

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, DECEMBER 17, 2008,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair McKitterick called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Gilbert, McIntosh, Von Feldt and Zaffaroni, and Chair McKitterick
Absent: None
Staff Present: George Mader, Town Planner
Steve Toben, Town Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

(1) Public Hearing on Sustainability Element of the General Plan

Town Planner Mader reviewed the staff report of 11/25/08 on the Sustainability Element.

Referring to Introduction section, Commissioner Zaffaroni said she did not like the term “us” in the first sentence. She suggested: “Sustainability in the broadest sense involves managing all aspects of the relationship between the natural and human communities...” or “...between the environment and humans...” Commissioner Gilbert suggested: “...managing all aspects of our relationship with the environment...”

Responding to Commissioner Zaffaroni’s question on AB 32 and what was included in the Overarching Goals section (p. 4), Councilmember Toben said the goal was to reduce the Town’s total carbon emissions level 80% below 1990 levels by 2050. The intermediate goal was 1990 levels by 2020. Commissioner McIntosh suggested adding the intermediate goal to the draft. Commissioner Zaffaroni said everything she read focused on 2020 as something that was more achievable. Town Planner Mader said the Commission had discussed the numbers and which ones to include. He thought it was a long-range goal with the Town doing everything it could to meet it; that would probably mean meeting intermediate goals. Both could be included. Responding to Commissioner Gilbert, he confirmed that it was 80% below 1990 levels. Chair McKitterick suggested: “To reduce carbon emissions to 100% of 1990 levels by 2020 and to 80% below 1990 levels by 2050.”

Commissioner Zaffaroni said she understood that the Town was currently required to review greenhouse gas emissions of projects for CEQA. There was a lot of confusion about how that would be implemented and what kind of quantitative standards would be looked at. One way to avoid doing individual assessments on a project-by-project basis, which could be tedious—especially when people didn’t understand what the standards were, was to have something in the General Plan. Having something in the General Plan that met particular standards or set some criteria would be useful until the State issued better guidance. Since the Element was before the Town, she thought it should be discussed.

Town Planner Mader said he recently attended a meeting on SB 375 as it related to transportation and development in the Bay Area. They talked about measuring carbon emissions regionally as opposed to project-by-project, which was problematic and tedious. He had not heard a clear explanation of the best way to do this from any of the agencies or firms represented at the meeting. Something might come out of the work being done between ABAG and MTC on SB 375.

Responding to Town Planner Mader, Commissioner Zaffaroni read from an article in the *Public Law Journal*: “To date, the best way to address greenhouse gas emissions in CEQA documents, on a scale larger than a project-by-project basis, is to address greenhouse gas emissions at the General Plan level. CEQA provides

for a streamlined review of a project that is consistent with an existing General Plan....” Since the Town was dealing with the General Plan, there might be a way to address it now. This was probably a question for the Town Attorney, but there might be something out there that gave some guidance in terms of what would be adequate.

Chair McKitterick suggested approving the Element as drafted. As more information was developed on what towns should have in their general plans, the Element could be amended. Commissioner Zaffaroni said apparently towns were required to do this right now on a project-by-project basis. She understood that CUPs were subject to this requirement as well. Town Planner Mader said if the Commission wanted to address this, it should be continued. Commissioner Zaffaroni said this was an important enough Element that there should be an opportunity for the public to come and discuss it. The poor attendance at tonight’s meeting was probably due to poor timing. Town Planner Mader said he thought more people would participate when the ordinance was discussed. He noted that the Element was not silent on carbon emissions. There were a number of proposals that would help carry out the reduction of carbon emissions. Commissioner McIntosh said he did not think the draft should be held up—especially since it was not known what should be included. It could be addressed as this issue evolved.

Chair McKitterick said greenhouse gas emissions were addressed in the General Plan and projects were reviewed under CEQA. The Council had remarked about the time this project was taking. It would also be good to get the Element adopted before the green building program came along. The Commission could decide to explore the question after the draft had been forwarded to the Council. The Element could always be amended. Commissioner Zaffaroni said the Planning Commission would have to grapple with the issue and decide whether it would be dealt with on a project-by-project basis or do something in the General Plan. That would come up as the State provided greater clarity. The Catch—22 was that the Town was required to do it right away—even without the clarification. Chair McKitterick reiterated that he would like to see the draft forwarded to the Town Council. He also questioned whether the Town Attorney could provide further guidance. Commissioner Gilbert agreed. There would be plenty of opportunities to get more clarification on what if anything should be done.

