proposals.

Outline

- Staff has not provided a code outline in this instance, as there is not direction from the Council regarding regulation of short term rentals.

I. Findings

Commissioner Comments

- Although findings were not discussed specifically, staff heard clearly that an ADU needed to be accessory to the primary structure or use, and that the ADU's location within the site may require additional mitigation.

Additional Information

- Findings a. – i., below, are taken from the site development criterial listed within the code section describing the ASCC (Section 18.64.060). Staff has been using findings developed from the Design Guidelines, but suggests shifting from those to the criteria listed above, which offer more specific guidance on the desired effects of new development.

Initial Response

- The last two findings, j. and k., have been added in response to Commissioner concerns around ADU proportionality and site placement.

Outline

7. Findings

- a. The structure is designed so as to minimize disturbance to the natural terrain.**
- b. Existing vegetation is preserved to the maximum extent possible.**
- c. The structure is designed and located to allow adequate light and air for itself and its neighbors.**
- d. Landscaping, screening and fencing preserve privacy and mitigate adverse effects on neighboring properties.**
- e. Entrances, exits and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.**
- f. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.**
- g. Planting and site design mitigate the problems of drainage and soil erosion.**
- h. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.**
- i. Proposed grading minimizes the apparent disturbance to the natural terrain.**
- j. The ADU is accessory in nature.**
- k. Design of the ADU reflects its position on the property, such that units on or adjacent to setbacks are designed to minimize impacts toward adjacent properties.**

m. Notice

Commissioner Comments

- Noticing and the opportunity for neighbor input is an important step which should not be eliminated
- Staff Discretionary Review needs to include noticing
- Additional noticing by applicant as part of submittal is a helpful step

Initial Response

- The noticing provision includes the existing ASCC noticing level, expanded to all discretionary ADU reviews.
- It also adds the new step of having all ADU applicants provide notice to their adjacent neighbors, and submit documentation as part of their application.

Outline

8. Notice

- a. **Minimum noticing for discretionary review of ADUs shall include:**
 - i. **Noticing to adjacent neighbors by the applicant, as described in the ADU Permit Application Checklist.**
 - ii. **Noticing as described at ASCC – Notification (Section 18.64.085) shall apply to Staff Discretionary and ASCC reviews for ADUs.**

Questions:

- Does the Commission have enough information to make informed decisions?
- Has the Commission reached consensus on these policy issues?
- If not, how would the Commission like to navigate differences of opinion in order to reach consensus and move forward? What support can staff offer to help with this process?

5. What Is the Town Trying to Achieve?

During its initial study session, the Planning Commission repeatedly returned to the question of goals and what the Town is trying to achieve. This is a helpful framework for any policy discussion, and deserves debate. The Council's charge to the Planning Commission was to examine the Town's existing ADU policy and to modify it in order to encourage ADUs in town. To that end, the Council provided a list of preferred ideas, or policy areas, that it felt are ripe for amendment.

Throughout the past year, engagement with residents has yielded a plethora of feedback, suggestions, requests and ideas. If all of this feedback could be distilled down to a single phrase, it might be: Encourage ADUs while maintaining Town character.

The Council and community goals can be tied back to the policy issues as follows:

- The proposed process of Staff Discretionary Review provides a streamlined path for reviewing and approving ADUs, which reduces uncertainty for applicants and creates confidence and predictability in the development process—thus encouraging the development of ADUs. (Section 2.a.)
- The primary goal of encouraging ADUs can be achieved by easing the permitting process. This involves requiring less review for ADUs; specifically, it involves removing some or all of the triggers for review by the full ASCC. (Section 2.b.)
- Proposed restrictions on size, design, and their accessory nature will help maintain the rural character of the Town. (Section 3.)
- The Council's primary goal of encouraging ADUs is met by opening non-residential zones to their development. (Section 4.a.)
- Allowing ADUs on all parcel sizes gives all property owners equal access to the benefits of ADUs. Existing and proposed restrictions on development in smaller lot zones, such as height, daylight planes, and noticing, as well as ASCC participation in all discretionary review, will help mitigate impacts. (Section 4.b.)
- Removing ADU floor area maximums by parcel size and allowing existing restrictions on a parcel's total floor area to govern addresses the need for larger units. New restrictions address the desire for ADUs to be truly accessory to primary homes and uses, in order to maintain the Town's existing character. (Section 4.c.)
- Removing ADU basements from floor area calculations encourages the use of basements for ADU space, which reduce visual impacts of increased ADUs in Town, thus preserving its existing character. (Section 4.d.)
- Using existing restrictions on height for smaller districts ensures that ADUs will conform to the local district's existing development pattern. This reinforces the Town's existing character, which varies by district. (Section 4.e.)
- Allowing ADU parking to be shared with guest parking makes it easier for larger parcels to meet the parking requirement for external ADUs, thus encouraging ADU creation. It provides flexibility in how to use the site, and reduces the requirement for paved, impervious surfaces. (Section 4.f.)
- The provision of a second driveway is limited to rare cases, where negative impacts can be mitigated and the resulting site design is preferable. This solves for the rare cases where applying the existing code would create a design less consistent with Town character than allowing a second driveway. (Section 4.g.)
- Undergrounding is a goal of the general plan as well as the zoning code, while encouragement of ADUs is an emerging goal of the Council. The ultimate balancing of priorities will rest with Council. (Section 4.h.)
- The Council has expressed a clear goal of creating more ADUs to serve residents and their families as well as employees and the extended community. Second addresses are important for those wishing to rent their ADU in order to implement separate mail delivery and utility billing. (Section 4.i)
- The new findings for ADUs will facilitate a consistent and thorough review of all discretionary ADUs, to ensure consistency with existing Town character. (Section 4.l.)

- Existing and new noticing requirements increase communication between the Town and residents, and neighbor to neighbor, which benefits all parties by encouraging open and early discussion of potential impacts. This gives the applicant more time to find design solutions, before an application is being considered or an issue had become controversial. (Section 4.m.)

Question:

- Will the proposed policies successfully achieve the Town's goals?

NEXT STEPS

Staff plans 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 December 5, 2018 Public Hearing

Planning Commission December 19, 2018 Continuation as needed

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, which will likely take place in early 2019. All meetings will begin at 7:00 PM and be held in the Historic School House at Town Hall.

ATTACHMENTS

1. [Staff Report to the Planning Commission on ADUs](http://www.portolavalley.net/Home/ShowDocument?id=12227), dated October 3, 2018 (found at <http://www.portolavalley.net/Home/ShowDocument?id=12227>)
2. Minutes of Planning Commission Meeting, October 3, 2018
3. Draft Minutes of Planning Commission Meeting, October 17, 2018
4. Staff Report to the ASCC on ADUs, dated October 22, 2018
5. Draft Minutes of ASCC Meeting, October 22, 2018
6. Draft Staff Discretionary Review Policy document
7. Summary of San Mateo County Jurisdictions ADU Standards Survey by 21 Elements
8. PG&E Undergrounding Cost Estimate for 400 – 1,000 amps

CALL TO ORDER AND ROLL CALL

Chair Targ 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; Vice Chair Goulden; Chair Targ
Absent: None
Town Staff: Laura Russell, Planning & Building Director and Arly Cassidy, Associate Planner

ORAL COMMUNICATIONS

None.

NEW BUSINESS

(1) Study Session on Accessory Dwelling Units (ADUs): Consideration of Ways to Encourage ADUs in Portola Valley

Chair Targ introduced the study session. He said that over the past couple of years the Planning Commission and Town Council have moved forward with ADU legislation to address both local needs within the community and in the broader region given the current housing crisis. He said ADUs create opportunities at a comparatively lower cost than the cost of developing a new single family detached dwelling unit. He said the Council, over the past period, has held a number of listening sessions in conjunction with the County, and has provided direction to staff and the Planning Commission to consider a number of ideas that have come through these forums. He said today's study session will include hearing a variety of suggestions, including staff's preferred recommendations and other recommendations that have come through the process. He encouraged public comment and input. He said tonight will be a listening, education, and study session, with no decisions being made this evening. He said there are 17 items to go through, and there will be at least one more study session to review items that aren't addressed tonight. He said staff will then take the Planning Commission's general views and recommendations and those expressed by the public to develop and hone the suggestions, and will take a handful of them back to the ASCC. He said they will then come back to the Planning Commission with proposed ordinance language or programs for consideration. At that time, the Planning Commission will make recommendations through the form of a resolution to the Council, and the Council will decide how to move forward in the most appropriate manner.

Planning & Building Director Russell advised that the staff report, a glossary of terms, and flyers for the upcoming ADU tour were available for everyone. She invited participants to ask staff if they would like more explanation of some of the technical issues.

Associate Planner Cassidy provided the background, discussion items, and staff recommendations, as detailed in the staff report. She advised that all items would not be covered tonight but would be continued to the Planning Commission meeting on October 17, 2018.

Associate Planner Cassidy presented the first section of the staff report and invited questions.

In response to Commissioner Kopf-Sill's question, Associate Planner Cassidy identified larger HOAs as Westridge and Oak Hills. She said the Portola Valley Ranch and Blue Oaks are PUDs. She said PUDs can also have HOAs, so there can be some overlap.

Chair Targ asked if a PUD with an HOA would be treated as an HOA since the HOA is more restrictive than the PUD. Associate Planner Cassidy said more research is required regarding the legal implications of that situation.

Vice Chair Goulden asked why basements were previously treated differently. Associate Planner Cassidy said she could not find documentation of conversations prior to that decision being made. She said in recent years extra attention has been paid to the requests to use maximum floor area, and it may have been an attempt to limit that. She said basements don't generally count as floor area because they are invisible and have no impact. Planning & Building Director Russell said when second units were first regulated by State Law in 2003, there was a lot of concern and hesitation about how they would be implemented and integrated into the existing fabric of communities. She said it was quite common in the initial ordinances to include a lot of restrictions, but as ADUs have become more comfortable to many communities, many of those restrictions have been loosened.

Commissioner Taylor said he did not see any obvious distinction in the staff report between ADUs with basements and ADUs in basements, which are quite different. Associate Planner Cassidy said the most obvious application is for an ADU at the normal first-floor level with a basement below it, and the question is whether that submerged basement should count as floor area. She said there is also consideration and question regarding whether an entire dwelling unit would be allowed in an existing or new basement under a home. She said they are separate questions.

Chair Targ said one of the considerations about counting basement floor area is intensity. He said a basement within a house would not likely generate significantly more traffic whereas an ADU with a basement under it could have more bedrooms and could create more traffic. He said there were also issues from an environmental standpoint about soil removal and disposal, noise, etc.

In response to Commissioner Hasko's question regarding basement square footage, Associate Planner Cassidy said an ADU unit could be above the ground with a basement below it that is used as living space, which would effectively double the size of the unit. Under the current ADU rules, the basement square footage is counted as floor area. Planning & Building Director Russell said in a regular house, the basement is not counted as floor area, and the consideration is to use the same definition of basement for ADUs. Associate Planner Cassidy said the two considerations are if the floor area goes to the maximum allowed for the property and if it counts toward the allowable size of the ADU itself.

Associate Planner Cassidy said if someone builds a basement today and comes in later to convert it to an ADU, current code would allow that, an issue that comes into play more often with internal ADUs on smaller lots.

Chair Targ invited public comment regarding the first four items of discussion.

Forrest Linebarger, 151 Cervantes. Mr. Linebarger said he had considered building an ADU with a basement where he could store cheese he makes, but that would have pushed him into design review which was not a good value proposition. He noted that ASCC is a good process, but extensive for an ADU. He said if he wanted to add a garage, it would be even more. He is in favor of not including basements in floor area and suggested the garage issue also be considered. He was supportive of the separate addresses because utilities could be billed separately. He said people will be more attentive to energy usage when they have to pay their own bills.

With no additional public comment, Chair Targ closed the public comment portion for the first four items.

Commissioner Hasko asked about the current policy for pre-approved units. Associate Planner Cassidy said the triggers for the ASCC review are around issues deemed to be more sensitive or possibly having negative impacts, including height, architectural style, size, etc. She said the ministerial permit does not allow discretionary review. Planning & Building Director Russell said ASCC's normal procedure is a discretionary review, and there currently is no staff-level discretionary review. Commissioner Taylor asked if neighbors would still be noticed for staff-level discretionary reviews. Associate Planner Cassidy said neighbors would be noticed, with that process to be determined later on. She said the proposal for the streamlined review process may or may not be part of the staff discretionary review segment. She said more research needs to be done on this, and staff is not recommending a suggested review level at this time.

Associate Planner Cassidy said the question is if staff time should be spent to research prefab or individually pre-designed units and how they might be preapproved. Vice Chair Goulden asked if there was much usage of prefab. Associate Planner Cassidy said there is one in the building permit process now, but it is not a common request. Planning & Building Director Russell said, in general, a number of prefab companies are being very successful at building ADUs in a very cost effective and expedient manner, but primarily in locations where they can be duplicated easily. Given Portola Valley's topography, site conditions, utilities, roads, etc., staff would need to do more research to determine if such a program would be feasible in Portola Valley.

Chair Targ asked the Commission to discuss Item #3, Streamlined Review Process for Pre-Approved Units.

Vice Chair Goulden said it is a common complaint that the process takes too long. He supports investigating processes that would speed things up.

Commissioner Taylor said while he supports trying to find ways for people to stay in town, he is sensitive to the impact on neighbors. He said processes should not be pushed through without neighbor input. He suggested that neighbor input shouldn't necessarily trigger an ASCC review but that there may be an intermediate step with a public hearing to discuss neighbor concerns to determine if a full ASCC review is necessary.

Commissioner Hasko agreed with the need for public input and neighbor notice. She agreed with the suggestion that there be an intermediate step to be sure the public has the opportunity to provide input to the extent it impacts the community and that the neighbors have enough notice.

Commissioner Kopf-Sill supported staff researching this item further. She was concerned about how an applicant's customizations of a preapproved unit would be handled.

Chair Targ was generally supportive of preapproved units. He also had reservations in terms of potential community concerns raised by architectural consistency. He said there is general support for the idea of creating a process for creating incentives for preapproved plans, but it would need to include language that takes into consideration the raised issues.

Commissioner Taylor said he could support an intermediate approval process that expedited the process but still allowed for input. He noted it would be good to see examples of how pre-fab units are working in other places.

Vice Chair Goulden suggested staff consider what the real benefits are in terms of time and money savings by having a separate process.

Chair Targ asked the Commission for comments on basement square footage [topic #1].

Commissioner Kopf-Sill was supportive of not counting basements as floor area of an ADU. She said it would be consistent with the current code for residences, and it does not change the look of the town.

Commissioner Hasko said she is supportive of ADUs in existing basements but said that building a new ADU with a basement triggers an intensity of use concern and perhaps unintended consequences. She suggested examining the two issues separately. She said the intensity of use should not overburden utilities or systems. She said allowing the basement to be a freebie needs to be looked at in more detail to be sure the safety issues are built in, level of parking, etc. Commissioner Hasko agreed with Chair Targ's summarization that issues of life-health safety and issues of intensity and consistency with existing context and level of service for the surrounding community would need to be taken into consideration.

Vice Chair Goulden said he'd like to normalize the whole thing as much as possible in terms of treating an ADU basement the same as a regular residence basement. Commissioner Taylor said that might mean basements in regular houses are treated differently than they are now. Vice Chair Goulden said he could go either way.

Commissioner Taylor agreed ADUs in basements and ADUs with basements should be two separate discussions. He said if limiting the square footage is a way to manage the intensity of use, then allowing that figure to be doubled by adding a basement needs to be discussed.

Chair Targ said as ADUs become more intense, they may become more obtrusive. He said the direction from Council is to consider how to create more opportunities for more people to live in town, which is fundamentally a density call. He said he could imagine decoupling the issue of intensity from the issue of space and to measure intensity by other design review criteria, such as number of bedrooms. He said that while creating a cheese cave in a basement would not create more intensity, creating another three bedrooms downstairs with lightwells absolutely could.

In response to Commissioner Hasko's question, Planning & Building Director Russell said that, per the building code, when living spaces are underground they must still have light, air, and egress. She said there is usually a window or sometimes a walkout that goes out to an excavated area just outside that door or window. The building code regulation requires a certain amount of area large enough that someone can get out themselves or firefighters can get someone out in the event of an emergency. Planning & Building Director Russell said they've been thinking about the required egress under the building code as well as the desire to expand the lightwells. She said sometimes people will have a walkout lightwell from their basement, giving them some living space below ground. On a sloping lot, there may be a walkout in section view underneath the house that eventually goes out to the level on a sloping lot, which can be used for an additional outdoor patio or recreational space.

Associate Planner Cassidy asked if the recommendation was that while size limitation on the ADU would still apply, an ADU's basement floor area would not count against the adjusted maximum floor area. Chair Targ disagreed. He said there was some concern based upon intensity and safety issues to the extent that those issues cannot be decoupled. He said there may be some progress that could be made there, but there was not full endorsement of getting rid of the floor area rule.

Planning & Building Director Russell asked if there was consensus about being more in alignment with the code in general and that basements should be treated consistently throughout the code but there

should be other provisions in place that limit some of the issues that may come up with ADU basement areas. Chair Targ disagreed. He said ADUs are categorically different than main living spaces, which can be harmonized by addressing issues of intensity. He said, for example, a basement in the ordinary context is not thought of as bedrooms whereas it may well turn into space for bedrooms in an ADU. He said, to the extent that they serve different functions in different types of units, they should be treated differently. He said if the use can be harmonized across types of units then there would probably be more consensus of treating them the same. Associate Planner Cassidy noted that staff does see a lot of basements with living areas in main houses.

