



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Planning
Commission Wednesday, May 8, 2024

SPECIAL MEETING AGENDA

HYBRID MEETING- IN PERSON AND VIA ZOOM

HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to asmith@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record.

Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation. If you attend the meeting online, you will have access to any presentations that will be shown on your screen and can provide public comments using the “raise your hand” feature when the Chair calls for them.

VIRTUAL PARTICIPATION VIA ZOOM

Please select this link to join the meeting:

<https://us06web.zoom.us/j/81986627070?pwd=kUVQm5C36tN8ZoBcc5U371o7p7YPQ.HriUNvtNjPGEcbKI>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 819 8662 7070 **Passcode:** 064868

Or Telephone:

1.669.900.6833

1.669.444.9171 (toll-free) Enter same Meeting ID

*6 - Toggle mute/unmute.

*9 - Raise hand.

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Chair Goulden, Vice-Chair Targ, Brothers, Krashinsky and Kopf-Sill

ORAL COMMUNICATIONS

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

REGULAR AGENDA

1. Consider Adopting a Resolution Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element, (Continued Public Hearing from March 20, April 3, April 17, and May 1, 2024)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports

APPROVAL OF MINUTES

4. April 3, 2024

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

PUBLIC HEARINGS

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



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Planning Commission

FROM: Adrienne Smith, Senior Planner

DATE: May 8, 2024

RE: Adoption of a Resolution Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element

RECOMMENDATION

Staff recommends that the Planning Commission receive a presentation from staff, ask questions, provide comments, hold a public hearing to review the revised draft Zoning Code amendments and consider adopting a resolution recommending approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element

MEETING FORMAT

This public meeting format will be as follows:

- Staff presentation: Summary of revisions made to Draft Zoning Code and Zoning Map amendments as directed by the Planning Commission and Planning Commission/ASCC Subcommittee
- Planning Commission questions of staff – suggest segmenting to accommodate conflicts of interest related to Mixed Use zoning designation (as applicable)
- Public Comments
- Planning Commission discussion – segment as required

MEETING PURPOSE

The purpose of this meeting is for the Planning Commission to consider the updated draft Zoning Code and Zoning Map amendments. The revised draft incorporates recommendations made by the ASCC and Planning Commission as directed by the ASCC/Planning Commission Subcommittee struck at the April 17, 2024 Planning Commission Meeting. Note, the revised draft Zoning Code amendments are not included in the meeting packet and will be posted to the meeting [calendar page](#), prior to the May 8, 2024 meeting.

BACKGROUND

The draft Zoning Code and Zoning Map amendments are the first required step to implementing the Portola Valley Housing Element and do so in two ways:

1. The amendments bring the Code into conformance with State Law and implement various programs of the adopted Portola Valley Housing Element; and
2. The amendments rezone several parcels to new zoning classifications as identified on the Housing Element's Adequate Sites Inventory. Without a rezoning, these sites cannot be made available to be developed at the proposed densities and affordability levels as committed to in the Town's Housing Element.

SB 330 – the Housing Crisis Act

SB 330 came into effect on January 20, 2020. The purpose of the act is to ensure qualifying housing development projects are only subject to the ordinances, policies, and standards adopted and in effect when an application is submitted. This means jurisdictions cannot impose or enforce non-objective design standards established on or after January 1, 2020. SB 330 also provides that no more than five public hearings may be held on a project before it is deemed complete, including both continued hearings and appeals. Alongside establishing the new Mixed-Use and Multi-Family zones, the Town must create a non-discretionary, ministerial path of review for all future development projects on sites where these zoning designations apply, via the Zoning Code amendments. All proposed development/design standards must be objective, such that they do not involve subjective/personal judgment of the decisionmaker.