Responding to Commissioner Von Feldt, Commissioner Zaffaroni said when you went through CEQA, you were supposed to look at certain information with respect to significant environmental impacts and how those should be mitigated if they were significant. Now, when you went through that checklist for a project, you had to look at the potential for greenhouse gas emission increases and decide whether that was a significant impact. It was very difficult to conceive how you could make that a quantitative analysis and determine if it was a significant impact and how you could mitigate it. Responding to Commissioner Von Feldt, Chair McKitterick said certain projects were categorically exempt under CEQA such as single family homes with regular construction and land use. Town Planner Mader added that things that were not exempt from CEQA were evaluated in terms of an Initial Study. Based on that, you might conclude that there were no significant environmental impacts; or, an EIR could be required. Very few projects in Town required an EIR. Responding to Commissioner Von Feldt, he said greenhouse gas emissions were addressed in the Overarching Goals section of the Element; many of the proposals led towards reducing greenhouse gas emissions even though that phrase was not added to each statement.

Referring to the Living Environment section (p. 6), Commissioner Zaffaroni said in objective #1, “comprises” should be changed to “comprise.” In the Appendix (p. 7), under Town Staff, she thought #2 could be tweaked to satisfy the requirement with respect to having something in the General Plan. Obviously, you would have to have some criteria. Town Planner Mader suggested adding “...in particular with respect to greenhouse gas emissions.” Commissioner Zaffaroni said the Town Attorney should be consulted to get a better sense of what other towns, if any, had done to address this.

In that same section, #2, Commissioner McIntosh suggested: “...sustainability and make recommendations ~~are made~~....” Responding to Commissioner McIntosh, Town Planner Mader said “Town Staff” meant people who would be dealing in this area. The intent was to show that these things would be staff responsibilities. Responding to Commissioner McIntosh, Ms. Lambert said she and the SuRE coordinator had discussed

how staff could help ensure sustainability as indicated in #3, such as developing performance standards and showing how some of the goals would be achieved.

Commissioner Zaffaroni said there were some things that had been in the draft all along that she wasn't completely sure what was meant. Referring to the Appendix on Resident Actions (p. 8), she asked what was meant by "individual climate protection action plans" in #6. Town Planner Mader said this was a general statement. People might decide to carpool, not burn as much in the fireplace, reduce electricity consumption, etc. People could do a variety of things in their house that would reduce energy consumption and air pollution. The intent was that each household might think about what their family could do. Chair McKitterick suggested: "...energy saving action plans..." Commissioner McIntosh suggested: "...individual sustainability action plans." Commissioner Zaffaroni said the intent was to encourage people on an individual basis to implement plans to comply with these kinds of goals. Commissioner Von Feldt said that should be the first thing someone should do; the rest of the statements were examples of ways to implement that. Town Planner Mader noted that it was not a comprehensive list.

Referring to the Appendix, Resident Actions (p. 8), #5, Commissioner Gilbert suggested "...recycling, and opting to bring your own bag when shopping..."

Referring to the Appendix, Resident Actions (p. 9), #9, Commissioner Zaffaroni said "considering colors and materials for energy conservation" was something the Town did in the Design Guidelines and energy conservation standards. She questioned whether that was a "resident action." Town Planner Mader said the Town had the Design Guidelines, but there was a certain amount of individual choice on what you did within those broad confines. Commissioner Zaffaroni said she understood the choices but questioned what the Town was asking of the residents with this language. Town Planner Mader said in designing your house, there were choices. The point here was to consider the aesthetics of color and materials for energy conservation. There was room for individual discretion.

Referring to #11 (p. 9), Commissioner Von Feldt said she thought "drought resistant" landscaping should be replaced with "drought resistant native plants." Responding to Town Planner Mader, she said not all native plants were drought resistant, such as those that belonged in creeks. Native drought resistant plants provided a natural habitat for the insects, etc. Ms. Lambert pointed out other locations in the draft where "native" should be added to "drought resistant."

Under Existing Building Stock (p. 9), statement #2, Commissioner McIntosh suggested the Town provide a list of contractors who could do energy audits. Ms. Lambert said the SuRE Coordinator was developing a list of different companies that did energy audits. Commissioner Gilbert suggested including something about this under Town Outreach for Community Education or Incorporated Town. Town Planner Mader said something could also be added under Town Staff. Responding to Commissioner Zaffaroni, Ms. Lambert said staff was just starting to make referrals. She confirmed that staff did not recommend anyone in particular. Town Planner Mader said it would be very helpful for someone who wanted to get an energy audit. He suggested adding it as #12 to Resident Actions. Commissioner McIntosh suggested adding it to Incorporated Town, item #6.

Referring to the Appendix, Water Resources, #6, Ms. Lambert confirmed that wells were permitted with County Health Department approval. Referring to #4, Commissioner McIntosh said "limiting the scope of new impervious surfaces" might be of concern to people. Chair McKitterick said it was just a goal. The Town might want to explore changing its rules for parking and what types of surfaces were acceptable. Commissioner Zaffaroni suggested deleting the second "new" before the word "development."