Vice Chair Goulden said the Town is trying to increase housing which increases intensity, but is not going so far as to let everybody subdivide their lots. He said the Town wants ADUs but with limited impact, which can play itself out on many different subitems such as basements, square footage, etc. He said it is difficult to answer one specific item without seeing the total piece and how it comes together.

Planning & Building Director Russell said staff recognizes the interconnectedness of a lot of these things and has separated them for this study session only for discussion purposes so that they can hear from the Commission on the different topics. She said staff understands there will be some complexity around teasing all these things out.

Commissioner Taylor said things like separate addresses and separate utilities are interlocking details, whereas Vice Chair Goulden is asking about the overarching goal of what the Town wants in terms of limits on intensity. He said both concepts should be captured.

Chair Targ asked staff to briefly summarize Item #2, ASCC Review for Floor Area. After Associate Planner Cassidy's review, Chair Targ invited discussion from the Commission.

Commissioner Kopf-Sill asked about the time and expense for ASCC review. Associate Planner Cassidy said she didn't know what the cost for architecture and engineering, but said there was substantially more time involved. She said a ministerial permit comes in as a building permit. She said if it must go through ASCC, that is a very different track, with another review in front of the building permit. She said an applicant submits an application, staff has 30 days to respond with a letter detailing things that are missing or must be corrected, the applicant resubmits, an ASCC meeting is scheduled, a staff report is written and presented at the meeting. If there is any controversy, a second meeting may be scheduled. Once approved by the ASCC, there is a 15-day appeal period, then the application goes for a building permit. Planning & Building Director Russell said that time makes a big difference when making construction plans because of construction financing, lining up contractors and architects, moving, rental costs, etc.

Commissioner Kopf-Sill said she is supportive of the idea of reducing the need for ASCC reviews. She said if all size limits for ADUs were relaxed and only the size limit for the property was considered, someone could build two 2,500-square-foot units. She said it would be odd to require ASCC review for one and not both.

Vice Chair Goulden said the current code seems inconsistent, but he would not support having no triggers for an ASCC review. The right triggers are important.

Commissioner Hasko said she would be concerned about a larger ADU if it were close to the neighbors. She suggested there could be a requirement for ASCC review or staff-level discretionary review if the ADU was placed a certain distance from the neighbor's property line.

Chair Targ said floor area becomes material depending on the size of the residence and the ADU. He noted that 1,200 square feet can accommodate a family. He said he would be comfortable moving a 1,200 square foot ADU to the ministerial review process recognizing the issue of intensity, but also weighing that against the direction from Council to create increased opportunities. He said that beyond 1,200 square feet, there are a lot of issues that come into play and become problematic, particularly if there will be relaxation on setback considerations. He noted that detached ADUs are most intensive.

Chair Targ invited discussion about Item #4 regarding HOA Policy Alignment. Associate Planner Cassidy asked the Commission to consider whether the staff should work at creating a program to work with HOAs and PUDs to bring them into better alignment.

Commissioner Kopf-Sill asked how often staff received complaints about HOA rules. Associate Planner Cassidy said she had a discussion with a resident of PV Ranch who wanted to build an ADU but wasn't allowed to. She has also processed applications for projects within the HOAs but does not know how strict they were about them. She said the hope is for the Town and the HOAs to work together to make some changes.

Commissioner Kopf-Sill said she supported the outreach. She noted, however, that many people buy into an HOA because of the rules. She said if there was an overwhelming consensus among the residents to keep it as it is, then she would not support a lot of time being spent on it.

In response to Commissioner Taylor's question, Associate Planner Cassidy said an HOA can prevent the building of an internal ADU despite State mandate to allow it. She said she had a conversation with the California Housing and Community Development Department (HCD), who said that they had no interest in getting involved with HOA covenants and had no intention of forcing State law upon those private agreements. Planning & Building Director Russell said staff reached out to the HOAs, and they found there was a lot of range of what was included and what was being enforced.

Commissioner Hasko said if the outreach is easy to do, that's fine, but if staff is going to try to do more, there may be no benefit of trying to interfere with the private contract aspect of HOAs.

Commissioner Taylor said there is a fairness issue if the HOAs, a third of the housing stock, are able to say "not in my backyard" while the other two-thirds are subject to them. He said a better understanding of how this might play out would be helpful.

Chair Targ would not be supportive of spending significant time on aligning HOAs. He said there can be encouragement, recommendations, and education, but ultimately the private agreement made between private individuals who have made specific decisions based on the current laws needs to be respected. He said a PUD without an HOA, however, is a creature of municipal law that can be modified.

Commissioner Hasko agreed with Chair Targ.

In response to Commissioner Kopf-Sill's question, Associate Planner Cassidy said it is her understanding that Westridge does not allow ADUs.

Commissioner Taylor said the Town could encourage HOAs with education and legal advice and help if that is a Town goal. He would consider this item low in priority.

Chair Targ called for a five-minute break.

Maryann Moise-Derwin, 148 Ramoso Road. Ms. Moise-Derwin said she lives in Westridge and is building a 700 square foot ADU, which was approved by the HOA design committee. She said there are a lot of ADUs in Westridge.

Associate Planner Cassidy described the next section of the presentation: Procedure: Discretionary Staff Review.

In response to Chair Targ's question, Planning & Building Director Russell confirmed that the intermediate level review would provide for a right of appeal by either the applicant or a member of the community. Associate Planner Cassidy said the details of the intermediate review level would need to be developed. She said staff would have the discretion to send projects up for ASCC review.

In response to Commissioner Hasko's question, Planning & Building Director Russell confirmed that surrounding communities have a staff discretionary review level. She said the two most common processes include a zoning administrator or a director's public hearing, a scaled-down version of an ASCC or Planning Commission meeting, where members of the public can come and provide testimony and give feedback, with a decision being made at that time. She said another possibility would be inclusion in the notice when the decision was expected to be made, encouraging neighbors to contact staff to provide comments on the project. She said the authority for a staff-level review would likely rest with the Planning Director/Town Planner. In response to Commissioner Hasko's question, Planning & Building Director Russell said neighbor comments would be integrated into the project the same way ASCC does it. She said the neighbor could appeal up to the next level, and it would be determined by code if the appeal would be to the ASCC or Planning Commission.

Associate Planner Cassidy presented five items for discussion – architectural style, height, location, 85% massing, and light wells – explaining the current triggers for ASCC review for each item. She asked for feedback from the Commission regarding the appropriate review level for each item.

In response to Chair Targ's question, Associate Planner Cassidy said staff hopes to bring all of the design-related issues discussed here to the ASCC for their consideration and the Planning Commission will have access to those meeting minutes.

In response to Vice Chair Goulden's question, Planning & Building Director Russell said the proposal to exempt ADU-associated lightwells from ASCC is a potential incentive, acknowledging that it is not consistent with the regular code.

In response to Commissioner Kopf-Sill's question, Planning & Building Director Russell said staff would be comfortable making the proposed judgments for staff discretionary as long as the Council and the Planning Commission feel that criteria written into the code will get the Town to the desired goal. She said it will require a lot of code writing work, but staff feels confident it can be achieved.

Chair Targ invited additional questions for staff. Hearing none, Chair Targ invited public comment.

Michael Katz, 107 Santa Maria. Mr. Katz said the distance of an ADU from neighbors is important and should be one of the criteria to trigger review. He said notice to neighbors should also be clearly required; he didn't see that reflected in the staff report. He said Woodside Highlands was developed as a subdivision that originally consisted of three unique lots that were merged. He said if unlimited development were allowed on all lots, that would create a lot of congestion in the neighborhood with a very different feel. He said although there have been ASCC reviews of the ADUs, he has not seen any report about what kind of ADUs are being approved or what kind are not approved. He said if he had information on ADUs under 1,000 square feet that sailed through the ASCC, he would be comfortable agreeing to ministerial review for them. He suggested perhaps the idea of bypassing the ASCC review

should be phased in after a lot more information has been gathered about the ASCC approvals that have come through.

With no further public comment, Chair Targ brought the issues back to the Commission for discussion.

Associate Planner Cassidy asked for comments from the Commission regarding appropriate review level pertaining to architectural style of ADUs (topic #5).

Vice Chair Goulden was generally supportive of staff discretionary review and noted it could make sense for projects beyond ADUs- an in-between level of review with public notice. Most items on the list could be handled by staff. Matching architectural style should not be eliminated but could be done by staff.

Commissioner Taylor said the multiple levels of subjective decisions make it complicated for him. He said in general, it could be a good thing to have a subjective staff-level review. However, matching architectural style should not be one of them. He said architectural style and design should have ASCC and multiple eyes on it unless it is clearly a match to the main house. He said any staff discretionary reviews must also be noticed. He said he is unsure how to define at what point it moves from ministerial review to staff discretionary review but there would need to be consistency in how that is determined so that one staff member gives a project an easy grade and another gives it a hard grade. He asked if staff intended to provide a report much like the ASCC does or if it would be just a signed-off approval. Planning & Building Director Russell said staff discretionary reviews she's done in other communities are a streamlined version of what's in the staff report – describing the findings and how were they made. She said those details are up for discussion because this is a new idea. She said if the decision is made to proceed in this direction, staff wants to create it in a way that people feel confident in arriving at a consistent result. Commissioner Taylor said with the ASCC review, there are minutes that can be referred to explaining the discussion that went into a decision, which he thinks are important details. He suggested perhaps a member of the ASCC could also provide input to the staff discretionary review.

Commissioner Hasko said the architectural style impacts the surroundings, going to the higher level of the community. She said the staff discretionary review has the definite benefit of streamlining and would surely be carried out in accordance with a lot of different steps, but she was hesitant to support architectural style review as part of a streamlined process. She would like to know what the parameters would be.

Commissioner Kopf-Sill generally liked the idea of staff discretionary review. She said she wished that the architectural style category was more broad. She said that demanding that an ADU matches the main house is limiting and many times unattractive. She said, for example, with her house, she would not want to replicate the 1960s style of her home in an ADU. She said she understands the difficulty with it being subjective. She said people are afraid of the ASCC review because they're unsure of what will be approved, and this is where there should be more effort to make it easier.

Chair Targ asked if the question of whether or not ADUs should undergo design review with respect to matching architectural style also included compliance with the Design Guidelines. Associate Planner Cassidy said architectural matching is currently a trigger for ASCC review, which also includes an application of the Design Guidelines. She said if the requirement that non-matching styles go to ASCC is removed, it would effectively remove the design review of any ADU architectural style, whatever it might be. She said the question is if there should be design review if the architectural design does not match and at what level that review should be.

In response to Chair Targ's question, Associate Planner Cassidy said staff did have expertise and capacity to consider issues of design review without moving it to the ASCC. Chair Targ said if staff has both capacity to consider design review and willingness to write a reviewable report then it could be fit within staff discretionary review. He said he would want to hear ASCC's comments before he formed an opinion.

Vice Chair Goulden said design reviews are generally required for anything. He said there could possibly be two levels of review but didn't think it should be a different level of review just because it's an ADU. Planning & Building Director Russell pointed out there are certain things under State law that must be processed in a ministerial fashion. She said they are trying to be clear on what the State law requires staff to review at a ministerial level, making sure that things outside of State regulations are captured within all of the triggers.

In response to Commissioner Taylor's question, Associate Planner Cassidy said if a building permit for an interior ADU came across with a large skylight, the ministerial process would catch it. She said making changes inside an internal ADU is not a trigger.

Planning & Building Director Russell asked if the consensus was that elements of design that impact neighbors and the scenic corridors should require ASCC review.

Commissioner Kopf-Sill said she would support a design checklist, also considering neighbor comments, that would still allow a staff-level discretionary review instead of an ASCC review.

Chair Targ said it may not be feasible to have a checklist, which could lead to a ministerial decision, but there could be criteria that could be evaluated. He said he is inclined to move things along to increase opportunity and ease of development of ADUs, even at the risk of creating inconsistency between other structures and ADUs.

Commissioner Taylor said issues are becoming conflated. He said he does not have a problem with an ADU looking nothing like the main house if it looks good. He said they are looking for a judgment on whether it looks good, not that it has to match the existing building. He said the other issue is trying to accelerate the process by not having to go through ASCC. He said he is sympathetic but uncomfortable losing focus on design.

Commissioner Taylor asked if staff would, in a staff-level discretionary review, go through all the steps the ASCC currently goes through, including design guidelines, lighting, etc. Planning & Building Director Russell said most likely one person would do the work, conduct a field site visit, and then conduct the analysis. The project would then be reviewed together by staff before being approved. Associate Planner Cassidy said some jurisdictions, even at the staff-level review, do still make the findings. She said the approval could include conditions and staff can also make the actual findings that the ASCC makes. Planning & Building Director Russell said this process creates the record, the same way the ASCC staff reports and minutes do. The public could look at the approval letter which makes all of the findings and potentially puts conditions on the project, as well.

Commissioner Taylor asked if that could be included, much like the Council does with the warrant list, on the ASCC Agenda. He said the ASCC would most likely approve, but it would provide the opportunity for them to weigh in. Planning & Building Director Russell if they do that, they should just do an ASCC review because it could end up being a duplication of work.

Associate Planner Cassidy asked for comments from the Commission regarding height limitations specific to ADUs (topic #6).

Commissioner Kopf-Sill suggested guidelines for staff to follow. For example, if an ADU is in the middle of a three-acre lot not visible to anyone, it could have a staff-level review. But if the proposed ADU is next to someone else's lot or staff has a concern that it's visible from far away, then it would not meet the criteria for a streamlined process.

Commissioner Taylor agreed that neighbor impact was the important issue. He said either setbacks could be made larger to make it a binary decision or neighbors must be noticed of the impact so they can respond. If there were no issues raised, then it could go through the streamlined process.

Commissioner Hasko added that a proposal to build an ADU on a hill higher than the main house should have a different review. Commissioner Taylor asked if Commissioner Hasko would subject a barn or shed built in the exact same space to the same regulations. Commissioner Hasko said it is discouraged to build atop a promontory anyway, so it would likely be a rare occasion. She said the barn would presumably have less activity and lighting. She said if the building was in the middle of a flat piece of land and the neighbors and the scenic corridor were not impacted, there is no reason to treat them differently. She said lighting on the top of a hill for an inhabited dwelling would be different than a barn.

Chair Targ was supportive of moving ADU-specific height triggers from ASCC review to staff discretionary review as long as the application complies with design review guidelines, taking into the consideration the issues of hilltops and light spill. He said he likes the approach of placing staff recommendations on the consent or warrant list.

Associate Planner Cassidy asked for comments from the Commission regarding location – visibility from the scenic corridor (topic #7).

Commissioner Taylor was supportive of staff discretionary review over a ministerial review. He said an ADU is not the same as a barn, is occupied at night with light, and it is less a matter of how attractive the ADU is versus the impact it has on the environment. He said it is important to have that aspect reviewed to minimize any impact to the scenic corridor.

Commissioner Kopf-Sill was supportive of a ministerial review. She said it is easy to apply the same setback rules to ADUs. She said she does not consider ADUs any less desirable or impactful than a regular house, and any problems with light spill or anything else could be caught in the design review.

Commissioner Taylor noted there is no design review in the ministerial review.

Chair Targ said in the earlier architectural consistency discussion, the recommendation was that meeting design review guidelines would apply for any ADU in addition to whether or not it is of the same architectural style. He said the assumption is that conformance with the design review guidelines would apply to each of the items being discussed today. He said it could be restated that meeting design review guidelines applies to each aspect if necessary.

Planning & Building Director Russell said the recommendation is to conduct design review for consistency with all of the design guidelines across the board, but noted there is a difference with the scenic corridor. The question is whether rules should be more strict for ADUs in the scenic corridor.

Associate Planner Cassidy said it sounded like design review and staff discretionary review was getting a little conflated. She said staff discretionary review simply refers to a level of review and process, not what is taken into account in that review. She said the scenic corridor setbacks are hard code and apply no matter what, and a project will not be approved if it does not comply. She said the question of should an ADU be allowed to be visible from the scenic corridor is a discretionary question.

She said if an ADU should not be visible, then the project must be reviewed by the staff or ASCC, and it cannot be applied ministerially the same way the scenic corridor setbacks can be applied. She said it could be grouped under the heading of “design review” that also goes to whichever body, but one is a process and one is a judgment.

Commissioner Hasko asked if staff had a sense of how many properties this impacts. Associate Planner Cassidy said she did not have a number but reviewed the areas.

Commissioner Hasko said historically, the Town has been very protective of scenic corridors, and she is hesitant to interrupt what has been achieved so far, unless there is a very careful analysis of how many properties are involved that could build ADUs that spill light into the scenic corridor. She said she could weigh in better if she had more information but she does not think it should be a ministerial decision.

Vice Chair Goulden said he does not think an ADU should be treated differently than any other building. He said the Town is trying to promote ADUs, and he is hesitant to put additional restrictions on them.

Commissioner Taylor said if the ADU was a house, it would go to ASCC to determine if there was too much light spill. Vice Chair Goulden said ADUs should have design review if they have the same issues. He said light spill is often the issue people care about that that needs to be captured.

Commissioner Kopf-Sill asked if the Commission thought the existing setbacks were already generous enough.

Vice Chair Goulden said the setbacks would apply to a house, too. He said if someone were to build a house there, the setbacks would apply. The general rule that would apply to the house should also apply to the ADUs.

