

CALL TO ORDER AND ROLL CALL

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

Present: Planning Commissioners: Goulden, Hasko, and Targ; Vice Chair Kopf-Sill; Chair Taylor
Absent: None.
Town Staff: Laura Russell, Planning & Building Director; Dylan Parker, Assistant Planner; Cara Silver, Town Attorney

ORAL COMMUNICATIONS

Bob Turcott [verbatim comments] Hi. Thank you. An update to on the housing on was given at the meeting two weeks ago. Five residents, including me, shared their views. The first commissioner to speak expressed concern about repeatedly hearing the same misconceptions again and again and went on to itemize them. He claimed there are a number of members of the public that think that all development can be stopped until fire safety and infrastructure concerns are, quote, solved, unquote; that people keep saying the town is in violation of state code, even though the attorney, the town attorney says we're not; that people want to fight the RHNA number and protest it. I don't doubt that the commissioner has heard those statements. I know for a fact he didn't hear them during the meeting. For people that don't know, this is a classic and in this case, particularly transparent example of a straw man argument. Rather than addressing the positions of another party, you attribute to them some position they don't hold and then knock it down while ignoring the actual substance. The weaker and flimsier the straw man you create, the easier it is to knock down, while portraying the other party as naive or silly or deluded. Quote, we're not going to do something illegal, end quote, was one of the patronizing statements made by the commissioner, as if that was something that had been suggested. We can do better than this. We should aim higher. We should demand more of ourselves. We should approach these conversations with enough humility to acknowledge that there may be something worth considering in the position of other parties. In contrast, Nicholas Targ, I want to give you and many of the other commissioners a big fat hug, because even though our perspectives aren't aligned, you'd clearly considered the important issue of how much independence the revision of the Safety Element should have from housing pressures. You indicated that you thought a crosswalk between the two would be appropriate. I hope the metaphor you were reaching for was a diode or a one way valve in which safety informs housing but not the other way around. But if not, I and others would have benefited from hearing what you meant by crosswalk and what your rationale was. Commissioner Kopf-Sill sought to clarify whether the Housing Element Committee would also address the Safety Element. Planning Director indicated that at present the committee is to work on the Housing Element and the plan for the safety element would be explored in a few months. She indicated that feedback from the council was to, quote, ensure that the Housing Element was done safely and to understand the connection between the two elements, end quote. In fact, the submitted staff report indicated that, quote, Consider the Housing Element and Safety Element in partnership; two challenges addressed together, end quote. But even this understates the degree of integration that was suggested by the Town Council. As just one example, quote, I absolutely think we should roll the safety element into the housing element, end quote, is how Mayor... Mayor Derwin expressed it. So you can understand my concern about the independence and objectivity of the team working on the Safety Element. I thank the commissioners who took this issue seriously and I encourage you to continue monitoring it going forward. As others have pointed out, our safety and the safety of future generations is in your hands. Thank you.

PUBLIC HEARING

(1) Accessory Dwelling Unit (ADU) Municipal Code Amendment for Compliance with State Law

Town Attorney Silver said that the State ADU Statute is extremely complicated. It has been amended by the legislature numerous times with numerous clean-up attempts that have made it more confusing and was internally inconsistent in places. She said the Housing and Community Development Commission (HCD) has issued an interpretive guidance paper to help cities and towns navigate the State Statute. She mentioned that if the Town does not adopt a conforming ordinance, then State law will assume control. She said the proposed amendments will create local flexibility that will allow the Town to evaluate local circumstances. She briefly reviewed the problematic State-mandated changes that are outlined in the staff report. Staff has incorporated the feedback that the Commission provided at the April 21, 2021 meeting regarding setbacks, the Fire Safety and Geologic Exceptions, pre-submittal process, the Planning & Building Director's authority, and how to count JADUs. She said to encourage applicants to use local setback requirements, staff recommended to allow applicants to build up to 1,200-square feet on parcels that are less than 3.5-acres and 1,500-square feet on parcels over 3.5-acres. She said the caveat though was that the ADU and the main dwelling cannot exceed the adjusted maximum floor area (AMFA) for the entire parcel. Also, any ADU that complies with local setbacks can be constructed to a height of 18-feet vertically.