Referring to the Appendix, Living Environment, #6, Commissioner Gilbert suggested changing "re" to "concerning."

Responding to Commissioner Gilbert, Town Planner Mader confirmed that the Appendix would not be adopted as a part of the General Plan; it would be an appendix to the Plan. Commissioner Gilbert said

people might be concerned that the illustrative policies and practices were too detailed. Additionally, if people expected everything to be implemented, it would be an enormous burden on Town staff. She did not know how the community would react. Commissioner Zaffaroni noted that there had not been much public input throughout this process. That was worrisome. Town Planner Mader said the Element was general policy. A lot of people didn't react to that as much as they did regulations. He agreed it would be preferable to have more public input.

Referring to the Appendix, Living Environment, #1 (p. 11), Commissioner Zaffaroni said the Town already had an Open Space Acquisition Committee. Chair McKitterick suggested changing "Adopt" to "Support programs..." to include other agencies' programs such as POST. Commissioner Gilbert suggested "Support local programs...."

Referring to the CEQA documents (p.16), item #17B, Commissioner Zaffaroni said "less than significant impact" was checked but there was no comment why that was checked as opposed to "no impact." Town Planner Mader said there could be impacts that were individually limited but cumulatively could have an effect. He did not think the impact would be negative or significant. That was a judgment call. He said he would add a comment.

Chair McKitterick opened the public hearing, and there were no comments.

Commissioner Gilbert moved to approve the Initial Study and Negative Declaration, as amended to include a comment on 17b (p. 16). Commissioner McIntosh seconded, and the motion carried 5-0.

Commissioner Gilbert moved to forward the Sustainability Element, as amended during the discussion, to the Town Council with a recommendation for approval. Commissioner McIntosh seconded, and the motion carried 5-0.

(2) Setting Noise Element for Public Hearing

Referring to the Noise Element's statement on aircraft noise (p. 2), Chair McKitterick said noise from aircraft had gotten worse in Town as SFO traffic increased significantly from 1992 to the present. He suggested reworded the statement to read: "In 1969, a major jet noise burden was placed on the Town as the result of an FAA air corridor revision; since that time, the Town has worked to lessen the impact of aircraft noise over Portola Valley in the face of generally increasing jet air traffic." On page 13, Policy 1, he suggested "...Airport Roundtable and other government persons and entities...." Responding to Commissioner Zaffaroni, he said the FAA's goal was to promote safe air travel--not deal with homeowners with noise issues. Responding to Commissioner McIntosh, he said there had been a significant increase in the noise since 1969 in Town because of the use of an air corridor that went over Skyline. Air traffic controllers also took control over aircraft and custom-directed the flight pattern by specifying altitudes, etc. Noise was down since its peak in 2000; the cost of operating airplanes had increased. He said Councilmember Toben had been successful in extracting some mitigation efforts from the FAA. He said he [McKitterick] also had some questions about quieter pavement and whether the Town should try to use that on the major thoroughfares. Town Planner Mader said using the quieter pavement on Alpine Road, Portola Road and Los Trancos Road would make a difference. That was one of the most positive things the Town could do to reduce noise levels.

Referring to Goal 1, Policy 2 (p. 11), Chair McKitterick said if there was going to be further development in Town, it was part of the green building ordinance to consider transportation. The Town should consider having development be on those thoroughfares, which conflicted with Policy 2. Commissioner Zaffaroni said she did not think there was a lot of developable land for residential use on Alpine or Portola Roads. Chair McKitterick said there could be differences in 20 years from now in terms of what was considered developable. He did not think the Town should try to separate any land uses from major thoroughfares. Town Planner Mader noted that noise didn't extend very far from the right-of-way. The most sensitive parts

were near the churches on Portola Road, part of Alpine Road near the ball field, and a small section of Los Trancos Road. Another approach would be to “protect” noise sensitive land uses rather than “separate” them. One of the key ways to reduce noise was through the insulation of the structure itself. Chair McKitterick wanted to eliminate Policy 2. There were still the State law requirements regarding noise in residential uses. Table 3 had interior/exterior noise requirements for all land uses. To the extent the Town could put a new church or a multi-family development just off Portola or Alpine Roads and meet those standards was sufficient to meet the Town's policy goals. Referring to Policy 3 under Goal 1 (p. 11), Town Planner Mader said it was related and suggested changing the wording to: “New development of residential or other noise-sensitive land uses should be discouraged in noise impacted areas....” With that change, Policy 2 could be deleted.

Responding to Commissioner Von Feldt, Town Planner Mader said Figure 1 showed the noise contours along the roads and the different decibels as you went out from the road. There would be a 500 scale colored map that showed the properties and the lines for public hearing purposes. The point was to show the traffic generated noise bands so that people could decide if they wanted to move something back from the road, etc. Exterior and interior noise levels were specified and discussed in Table 3 (p. 10) and under Transportation Generated Noise (p. 8). Staff felt that 55 dBA was an appropriate standard for the Town. Going from outside to inside was a 15 dBA decrease.