Commissioner Kopf-Sill said that would require ASCC review for all ADUs because it is done for all houses, and the premise of this meeting is to make things easier for ADUs. Vice Chair Goulden said he is supportive of trying to come up with a two-level process including a staff-level review.

Commissioner Kopf-Sill asked if there was something that would make a lot of the proposed ADUs on the scenic corridors not require any extra review, for example, if the ADU was far enough away from the scenic corridor and staff did not see a problem with it. Vice Chair Goulden said that is the discretionary judgment being discussed. He said it will be a struggle to write the guidelines, but it is the same struggle for the people who are saying they don't understand the ASCC rules. He said it might help to have it all written down to make the issues clear.

Associate Planner Cassidy asked for comments from the Commission regarding 85% massing (topic #8).

In response to Commissioner Taylor's question, Associate Planner Cassidy said waiving the requirement would be a ministerial review, simply saying an attached ADU may exceed the 85% massing for the house. If the project remains at discretionary review, where a finding must be made, the question is whether staff can make the finding or if it must go to the ASCC. Planning & Building Director Russell said this is a suggestion for an incentive, a bonus for an ADU.

Chair Targ and Vice Chair Goulden said the 85% rule should not be waived, and it should go to ASCC for review.

Commissioner Hasko asked if there had been requests along this line recently. Associate Planner Cassidy said almost all of the items presented tonight have been cited by applicants.

Commissioner Hasko said she was not in favor of waiving the 85% rule, and it should go to ASCC review.

Commissioner Kopf-Sill said she could be supportive of staff discretionary review. She said most people want detached ADUs, but people may feel they must attach them because of the constraints. Associate Planner Cassidy said she has not seen many applications for attached ADUs. Commissioner Taylor said that would be a good reason to review it because it's an overly-constrained problem, likely on a smaller lot. Commissioner Kopf-Sill said she could support the staff discretionary review. Associate Planner Cassidy said the main incentive for applicants would be cost because building an addition onto a house is less expensive than building a separate unit.

Commissioner Taylor said he would like to know what the real cost differences are to an applicant between a staff-level discretionary review and an ASCC review. He said if the staff discretionary review is performing the same tasks as the ASCC, it seems the same documents would be required for staff to make their findings. He said the goal is to accelerate time and reduce costs to incentivize people to build ADUs and knowing what the cost savings are would be useful.

Commissioner Taylor said when neighbors are noticed, the current recourse for them is to show up at a meeting and state their concerns. He said it needs to be considered how that recourse process would be handled in a staff discretionary review.

Associate Planner Cassidy asked for comments from the Commission regarding light wells (topic #9).

In response to Commissioner Kopf-Sill's question, Associate Planner Cassidy said the reason applicants would want a larger light well is for more usable space, such as a separate private area. She said the main issue is light spill to neighbors and noise if it's a usable space.

In response to Commissioner Hasko's question, Associate Planner Cassidy said a discretionary review would include the lighting. She said the ASCC has required reductions in lighting in a lightwell, but she did not know of any outright rejections of lightwells.

Commissioner Hasko said as long as there was a means by which staff could control and comment on the lighting and the factors they need to consider, the staff discretionary review seemed more appropriate for this item.

Commissioner Taylor said he would need to see more detail in general, not just for this particular item. He said he needs to understand the difference between what it costs to go to ASCC versus having a staff discretionary review. He said while in theory we are trying to make this a simpler, more consistent, and speedier process, he feels it is being made more complicated and is starting to feel like a maze with all the weird, slightly different exceptions. He said it is great that staff has brought these items forward, but said it is difficult to sort out how they all fit together and interlock. He said he would like to see a general set of rules where someone can clearly see why decisions are made rather than seeing one arbitrary decision to the left and one to the right.

Planning & Building Director Russell said because each item is being considered one at a time, she understands that it is difficult to imagine how they all come together. She said with the feedback staff has received, they can start to work on putting a package together where it all makes sense and does not feel like a crazy flowchart in order to move through the process.

Chair Targ thanked staff for the presentation of this complex task. He thanked members of the public for spending the evening at this meeting.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

Commissioner Hasko attended the ASCC meeting where they discussed a carport enclosure, a new residence on Cervantes, and the 99 Hillbrook project.

(3) Staff Report

Planning & Building Director Russell said she provided an update about the Mayor and Chairs meeting during the last Planning Commission meeting; however, a couple of Commissioners were absent. She said staff came up with a concept so that any issues that come up through normal business in Planning Commission and ASCC can go through a committee of the Mayor, the Vice-Mayor, and the Commission Chairs in order to determine what the next steps would be in terms of how to deal with them or get them into the work program. Chair Targ said items that are easy for staff to deal with can also be raised and staff can deal with them or raise it to the Commission level.

(4) News Digest: Planning Issues of the Day

Staff shared an article of interest with the Commissioners – “Elevating the Role of Architects as Advocates for Equitable Housing.”

APPROVAL OF MINUTES: September 19, 2018.

(5) Planning Commission Meeting of September 19, 2018

Commissioner Taylor moved to approve the minutes of the September 19, 2018, meeting, with a correction to page 2 to specify the topic of paragraph four as the proposed additional grading and correction to page 4 to specify Farm Road and Hidden Valley Lane. Seconded by Commissioner Kopf-Sill, the motion carried 3-0, with Chair Targ and Vice Chair Goulden abstaining.

ADJOURNMENT [10:05 p.m.]

PLANNING COMMISSION
Regular Evening Meeting, 765 Portola Road

OCTOBER 17, 2018

CALL TO ORDER AND ROLL CALL

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

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

ORAL COMMUNICATIONS

None.

OLD BUSINESS

(1) Study Session on Accessory Dwelling Units (ADUs): Consideration of Ways to Encourage ADUs in Portola Valley

Chair Targ explained that tonight's meeting is a continuation of the study session. At the last meeting, Items 1 through 9 of the staff report were discussed. Tonight's session will include the discussion of Policy and Code Changes and Next Steps.

Planning & Building Director Russell advised that the staff report, a glossary of terms, and flyers for the upcoming ADU tour were available for everyone. She invited participants to ask staff if they would like more explanation of some of the technical issues.

Associate Planner Cassidy provided the background and discussion items as detailed in the staff report. She explained that this continuation of the study session will pick up on Section 3 of the staff report, Policy and Code Changes.

Associate Planner Cassidy presented Items 10 through 13 under Policy and Code Changes as detailed in the staff report and invited questions.

Chair Targ invited questions from the Commissioners.

Commissioner Hasko asked if staff had data indicating what people are looking for regarding floor area. Associate Planner Cassidy said she did not have that data. She said anecdotally she could state that people often choose to build only up to the ASCC trigger and have frequently asked for more floor area.

Commissioner Hasko asked where Portola Valley's requirements were in comparison to neighboring communities. Associate Planner Cassidy said she would have to research it further, but she knew that Woodside allowed two ADUs on some or all properties.

Commissioner Hasko asked if the utility undergrounding requirements were driven by the natural environment piece of the General Plan or if there were safety issues. Associate Planner Cassidy said her understanding is that it was mostly about design and aesthetics. Planning & Building Director

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Russell said there are also sometimes conflicts with overhead lines and trees. It was further noted that there can be conflicts with underground lines and tree roots.

In response to Vice-Chair Goulden's question, Associate Planner Cassidy said it is assumed the ADUs would be subject to the usual AMFA standards.

Vice-Chair Goulden asked about the history of the requirements for covered parking. Associate Planner Cassidy said she would guess it was about design aesthetics and maintaining the rural feeling by not seeing cars.

Vice-Chair Goulden asked if there is a separate undergrounding requirement just for the new ADU as opposed to redoing the main house. Associate Planner Cassidy said that whether the wires from the main panel to the ADU would be considered separately needs clarification. She said the code generally refers to the connection from the pole to the house. She said she would assume that once a property is required to underground, all of their wires must be underground. She said if that requirement is not in place, wires might be strung above ground, although she thinks that is unlikely. Vice-Chair Goulden said he was thinking about the possible situation of separate meters.

Commissioner Kopf-Sill asked if the Fire Department was okay with using driveway aprons and gravel areas for parking. Associate Planner Cassidy said she has not checked with the Fire Department specifically on this issue but that fire truck turnaround is supposed to be kept free.

Commissioner Kopf-Sill asked if she knew how built out and dense Portola Valley would be if everyone were allowed to use their total floor maximum. Associate Planner Cassidy said she does not have a number, but said that most applications come in pretty close to the maximum. She said more often than not they see 1,000- to 3,000-square-foot homes being replaced with houses of 4,000 to 6,000 square feet.

Chair Targ asked about the CEQA process and noted that the decisions about what to move forward could impact the CEQA analysis. Associate Planner Cassidy said staff has begun thinking about the exemption for complying with State law, looking at other jurisdictions and is in touch with 21 Elements, the San Mateo County organization.

Chair Targ asked about the anticipated cost for undergrounding utilities for a separate ADU. Associate Planner Cassidy said she doesn't have a specific figure. She said it ranges quite a bit, depending on distance, whether it has to go under a road, if there are grading changes, if it's difficult to dig up and repave, etc. She said typically, ADUs are farther from the front of the property, and there would be the additional cost of running the wires.

Chair Targ invited questions or comments from the public.

Bruce Roberts, 40 Hillbrook. Mr. Roberts said his two-story home, built in approximately 1960, is on a one-acre lot. He said his second story is approximately 3,500 square feet with four bedrooms and three bathrooms. He said downstairs is approximately 1,632 square feet with two bedrooms and two bathrooms. He said his father lived downstairs with a bedroom for the caregiver, a kitchenette, a front room. There is also a covered parking place for his father and the caregiver. He said now that his father has passed away, he would like to turn the downstairs into an internal ADU. He said an internal ADU should have no floor area limitation because it is within the existing structure of the home. He said his ADU is well over the 1,000- or 1,200-square-foot limit. He said in his case, all of the electrical for both floors comes into the same place, and he would prefer not to underground.

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Michael Boskin, 150 Corte Madera Road. Mr. Boskin said he has lived in his home since 1974. He said he wants to build an ADU, but his property is just under .9 acres. He said they appreciate the consideration and hope that a good set of proposals will be adopted soon. He said the Town is under enormous pressure from the State to provide affordable housing. He said the alternative is not a minor variation on the theme, and the Town will be forced to have a much denser population. He suggested any changes made are consistent with what the Town has done to defend itself against additional demands from the State. He said it is important that external ADUs have a separate address as a practical consideration for mail and utilities and, more importantly, to designate them as separate low-income housing. He said many friends and neighbors want to stay in town and not be forced to move somewhere else or into the Sequoias. He said it is necessary to do something sensible, aside from the State regulations, to accommodate that wish in a reasonable manner. He said everybody wants to retain the character of Portola Valley, and it makes sense to have sensible restrictions regarding setbacks that maintain the character of the town. He urged the Commission to sensibly accommodate the needs, desires, and demand for new ADUs expressed by the current residents of Portola Valley.

Virginia Bacon, 205 Golden Oak Drive. Ms. Bacon said she's lived in Portola Valley since 1972. She said she is concerned about sewer and septic. She said she is on a septic tank system and adding an ADU would be exorbitantly expensive to connect to the sewer. She said she would like the ability to add another septic tank, which has not been addressed. She said it would be easier for people to manage a separate address with separate utilities.

Carrie Diller. Ms. Diller said she is an architect who focuses on ADUs. She said they've been looking at one on their in-laws' property on Escobar. Ms. Diller said the ADUs are typically pulling electrical, water, and gas from the main residence and then trench back. She said the new State laws allow pulling off the main house without adding a new service. She said there will need to be trenching for gas, water, and sewer, so to ask for undergrounding electrical would be a minimal cost. She said the difficult cost would be undergrounding the main service from the main house, even if the 200-amp upgrade is triggered due to the second unit. She said they focus a lot on senior housing for their clients. She said there is no ADA code that mandates housing to be accessible to seniors. She said when they choose to make bathrooms and bedrooms accessible, square footage is being added. She said only about one in five houses in the United States is designed for aging in place, with most having hallways and doors that are too narrow, stairs, etc. She said building separate units to allow people to stay in their community with a caregiver often requires more square footage to be accessible.

Chair Targ asked Ms. Diller to expand on her thoughts about ADU size. Ms. Diller said they have surveyed the boomer generation and found they are not looking to live in an open studio loft area, but are trying to replicate their state of being. She said having things like multiple accessible bathrooms with adequate turning radius, caregiver suites, and a kitchen with an accessible turning radius and side access, requires more space. She said an accessible ADU can be creatively achieved in 1,000 square feet, but if the goal is trying to provide for aging in place, 1,200 or 1,500 is more amenable to keeping the quality of life the same.

Bud Eisberg, 233 Wyndham. Mr. Eisberg said there was a situation in his neighborhood 10 or 15 years ago where someone was replacing a furnace and wanted to add an air conditioning unit. But it triggered an upgrade from their 100-amp service, which turned it into a very expensive problem. He said it is important to research the costs of sewer and undergrounding so as not to add to the burden. He said he is supportive of simplifying the process, but said it is particularly important that the offsite impact be considered with units on small lots. He said he would hope that could be handled by a couple of ASCC members reviewing instead of several meetings and a full review.

Lindsay Bowen, 195 Portola Road. Mr. Bowen asked how many lots in Portola Valley have second units. Associate Planner Cassidy said there are 1,700 parcels in Portola Valley and approximately 220

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ADUs. Mr. Bowen asked how many parcels were larger than one acre. Associate Planner Cassidy did not know that number. Chair Targ said that information is available and can be provided at the next Planning Commission meeting.

With no further public comment, Chair Targ brought Item #10, ADUs on All Parcel Sizes, back to the Commission for discussion.

Commissioner Hasko said she was generally supportive of expanding the access to ADUs on smaller parcels. She said the way it is done will be particularly sensitive. She said she would want reassurance on safety and infrastructure and the parameters that might be imposed to meet Fire Department needs. She said there may be a difference regarding attached or detached ADUs that makes sense on smaller lots, and she would be inclined to be permissive depending on safety aspects and impacts on neighbors. She said it will be important to determine the appropriate level of review for that. She said there may be design requirement differences for smaller lots that might be more appropriate, and she would like the ASCC's input on that.

Commissioner Kopf-Sill was supportive of allowing attached or detached ADUs on lots of any size, considering the allowable floor area is still limited. She said she would prefer ASCC review for building heights on smaller lots. She said there are some neighborhoods that feel dense with narrow roads, and she would be concerned about a lot more cars and more density on those roads – i.e., Santa Maria, Wayside.

Vice Chair Goulden said he generally would not want ADUs treated separately. He said there seem to be a lot of piecemeal regulations with caps here and there to try to limit things, which should be avoided. He said, for example, saying ADUs are allowed on any size lot, but with review of setbacks. He said design, for example, doesn't need to have an ASCC review, but there must be some element of design review. He said the unintended consequences of making it more open should be considered, perhaps building into the overall code rules to prevent unwelcome problems.

Chair Targ said he shared the concerns about health and safety. He said some of the roads are substandard and in extreme fire danger locations, and he would be concerned about density increased there. He said it could be potentially addressed as a general matter with design criteria that takes into consideration capacity of the roads, circulation, and acceptability and accessibility of the roads for safety vehicles. He said he considers ADUs distinct from primary units, and there are issues of density and intensity of the zone in which they're located that can be impacted if increased by a potential factor of 2. Chair Targ said he is supportive of having no minimum lot size requirement if there is prescriptive design criteria. He said that would lead to allowing attached ADUs on smaller lots. He said the ASCC should review, at least on the consent calendar, smaller lot ADUs. He said staff could put together a recommendation, taking into full consideration design review criteria, and then sent to ASCC on their consent calendar so they would have the opportunity to pull it from the consent calendar for review. He said that would create some uncertainty to the applicant, but would maintain a level of quality assurance, particularly in the case of smaller lots where the impact may be greatest, and also create the opportunity for greater public involvement wherein neighbors may be more impacted in a more densely built-out area.

Commissioner Hasko agreed that in a denser environment she would want the process to include a notice component.

Planning & Building Director Russell said that in another community she worked in, there is a requirement upon submittal of certain types of applications that the applicant has already reached out to neighbors, indicating how the neighbors have been noticed and the comments received. Commissioner Hasko said she would want a more formalized noticing process to provide the ability to

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have a discussion. Chair Targ said that would be a useful supplement, but does not replace Town notice. He noted that conversations between neighbors may be different, and the comfort level may be different than in a more public forum. Planning & Building Director Russell clarified that the preliminary reaching out to neighbors would be in addition to formal public notice. Commissioner Kopf-Sill said she supported requiring the applicants to also reach out to the neighbors. Vice Chair Goulden said they often advise applicants to speak with neighbors so he would support a reminder on the application package.

Associate Planner Cassidy provided a brief review of Item #11, Floor Area Allowed for ADUs.

Chair Targ asked if trip generation was based upon max floor area or number of rooms. Planning & Building Director Russell said it is based on the type of dwelling unit. She said single family home dwelling units have an ITE rate, for example, and it does not take into consideration number of bedrooms or size.

Commissioner Hasko said there is a large consensus that people have an interest in increasing the allowable size. She said she would support maintaining a maximum, but would consider how to thoughtfully increase it to be workable for the people who want to stay in town and the people that need more available housing. She said if there are no parameters, there will be a different allocation of built space. She wants to know what's going on in nearby communities as helpful benchmarking. She said she would consider different maximums for attached and detached, such as the basement example described by Mr. Boskin. She said she would still have concerns about intensity of use, but being within the footprint of the existing building eliminated the concerns about the appearance of density when driving through a neighborhood. She said, depending on the changes made to the max size limits, consideration should be given about sizes that may require additional criteria.