Town Attorney Silver said that the Commission proposed at the April 21, 2021 meeting to have disincentives for ADUs that choose to follow the State-mandated setbacks. One disincentive was to restrict the maximum floor area for an ADU to 850-square feet for 1-bedroom or 1,000-square feet for 2- or more bedrooms. Other disincentives included requiring the application to install fire-safe landscape screening for the ADU on the side located in the local setback, no windows or skylights above 9-feet on the sides located in the local setback, windows must be obscured that are located in the local setback, no ingress or egress windows within the local setback, no exterior lighting on the sides of the ADU in the setback area, the ADU may not have a second driveway or any associated amenities such as a patio or pool, and no basements shall be permitted. Staff was confident that the Town's approach complies with State law.

Town Attorney Silver said that the existing Fire Safety and Geologic Exceptions prohibit ADUs from being constructed in certain areas located in the town. She shared that the exceptions are based on the Fire Marshal's concern regarding evacuation. Under State law, cities and towns are permitted to adopt reasonable regulations prohibiting ADUs in certain areas to protect health and safety provided findings are made. In terms of setbacks, she said that if there is a setback that is required by the fire department for safety reasons, those setbacks will apply. She said that staff incorporated a requirement in the ADU Ordinance that ADUs must comply with all local setbacks including the fire safety setback. In terms of the Geological Exception, she mentioned that all ADUs must comply with local parcel setbacks relating to health and safety, ADUs will be prohibited on parcels where development is prohibited under the Geologic and Ground Movement Map, and ADUs located in areas Y* and N* shall comply with the Town's Geological Regulations.

In terms of the other State-mandated changes, Town Attorney Silver said staff codified the State-required ADUs, incorporated into the Code that JADUs must have a kitchen, incorporated the ministerial review and process, all application requirements, and updated the definitions. She said staff also clarified that a garage is not required for garage conversions and clarified the owner-occupancy requirements to be consistent with state law.

Staff recommended changes including staff guidelines in allowing the Planning & Building Director to make interpretations. Town Attorney Silver said those guidelines are now in alignment with the Planning & Building Director's job description as well as staff added language stating that an appeal of the Planning & Building Director's decision can be made to the Planning Commission and Town Council. She said in terms of basements, basements located under an ADU are discouraged, but if constructed, they count towards the AMFA of the parcel. Covered parking for an ADU will also be counted toward the AMFA of the parcel.

Chair Taylor invited clarifying questions from the Commissioners.

Commissioner Hasko requested further clarification regarding egress windows and skylights located in the local setback. Planning & Building Director Russell explained that staff was trying to address elements of a building that may have impacts on neighbors.

Commissioner Hasko requested further clarification regarding the requirement that a window can not be built above 9-feet. Planning & Building Director Russell noted that the top of the window has to be below 9-feet to help mitigate light impacts to neighbors.

Commissioner Hasko asked if staff considered a separate address for an ADU if it is located in the 4-foot setback. Town Attorney Silver indicated that the Fire District liked the idea of a second address, so staff left that requirement in.

Commissioner Hasko asked if some type of notice would be provided when an ADU will be constructed near a trail. Town Attorney Silver said that was not considered.

Vice Chair Kopf-Sill asked what obscured means, and Planning & Building Director Russell said the window has to be frosted.

Vice Chair Kopf-Sill said that if the ADU has an internal staircase that goes to the basement, then the basement will not count toward AMFA. Town Attorney Silver confirmed that is correct.

Vice Chair Kopf-Sill wanted confirmation that no other cities or towns are using the "carrot and stick" approach. Town Attorney Silver noted that as of right now, many cities are not taking that approach. She said that because other cities are denser, the 4-foot setback is not as big of a deal.

Commissioner Targ asked how the ministerial approval of ADUs is handled and how has the ministerial aspect of approval been changed by the State law. Town Attorney Silver summarized that two categories of ADUs must receive ministerial approval. One was the State required ADUs and the other ministerial review approval pertained to ADUs that meet certain standards that are set forth by State law.

Commissioner Targ said if he has an ADU that is located within an unusual location, would that ADU be exempted from California Environmental Quality Act (CEQA). Planning & Building Director Russell noted that the determination if the application can be approved ministerially is determined first, before exemptions are considered.

