

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.]