Commissioner Kopf-Sill said she would be supportive of removing all ADU maximums while staying within the AMFA, with ASCC being triggered at the current numbers. She said an ASCC review should not be waived on a 2,500-square-foot home just because it is an ADU. She said staying within the AMFA could possibly result in more modest main homes to allow for larger ADUs. She said the maximum sizes should not be different for attached or detached ADUs.

Vice Chair Goulden was supportive of Proposal #2 if the second structure really is an accessory dwelling unit and not just a way to effectively subdivide a lot. There should be a criteria such as a percentage of the main house. He said having trigger points for review should be part of the new set of processes.

Chair Targ said he shared the concern about effectively subdividing lots. He said he would recommend changing the maximum floor area for 1- to 2-acre parcels and also at 3.5 acres if it has two units on it, from 1,000 to 1,200 square feet so that a different demographic could take advantage of the ADU. He would not support having an unrestricted size being only bound by the AMFA. He said that would change the character, the massing, and the feel, and has the potential for significantly changing the intensity of the use.

Planning & Building Director Russell said they would not be allowing the subdivision of lots. She said the question is if two units equal or close to equal in size would be acceptable or not. She said the question is, if it starts to become a duplex situation with two evenly-sized units, what does accessory really mean in this context, and what are we trying to achieve? She said there appears to be some support from the Commission with design criteria with units becoming more equally sized and also some concern about that.

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Vice Chair Goulden said there should be some definition of accessory unit that works for the community. He said he would like to get rid of a lot of the extra rules for ADUs and make it more generalized, but at the same time not end up with an effective subdivision. He said he would want something additional in the code to ensure a duplex situation is not created. He said he does not want to loosen rules so much so that other problems are created. He said he wants to assure that the code achieves the desired goal while remaining as simple as possible.

Commissioner Kopf-Sill said she was not averse to two equal-sized houses. She is less supportive of one 7,000-square-foot house than two smaller homes on one lot.

Commissioner Hasko said the goal is to create additional housing – hopefully affordable, hopefully suitable for seniors. She said if that is the goal, it may not be necessary to have the freedom to create two equally-sized houses on one lot. She said when you are walking down a street it is a different experience to see equally sized houses versus a house and an accessory structure that is attached or detached. She said she thinks it would create a different environment, and she would prefer to have an accessory dwelling unit defined in a way that is more reflecting of the community.

Vice Chair Goulden said Palo Alto, for example, has much smaller lots, more expensive than Portola Valley. He said if the Town allows effectively subdividing lots, the result would be two very expensive homes, which does not address the Town's goals of what they want the ADUs to be used for – such as helping people age in place and providing housing for policemen and teachers.

Chair Targ said he is also concerned about the change of character and feel of the town.

Associate Planner Cassidy provided a brief review of Item #12, Parking.

Commissioner Hasko said her concern is maintaining safety. She said there are areas in town where parking on the gravel right up against the street is not practical if the fire truck can't get by. She said it is not clear why there was the original requirement for covered parking. She said this should all be investigated if it moves the dial on how practical the ADUs will be.

Commissioner Kopf-Sill said she does not want more cars on the street for both aesthetic and safety reasons. She was concerned that less restrictions regarding parking will put more cars on the street. She asked staff how many applicants were deterred because of the current parking rules. Associate Planner Cassidy said she didn't have exact figures, but said it had been a struggle for one or two units. She said additional paving is allowed in the setback for the ADU parking, but that often pushes it closer to the exterior setbacks and visibility from the street. Associate Planner Cassidy said most people do not own four cars so are not using their guest parking spaces on a regular basis. She said the idea here is that applicants would not have to find the additional parking space on more constrained lots if there was some flexibility in providing it for a house with a longer driveway and hammerhead for the fire truck turnaround. She said because most people do not have four cars, it's just a matter of not having to pave or find an additional space when there is not a need for all those parking spaces.

Vice Chair Goulden said he was supportive of allowing the guest space to be used.

Chair Targ said he would not change the parking criteria.

Associate Planner Cassidy provided a brief review of Item #13, Utility Undergrounding.

Commissioner Hasko said that this is a technical topic and she does not know the costs involved so it is difficult to comment. She said if the costs are minimal to go from the house to the ADU, then an exception may not be required. She said she would need more information to opine about whether

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encouraging ADUs is more important than undergrounding. She said she does understand how the connection to the main house is relevant to the ADU piece and does not know that the Planning Commission needs to address that connection. She said it did not seem to be a critical component of the decisions people have to make and, if it is a reasonable cost, she would keep it given the other parameters. She said she would need more information if there was a specific proposal.

Chair Targ asked how Commissioner Hasko would consider it if one were required to add a new box for an internal ADU, and they already had overhead utilities coming in. Commissioner Hasko said she was referring to detached units. For internal ADUs, she said that cost of the bigger panel could be out of whack, and she would need additional information in that scenario.

Commissioner Kopf-Sill said news reports indicate that even towns that are very afraid of wildfire due to wires won't pay the high costs to underground. She said it seems a shame to require people underground all the way from the street to their house if they want to build an ADU. She said she supported exempting ADUs from undergrounding.

Vice Chair Goulden asked if the Undergrounding Committee would be looking at this issue. He said it does seem to be a question of what's more important – ADUs or undergrounding – and he would think it would be a different body to study that issue, perhaps the same body who initially made the decision to require undergrounding. Chair Targ said it would ultimately come back to the Planning Commission and then to Town Council. Associate Planner Cassidy said they have not yet discussed this with the Undergrounding Committee. Vice Chair Goulden said he was supportive of being more flexible with the internal ADU.

Chair Targ said his general view is that undergrounding should be required unless the cost is prohibitive, which may or may not be the case with an internal ADU and may not be the case with an external ADU. He suggested pulsing the Undergrounding Committee.

Associate Planner Cassidy said it sounded like the Commission agreed that for a detached ADU any connection from the house to the ADU should be underground and that internal ADUs should have some flexibility. She asked for clarification regarding the Commission's opinion about the connection from the pole to the house for a detached ADU.

Chair Targ said they would need more information.

Commissioner Kopf-Sill said there could be cases where the ADU is sited far from the main house and it would be a shame to require undergrounding between them unless a trench were already being dug.

Chair Targ called for a five-minute break.

Associate Planner Cassidy presented Items 14 through 17 under Policy and Code Changes, as detailed in the staff report, and invited questions.

Commissioner Hasko asked about the negatives regarding second addresses. Associate Planner Cassidy said it is mostly physical impact of the utilities and the mailbox. She said if the ADU already exists, there is not much of a change. She said they are still discussing with the utilities to learn if placing utility boxes at the property edge is a requirement or preference, even with main houses, which could have potential impact of clutter along the streets, which could be mitigated with vegetation and screening.

Commissioner Hasko asked how long the owner-occupancy rule has been in place. Associate Planner Cassidy said it was at least since 2012. She said Kol Peterson, an ADU expert, has said the restriction

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is quite common and is one of the main obstructions to ADU creation and people embracing it on their own property. Chair Targ said there had been concerns regarding personal security and potential transients that may be engendered through second units used for short-term rentals.

Commissioner Kopf-Sill asked for clarification regarding the non-residential zone categories. Associate Planner Cassidy said the two main categories are Community Commercial (CC) and Administrative Professional (AP). She said there is also Open Area (OA), which is not very common, that goes along Alpine Road on the way out of town and includes the Alpine Inn. She said most zones are residential.

Commissioner Kopf-Sill asked about the term subservient. Planning & Building Director Russell said the Town does not have a definition yet, but other zoning codes have definition around what is an accessory or ancillary use to the primary use. She said staff will need to develop that language.

Commissioner Kopf-Sill asked if someone could have a commercial garage and build another building that is a side garage with nobody living in it. Associate Planner Cassidy said that was not the intended implication. She said the Town does not currently have any enforcement measure to ensure that someone lives in an ADU. She said the goal of the proposal is building accessory housing in non-residential zones.

Chair Targ said if there was a commercial use where an ADU were built, that would not mean the ADU could be used for a commercial purpose.

Planning & Building Director Russell said commercial uses have CUPs associated with them, so an expansion of the commercial use would trigger an amendment to the CUP.

Commissioner Kopf-Sill asked if a house without an ADU could be rented out however the owners wanted. Associate Planner Cassidy said the Town's current short-term rental restriction only applies to ADUs. She said if the owner lives in the ADU, the main house does not have any short-term rental restriction, which may be a loophole in the intent. Associate Planner Cassidy said she has seen various options employed by other jurisdictions – some requiring CUPs, yearly renewals and reviews.

Vice Chair Goulden asked how this proposal would be different from the process used for something like the Priory. Associate Planner Cassidy said the Priory's housing is part of the Affiliated Housing Program, as described in the General Plan, and also includes the Sequoias and the Stanford Wedge. She said the Town is currently working on expanding that program to other partners, but it hasn't happened yet. She said the Affiliated Housing Program specifically targets the larger landowners and employers with the goal that the housing is restricted to employees of those institutions. She said there is no current requirement in the proposal before the Commission that the unit be rented to an employee, although that would be attractive. She said it would also likely be much smaller commercial uses such as Roberts Market, the Garage, the Deli, and Village Square – with the idea being there would be fewer units, perhaps fewer restrictions on who could rent them, and likely a much more subservient or accessory feel. In response to Vice Chair Goulden's question, Associate Planner Cassidy said their CUPs could be reopened and brought to the Planning Commission to add the ADU use. Planning & Building Director Russell said that is potentially more process and people with existing CUPs are cautious to reopen them.

In response to Chair Targ's question, Associate Planner Cassidy confirmed that ADUs are allowed in all residential zones. She said the limitation is based upon the size of lot, and there has to be a main residence in existence on the residentially-zoned parcel.

Chair Targ invited public comment.

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Bruce Roberts, 40 Hillbrook. Mr. Roberts said the Alpine Hills Tennis Club has an employee who travels from Manteca daily. He said there is a .75- to 1-acre parcel behind Roberts Market, which seems like a great place for housing, maybe at a higher density. He said most important to him is a second address. He said it would keep the utility rates down for both parties. He said his basement unit is set up for that if it is ever permitted. He said his property at one time had three driveways, and they removed one at the Town's request. He said he is not in favor of short-term rentals.

Lindsay Bowen asked if a fallout shelter would be considered an ADU. Associate Planner Cassidy said that would depend on the specific proposal. She said it could be an ADU. Associate Planner Cassidy said an ADU would be a full living unit that includes a full bathroom and kitchen facilities, electricity, and a stovetop. She said without those things it is just considered extra space, and if it is not under a building, it counts as floor area.

Michele Morhenn, 5 Buckeye. Ms. Morhenn said that as the owner occupancy requirements are discussed, there should be a clear understanding of the landlord-tenant law, which may be changing statewide. She said if a property owner wants to move, but has a lease with a tenant, the owner cannot necessarily evict the tenant. She said this puts the owner in a difficult place if they can't rent out the main residence.

Chair Targ said the issue of septic tanks should be flagged but not addressed right now. Associate Planner Cassidy said sewer and septic connection was considered at the Town Council Study Session and was put in the category to look at later. If a property is on septic and it is not sized correctly, it would need to be expanded, which would be a normal process. She said there was a proposal to work with the County to look at alternatives with gray water and black water systems, but that would be a much longer process. Planning & Building Director Russell said the Town Manager has done the original outreach to County Environmental Health to start the conversation, but it will take a while. Chair Targ asked that a note be sent to Virginia Bacon regarding that issue.

Chair Targ invited discussion regarding Item #14, Allowing ADUs in All Zones.

Commissioner Hasko said she was previously part of an ad hoc committee that looked at this issue, perhaps adding apartments above some of the more viable structures. She said it serves to create density where there is already some construction and does not take away from the open landscape. She said she is not sure how much would be viable space, but she would support looking at the issue. She said, for example, she has no idea if Roberts Market would be interested in building something new. She said she would support exploring the idea, but did not know how practical it would be in the end.

Commissioner Kopf-Sill said on the surface, this proposal appears desirable by allowing employees to live closer to their jobs. She said she worries, however, that someone could build a 1,000-square-foot unit and rent it for \$3,000 a month, which is not affordable housing. She asked how enforcement would work to make sure the units are rented to employees. She said, for example, if the PV Garage was allowed to build up to their floor area maximum, they might choose to build several small ADUs in their parking lot. She said she wouldn't want to see business owners deciding it would be more profitable to build and rent out houses rather than operate their business. She pictures one or two units on a property as acceptable.

Vice Chair Goulden said he has no objection to it. He asked whether it would help if we can't control what people do with them. He said that question should be explored before initiating a lot of low-level changes. He said the business owners' level of interest in building ADUs should be gauged before spending a lot of time on it.

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Chair Targ asked if residential units were generally permitted as conditional uses in the commercial or nonresidential zones. Planning & Building Director Russell said residential is permitted in the AP zone. Chair Targ said he could imagine adding ADU as a conditional use within all zones, but further consideration would need to be given to simply providing it either as a ministerial or as-of-right opportunity. Vice Chair Goulden said if the hesitancy was about asking the Planning Commission, perhaps an extra right could just be added. Chair Targ said the underlying zoning would need to be modified. He said where it was not permitted, it would also need to be determined if there was consistency with the General Plan. He said creating an additional Conditional Use in an area that isn't designated for that land use under the General Plan may require a General Plan amendment. Associate Planner Cassidy said the hinge is accessory, the same way an ADU does not change zoning or single-family nature of the property. Chair Targ asked if the use was changed, for example, from commercial industrial to commercial industrial with the opportunity for residential, even if it's accessory, it may be a bridge too far because of the change to the underlying use designation. Chair Targ recommended creating an additional use under a CUP.

Chair Targ invited discussion regarding Item #15, Second Addresses.

Commissioner Hasko said it made sense to allow second addresses. She said it will be a meaningful right of the residents of the ADU to have an independent unit. She said the ASCC can help with the issues around post boxes. She said there have been a lot of utility boxes placed in very ugly places, and she would recommend figuring out what has to happen there versus what's being requested. She said she would allow but not require it because not everyone wants a second address.

Commissioner Kopf-Sill was supportive of the proposal. She agreed second addresses should be allowed but not required. She said she is the Chair of the Emergency Preparedness Committee, and her first instinct would be that they did not need to be involved in creating a process or reviewing address assignments. She said they would probably just look to the Fire Chief's advice.

Vice Chair Goulden and Chair Targ were supportive of allowing but not requiring second addresses.

Associate Planner Cassidy provided a brief review of Item #16, Second Driveways.

Commissioner Kopf-Sill asked if an ADU that was built more than 150 feet from the roadway but had a fire truck turnaround would be allowed. Associate Planner Cassidy said having the fire truck turnaround would probably be satisfactory, but she would need to confirm that.

Commissioner Hasko said she has reservations about this. It has a real potential to impact the look and feel of the town and traffic patterns, parking, etc. She said if this were shown to be a significant factor in people's decisions to build ADUs, it should be looked at, but she would not be supportive of this proposal without a lot of limitations. She said she is not convinced this is a driving factor in people's decisions to build an ADU.

Commissioner Kopf-Sill said she was not supportive of allowing second driveways unless very necessary. For bicyclists, every driveway is a hazard.

Commissioner Hasko said the horse community would not be supportive of more driveways. She said there have been accidents on paved driveways, and people do not always conform with the requirement to score.

Vice Chair Goulden said this proposal goes too far toward subdividing. He said on the occasions where this could make sense it could go through the variance process.

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Chair Targ agreed with his fellow Commissioners.

Associate Planner Cassidy provided a brief review of Item #17, Owner Occupancy & Short-Term Rentals. Planning & Building Director Russell said these items became grouped together because of how the research happened and how they checked with other cities and towns. She said they do not have to be coupled and can be separated.

Chair Targ invited discussion regarding the owner occupancy aspect of Item #17.

Commissioner Hasko said in a small town, people building additional units on their property impacts neighbors, and the community should be participating in the decision-making regarding what happens on their neighboring property. She said it is important to have some nexus to the community when building the ADU. She said it might make sense to require a certain amount of residency over some period of time instead of at the time the ADU is being built. She said having people building investment properties does not feel right to her.

Commissioner Kopf-Sill supported removing the owner-occupancy requirement because it is difficult to enforce and because it would cause a problem if the owner did need to move.

Vice Chair Goulden said the questions are: what the Town is trying to accomplish, and what they are legally able to restrict? He said he was surprised that Councilmembers were interested in removing the restriction. He said all of the discussions about aging in place or having a place for children or the nanny to live have been connected with owner occupancy. He said there can be a process to deal with exceptions such as when an owner needs to move. He asked if there would be an attempt to limit something else in terms of usage of the units that was closer to what the Town really has in mind. He said if he were asked to decide today, he would not be supportive of removing the owner-occupancy requirement because that would seem to be opening up a regular rental community rather than ADUs. He said they should figure out a process to deal with the potential problems mentioned.

Commissioner Kopf-Sill said if somebody built an ADU and rented it to a teacher for a low price and then rented the main home to the teacher's family at a low price, that would be a good thing. Vice Chair Goulden agreed, but did not know how that could be regulated or if it was even legal to do so. He asked if the ADUs were really meant to help the community or merely to become rental units.