Chair Taylor asked who defines a conforming ordinance, and Attorney Town Silver said that HCD has the authority to find that the Town's ordinance complies with State law or not. Currently, the Town's ordinance was not conforming to State law. If HCD determined that the Town's new ordinance does not comply with State law, then during the interim period, until a court makes a ruling, the Town would be subject to the underlying State law.

Commissioner Goulden said that the State Statute already applies, and the Town is trying to add additional layers to the State Statute to protect the town. Town Attorney Silver confirmed that is correct.

Chair Taylor asked if a single-family home with a JADU becomes a multi-family dwelling, is the parcel allowed to have two additional ADUs. Town Attorney Silver said that the code is vague in that area.

Chair Taylor asked if a non-conforming structure is demolished, can an ADU be built in its place. Town Attorney Silver answered yes.

Chair Taylor asked what happens to unpermitted ADUs that are located in fire-restricted areas. Town Attorney Silver said that in general, if the Fire District has said that the ADU is a fire hazard, then the Town will not allow the applicant to rebuild the ADU.

Chair Taylor asked can the owner build an 800-square foot ADU in a geologic hazard zone or is the owner limited to 400-square feet? Town Attorney Silver predicted that the owner would be limited to 400-square feet.

Chair Taylor said that the 8-foot distance between structures would be a minimum, and he noted that there is concern about fire ignition between structures. He asked if there is anything special about the town's location that would let the Town further restrict structure to structure distance because of fire ignition. Town Attorney Silver cautioned the Commission that such a recommendation may cause HCD to reject the ordinance.

With no further questions, Chair Taylor invited public comment.

Rita Comes said that Portola Valley Neighbors United (PVNU) sent a letter to the Commission that raised nine questions that the community was interested in knowing the answers to. She requested those questions be answered before the item goes to the Town Council. She encouraged the Commission and staff to publicize these discussions more so that more folks can attend the meetings. She hoped that the Town would provide notification to surrounding neighbors if something is to be built and not rely on only neighbor to neighbor communication.

Chair Taylor said that the reason the ordinance included neighbor to neighbor communication was so that the applications could be processed within the limited timeframe. He said that the Commission did receive the letter, and he requested that staff address all the questions after public comment.

Nan Shostak requested that the final recommendations to Council be deferred until the new ADU Ordinance and the Safety Element have been carefully reviewed. She encouraged the Commission and staff to review the items separately. She remarked that the Fire Safety Exception should be expanded and that the ADU Ordinance should recognize that each neighborhood has a unique situation for both fire and seismic hazards. She said that besides lot size, the fire exception should take into account topography, vegetation, supply of water, type of building construction, the configuration of buildings and roads. She said her second concern was consideration for neighbors and aesthetics. She appreciated the feedback that the Commission provided at the April 21th, 2021 meeting. She recommended that neighborhood associations and the ASCC be consulted when ADUs are constructed.

Betsy Morganthaler asked what is HCD's deadline for municipalities to return their individual ADU ordinance? She requested clarification regarding the geological areas labeled Y* and N*. She commented that many homes in the town do not have fences that follow the property lines which posed problems for the 4-foot setback. She suggested that the Town explore adding a disincentive that required the applicant provide a property land line survey. She said that if a family converted their

garage as well as constructed an ADU and a JADU on a smaller lot, that could cause additional traffic on local streets, and she encouraged the Commission to take that into consideration as well.

Chair Taylor answered that in the presentation there are detailed descriptions of the Y* and N* areas.

Commissioner Hasko noted that staff referenced a map where the Y* and N* denotations are used, but the map was not included in the staff report. Planning & Building Director Russell answered that there is a map that identifies different conditions that are in the field as well as a Resolution that describes the different soil types and applies the Y's and the N's for the different categories.

Mary Hufty spoke on behalf of PVNU and expressed appreciation that staff will be answering the questions that were asked in the letter that they had sent. On behalf of herself, she requested reassurance that the staff will receive a comprehensive wildfire, seismic risk, and hazard assessment before any ADUs are constructed.