Planning Commission and ASCC Review of Draft Zoning Amendments

The Planning Commission met on March 20, 2024, to discuss the Draft Zoning Code and Zoning Map Amendments. View the full agenda packet, including a summary of draft amendments, a full draft of amendments and public comments [here](#). The Planning Commission held a fulsome discussion but determined it wanted further Town input via an expanded public review process. The Commission first requested that the ASCC meet at its earliest opportunity to review the draft and compile its recommendations to the Planning Commission. After the ASCC meeting, the Planning Commission and ASCC would convene for a joint meeting on April 3, 2024 – a continuation of the Planning Commission's March 20, 2024 meeting.

The ASCC met on March 25, 2024, and in a workshop-style session and undertook a comprehensive review of the draft amendments including discussion on the technical development and design standards proposed for the new zoning districts. View the agenda packet [here](#) and the recording of that meeting [here](#). The Commission appointed a subcommittee consisting of Chair Warr and Vice-Chair Flynn to compile all feedback to be shared with the Planning Commission.

The Planning Commission and ASCC held its joint meeting on April 3, 2024, to discuss the ASCC's feedback. View the agenda packet and public comments [here](#) and the recordings of that meeting: [Part I](#) and [Part II](#). The Planning Commission received a presentation from the ASCC, and the Commissions collaborated to further articulate the scope of changes to the draft Zoning Code and Zoning Map amendments. At the meeting, the Commissions agreed it would be beneficial for the ASCC to meet once more on April 8, 2024, to finalize its more technical feedback.

At its April 8, 2024 meeting, the ASCC engaged in a second and final workshop session to solidify the changes to the draft Zoning Code and Zoning Map it wished to recommend to the Planning Commission. View the agenda packet and public comments [here](#) and the meeting recording [here](#).

The ASCC maintained its same subcommittee of Chair Warr and Vice-Chair Flynn to compile all feedback related to the Multi-Family zone and other areas of the draft code and struck a second subcommittee consisting of Vice-Chair Flynn and Commissioner Dixon to address all feedback related to the Mixed-Use zone.

On April 17, 2024, the Planning Commission met to review the ASCC's final list of recommended changes to the draft code. View the agenda packet, public comments and meeting recording [here](#). The ASCC made numerous recommendations including several technical changes to the development standards for the Mixed Use and Multi-Family zones such as the application of Floor Area Ratio (FAR), Landscape Area Ratio (LAR), Coverage Area Ratio (CAR) and daylight plane. These standards required site-specific feasibility analyses by staff and consultants to ensure the standards would facilitate unit production at the densities set forth in the Housing Element. The Planning Commission determined that site testing had to occur before it would be ready to make a recommendation to Town Council for approval of the Draft Zoning Code amendments. For greater expediency, the Planning Commission struck a Subcommittee consisting of Planning Commission Chair Goulden, Commissioner Brothers and ASCC Chair Warr and Vice Chair Flynn to engage in back and forth with staff and consultants on site testing results and other recommended changes to the Draft Zoning Code amendments.

Also at the April 17 meeting, the Planning Commission decided to create a "List for Future Consideration" that would track other items related to the Zoning Code and Zoning Map that are priorities for the ASCC and Planning Commission, yet beyond the immediate scope of the amendments required to implement the Housing Element.

The Planning Commission held its latest meeting on May 1, 2024. View the agenda packet, public comments and meeting recording [here](#). The Commission undertook a full review of the revised Draft Zoning Code amendments and provided staff with direction to incorporate numerous additional changes. The Commission decided to continue the meeting to a date certain of May 8, 2024, where it would review a final draft of the Zoning Code and Zoning Map amendments, and consider adopting a resolution recommending approval of the amendments to Town Council. It was determined that the Subcommittee would meet again after the May 1 meeting, but prior to the May 8 meeting to review a short list of further discussion items that arose at the May 1 meeting. The Subcommittee also planned to review the results of repeat site-specific feasibility testing that was required to address previous testing based on incorrect values provided for the daylight plane development standard. See the May 1, 2024 agenda packet for further explanation.