Commissioner Hasko said if the owner-occupied rule is not currently being enforced, it may not be an impediment to applicant decisions.

Vice Chair Goulden agreed that property is more valuable if the owner has complete flexibility on what to do with it. He said the whole point of the General Plan is to limit that flexibility to make the community nicer.

Chair Targ said there are compelling arguments in both directions. He said there is not the expectation today that everybody is going to own a house. He said the idea that in order to have a good and right community there should be a preponderance of home ownership may be changing. He said, given the fact of the current housing situation, having two units instead of one unit available for rental that is comparatively easier to get into and out of may be desirable. He said he could be supportive of removing the owner occupancy requirement.

Commissioner Hasko said the question is if someone can build an ADU if they are not physically occupying the main residence. In response to Commissioner Hasko's additional question, Associate Planner Cassidy said that under the current code, the applicant would not be able to build an ADU and then rent out both the main house and the ADU. Commissioner Hasko asked how that would be

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enforced. Associate Planner Cassidy said there is no deed restriction in place although the HCD strongly recommends that a deed restriction be used if such an owner-occupancy requirement is stated in the code. She said the Town needs to make a change in one direction or the other. She said if there is an owner-occupancy requirement or a short-term rental restriction on any units or houses, a deed restriction is the most effective legal tool to enforce those restrictions. She said, however, it adds an impediment.

Commissioner Kopf-Sill asked about the consequences of violations of the restriction. Planning & Building Director Russell said every community she's worked in has deed restrictions recorded, but she has never had a violation that required follow up. She said enforcing that deed restriction, even though it is recorded against the property, could be a challenging legal position. She said it would take a significant action by the Town Attorney. Planning & Building Director Russell said by and large the people in this community try to abide by the regulations.

Vice Chair Goulden said he is more interested in the question of what the Town is trying to achieve with the ADUs. He said he would like to better understand if other communities regulate what can be done with ADUs or if there are incentives to use them in certain ways. Associate Planner Cassidy said the most common tool that she is aware of is waiving fees in exchange for a deed restriction that the unit will be rented affordably. Planning & Building Director Russell said all the fair housing laws come into play so there could be a deed restriction by income category as defined in the Affordable Housing HCD regulations, but other factors could not be taken into consideration.

Commissioner Hasko predicted that deed restrictions would get a visceral reaction in Town. She said she does not think they are the right way to go and is not even sure they're enforceable. She said she would not invest a lot of time and effort there. She said the two-teacher scenario is probably already out there and that's great, but to open it up more formally and have speculative real estate investors come in to take advantage of the lucrative housing market is not the goal. She said for those reasons she was more in favor of owner-occupancy with a lot of flexibility for those invested in the house and community. She said since it is not being enforced anyway, she does not see how important it is.

Commissioner Kopf-Sill said if it's not being enforced or can't be enforced, then it should be removed or it penalizes the people trying to follow the rules. She said there are a lot of active and good people in the community who do not own their homes.

Chair Targ noted his agreement.

Chair Targ invited discussion regarding short-term rentals.

Commissioner Kopf-Sill said she was shocked to learn that short-term rentals were allowed of regular houses or ADUs on owner-occupied properties. She said there should be a 30-day restriction on everything. She asked staff if that was more easily enforced. Planning & Building Director Russell said it is more complicated than that. She said a broad restriction not been thoroughly vetted and discussed as part of this process, but they would like to hear any feedback from the Commission.

Commissioner Kopf-Sill said she would want all rentals to be restricted to being rented for 30 days or longer. She said there would be more opportunity for enforcement and community pressure to not allow short-term rentals.

Vice Chair Goulden agreed.

Commissioner Hasko said she doesn't understand why the disconnect in the rules exists. She agrees with 30-days or longer, and the rule should apply similarly. She said that it is not being enforced

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practically, but complaining goes a long way. She said she does not want to over-legislate, but said it makes no sense to retain disconnects like this.

In response to Commissioner Kopf-Sill's question, Associate Planner Cassidy said there is no rule about how many people can live in an ADU or a house. Planning & Building Director Russell said it becomes problematic to put regulations around the composition of a household and the number of people that live in a household because of basic Constitutional rights.

Chair Targ said he didn't see how short-term rentals situations would promote affordable housing in Portola Valley. He would support harmonizing the two and keeping the requirement to 30 days or longer.

Chair Targ said next steps is that a write up of these items will go to the ASCC to address process issues, to the Underground Committee to evaluate the undergrounding issue, a letter to Virginia Bacon to let her know the issue of septic systems is being considered, and there may be an additional forum in which public comment will be taken. He said the results of the ASCC meeting will be processed by staff and some ordinance language will come back to the Planning Commission in a couple of months. Associate Planner Cassidy said the goal is to bring everything back to the Commission on November 7. Chair Targ suggested that it would be difficult to bring all of that information in that timeframe. He said he would not expect they would have the CEQA documentation by that time. Planning & Building Director Russell said they are not proposing to bring a complete package for approval, but are proposing to bring draft language for discussion and molding.

Commissioner Hasko said there is also information that needs to be processed before she would be comfortable commenting even on a draft ordinance. She said there were a couple of points that she indicated she did not feel well enough informed to comment on.

Planning & Building Director Russell said staff will try to balance all of the Planning Commission's interests as well as what they've heard from the Council and think about the appropriate package to bring back.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Commission Reports

None.

(3) Staff Report

Planning & Building Director Russell said she and Associate Planner Cassidy recently attended the Cal APA conference in San Diego, and she included the Conference-At-A-Glance in the staff packet to give them a sense of what kinds of sessions they and all the other planners attended.

(4) News Digest: Planning Issues of the Day

Planning & Building Director Russell shared an article of interest with the Commissioners – "Turn schools into teacher housing? Unique idea sparks backlash in Bay Area community."

APPROVAL OF MINUTES: October 3, 2018.

(5) Planning Commission Meeting of October 3, 2018

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Vice Chair Goulden moved to approve the minutes of the October 3, 2018, meeting with the following amendments:

- Page 5, first paragraph, revise to “He said, for example, a basement in the ordinary context is not thought of as bedrooms whereas it may well turn into space for bedrooms in an ADU.”
- Page 6, first paragraph, change “lot size” to “floor area”
- Page 6, one-third way down, remove “cost” and just leave “benefit”;

Seconded by Commissioner Kopf-Sill, the motion carried 4-0.

ADJOURNMENT [9:55 p.m.]

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MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

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

DATE: October 22, 2018

RE: Study Session on Accessory Dwelling Units: Design Issues

RECOMMENDATION

Staff recommends that the ASCC receive a presentation from staff, ask questions and provide comments, receive public comments, discuss the questions included in the staff report, and provide recommendations to the Planning Commission based on the included questions.

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. They 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 in Attachment 1).

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 ideas category. On October 3 and 17, 2018, the Planning Commission held a study session on the Council's preferred ideas. The staff report (Attachment 1) contained three sections and seventeen topics for the Commission's discussion; the material was broken up over the two dates. The Planning Commission requested feedback from ASCC on design related topics, the proposal to create staff discretionary review, and how the proposals might be experienced by neighbors.

Staff has included these topics in the following report. At this meeting, staff requests that the ASCC hold a study session and make recommendations to the Planning Commission regarding the items under review, as well as a new review process proposed by staff.

Following the ASCC's review, the Planning Commission will conduct one or more public hearings 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, driveway and utility requirements for ADUs, and when to require ASCC review of ADUs. The full list of ideas 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 ASCC, Town residents, and any other interested parties in considering the Council's list of preferred ideas as they pertain to design and project review. Given this focus, staff has created two sections for this report with eleven topics, as described below. Topic numbering corresponds to the staff report to the Planning Commission, and so is not in numerical order.

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:

- 2) ASCC Review for Floor Area (p.4)
- 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)
- 14) Allow ADUs in All Zones (p.11)
- 16) Second Driveways (p.15)

Each idea is then subsequently presented with the following information:

- Current code
- Proposal
- Background (if applicable)

At the end of each section, questions for the ASCC are listed. 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.

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. In addition, ADUs may also trigger ASCC review due to exceeding the 85% massing rule, or due to large light wells; these two triggers exist for all project types.

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.

Under a staff discretionary review process, 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. Processing time would be between ministerial review and ASCC review. If projects raised concerns or significant neighbor comments, they could be sent to ASCC for review.

Below, the staff report discusses each of the design elements currently which 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. The Planning Commission is generally in support of creating the process itself, with some debate around which elements deserve which level of review. The Planning Commission specifically requested that the ASCC weigh in on this potential new process.

2) ASCC Review for Floor Area

Current Code ADU maximum sizes vary by parcel size (i.e., a 1.0 acre parcel is allowed 1,000 SF, while a 2.5 acre parcel is allowed 1,200 SF). However, if a proposed ADU has more than

1,000 SF, it automatically requires ASCC review. This means owners on larger lots must undergo additional review for ADU sizes 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)

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 a) Remove the requirement for ASCC review based on a different architectural style.
b) Require staff level discretionary review for design review for ADUs, in order to apply Design Guideline principles to all new ADUs. (Increased consistency within the municipal code; removing barriers to ADU creation; creating a supportive process for residents interested in building an ADU)

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 non-ADU structure over 400 SF requires ASCC review, whereas an ADU doesn't trigger ASCC review until it is 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)

7) Location

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

Separate from ADU code, the Town also 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)

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)

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 a new Staff Discretionary Review process be created?
- How might each of the six review triggers above work within a staff discretionary review process?
- What are the potential impacts on neighbors and how might they be mitigated? Are there specific criteria which would help reduce any potential effects?

POLICY AND CODE CHANGES

The proposals below represent a range of possible policy changes for the Planning Commission's consideration. Council listed each of these ideas as a potential way to encourage ADU development. Although there is broad support for encouraging ADUs, there is also some caution at the idea of simply loosening or lifting existing regulations. In many cases, it may increase comfort to develop criteria for the review of ADUs in order to mitigate potential effects of these new policies.

Staff requests that the ASCC review the following possible policy changes with the lens of how the potential impacts might be mitigated or controlled for if the proposal is ultimately approved. Many criteria (e.g., setbacks, height, site design) are best represented visually; staff will include examples of what might be considered as part of the meeting presentation on October 22nd.

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.

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)

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	/
Internal ADU	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)

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)

17) Second Driveways

Current Code Double access or “loop” driveways with two entrances to a 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 separate 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

- If any or all of these Policy items are approved, what are the potential impacts related to design and neighborhood compatibility?
- Are there specific criteria which would help reduce any potential effects?

NEXT STEPS

Staff plans to return to the Planning Commission for additional guidance as code language is drafted and honed. The following future meeting date is tentative and subject to change:

Planning Commission November 7, 2018 – Wednesday Review Draft Language

Meetings will be scheduled through December 2018 or beyond, 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. Staff Report to the Planning Commission, October 3 and 17, 2018

CALL TO ORDER AND ROLL CALL

Vice Chair Koch called the regular meeting to order at 7:00 p.m. in the Town Center Historic School House Meeting Room, 765 Portola Road.

Planning & Building Director Laura Russell called roll:

Present: ASCC: Commissioners Danna Breen, Dave Ross, and Jane Wilson; Vice Chair Megan Koch
Absent: Chair Sill
Planning Commission Liaison: Judith Hasko
Town Staff: Planning & Building Director Laura Russell; Associate Planner Cassidy; Planner Cynthia Richardson

(3) Study Session on Accessory Dwelling Units: Design Issues

Planning & Building Director Russell said the Planning Commission has already completed two study sessions on ADUs. She explained that the Planning Commission has asked that a number of items be addressed by the ASCC, capitalizing on their design expertise and to provide direction as staff moves forward in further development and writing of code language.

Commissioner Breen passed out information regarding San Mateo County's "Second Unit Inspiration." Commissioner Wilson shared a second unit workbook she got at the library. Planning & Building Director Russell said Home for All and 21 Elements put together workbooks that staff has been passing out.

Associate Planner Cassidy presented the background and discussion items regarding this Accessory Dwelling Units study session, as detailed in the staff report. Staff requested that the ASCC provide recommendations to the Planning Commission.

Associate Planner Cassidy described the proposal to create an intermediate review level wherein staff would review ADUs using the Town Design Guidelines for design elements such as floor area, architectural style, height, location, 85% massing, and light wells.

Vice Chair Koch was supportive of creating an intermediate level staff discretionary review process.

Commissioner Ross was supportive of granting staff discretionary review abilities. He said it was helpful for staff to work with an applicant to advise them on what items need to be reviewed by the ASCC. He asked if it had been considered to have a rotating assignment of a single ASCC member to serve as the liaison to staff for discretionary reviews. Planning & Building Director Russell said staff has considered two possibilities – one would have staff reviewing the projects together with an ASCC member to decide if it would be a staff level or ASCC level review, possibly as a phase-in period. The other possibility discussed was having staff perform discretionary reviews together with an ASCC member before granting final approval, which may be an intermediate or permanent step depending on the comfort level. Planning & Building

EXCERPT OF DRAFT MINUTES

Director Russell said the Planning Commission was concerned that there be a record, that neighbors are noticed and given opportunity for input, and that there is consistency.

Vice Chair Koch and Commissioner Ross preferred having staff perform discretionary reviews together with an ASCC member. Commissioner Breen said staff already has the job of bringing approvable projects to the ASCC. Commissioner Breen said the Townspeople need to have representation in the design review and it could be one ASCC member. She said ASCC members look through a different lens and are neighbors, and she feels it is very important that someone from the ASCC always has a seat at the table. Commissioner Ross liked the idea of rotating the assignment of ASCC members because it takes some of the pressure off of staff, and it will be helpful to them to have the support of an ASCC member who can further explain the design guidelines to applicants.

Commissioner Wilson asked if staff felt they could handle it if there were a rush of ADU applications. Planning & Building Director Russell said preparing a project for staff discretionary review is less work than preparing for a full ASCC meeting. She said they hope for an increase in ADU applications, and if that creates staffing issues she will bring that up with the Town Manager.

Commissioner Wilson asked if a list of preapproved ADU designs had been considered. Associate Planner Cassidy said that suggestion had been made by the Town Council and discussed by staff. She said they asked the Planning Commission if they were interested in staff spending time to develop a process that involved preapproved projects. She said that while the Planning Commission supported the idea, they did not want staff to spend a lot of time on it because it could snowball into a bigger project. She said the general idea is to look at making sure that an original proposal goes through the normal review process, coming to ASCC, vetted quite heavily, and then that exact blueprint could be ordered by the next person. Because staff would have already looked at that project quite closely, it could follow a more streamlined process. She said the question would be if it is was one specific unit or one specific vendor with different models that would all be preapproved. She said another possibility would be individuals recreating already-approved projects. Commissioner Ross said another possibility along those lines would be to create a gallery of approved projects that new applicants could view for ideas to see what might work on their lot. He said it may not be valuable to have two or three preapproved designs because they would need to be customized to fit on the different lots. Vice Chair Koch said it could be helpful for ideas, but pointed out that often times models are retired and replaced with new models. Planning & Building Director Russell said staff was thinking about the feasibility of it, but it is not a code amendment to be included in this package.

Commissioner Ross said an approved design gallery concept could be helpful if the requests for ADUs start to snowball. Associate Planner Cassidy said that is one of the reasons they're holding the open house tomorrow for people to tour existing ADUs. She said there is actually a waiting list of people who want to share their ADUs.

Commissioner Ross said staff discretionary review with a rotating ASCC member would cover all of the individual design elements listed under that category in the staff report.

Commissioner Breen said she thought heights of ADUs should be greatly reduced. She said ADUs should be subservient to the main architecture. Commissioner Ross said someone may add a couple of feet to their garage attic space in order to create an ADU above the garage.

Vice Chair Koch said if one ASCC Commissioner is involved, they can decide if the findings can

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be met.

Associate Planner Cassidy said the Commission can look at removing review and also the consistency of the code. She said, for example, the project at 99 Hillbrook has a few different elements proposed, including a 206-square-foot second-story addition above the main house. She said if the applicants were only proposing that, it would not trigger an ASCC review. However, if that were proposed as an ADU it would trigger review, so there is an inconsistency of how height is applied to ADUs versus other uses. The questions are if there should be ASCC review for height at all, if it could be made more consistent with use, and if ADUs should always be shorter than other residences.

Commissioner Ross said a detached ADU that is more dominant than the main structure creates an aesthetic disconnect that would be problematic. He said if it was a matter of adding a bit of height, such as at 99 Hillbrook, then he felt differently about the height restriction. Commissioner Ross said he was comfortable with staff discretionary review including the involvement of a single ASCC Commissioner as part of that review process.

Commissioner Breen said there cannot legally be a distinction made about use in determining what kind of review is required. She said she thinks that most people do not use their ADUs for housing. She said it is frustrating that a use restriction cannot be applied since the Town goal is to provide affordable housing.

The Commission was supportive of allowing staff discretionary review with a rotating ASCC Commissioner for the design elements of floor area, architectural style, location, 85% massing, and light wells, and with some additional sensitivity regarding height. They agreed that having an ASCC member involved in the process will help mitigate potential impacts on neighbors.

Planning Commission Liaison Judith Hasko asked if the same rules would apply to the scenic corridor. She asked how much the 85% massing has been an issue historically.

Commissioner Breen said the scenic corridor numbers seem arbitrary and is still something that needs to be looked at. She said there are different places on the scenic corridor that are more important. She said there are many subjective areas. Commissioner Breen said most of the time the 85% rule works, but sometimes it makes a building look massive.