Bob Turcott [verbatim comments] Thank you. Thank you. I was happy to see the addition of the preamble which highlights the wildfire hazard we face. I was less happy to see the vehicular access exception rebranded as a, quote, wildfire hazard exception, unquote. What would a real wildfire safety exception look like? The National Fire Protection Agency Standard has structures separated by 15 feet of both are sprinklered, 30 feet if either is unsprinklered, and set back 30 feet from the property line. They don't have this as their Standard because they're concerned about aesthetics or the rural character of Portola Valley. It's their standard because time and time again, from Oakland to the Camp Fire, the data shows that the greatest devastation in a wildfire results not from vegetation to structure ignition, but from structure to structure ignition. Structures are fuel bombs, with many times the latent heat as vegetation on an equivalent footprint. They burn hotter, longer and launch significantly more embers than vegetation. I appreciate the chair's question about building separation. It's important to remember that we're in a WUI. This issue is so important from a wildfire perspective that it warrants requesting a formal position statement from Woodside Fire department, which can be added to the public record. As currently written, the proposal would allow 8' separation between ADUs on adjoining property and require no separation on the same property. This takes us backwards. A wildfire safety exception would enforce the NFPA Standards. What else might the real wildfire safety exception look like? The preamble notes the Very High Fire Hazard Severity Zone in Portola Valley that was documented by Cal Fire. But it doesn't mention the High Fire Hazard Severity Zone that Cal Fire also documented. ADUs should be included [sic] from these areas, which together comprise about 65% of Portola Valley's area, including most of central Portola Valley, which makes sense given the steep terrain and network of canyons. Is this recommendation coming from some crazy not-in-my-backyard organization? No, it's coming from ABAG, the people who brought us the RHNA numbers. In its letter to the town it recommended this because it recognizes that adding more structures in a High or Very High Fire Hazard Severity Zone would be lunacy. A rational wildfire exception would follow ABAG's recommendation. What else might a real wildfire exceptional look like? It was mentioned that egress during a wildfire was one of the reasons for the vehicular access exception, and I certainly applaud that. However, analogous to how we handled geologic risk, it should preclude construction unless a developer could adequately demonstrate safety, including in this case, that evacuation would not be compromised for either the prospective occupant or for other residents. So real wildfire safety exceptions are needed. The state law, as I read it, allows municipalities to exclude ADUs from areas for public safety reasons, and this would certainly apply." [Asks for and receives time extension for an additional comment] "Thank you very much. I could be wrong, but my perception is that some of the people involved in our local governance are in a defensive, reactive posture regarding wildfire safety. We'll never close the gap between where we are and where we need to be with this approach. We'll be talking about the same issues a year from now. The Wildfire Preparedness Committee, staffed by amateur residents, has done important work over their two years of existence. Don Bullard and colleagues at Woodside Fire Protection District play a critical role in education and enforcing current

standards. The town staff, from my perspective, are clearly competent, hardworking and dedicated and residents, including me, owe them a debt of gratitude for their work on our behalf. What's missing, though, what none of these groups can deliver, is professional expertise that blends municipal planning with modern wildfire science. We need a Dwight Crowder and a George Mader. But even they had a team of professional, actively practicing geologists working with them. The Planning Commission is the locus of safety in town government, both for us and future generations. I urge you to lobby the Town Council to pull in professional expertise so we can get ahead of the wildfire hazard and not continue to chase it in a reactive, ad hoc way. Thank you very much for the extra time and your consideration.

With no additional public comment, Chair Taylor invited staff to broadly address the questions that were raised during public comment.

Planning & Building Director Russell said that once the ADU Ordinance is complete, the Town has a certain number of days to submit the ordinance to HCD. There is no timeline on how long the Town takes to draft the local ordinance. She said it would be typical for an applicant to supply a land survey if they planned to build a structure 4-feet from a property line.

Town Attorney Silver addressed the questions in the letter provided by PVNU. For the first question, she said that the State law does permit the Town to limit the areas where ADUs can be constructed based on certain criteria.

Chair Taylor asked if the Wildland Urban Interface (WUI) is part of the criteria. Town Attorney Silver answered that the WUI could be one of the findings, but the Town would have to show proof as to why an ADU cannot be built in a WUI.

Commissioner Goulden noted that ABAG has already adjusted the Regional Housing Needs Allocation (RHNA) to accommodate the town being in a WUI.