Responding to Commissioner Gilbert, Town Planner Mader said noise measurements had been taken along the roads; those were in the technical report distributed earlier. The consultant applied a highway formula for the generation of noise from that. It was a mathematical approach that had not been modified based on topography.

Referring to Figure 2 (p. 6), Town Planner Mader confirmed for Commissioner Gilbert that the exterior noise exposures for single-family residential, multi-family residential and outdoor recreation were generally excepted standards. Based on the consultant's work, staff recommended reducing the level for single-family from 60 dBA to 55 dBA. Referring to Goal 5, Policy 5 (p. 13), Commissioner Gilbert suggested “Develop a program for...” rather than “Assist in developing a program....” She noted that there was an inconsistency for the interior noise levels shown on p. 8, paragraph #3 and p. 11, Policy 4. Town Planner Mader confirmed that Policy 4 should be 45 Ldn.

Referring to Table 3 (p. 10), Town Planner Mader said footnote “d” talked about where exterior noise levels were measured. The consultant pointed out that: a) the highest noise might not be at the property line if someone had sloping property; it could be at a higher level; and b) you didn't know where uses would be in the future. That was why the footnote had been included. Clair Jernick's consultant raised a question about that and felt it was vague. Commissioner Zaffaroni said she had also raised that question at the committee level. She felt it should be at the property line, which made sense. Town Planner Mader said he had spoken with the Town Attorney, and he agreed it should be at the property line. Responding to Chair McKitterick, he said it was the property line from which the noise was generated. Commissioner Gilbert pointed out that the Table 3 heading was “Land use receiving the noise.” Responding to Chair McKitterick, Town Planner Mader said you would always have to look at the adjoining properties. Noise generated by the Priory, The Sequoias, etc., couldn't exceed these standards. It was simpler to say at the property line of the generator. But, “receiving properties” would cover anyone who might have a complaint.

Town Planner Mader said there were a few places in the draft where “should not be allowed” should be replaced with “should be discouraged” such as Policy 4 under Goal 1 (p. 11). On Policy 1, Goal 3 (p. 12), he said language to the note should be added that indicated: “New projects do not include single-family residential projects or construction activities.” Responding to Commissioner Gilbert, he said limits were placed on hours and days of the week for construction in the ordinance rather than noise levels. On Policy 2, he suggested: “Noise created by new non-transportation noise sources shall be mitigated so as to not cause the land use receiving the noise to exceed interior and exterior noise level....” Under Policy 3, first bullet (p. 12) he suggested: “Be the responsibility of the applicant for the project.”

The Element was set for public hearing on January 21, 2009.

(3) Election of Chair and Vice Chair

By motion of Commissioner McIntosh, seconded by Commissioner Gilbert, Chair McKitterick was elected Chair and Commissioner Zaffaroni was elected Vice Chair by a vote of 5-0, subject to their reappointments.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

a) Douglas CUP

Chair McKitterick said he spoke with Bradley Kass about the Douglasses' CUP. He informed Mr. Kass that the matter was no longer before the Planning Commission. If the Douglasses appealed the decision, staff would prepare a report for the Council, which would include any additional proposals by the Douglasses. Ms. Lambert said an appeal had been filed with the Town on 12/11/08. The hearing before the Council would be on 1/28/09.

b) Referrals

Town Planner Mader discussed a referral for the Horse Park on Sand Hill Road, which was approved by the County for another nine years. They would be adding a few things. He had raised the question of the safety of vehicles turning in and out, but the traffic consultant felt it was not an issue. He discussed another referral for the Ladera Shopping Center that included a new medical office building with parking underneath. He said there was quite a bit of discussion about the amount of outside seating, which the residents liked but caused some parking problems.

c) Planning Commissioner Terms

Ms. Lambert said terms for Chair McKitterick, Commissioner Zaffaroni and Commissioner Von Feldt were up. Responding to Commissioner Von Feldt, Councilmember Toben explained the policy the Council adopted when incumbents arrived at the end of their terms. Those who were interested in reappointment just needed to confer with the Council liaison and make their wishes known. If any additional applicants came forward, there would be a hearing for all the candidates. The Council could talk to incumbents, but there was a very strong presumption for reappointment for anyone who had served. Commissioner Zaffaroni said she supported the policy. People who were really interested in serving should have an opportunity to come forward.

APPROVAL OF MINUTES

By motion and second, the minutes of the 12/3/08 meeting were approved as submitted by a vote of 5-0.

ADJOURNMENT: 9:50 p.m.

Nate McKitterick, Chair
Planning Commission

Leslie Lambert
Planning Manager