Commissioner Ross agreed with the recommendation that a project not automatically come to the ASCC just because it's in the corridor or it exceeds 85%. He said if staff plus an ASCC member is concerned about a particular application because of its strategic location or because of the appearance of the more massive structure, then it can come to the ASCC on a discretionary basis. He said he would put the scenic corridor first in priority, then the 85% rule, then height, and then light wells. He said they can all have the same general rule applied.

Associate Planner Cassidy described the proposed policy and code changes to include more substantial code amendments regarding ADUs on all parcel sizes, floor area allowed for ADUs, parking, allowing ADUs in all zones, and second driveways. She said the Town Council heard quite a bit from residents who are desirous of building ADUs on smaller parcels.

Commissioner Breen expressed concern about changing the size rules that have just recently been developed, after a lot of thought and discussion. Commissioner Ross said the question is if those rules have created a barrier in some ways whereby a potential applicant does not bother applying to build an ADU with all the rules, or if the rules haven't had time to bear fruit. Vice

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Chair Koch and Commissioner Breen said it was premature to change this rule, and the size limits should remain as is.

Associate Planner Cassidy said this discussion item was generated from residents at the Town Council study session who clearly expressed they would love to build an ADU on their property, live in it, and free up their main home for their children. Their concern was that they only had one acre and 1,000 square feet did not feel like enough space for them. She said the older houses are smaller, but the newer housing stock tends to be larger. She said residents felt that downsizing from a 4,000- to 5,000-square-foot residence to 1,000 square feet was uncomfortable.

Commissioner Ross said as long as the AMFA (Adjusted Maximum Floor Area) is honored, then it doesn't really matter, although the distinction of an accessory dwelling is somewhat lost. He said many people buy a property with a smaller structure, build something bigger that will become the main residence, and then convert the smaller structure to an ADU or possibly tear it down. He said this proposal is a different spin on the same activity with the difference being whether it is labeled as an ADU or not.

Commissioner Ross said he could support removing the specific restriction for an ADU as long as the AMFA is respected. Commissioner Breen agreed.

Commissioner Wilson asked about a two-acre property allowing more than one ADU. Associate Planner Cassidy said that Chair Sill suggested that the current maximum numbers become the triggers for ASCC review with AMFA as the cap. She said the Planning Commission also raised the issue of the description of "accessory." They pointed out that building a larger building is clearly not an accessory building and suggested there should be some consideration of proportionality or percentage. Planning & Building Director Russell said the Planning Commission discussed the possibility of the two units becoming more like duplexes of similar size, which is an important policy question regarding what is considered to be accessory. Planning & Building Director Russell said staff believes that the secondary unit should still be accessory, secondary to the primary use, but are interested in hearing the ASCC comments and feedback.

Associate Planner Cassidy confirmed that if there was a smaller building in existence and someone wanted to build a larger structure, that would be allowed and would go under the normal, non-ADU review process.

Commissioner Ross asked if that was, in effect, turning R-1 Zoning into R-2. Planning & Building Director Russell said the Town wants to be thoughtful about that. She said the State has defined ADUs not as density, but since the Town is going beyond the State law requirements, it really is a Town decision to understand how far to go. Commissioner Ross said the definition of accessory would have something to do with that.

The Commission was supportive of using the current maximum numbers as the triggers for ASCC review with AMFA as the cap.

Commissioner Wilson asked if building an ADU raised the property tax. Associate Planner Cassidy said, per the Finance Director, building an ADU does not trigger a reevaluation of the entire property, but the ADU's value itself is added.

Associate Planner Cassidy described the current parking requirements and the proposal to

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allow the required parking space for external ADUs to be shared with existing guest parking space. She said this would allow the ADU parking requirement to be satisfied by an existing parking space on the property without needing to create a new one.

Vice Chair Koch expressed that certain narrow streets in Town could not handle using their extra space for the ADU. Commissioner Breen said there could be a rule about no on-street parking to handle that. She predicted that there will be a lot of garage conversions to ADUs because it is less expensive and makes sense. She said she does realize that on some streets, if somebody has a party, a firetruck could never get through.

The Commission recommended that the option to share an existing parking space with an ADU be allowed, perhaps through the process of staff discretionary review with an ASCC member.

Associate Planner Cassidy explained the proposal to allow ADUs in non-residential zones as long as the unit is accessory/subservient to the primary use, such as an ADU Unit at the PV Garage, Roberts, churches, Village Square, etc. She explained that this proposal is separate from the Affiliated Housing Program with the Sequoias, the Priory, and the Stanford Wedge, which have different allowances for building residential uses on their property. Planning & Building Director Russell asked the Commission to comment on specific design considerations for these types of uses.

Commissioner Wilson said the Glen Oaks Equestrian project was done very well. The Commission agreed the units should be made to look like they've always been there.

The Commission was supportive of allowing ADUs in non-residential zones.

Associate Planner Cassidy described the proposal to allow second driveways for ADUs. She noted that the Conservation Committee feels they should be rarely approved unless there is a special need such as a large parcel with significant road frontage. Associate Planner Cassidy said there is also the requirement that a fire truck must be able to get within 150 feet of the ADU, and there must be a firetruck turnaround.

Commissioner Ross said that situation may result in adding a lot of impervious surface. Commissioner Breen was also concerned about impervious surface.

Commissioner Ross said he could support second driveways as long as the impervious surface and Fire Department requirements were met. He said he could imagine a roughly rectangular lot on a corner with an ADU built at the far corner from the main house, maybe with a very short driveway to the cross street, which would make more sense than an extra long driveway. Commissioner Wilson said owners may get annoyed with tenants blocking the driveway, and it is better if tenants have their own access to their parking space with a second driveway. Commissioner Breen said she would require that the second driveway be a pervious surface such as gravel.

Commissioner Ross suggested that allowing a second driveway would include a condition that it must create less impervious surface than extending the existing driveway. The rest of the Commission agreed.

Associate Planner Cassidy asked for clarification regarding pervious surface – something allowing water to percolate, or something that is not impervious surface as defined by the code, pointing out that the code definition for impervious surface is quite wide. Commissioner Breen

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said the problem with the code definition of impervious surfaces needs to be addressed.

Commissioner Ross suggested that at this time the existing definitions should apply noting that those definitions need to be addressed in the future.

Associate Planner Cassidy asked the Commission to comment on potential impacts related to design and neighborhood compatibility if any or all of the policy items were approved. She asked if there were specific criteria which would help reduce potential impacts.

Commissioner Ross said the process of more staff discretion along with the participation of a rotating ASCC member, setting aside things that would be clearly ministerial, mitigates both questions. The rest of the Commission agreed.

Associate Planner Cassidy asked for clarification of the Commission's opinion regarding allowing ADUs on all parcel sizes and if there were any design concerns.

Commissioner Ross said they should be allowed as long as the AMFA is respected. Commissioner Breen said the Commission had not yet discussed parcels of less than one acre. Vice Chair Koch said ADUs still have to be within setbacks and have to follow all the rules. Commissioner Breen said allowable square footage for parcels under one acre should be discussed before considering building on all parcel sizes. Commissioner Ross said if someone built a pool house of 900 square feet on their property of less than an acre, with headroom in their AMFA, it would be allowed. He said that should also be the case for an ADU. He said other things such as setbacks, daylight plane, and available space under the AMFA will provide the constraints on the size of the ADU.

Associate Planner Cassidy said if the smaller than one-acre parcel built a pool house, that existing structure could then be converted to an ADU under the current code, and this suggested policy would simply eliminate the two-step process.

The Commissioners supported allowing ADUs on all parcel sizes while respecting the AMFA.

Commissioner Wilson asked about restricting how many ADUs can be built on a property. Commissioner Ross said if the restriction for the quantity is removed, somebody could build five 200-square foot ADUs. Commissioner Ross supported limiting the allowance to one ADU unless it is a very large parcel.

Associate Planner Cassidy said, with regard to shared housing, currently a normal single-family residence can have five non-related people in the household. This discussion is regarding the design of the construction. She said 155 Cherokee is one acre with a maximum floor area of 5,366 feet with a slope of 12 percent. Commissioner Ross said if that application was for a 3,000-square-foot house they could have two 1,000-square-foot ADUs if the quantity restriction was removed.

The Commission supported retaining the current maximum allowances.

Associate Planner Cassidy said the Commission appeared to be supportive of the staff discretionary review with ASCC coordination process. She said if the Commission wanted to brainstorm more on potential criteria or ways to work with ADUs and mitigating for impacts, staff developed a few diagrams to help lead that discussion. She also shared examples of existing ADUs. She said usually, people prefer to build their ADUs far from the main house; however,

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there are some that are built near to the main home. She asked the Commission to consider how that should be controlled and to comment on the good and bad qualities of different siting scenarios for ADUs.

The Commission felt it was important to not regulate the siting [location on the lot] so that applicants had the flexibility to decide how they would use their ADUs. Commissioner Ross said it may be an in-law unit close to the main house so the whole family experience can be shared and, when it's sold someday, the new owners can decide what they want to do with it. He said if someone is building an ADU for the purpose of renting it out, and they want to put it on the other side of the garage, they should have that option.

Associate Planner Cassidy said this feedback will be presented to the Planning Commission at their November 7 meeting, and they are hoping to get some draft language proposed.

DRAFT

DRAFT Staff Discretionary Review Policy

- General
 - Goal of process is to approve most ADU projects with one round of review.
 - ASCC members rotate on a quarterly basis to be the representative for participation in Staff Discretionary Review.
 - The approval authority in the Code is the Planning & Building Director or their designee.
 - The Planning & Building Director may refer projects up to the ASCC if there are significant concerns or neighborhood feedback that would benefit from full Commission review.
- Submittal Requirements
 - Detailed checklist to assist applications in preparing submittal
 - Confirmation of applicant neighbor outreach
 - Applicant notifies adjacent neighbors in all directions before submittal
 - Narrative describing how findings can be met
 - Story poles/stakes up upon submittal
- Staff Analysis of Project
 - Compliance with development standards in Code
 - Consistent with Design Guidelines
 - Site visit completed to evaluate project in context
 - If significant issues are identified, Planning Director will refer project up to ASCC for review
- If Application is Incomplete, issue Letter of Incompleteness
- If Application is Complete
 - Inform applicant
 - Issue formal Town Notice to 300 feet radius (standard Town noticing procedures)
 - Invite comment and input
 - Set date of decision (at least 10 days from notice)
 - Prepare Approval Document, which includes
 - Detailed data table (expanded version of project data table in staff report)
 - Development standards such as floor area, impervious surface, height, setbacks, parking, landscaping, etc.
 - Summary of neighbor comments
 - Findings for approval
 - General Design Review findings
 - Accessory in nature finding
 - Site design finding
 - Conditions of Approval
 - On or soon after published decision date, meet with ASCC member to review project and draft approval document. If necessary, conduct site visit with staff and ASCC member.
 - If approved, update Approval Document with ASCC comments and conditions, and issue
 - If not approved, communicate issues to Applicant and refer to ASCC

- Timing (conservative estimate of days from application submittal)
 - 30 days Site visit and Letter of Completeness/Incompleteness
 - 45 days If complete, create Approval Document and review project with ASCC member. Conduct site visit with ASCC member if necessary.
 - 50-60 days Issue Approval Document

If project was incomplete and/or resubmittal required,

- If approvable, issued Approval within 30 days of resubmittal
- If not approvable, offer applicant a choice:
 - ASCC review
 - Denial, appealable to ASCC



Draft Summary of ADU Standards

Survey Conducted in August 2017

Prepared September 8, 2017

Summary of San Mateo County Jurisdictions ADU Standards Survey

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A. Process

21 Elements conducted a survey of ADU standards of jurisdictions in San Mateo County in June/July 2017. Below are the key findings from the survey. Complete survey results can be found in the appendix later in this document. Information for this summary is based on 20 of the 21 jurisdictions located in San Mateo County.

The process for collecting the information below included completion of a survey form by each of the jurisdictions in San Mateo County. In addition to the information contained in this document, a one-page summary of each jurisdiction's standards is available. Information was reviewed with jurisdictions to ensure accuracy.

Below are key findings from the jurisdiction survey — importantly, it should be noted there are many different standards and

requirements, and lack of consistency of standards and requirements, among the 21 jurisdictions. Following the important takeaways (Section B) is a listing of composite standards (Section C) and then jurisdiction-specific standards and responses to the survey (Section D).

Option A – Recently Approved ADUs

Recently approved ADU – Example #1 information

Size in square feet	
Attached, detached or junior ADU:	
Other relevant information:	
Year approved	

Jurisdiction Charges	
Entitlement Fees:	
Building Fees:	
Impact Fees:	Please list individually
Other: (Please describe)	
Total:	

Non-Jurisdiction Charges	
Water	Name of district: Fee:
Sewer district fees	Name of district: Fee:
School fees:	Name of district: Fee:
Other fees:	Name of district: Fee:
Total:	

Sample of Jurisdiction ADU Survey Form

B. Important Takeaways

- (1) **Compliance with Recent State Law Requirements.** Most jurisdictions have updated their ADU standards to comply with state law (13 jurisdictions) or are in the process of doing so (4 jurisdictions).
- (2) **Encouraging ADUs.** Many jurisdictions are actively promoting ADUs.
- (3) **Increase in ADUs.** There has been a slow and steady increase in the annual number of ADUs approved from 2010-2016, increasing from 44 to 92. There are now approximately 3,300 ADUs in San Mateo County.
- (4) **Future ADU Potential.** More than half of jurisdictions estimate that over 75% of residential lots in their community are eligible to construct an ADU.
- (5) **ADU Size Limitations.** The median limit on ADUs is 900 square feet (range is from 640 to 1,500 square feet) and most jurisdictions allow two bedroom ADUs. Only 4 jurisdictions have minimum size limits for ADUs.

C. Summary of Findings

Topic/Question	Summary										
1. State law: Has the jurisdiction updated its ADU standards to be consistent with state law?	Mostly yes (13 done, 3 in process, 4 no)										
2. Other standards: Have there been other changes to your jurisdiction's ADU standards?	Generally no (16 no, 4 yes)										
3. Future changes: Do you anticipate any changes in the coming two years?	Mostly no (12 no, 4 only to comply with state law, 2 yes)										
4. Ministerial ADU design standards: Do you think there would be Council interest in ministerial ADU design standards in your jurisdiction?	<p>Moderate interest (12 responded 3+ on a 1-5 scale)</p> <p style="text-align: center;">No Interest Strong Interest</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">*</td> <td style="text-align: center;">**</td> <td style="text-align: center;">***** **</td> <td style="text-align: center;">****</td> <td style="text-align: center;">*</td> </tr> </tbody> </table> <p style="text-align: center;">* Represents one jurisdiction</p>	1	2	3	4	5	*	**	***** **	****	*
1	2	3	4	5							
*	**	***** **	****	*							

5. **ADU Amnesty Program:** Do you think there would be Council interest in an ADU amnesty program, to encourage illegally built ADUs to be legalized?

Moderate interest (14 responded 3+ on a 1-5 scale)

No interest

Strong interest

1	2	3	4	5
	**	***** **	*****	**

* Represents one jurisdiction

6. **ADUs Approved Recently:** How many ADUs has your jurisdiction approved in recent years? (2010-16)

Countywide

Most Approved

2010: 44	Hillsborough: 107
2011: 57	East Palo Alto: 70-105
2012: 56	Atherton: 47
2013: 63	Daly City: 40
2014: 74	Portola Valley: 39
2015: 75	Woodside: 31
2016: 92	

About half the jurisdictions saw an upward trend in the number of ADUs built from 2010-16, while the other half did not present such a consistent trend.

7. **Approved ADUs:** How many (approved) ADUs are there in your jurisdiction?

There are at least 3,381 approved ADUs in the entire county. Seven jurisdictions have over 100 ADUs. Eight jurisdictions have fewer than 100 approved ADUs. The jurisdictions with the most ADUs are Daly City (1,436), San Mateo County (732), and San Carlos (232).

8. **ADU Promotion:** Is your jurisdiction actively taking steps to encourage ADUs?

Sixteen of the 20 jurisdictions are promoting ADUs. The most common methods include simplification / streamlining of the ADU process, outreach / advertising (including promotion on city website), and fee reduction.

9. **ADU Eligibility:** Please give a rough estimate of the number and percent of residential lots that are for second units.

Six of 15 jurisdictions estimate that all residential lots are eligible for ADUs and seven estimate that most residential lots are eligible. The remaining three estimate that fewer than 25 percent are eligible.