Town Attorney Silver said that in terms of question two, the Wildfire Safety Exception is based on the Fire Safety Policy that has been adopted and the Geologic Exception is based on the Resolution that the Town Council adopted based on studies and geologist's input. In terms of question three, Town Attorney Silver clarified that the local ADU ordinance will preserve AMFA except for the three categories of ADU required by the State. She said that a safety study is being prepared in conjunction with the Safety Element Update and will be completed by the end of the year 2022. In answer to question four, she said that staff consulted with the Fire Marshal, and he confirmed that the Fire Code adopted by Woodside Fire District incorporates National Fire Protection Association (NFPA) standards. In answer to question five, she answered that the Fire Safety Evacuation Exception was developed in consultation with the prior Fire Marshal and approved by the current Fire Marshal, as were the new amendments to the ordinance that were currently being proposed. In answer to question six, she noted that the Fire Safety Exception as proposed by Woodside Fire District is not based on the separation of the building, but rather based on evacuation routes. In answer to question seven, she mentioned that fire sprinklers are a separate issue that can be addressed through amendments to the Building Code and the Fire Code. She said that a provision in State law states that ADUs cannot have a sprinkler requirement if the main house does not have a sprinkler requirement. In answer to question eight, she said that water is handled by California Water Service (CalWater). The sewer systems are handled by West Bay for the pipe systems, and San Mateo County handles septic. Staff has consulted with both agencies, and there have not been any issues raised concerning the ability to service the town in any of the areas. In answer to question nine, Planning & Building Director Russell shared that the Fire Marshal's recommendation regarding parking has not changed since the last amendments were made to the ADU Ordinance.

Planning & Building Director Russell said that some folks use the general definition of WUI as the interface between development and wildlands. In California, a WUI is considered a very high severity zone. In town, there is a high fire severity zone, and it overlaps with the area that contains the Fire Exception. She said that all newly constructed buildings and ADUs must follow WUI construction standards.

Chair Taylor brought the item back to the Commission for comment. He suggested the Commissioners start with general conception items and then discuss the ordinance.

Commissioner Hasko mentioned that is it confusing regarding the overlay between fire hazards, ADUs and in particular, an ADU that uses the 4-foot setback. She asked if ADUs in the 4-foot setback are not required to have sprinklers unless the main building has them. Town Attorney Silver confirmed that is correct.

Commissioner Hasko voiced concern regarding notices to adjacent neighbors and that residents who use the trails will be impacted by structures that are built to the 4-foot setback. Chair Taylor suggested that those projects be sent to the Trails Committee for review.

Commissioner Goulden commented that if there is a rule regarding ADUs and trails, the Trails Committee should review all ADUs, regardless of what setback they use. Vice Chair Kopf-Sill agreed, but was concerned that the Trails Committee does not have the authority to go against State law. Chair Taylor indicated that the Trails Committee could make recommendations to help mitigate any impacts to residents using the trails.

Commissioner Hasko said that it would have been helpful to have more information in the packet regarding the Y* and N* designation. She asked if the Code explains that Y means yes and N means no. Town Attorney Silver confirmed that the Code does explain it.

Commissioner Hasko said that within the Code, the terms main building, primary dwellings, and residential dwelling are used interchangeably and that it was confusing. She said that in some areas in the Code, it is important to use the right term. Town Attorney Silver said that State law uses the term main building, and that term was used in the new language of the ordinance. She agreed that staff could go through the entire ordinance and change the terminology to main building. Commissioner Hasko agreed that in some places the terminology is intended to refer to a residence or primary residence as opposed to a structure. Her concern regarding what terminology was used is that JADUs will lead to a multi-family dwelling outcome.

Commissioner Hasko mentioned that throughout the ordinance, there were places where it says 850-square feet or up to 1,000-square for 2-bedrooms, but then in other places, it just says 1,000-square feet. Town Attorney Silver said that the difference is intentional.

Commissioner Hasko asked how much does it cost a person to appeal a Planning & Building Director's decision. Planning & Building Director Russell stated that in the existing Fee Schedule there is no specific appeal fee. The Town Manager has the discretion to set a fee.

Chair Taylor asked if staff envisioned there being a large cost differential depending on the Planning & Building Director's decision. Planning & Building Director Russell said that the current system requires a deposit, and the deposit system accounts for the different ranges of appeals.

Commissioner Goulden proclaimed he trusted that the Town Attorney and Planning & Building Director Russell are thoroughly investigating all aspects of the ordinance. He understood that the bulk of the

ordinance is codifying what already exists in State law. He said he wanted to focus his time and attention on approving the ordinance and having it incorporated into the Code quickly.