Necessity of Timely Adoption of Zoning Code and Map Amendments

On February 5, 2024, the Town received a letter from the Department of Community Development and Housing's (HCD) Proactive Housing Accountability Chief stating that while the Town had committed to March 2024 to complete its necessary rezonings, since it did not adopt a compliant housing element within 120 days of the original statutory due date of January 31, 2023, any rezonings required to make the identified sites available to the Town's RHNA required completion no later than January 31, 2024. The Town sent a response to HCD on March 4 outlining the Town's plan for moving forward the Zoning Code amendments beginning with the Planning Commission's March 20, 2024, public hearing to review the draft.

Letter of Housing Element Decertification from HCD/Applicability of the Builder's Remedy

On March 26, 2024, the Town received [a letter](#) from HCD notifying the Town that HCD had decertified the Town's Housing Element pending the required rezones. Once the Town has adopted the required rezones and submits those rezones to HCD, HCD will consider recertifying the Housing Element. HCD will not be reviewing the entire Housing Element again, just the rezones, so staff expect a quick process.

In the meantime, the Town is vulnerable to "Builder's Remedy". Government Code section 65589.5(d)(5), known as the "Builder's Remedy," is a provision of California's Housing Accountability Act. This provision states that local entities may not disapprove certain housing projects or condition their approval in a manner that renders the projects infeasible unless certain specific conditions are met. One of these conditions is that the local jurisdiction has adopted a housing element that is in substantial compliance with State Housing Element Law. Because Portola Valley has received a letter from HCD decertifying its Housing Element and is no longer in substantial compliance with State Housing Element law, an applicant may propose a housing project that is inconsistent with the Town's zoning ordinance or general plan, and the Town could not use that inconsistency as a basis to deny the project.

DISCUSSION

The Planning Commission will review a final draft of the Zoning Code and Zoning Map amendments reflecting revisions requested at the May 1, 2024, meeting and any further revisions requested by the Subcommittee provided after the May 1 meeting. A brief summary of changes appears below:

- Limited modifications to several definitions in Chapter 18.04 Definitions
- Revisions to development standards such as Floor Area Ratio (FAR), Coverage Area Ratio (CAR), Impervious Area Ratio (IAR) and Landscape Area Ratio (LAR)
- Elimination of redundant language related to the Very High Fire Severity Zone
- Miscellaneous revisions to clarify existing phrasing throughout draft

List for Future Consideration

The Subcommittee prepared a "List for Future Consideration" to track additional items that fall outside the scope of changes to the Zoning Code and Zoning Map required for Housing Element implementation (see Attachment 2). The Planning Commission and ASCC would like to continue to hone this list and share it with the Town Council for its consideration in the near term.

Public Comments

At the time of writing this report, no public comments were received. As applicable, any additional comments received up to 12:00pm on May 8, 2024 will be posted to the meeting [calendar page](#).

ENVIRONMENTAL ANALYSIS

On March 29, 2023 the Town Council adopted, pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Portola Valley Housing and Safety Elements Update and Conforming General Plan and Zoning Code Amendments. Prior to Town Council's January 24, 2024 adoption of the Housing Element, the IS-MND was again reviewed to determine if revisions to the Housing Element occurring after the adoption of the IS-MND would require modifications to the document. It was concluded at that time that all mitigation measures in the IS-MND remained valid and reduced all project-related impacts to a less-than-significant level. Likewise, staff has reviewed the implementing Zoning Code text amendments and amendments to the Zoning Map and concluded that they do not require

subsequent or supplemental environmental analysis under CEQA, and further concluded that the IS/MND adopted on March 29, 2023 remains valid.

NEXT STEPS

It is anticipated that the Town Council will review a recommendation from the Planning Commission for Town Council approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town Of Portola Valley at a forthcoming meeting scheduled for May 22, 2024. Once the Zoning Code and Zoning Map amendments are adopted by Council, the Town will submit to HCD and request that its Housing Element be considered for recertification.