10. Junior ADUs: Do you allow Junior ADUs?	Slightly more than half do not, while the remaining jurisdictions allow junior ADUs or something similar. (10 no, 5 yes, 3 allow something similar)
11. ADU Process: Please summarize the design review and/or ADU permitting approval process.	Most jurisdictions require only staff review with the building permit. About one third of jurisdictions require planning review. About one third of cities require design review.
12. Short-Term Rentals: Do you limit short-term rental of ADUs?	Mostly yes (13 yes, 6 no)
13. ADU Incentives: Do you have incentives for promoting ADUs that it would be helpful to highlight?	Ten jurisdictions offer incentives, which include reducing the lot size required for an ADU, allowing larger ADUs, minimizing fees, streamlining the approval process, relaxing setback requirements, not requiring a separate water connection, and offering parking exceptions.
14. ADU Barriers: What do you see as the biggest barriers to ADUs in your community? Is it fees, neighbor concerns, the design review process, other?	The most frequently mentioned barriers were lot size / space limitations, parking, and financing. Jurisdictions also mentioned complying with building standards, neighborhood concerns, the design review process and physical lot challenges (streams, slope, etc.).
15. Unit Size Range: What is the maximum and minimum square footage for ADUs?	Maximum: Median: 900 sf Range: 640-1500 sf Minimum: 150 sf (only 4 jurisdictions have a min.)
16. Two bedroom ADUs: Are two or more bedroom second units permitted?	Almost all yes (17 yes, 2 no)
17. Maximum height: What is the maximum height for ADUs?	Attached: Median: 28 feet range: 15-35 feet Detached: Median: 26 feet range: 12-35 feet
18. Location and Setbacks: Where can ADUs be located on a property? What are the setbacks for ADUs?	Most jurisdictions (11) allow for ADUs anywhere providing for setbacks. Most jurisdictions require the same setbacks as the primary dwelling, while some have lessened the requirements.
19. Zones: What zones are ADUs permitted in?	Eleven jurisdictions allow ADUs in all residential areas, while 8 allow in some residential areas
20. ADUs on Multifamily Sites: Do you permit ADUs on sites with multifamily buildings?	Mostly no (11 no, 5 yes, 3 n/a)

21. Minimum Parcel Size: <i>What is the minimum parcel size required for an ADU?</i>	Most jurisdictions do not have a minimum. The six that do have a median of 6,250 square feet and a range of 5,000-43,560 square feet
22. Other Restrictions: <i>Are there other limits on which sites can have an ADU besides the zone and parcel size?</i>	Very few have any other restrictions (14 no, 3 yes)
23. Locational Limits: <i>Do you have proximity or density limits for ADUs. (e.g. there can only be one second unit per block)?</i>	Mostly no (17 no, 2 yes)
24. Required Parking Spaces: <i>How many parking spaces are required?</i>	Most jurisdictions require one spot (10 total). Four jurisdictions require no parking and in four jurisdictions parking required is dependent on the number of bedrooms.
25. Parking in Setbacks: <i>Is ADU parking allowed within building or other setbacks?</i>	Yes (16 yes, 3 n/a)
26. Tandem parking: <i>Is tandem parking permitted?</i>	Mostly yes (15 yes, 2 no, 2 n/a)
27. Other Parking Exemptions: <i>Do you allow any other exceptions to parking requirements?</i>	Mostly no (10 no, 6 yes, 3 n/a)
28. Exceptions and Appeals: <i>Are there exceptions to ADU standards and/or is there an appeals process if a homeowner requires an exemption or reduction of ADU standards?</i>	Nine jurisdictions allow exemptions, while four allow appeals. Seven do not allow either.
29. Owner Occupancy: <i>Is there an owner-occupancy requirement for one of the units?</i>	Mostly yes (16 yes, 4 no)
30. Deed Restrictions: <i>Do you require riders to a lease or a notice on a deed or other deed restrictions recorded for ADUs?</i>	Generally yes (11 have some requirement, 9 no)
31. Income Restrictions: <i>Are there income restrictions associated with ADUs?</i>	No (20 no)
32. Multiple ADUs: <i>How many ADUs can a property owner build?</i>	Mostly one (16 allow one ADU, 2 allow two ADUs, 1 allows one ADU plus a guest house)

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1. **State Law:** Has the jurisdiction updated its ADU standards to be consistent with state law?
 - **Updated:** Belmont, Brisbane, Burlingame, Colma, County of San Mateo, Daly City, East Palo Alto, Portola Valley, Redwood City, San Bruno, San Mateo, Woodside
 - **In process:** Foster City, Hillsborough, Pacifica, South San Francisco,
 - **Not updated:** Atherton, Half Moon Bay (exempt), Millbrae, San Carlos

2. **Have your jurisdiction's ADU standards changed in the past two years, aside from changes needed to meet the new state law?**
 - **Yes:** County of San Mateo (update for state law went beyond state law), Half Moon Bay (ADUs that confirm to zoning are reviewed through administrative process – no public hearing, parking exemptions readily granted), Redwood City, Woodside (slight change to public hearing process)
 - **No:** Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, Millbrae, Pacifica, Portola Valley, South San Francisco, San Bruno, San Carlos, San Mateo

3. **Do you anticipate any changes in the coming two years? If so, please describe.**
 - **Yes (other):** Belmont (possible max increase size), County of San Mateo (minor clean up and to address issues since adoption),
 - **Yes (to comply with state law):** Atherton, Foster City, Pacifica, South San Francisco (may also relax setback requirements), San Carlos
 - **Maybe:** Half Moon Bay
 - **No:** Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Hillsborough, Millbrae, Portola Valley, Redwood City, San Bruno, San Mateo, Woodside

4. **Do you think there would be Council interest in ministerial ADU design standards in your jurisdiction?**

Results treated as confidential

5. **Do you think there would be Council interest in an ADU amnesty program, to encourage illegally built ADUs to be legalized?**

Results treated as confidential

6. How many ADUs has your jurisdiction approved in recent years?

Accessory Dwellings Units Approved By Jurisdiction (2010-2016)

Jurisdiction	2010	2011	2012	2013	2014	2015	2016	Total
Atherton	1	5	7	8	4	12	10	47
Belmont	1		1	2				4
Brisbane		0	0	0	1	1	3	5
Burlingame	0	0	0	0	6	2	3	11
Colma	0	0	0	0	0	0	0	0
County of San Mateo	0	0	4	1	1	6	5	17
Daly City	6	8	3	7	5	6	5	40
East Palo Alto*	10*	10*	10*	10*	10*	10*	10*	60-90*
Foster City	0	0	0	0	0	0	0	0
Hillsborough	13	13	17	16	18	16	14	107
Half Moon Bay					0	0	3	3
Menlo Park								
Millbrae								
Pacifica						1	1	2
Portola Valley	6	4	3	7	9	3	7	39
Redwood City	1	1	2	1	2	2	15	24
San Bruno	6	3	3	1	3	1	4	21
San Carlos	1	1	1	2	3	3	3	14
San Mateo*	2*	2*	2*	2*	2*	2*	2*	12-18*
South San Francisco	1	3	1	3	6	5	5	24
Woodside	8	7	2	3	4	5	2	31
Total	56	57	56	63	74	75	92	471-497*

Source: Jurisdiction Survey (August 2017)

* Estimate

7. How many (approved) ADUs are there in your jurisdiction?

Total Approved Accessory Dwellings Units By Jurisdiction

Jurisdiction	Approved ADUs
Atherton	70-80
Belmont	
Brisbane	20
Burlingame	22
Colma	3
County of San Mateo	750
Daly City	1,436
East Palo Alto	
Foster City	4
Hillsborough	217
Half Moon Bay	20
Menlo Park	
Millbrae	
Pacifica	
Portola Valley	210
Redwood City	123
San Bruno	71
San Carlos	232
San Mateo	
South San Francisco	33
Woodside	170+
Total	3,381

Source: Jurisdiction Survey (August 2017)

8. Is your jurisdiction actively taking steps to encourage ADUs? What are they?

Yes:

- **Atherton:** allowing extra sq. ft in main dwelling if ADU included
- **Belmont:** zone text amendments to simplify standards and process
- **Brisbane:** advertise new regulations on city website
- **Burlingame:** accessory living space (guest houses, pool houses, etc.) encouraged to apply as ADUs
- **County of San Mateo:** amnesty program; revised ordinance; rehab loan program; public outreach and publicity
- **East Palo Alto:** reduced standards and required lot size
- **Foster City:** ministerial approval; no capital improvements fee, traffic impact fee or similar fees
- **Hillsborough:** encourage at the counter and in the field; waiving fees; streamlining approval process; no public notice
- **Half Moon Bay:** preparing to hire planning staff with expertise in affordable housing; identified project o provide over-the-counter pre-approved plans
- **Portola Valley:** encourage applicants to include an ADU in their plans during pre-application meetings with planner
- **Redwood City:** reduced parking and setback requirements; removed limitation on bedroom count; advertise on city website; emails blasts about changes to ADU ordinance
- **South San Francisco:** flexible zoning on required parking space and location
- **San Bruno:** advertise on city website, making a checklist
- **San Carlos:** promoting through Housing Element Goal; encouraging local agencies to reduce hook up or other fees
- **San Mateo:** one year 30% fee reduction for Planning Plan Check, Building Plan Check, and Fire Plan Check
- **Woodside:** allow two ADUs on most properties

No: Colma, Daly City, Pacifica

9. Please give a rough estimate of the number and percent of residential lots that are eligible for second units.

- **All:** Daly City, Foster City, Hillsborough, Redwood City, San Carlos, Woodside
- **Most:** Atherton, Brisbane (79%), Burlingame (approximately 75%), County of San Mateo (60-65%), Portola Valley (72%), South San Francisco (75%), San Bruno
- **Under 25%:** Pacifica (under 10%)

10. Do you allow Junior ADUs?

- **Yes:** Belmont, County of San Mateo, Hillsborough, Portola Valley, San Mateo
- **Something similar:** East Palo Alto (have guest house ordinance), Half Moon Bay (have guest house ordinance), South San Francisco (allow for efficiency units), San Bruno (allow for efficiency units)
- **No:** Atherton, Brisbane, Burlingame, Colma, Daly City, Foster City, Pacifica, Redwood City, San Carlos, Woodside

11. Please summarize the design review and/or ADU permitting approval process?

City	Approval Process
Atherton	Staff level review for compliance with physical standards.
Belmont	Only building permit review.
Brisbane	No design review. Conversion ADUs (conversion of existing space- no new floor area) require building permit only. New ADUS (new floor area- attached or detached) require administrative planning review (checklist) plus building permit.
Burlingame	Staff-level administrative review of design for consistency with ADU regulations. Very general direction to ensure architecture is compatible with the main residence. No Planning Commission review.
Colma	Staff level administrative use permit required. Design standards would be basic standards already in the code.
County of San Mateo	Some ADUs in the County's Coastal Zone are subject to design review, although it is primarily staff level review. Otherwise, ADUs go through the typical permitting process, with no additional types of review, but with very liberal standards relative to other types of development.
Daly City	There is a planning application that is required.
East Palo Alto	Require planning application, which evaluates parking, zoning, lot size. If approved, can apply for building permit.

Foster City	ADUs are subject to Architectural Review (design review), which requires that staff make specific findings for any residential addition project. Planning Commission hearing required for waterfront additions of 200 square feet or more and for second-story additions of 400 square feet or more.
Hillsborough	Administrative without public notification, hearing or fee. Design review is conducted however to insure architectural consistency.
Half Moon Bay	If the ADU conforms to the zoning code, the approval letter is drafted and notice is provided — the ADU Permit can then be approved by the Community Development Director following the public notice.
Pacifica	Ministerial Building Permit process applying the state standards and those compliance provisions of the City's current ordinance (which are few). The proposed ordinance under consideration will greatly clarify the standards applicable to ADUs. In the Coastal Zone, Coastal Development Permit required, which is a discretionary permit subject to public notice but not a public hearing. The planning director would consider the application for compliance with the ministerial standards and the City's Local Coastal Program standards as they pertain to coastal resource impacts.
Portola Valley	If the ADU meets certain design requirements, then it is eligible for staff approval. Otherwise, it goes before the Architectural Site Control Commission.
Redwood City	For ADUs involving second-story additions, a planning entitlement is required prior to building permit approval. For ADUs on the ground floor, a building permit is required.
San Bruno	A planner reviews the application for completeness, does a site visit, and makes a determination. Eleven out of 13 applications have been approved in 2017, most within 30 days or less.
San Carlos	ADUs are reviewed and approved by Planning Staff before applicants submit to the Building Division for Building permits. ADUs typically take 1-2 months to be approved by Planning Staff.
San Mateo	Design standards are included in city's ADU ordinance and are reviewed as part of the Building permit (ministerial) review process. No separate discretionary design review is required.
South San Francisco	Currently, Design Review Board for standalone new ADU structures and Building Permit submittal.
Woodside	Consistent with state law, only a building permit is required for an ADU. Staff completes design review with the building permit submittal based on the Town's Design Evaluation Criteria in the Municipal Code and the Residential Design Guidelines.

12. Do you limit short-term rental of ADUs?

- **Yes:** Atherton, Belmont, Colma, County of San Mateo, East Palo Alto, Foster City, Hillsborough, Half Moon Bay, Pacifica, Portola Valley, San Bruno, San Mateo, Woodside
- **No:** Brisbane (considering), Burlingame, Daly City, Redwood City, South San Francisco, San Carlos

13. Do you have incentives for promoting ADUs that it would be helpful to highlight?

- **Burlingame:** fees kept low; amnesty program; streamlined review process
- **County of San Mateo:** very relaxed setback standards
- **East Palo Alto:** considering legalization program or down payment in task force
- **Foster City:** no additional fees from standard Planning and Building permit fees
- **Hillsborough:** allow up to 1,400 square feet
- **Half Moon Bay:** fee reduction; do not require separate water connection; no "Measure D" certificate (growth control); parking exemptions
- **Redwood City:** reduce parking and setback requirements; allow larger ADUs; no bedroom limit
- **San Mateo:** fee reduction

14. What do you see as the biggest barriers to ADUs in your community? Is it fees, neighbor concerns, the design review process, other?

- **Belmont:** community concern about size of ADUs (staff proposed 1,200 square feet maximum lowered to 800 square feet); lack of parking requirements has created concern
- **Brisbane:** fees; small lot limitations and high cost of second story construction
- **Burlingame:** parking; privacy concerns due to small lots
- **Colma:** physical lot limitations; parking issues
- **County of San Mateo:** fees; infrastructure availability; neighbor concerns
- **East Palo Alto:** build cost
- **Foster City:** space limitations; physical lot limitations
- **Half Moon Bay:** small lot size
- **Pacifica:** parking in non-exempt areas; access to financing
- **Portola Valley:** construction cost, including infrastructure upgrades (water line, fire sprinklers, foundation cost)
- **Redwood City:** impact on street parking
- **San Bruno:** zoning and size restrictions; parking replacement for garage conversions
- **San Carlos:** cost; neighborhood concerns; design review process
- **San Mateo:** limited available floor area to add
- **South San Francisco:** previously was parking requirement, but state law has removed that barrier
- **Woodside:** individual lot constraints (steep slopes, lack of septic suitability, streams, etc.)

15. Unit Size Range: What is the maximum and minimum square footage for ADUs?

Accessory Dwellings Units Size Range (Square Feet)

Jurisdiction	Minimum	Maximum
Atherton	None	1,200
Belmont	None	Lesser of 50% of primary residence or 800 sf
Brisbane	None	1,000
Burlingame	None	640
Colma	None	800
County of San Mateo	None	1,200
Daly City	None	1,200 (applies to detached ADUs only)
East Palo Alto	None	700-1,000 depending on lot size
Foster City	150	640
Hillsborough	None	1,400
Half Moon Bay	150	700
Menlo Park		
Millbrae		
Pacifica	If located in existing structure the primary dwelling cannot be less than 850 sf	1,200
Portola Valley	None	1,000-1,500 sf depending on zoning
Redwood City	None	700 sf unless ADA compliant (then 800 sf) or lots is larger than 10,000 sf (then 900 sf)
San Bruno	150	640
San Carlos	None	640 sf for detached ADU and 30% of total living area for attached ADU
San Mateo	None	640
South San Francisco	150	900 sf for detached or 30% of total living area for attached
Woodside	None	1,500 (subject to total floor area for parcel)

Source: Jurisdiction Survey (August 2017)

16. Two bedroom ADUs: Are two or more bedroom second units permitted?

- **Yes:** Atherton, Belmont, Brisbane, Burlingame, Colma, County of San Mateo, Daly City, East Palo Alto, Foster City, Hillsborough, Half Moon Bay, Portola Valley, Redwood City, South San Francisco, San Carlos, San Mateo, Woodside
- **No:** Pacifica (may change), San Bruno

17. Maximum height: What is the maximum height for ADUs?

Accessory Dwellings Units Maximum Height (Feet)

Jurisdiction	Attached ADU	Detached ADU	Notes
Atherton	32	15	
Belmont	28	15	17-20 feet if over garage
Brisbane	30	30	30 feet if slope is less than 20%; 28 feet if slope is greater than 20%
Burlingame	15	15	
Colma	27	12	Detached ADUs are limited to one story in height and are subject to discretionary review similar to an accessory structure
County of San Mateo	26	26	
Daly City		30	
East Palo Alto	15	15	
Foster City	25	25	
Hillsborough			Same as primary residence
Half Moon Bay	28	22	
Menlo Park			
Millbrae			
Pacifica	35	35	Proposed ordinance would establish a height limit of 15 feet in front of primary unit and 25 feet if located elsewhere on the property
Portola Valley	28	28	
Redwood City	28	14	
San Bruno	28	28	
San Carlos		15	28 feet if above a detached garage
San Mateo	32	32	
South San Francisco	28	28	
Woodside	30	17	

Source: Jurisdiction Survey (August 2017)