Vice Chair Kopf-Sill appreciated that staff was updating the ordinance to comply with State law, and she loved the “carrot and stick” approach. She expressed that the ordinance provided a great balance between housing needs, ADU construction, and safety.

Commissioner Targ mentioned he was struck by the flexibility that was established to address fire risk and limitations that can be placed. He said he was having trouble discerning whether there are limitations that can be placed on where ADUs are acceptable or whether the Town can restrict further ADUs based on the risk the ADUs could create themselves. He said that the Town has the discretion to recommend proper distancing or deny an ADU application based on fire hazards and that discretion is not limited to just high fire areas. Town Attorney Silver restated that State law does allow the Town to limit locations of ADUs based on fire safety, but specific findings must be made to justify that determination. She said one concern regarding the findings was that a previous Town Council had determined that CalFire’s designation of very high fire hazard areas was problematic and instead relied on the Moritz Report. She said the second concern was that the Safety Element was not up to date and thirdly, if the Town prohibits ADUs from developing in a specific area, but allows other development, there has to be a justification for that.

Commissioner Targ asked if the Fire Marshal has to specifically approve each ADU application. Planning & Building Director Russel answered that they do a plan check and confirm that it meets all of the Fire Code requirements.

Commissioner Targ inquired what is the nature of the Fire Marshal’s review for ADU applications. Town Attorney Silver confirmed that Woodside Fire District does apply some judgment in their determinations, but the Fire District has been very successful in steering applicants to a solution that is fire safe.

Commissioner Targ said that he wants the Woodside Fire District to make a specific finding that a proposed ADU does not impose an unreasonable risk and sign their name recognizing that they have made that finding. He said the finding should mirror the Fire Code.

Commissioner Goulden mentioned in general, he agreed with Commissioner Targ, but he did not support the sentiment of allowing the Fire Marshal to determine if development should happen or not in a WUI.

Commissioner Targ emphasized that it was expressed that Woodside Fire District is very good at counseling applicants. He said the finding would not be a special finding. He said it would be a finding that was already within the Fire Code. Town Attorney Silver noted that the plan check process will be a useful tool and that the Fire Marshal has to sign off on a project in the plan check process. She discouraged the Commission from including a finding for the Fire Marshal in the ADU Ordinance, but the language could be included in the application.

Chair Taylor agreed with Town Attorney Silver’s recommendation.

Commissioner Targ emphasized that the setback and side yard setback issue is major and those setbacks distinguish ADUs from other structures.

Chair Taylor agreed with Commissioner Targ’s statement.

Commissioner Hasko supported the inclusion of findings that the Fire Marshal must make as suggested by Commissioner Targ. She asked if there is a heightened fire hardening standard that folks are required to follow when they are building structures close together. She remarked those standards will be critical if the ADUs are not required to have sprinklers.

Chair Taylor mentioned that he wanted to see all applications receive pre-approval from the County Health Department. Town Attorney Silver said that the Code does not itemize which approvals are needed. Planning & Building Director Russell cautioned the Commission to not be too prescriptive in the ordinance so that there is ample time for staff to approve the application.

Commissioner Goulden agreed that the ordinance should provide generalities.

Chair Taylor said that through the Safety Element update, the Town may find items that should be included in the ADU Ordinance and requested that the ordinance be evaluated after the Safety Element is complete.

Commissioner Goulden asked if the ordinance can include language that the ADU Ordinance must be compatible with the Safety Element. Town Attorney Silver said that the most important piece is to adopt something now so that the Town maintains some type of local authority. She confirmed that after the Housing Element and Safety Element are complete, staff and the Commission will be revisiting the ADU Ordinance.

Chair Taylor asked the Commissioners if they felt comfortable moving the ordinance forward with the understanding that the ordinance will return after the Housing and Safety Elements are updated; or if the discussion should be continued to a future meeting for further discussion.

Commissioner Targ said the components he was looking for in the ordinance were his proposed finding language, provide an understanding of what restricted areas there are within the town, and have the ordinance sunset in 3-years. He said the request to include a sunset in the ordinance was to allow for the Commission to revisit the ordinance in 3 years, if not before.

Chair Taylor expressed that he is comfortable with including a sunset provision in the ordinance. He recommended that staff incorporate the feedback into the ordinance and bring it back to the Commission at the next Planning Commission meeting.

Commissioner Hasko announced that she will work with staff on her recommended changes and present those to the Commission at the next meeting. She shared that she supported the concept of having the Trail Committee review applications.

Planning & Building Director Russell said that the next meeting is June 2, 2021.

Commissioner Hasko moved to continue the public hearing on June 2, 2021. Seconded by Commissioner Goulden, the motion carried 5-0.

NEW BUSINESS

(2) Appoint Two Planning Commissioners to Ad-Hoc Committee for the Housing Element Update

Chair Taylor announced that Commissioner Targ and Vice Chair Kopf-Sill have volunteered to be on the Ad-Hoc Committee.

Commissioner Targ disclosed that he professionally represents a variety of affordable housing, market-rate housing, and other development-related entities throughout the state. He said he also represents various trade organizations associated with land preservation as well as development. He disclosed he is a land-use attorney. He stated these credentials to provide transparency to the Commission, the community, and staff.

Chair Taylor asked if the Town Council will be appointing the Commissioners to the Ad-Hoc Committee. Planning & Building Director Russell answered no and requested that the Commission make a formal motion to appoint the two Commissioners.

Commissioner Goulden commented that Commissioner Targ's credentials make him a strong candidate to be on the Ad-Hoc Committee and he supported both nominations.

Chair Taylor agreed with Commissioner Goulden.

Commissioner Goulden nominated Commissioner Targ and Vice Chair Kopf-Sill to serve on the subcommittee associated with the RHNA Project. Commissioner Hasko second, motion passed 4-0-1 with Commissioner Targ abstaining.

COMMISSION, STAFF, COMMITTEE REPORTS and RECOMMENDATIONS

(3) Commission Reports

Vice Chair Kopf-Sill reported that she attended the ASCC meeting where they discussed the fire station. After discussion, the ASCC ruled to leave the driveway in front of the fire station.

Chair Taylor mentioned that there have been more and more parked cars on Portola Road. Commissioner Goulden said that many of the cars are from residents hiking at Windy Hill. Chair Taylor clarified he was talking about the parking lots near the Village Square.

Planning & Building Director Russell summarized the discussion that happened between Chair Taylor, the Chair of ASCC, and the Mayor. One topic of discussion was the Roll Up Policy which addressed applications that required approval by more than one decision-making body. Town Attorney Silver drafted a policy to formalize the process. The Chair of the ASCC believed that the process was working well where the ASCC provides recommendations to the Planning Commission. The Town Council will consider the policy at their next meeting. She said the second item discussed was related to utility undergrounding. During the discussion, Chair Taylor mentioned that there is a larger effort to consider utility undergrounding in the whole community. The group came to a consensus to see what comes of that effort, to continue to allow the Planning Commission to make underground decisions based on available information, and then revisit the topic in a year. Another topic that was discussed was site meetings and the group agreed that site meetings can resume.

Chair Taylor inquired how often will the meetings will be held between the Chairs, the Mayor, and staff. Planning & Building Director Russell mentioned that they happen on an as-need basis.

With no further questions, Chair Taylor invited public comment; seeing none he moved onto the next item.

(4) Staff Reports

None.

APPROVAL OF MINUTES

(5) Planning Commission Meeting of May 5, 2021

Chair Taylor invited public comment; seeing none he invited the Commissioners to make comments.

Commissioner Hasko suggested on red page 52 in the middle of the page, the word criterion be changed to criteria. On red page 54, midway down, she clarified that she was asking how the Housing Element Update would or would not contemplate the Ad-Hoc Committee's work. She suggested the word included be changed to "to be considered in the course of the Housing Element Update". On red page 55 in the third paragraph up from the bottom, she clarified that yes, the Town Council has to do the Housing Element Update, but if the Town Council wanted to, it could in parallel take additional steps.

Vice Chair Kopf-Sill suggested on red page 51 at the top, to change the language to read the arborist can be more favorable to the applicant.

Commissioner Goulden moved to approve the minutes of the May 5, 2021, meeting, as amended, Seconded by Vice Chair Kopf-Sill, the motion carried 5-0

ADJOURNMENT [10:35 p.m.]

Commissioner Hasko moved to adjourn. Seconded by Commissioner Targ, the motion carried 5-0.