18. Location and Setbacks: Where can ADUs be located on a property? What are the setbacks for ADUs?

Accessory Dwellings Units Setback Allowances and Requirements

Jurisdiction	ADU Allowed			Required Setback (Feet)			Notes
	Frontyard	Sideyard	Backyard	Frontyard	Sideyard	Backyard	
Atherton	Yes	Yes	Yes	48	40	40	Reduced setbacks for ADUs
Belmont	No	Yes	Yes		5	5	Structures already in the front of the main dwelling allowed
Brisbane	Yes	Yes	Yes				Same setbacks as main structure
Burlingame	No	Yes	Yes		0-7	0-7	No setbacks required if located in the rear 30% of the lot
Colma	Yes	Yes	Yes				Same setbacks as main structure
County of San Mateo	Yes	Yes	Yes		5	5	Same setbacks as main structure in front
Daly City	Yes	Yes	Yes		3	10	
East Palo Alto	No	No	Yes		3	6	Must be 6 feet from main structure
Foster City	Yes	Yes	Yes	20	5	20	Must be 10 feet from main structure
Hillsborough							Same setbacks as main structure
Half Moon Bay	Yes	Yes	Yes		5	10	Front setback same setbacks as main structure
Menlo Park							
Millbrae							
Pacifica	Yes	Yes	Yes	15	5	20	10 feet required on corner side. Proposed ordinance would reduce rear setback to 10 feet but prohibit windows and doors on portions of ADU less than 20 feet from rear property line
Portola Valley	Yes	Yes	Yes				Setbacks vary depending on zoning district
Redwood City	No	Yes	Yes		10	6	If detached, 10 foot side setbacks. If attached, must comply with main structure setbacks
San Bruno	Yes	Yes	Yes				Same setbacks as main structure
San Carlos	No	Yes	Yes		5	5	
San Mateo	No	No	Yes			5	
South San Francisco	No	Yes	Yes		5	5	Must be 6 feet from main structure
Woodside	Yes	Yes	Yes				Same setbacks as main structure

Source: Jurisdiction Survey (August 2017)

19. Zones: What zones are ADUs permitted in?

- **All residential:** Atherton, Belmont, Burlingame, Daly City, East Palo Alto, Hillsborough, Half Moon Bay, Redwood City, San Bruno, San Mateo, Woodside
- **Some residential:** Brisbane (R-1 and R-BA), Colma (R, G, and C, as well as ADUs within existing footprint in RS), County of San Mateo (all R zones except R-3 and R-1 on the coast side), Foster City (R-1, R-1/PD, R-2), Pacifica (R-1 – may change), Portola Valley (R-E, R-1, M-R), South San Francisco (RL-8 or wherever single family dwelling is constructed), San Carlos (RS-3, RS-6, RM-20)

20. ADUs on Multifamily Sites: Do you permit ADUs on sites with multifamily buildings?

- **Yes:** Burlingame (only if the site is developed with a single family dwelling), County of San Mateo (only duplex sites), Daly City (only if the site is developed with a single family dwelling), East Palo Alto, Woodside (consistent with state law)
- **No:** Belmont, Brisbane, Colma, Foster City, Half Moon Bay, Pacifica, Redwood City, South San Francisco, San Bruno, San Carlos, San Mateo
- **N/A:** Atherton, Hillsborough, Portola Valley

21. Minimum Parcel Size: What is the minimum parcel size required for an ADU?

- **Minimum:** Atherton (1 acre in R-1A and 14,520 square feet in R-1B), Burlingame (6,000 square feet), County of San Mateo (5,000 square feet), East Palo Alto (5,500 square feet for attached, 7,500 for detached), Foster City (5,000 square feet), Portola Valley (1 acre)
- **None:** Belmont, Brisbane, Colma, Daly City, Hillsborough, Half Moon Bay, Pacifica, Redwood City, South San Francisco, San Bruno (smallest would likely be 2,500 sq. ft), San Carlos, San Mateo (most lots are 5,000 square feet), Woodside

22. Other Restrictions: Are there other limits on which sites can have an ADU besides the zone and parcel size?

- **Yes:** Pacifica (indirect limits based on provisions of off-street parking), San Carlos (cannot be within 400 feet of another ADU – Director may waive if no substantial impacts), Woodside (cannot exceed total floor area for the parcel)
- **No:** Atherton, Belmont, Brisbane, Burlingame, Colma, County of San Mateo, Daly City (but detached ADUs may require Coastal Development Permit), East Palo Alto, Foster City, Hillsborough, Portola Valley, Redwood City, South San Francisco, San Bruno,
- **Unknown:** Half Moon Bay

23. Locational Limits: Do you have proximity or density limits for ADUs. (e.g. there can only be one second unit per block)?

- **Yes:** East Palo Alto (cannot exceed neighborhood density plan), San Carlos (cannot be within 400 feet of another ADU – Director may waive if no substantial impacts)
- **No:** Atherton, Belmont, Brisbane, Burlingame, Colma, County of San Mateo, Daly City, Foster City, Hillsborough, Half Moon Bay, Pacifica, Portola Valley, Redwood City, South San Francisco, San Bruno, San Mateo, Woodside

24. Required Parking Spaces: How many parking spaces are required?

- **None:** Belmont, Brisbane, Daly City, Redwood City
- **One:** Atherton, Burlingame, Colma, East Palo Alto, Foster City, Half Moon Bay, San Carlos, South San Francisco, San Bruno, Woodside
- **Other:** County of San Mateo (1 space for 0-2 bedroom(s), 2 spaces for 3+ bedrooms), Hillsborough (1 space for 1-2 bedrooms, 2 spaces for 3+ bedrooms), Pacifica (one space per bedroom – may change), Portola Valley (1 space for 0-1 bedroom(s), 2 spaces for 2+ bedrooms), San Mateo (1 space per bedroom)

25. Parking in Setbacks: Is ADU parking allowed within building or other setbacks?

- **Yes:** Atherton, Burlingame (only in a driveway within the front setback), Colma, County of San Mateo, East Palo Alto, Foster City (except when there is public safety concern), Hillsborough, Half Moon Bay, Pacifica (within front yard in driveway), Portola Valley, Redwood City (in driveways), South San Francisco, San Bruno (if sufficient space is available in the side yard), San Carlos, San Mateo (in the rear yard and a portion of the interior and side setbacks), Woodside
- **N/A:** Belmont, Brisbane, Daly City,

26. Tandem parking: Is tandem parking permitted?

- **Yes:** Belmont, Burlingame, Colma, County of San Mateo, East Palo Alto, Foster City, Hillsborough, Half Moon Bay, Pacifica, Portola Valley, Redwood City, South San Francisco, San Carlos, San Mateo, Woodside
- **No:** Atherton, San Bruno
- **N/A:** Brisbane, Daly City,

- 27. Other Parking Exemptions:** Do you allow any other exceptions to parking requirements?
- **Yes:** County of San Mateo (allow for compact spaces), Hillsborough, Half Moon Bay, Portola Valley (no parking required for interior conversion), South San Francisco (for accessibility considerations), San Carlos (parking waiver subject to public hearing)
 - **No:** Atherton, Burlingame, Colma, East Palo Alto, Foster City, Pacifica, Redwood City, San Bruno, San Mateo, Woodside
 - **N/A:** Belmont, Brisbane, Daly City
- 28. Exceptions and Appeals:** Are there exceptions to ADU standards and/or is there an appeals process if a homeowner requires an exemption or reduction of ADU standards?
- **Exemptions:** County of San Mateo, East Palo Alto, Half Moon Bay, Pacifica, Portola Valley, Redwood City, South San Francisco, San Carlos, Woodside
 - **Appeals process:** Burlingame, South San Francisco, San Bruno, San Mateo
 - **No:** Atherton, Belmont, Brisbane, Colma, Daly City, Foster City, Hillsborough
- 29. Owner Occupancy:** Is there an owner-occupancy requirement for one of the units?
- **Yes:** Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Pacifica, Portola Valley, Redwood City, South San Francisco, San Bruno, San Carlos, San Mateo
 - **No:** County of San Mateo, Hillsborough, Millbrae, Woodside
- 30. Deed Restrictions:** Do you require riders to a lease or a notice on a deed or other deed restrictions recorded for ADUs?
- **Yes:** Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Hillsborough, South San Francisco, San Bruno, San Carlos, San Mateo
 - **No:** Atherton, Colma, County of San Mateo, Half Moon Bay, Millbrae, Pacifica, Portola Valley, Redwood City, Woodside
- 31. Income Restrictions:** Are there income restrictions associated with ADUs?
- **No:** Atherton, Belmont, Brisbane, Burlingame (unless it has been designed an “affordable” unit with a parking exemption), Colma, County of San Mateo, Daly City, East Palo Alto, Foster City, Half Moon Bay (voluntarily), Hillsborough, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside

32. Multiple ADUs: How many ADUs can a property owner build?

- **One:** Atherton, Belmont, Brisbane, Burlingame, Colma, County of San Mateo, Daly City, East Palo Alto, Foster City, Hillsborough, Pacifica, Redwood City, South San Francisco, San Bruno, San Carlos, San Mateo
- **One + attached guest house:** Half Moon Bay
- **Two:** Portola Valley (property must be 3.5+ acres), Woodside (property must be 1+ acre)

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New Electric Underground between 400 amp and 1000 amp

Print



Low end range

- No Right of Way or Easement Required
- No Upgrades to Infrastructure Required
- Trenching Outsourced

High end range

- Right of Way or Easement Required
- Upgrades to Infrastructure Required
 - Trenching Completed by PG&E
- Difficult Conditions or Long Trench Required

The range is based on historical project costs.

Typical Cost Range:

20% cost less than \$15,000

75% cost less than \$50,000

- No Right of Way or Easement Required
- No Upgrades to Infrastructure Required
- Trenching Outsourced

5% cost more than \$87,000

- Right of Way or Easement Required
- Upgrades to Infrastructure Required
- Trenching Completed by PG&E
- Difficult Conditions or Long Trench Required

Data based on historical averages

Please contact PG&E at 1-877-743-7782 for more detailed information regarding your request. Representatives are available to assist you Monday–Friday from 7:00 a.m.–6:00 p.m.

You may be eligible to deduct allowances from the total cost of your electric service based on your anticipated electric usage and rate schedule.

Factors that may affect costs:

1. Administrative fees to secure rights of way and easements to cross property owned by others
2. Upgrades to transformers or wires, if larger electric panel and increased load exceed the design limits of existing equipment.
3. Trenching costs:

Distance to the nearest PG&E electric distribution line

Difficult conditions like concrete or bedrock along the trench route

Remediation of contaminated soil

Side walls to keep the trench open during construction, if your residence is located up a hill

Traffic control and street or sidewalk re-pavement, if the trench crosses a road; trench plates, if the trench crosses a road and the trench and backfill cannot be completed in a single workday

Need to maneuver around trees, which may create a longer route

Labor costs, if PG&E digs the trenching; trench inspection fees, if you hire a contractor to dig the trench

You may incur additional charges from third parties:

Labor costs for a contractor to dig the trench

Necessary internal or external work by an electrician

Removal of vegetation

Fees for permits and panel inspection required by the local government

This cost range does not include additional PG&E costs for unique circumstances:

Extension of PG&E's underground or overhead distribution lines, including poles, power lines, substations, and transformers that supply services to two or more homes or businesses. This may be required if current distribution lines are far from your property. If a distribution line is extended, please review our [tariffs](#) to determine if any allowances apply.

Special Facilities charges are applied for non-standard equipment

Service to electric service lines and meters inaccessible by vehicles

(PDF, 79KB)

From the San Francisco Business Times:

<https://www.bizjournals.com/sanfrancisco/news/2018/11/01/bay-area-shopping-malls-building-housing.html>

Bay Area shopping malls have new focus: Building housing

Nov 1, 2018, 1:48pm PDT

Developers across the Bay Area are targeting unlikely locations to build walkable new communities: shopping malls.

Shopping center operators are teaming up with real estate companies on redeveloping these sprawling suburban sites with housing, restaurants, offices, hotels and event space.



KTGY ARCHITECTURE + PLANNING

In the Bay Area, mixed-use residential communities have been proposed or approved at the Shops at Hilltop in Richmond, Newark's NewPark Mall, Fremont's The Hub and Westlake Shopping Center in Daly City.

The surge in proposals comes as brick-and-mortar malls, confronted with changing consumer demands and increasingly stiff competition from online retailers such as Amazon, are undertaking new strategies. Developers say that building housing on mall parking lots or on the site of old retail buildings would add much-needed stock to the Bay Area's starved market for new homes.

Yet not all projects have enjoyed smooth progress. Residents have complained about the potential for increased traffic on already-packed streets. Shoppers are frustrated by the prospect of larger retailers overtaking mom-and-pop stores. And

as construction costs and city fees continue to rise, developers are struggling to get projects off the ground.

Location, location, location

Before jumping into a redevelopment, mall operators need to consider if the project is in a good location for housing, said Stephen Lawton, a retail consultant for Lafayette-based real estate firm Main Street Properties.

Location is one of the main reasons why LBG Real Estate Properties is poised to pour \$1 billion into the redevelopment of Richmond's the Shops at Hilltop, which it snapped up for \$23.75 million in 2017. The 1.2 million-square-foot mall, which overlooks the San Francisco Bay, is four miles from the city's BART station and around eight miles from the ferry service that will start in January 2019.

Brokers across the East Bay have been skeptical that redevelopment will make a difference. John Cumbelich, CEO of Cumbelich & Associates, told the Business Times last year, "Someone needs to take a match to Hilltop and start over."

Doug Beiswenger, a managing partner at LBG, said that Hilltop "is probably the most misunderstood opportunity we've ever come across," pointing to the unique opportunities its zoning affords.

The mall sits on a 77-acre plot of land that was recently re-zoned to allow for up to 16.7 million square feet of retail, residential, office, hotel and medical space, including up to 9,670 housing units. The first phase of building will include 3,300 housing units and a Marriott hotel, Beiswenger said, and formal proposals for Phase I should be submitted within six months.

"There's not another site like this where you can build remotely this much," Beiswenger said.

Another hotel, office space and more homes will be added in later phases. LBG wants to develop a mix of for-sale and for-rent homes, some affordable and some market-rate.

Beyond typical units, "we're exploring senior housing, student housing, communal housing, housing that has shared kitchens," Beiswenger said. "We're going to address a lot of different segments of the population."

None of this would be happening without the city council “who recognized the obvious need for the property to be redeveloped” as well as the density “the city needs to bring in,” Beiswenger said.

City council cooperation

Whether or not developers build housing — both in general and on a mall’s parking lot in particular — stems from whether the city council encourages or discourages it through zoning regulations.

In Newark, the city council is actively pushing for higher-density housing with a \$1 billion redevelopment project at NewPark Mall, which was taken over by Brookfield Retail Properties when it acquired the mall’s previous owner, Rouse Properties, in 2016.

Newark occupies a coveted location between Silicon Valley and San Jose, but the city’s most developed area has a density of only 35 units per acre, despite zoning that allow for a density of up to 60 units per acre, said Terrence Grindall, Newark’s assistant city manager. In addition, its schools are not filled to capacity.

The city council approved in April the NewPark Mall Specific Plan, which would permit a density of 120 units per acre in the parking lots surrounding the 1.1 million-square-foot mall, including:

1,800 housing units

281 units are already complete at D.R. Horton’s Prima Residential Project)

1.47 million square feet of retail

527,000 square feet of office space

1,040 hotel rooms (including 340 rooms now operated by Homewood Suites and Chase Suites)

Brookfield plans to submit a proposal, as does Seritage Growth Properties, a real estate investment trust that owns NewPark’s Sears and Macy’s stores. Grindall said the homes should be finished by 2023.

He added that if all the new apartments are leased, the population of Newark would increase by 10 percent.

The redevelopment will “guarantee the long-term survival of our mall and community,” said Mayor Alan Nagy. “We wanted to have this project done yesterday.”

Community pushback

While Nagy said that Newark residents have been optimistic about the NewPark Mall housing project, Kimco Realty’s proposals to build housing at two of its properties, The Hub in Fremont and Westlake Shopping Center in Daly City, have faced pushback.

Kimco submitted a proposal to develop 303 apartments and 28,717 square feet of retail in a portion of the 504,000-square-foot Hub’s parking lot, which would entail demolishing an existing retail building.

The plan is still under review, but residents have been vocal with their concerns about parking and density, said Joel Pullen, Fremont’s senior city planner.

“The question is, what’s the right balance of density?” asked Pullen.

The overall balance has been tipping towards more high-density projects in Fremont. Near the Hub is the \$100 million State Street project, which added 157 housing units and 21,000 square feet of retail in 2016. More units are under construction at other Fremont sites.

At the 685,000-square-foot Westlake Shopping Center in Daly City, Kimco won approval in September to build a six-story residential building with 34,074 square feet of ground floor retail and 179 apartments above. The project calls for the demolition of an existing building, which contains a slew of mom-and-pop stores.

Michael Van Lonkhuyzen, Daly City’s senior city planner, said that the retail space of the new building will probably be “leased to new national retailers.”

The community has not taken this news lightly. Esther LeSieur, a 22-year-old Daly City resident, wrote in a November 2017 letter to the planning commission, “Westlake Center will become filled with more national big box businesses, making it like any other cookie cutter mall in America, where big business thrives and small business dies.”

While the influx of national retailers would bring the city more net revenue — in the case of Westlake, an estimated \$472,100 per year, more than four times what the existing development generates — small local stores still serve residents, said Lawton, the retail consultant.

Lawton said many of these smaller operators provide “products or services that can’t be electronically provided, such as exercise and hair care.”

Although each of the proposals includes plans to reposition existing restaurant and retail uses that doesn’t seem to be the main priority, said Carol Gilbert, president of San Francisco-based brokerage CGI Retail.

“I don’t think the emphasis is on the retail,” Gilbert said. “What they’re trying to do is get their housing plans approved.”

But, Gilbert added, “Since we have housing shortages all over this country, especially in the Bay Area, that’s to everyone’s benefit.”

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