ATTACHMENTS

1. Revised Draft [Zoning Map](#) Amendments (draft Zoning Code amendments to be posted to the meeting [calendar page](#) prior to the May 8, 2024 meeting)
2. Draft Resolution Recommending Town Council Approval of An Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town Of Portola Valley to Implement the 2023-2031 Housing Element
 - a. Attachment A-1 to Resolution: Draft Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map
3. List for Future Consideration

RESOLUTION NO. 2024 – 2

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND AMENDING THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town of Portola Valley (Town) adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (RHNA) of 253 housing units assigned to the Town by the Association of Bay Area Governments; and

WHEREAS, State Housing Element Law also requires the Town to rezone properties as required to make sites available with appropriate zoning and development standards to accommodate the portion of the Town regional housing need for each income level that cannot be accommodated on sites under existing Town zoning; and

WHEREAS, on January 24, 2024 the Town Council of the Town of Portola Valley adopted the 2023-2031 Housing Element, which identifies those properties proposed for rezoning to accommodate the Town’s regional housing need; and

WHEREAS, the 2023-2031 Housing Element was submitted to the State Department of Housing and Community Development (HCD) for review on January 26, 2024, and HCD notified the Town on January 30, 2024 that they found the Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, on March 26, 2024, HCD sent a letter notifying the Town that it was revoking the Department’s finding of substantial compliance for the Town of Portola Valley’s sixth cycle housing element based on a failure to timely implement required rezone programs; and

WHEREAS, to implement the 2023-2031 Housing Element, (1) text amendments are required to Title 18 [Zoning] of the Portola Valley Municipal Code to enable the programs identified in the Housing Element; and (2) amendments are required to the Zoning Map for the Town of Portola Valley to rezone sites in order to accommodate the Town’s regional housing need for all income levels; and

WHEREAS, the Town, as lead agency under the California Environmental Quality Act (“CEQA”), prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Housing Element, Safety Element, conforming General Plan amendments and zoning code amendments and circulated it for public review; and

WHEREAS, on March 29, 2023, the Town Council conducted a public hearing on the IS/MND and adopted Resolution No. 2922-2023 adopting the IS/MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Program (MMRP) (as updated at the March 22 and 29, 2023 public hearings); and

WHEREAS, none of the implementing zoning code text amendments or amendments to the Zoning Map for the Town of Portola Valley require subsequent or supplemental environmental analysis under CEQA described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. None of the following triggers have occurred: a substantial change to the project; a substantial change to the circumstances under which the project is being undertaken, or new information, which was not known and could not have been known at the time the environmental analysis was completed, becomes available. Therefore, the IS/MND adopted on March 29, 2023 remains valid; and

WHEREAS, on March 20, 2024, the Planning Commission held a public hearing to review the proposed amendments to Title 18 [Zoning] of the Portola Valley Municipal Code to implement the 2023-2031 Housing Element programs and the amendments to the Zoning Map for the Town of Portola Valley, at which all interested persons had the opportunity to appear and continued the public hearing to April 3, 2024; and

WHEREAS, on April 3, 2024, the Planning Commission held a continued public hearing and conducted a joint meeting with the Architectural Site Control Commission to review the proposed zoning amendments and continued the public hearing to April 17, 2024; and

WHEREAS, on March 25 and April 8, 2024, the Architectural Site Control Commission held study sessions to review the proposed zoning amendments and provide recommendations to the Planning Commission; and.

WHEREAS, on April 17, 2024, the Planning Commission held a continued public hearing to review the proposed zoning amendments and continued the public hearing to May 1, 2024; and

WHEREAS, on May 1, 2024, the Planning Commission held a continued public hearing to review the proposed zoning amendments and continued the public hearing to May 8, 2024; and

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Attachment A-1, which includes both the proposed zoning code text amendments (Exhibit A) and the proposed Zoning Map amendments (Exhibit B).

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on May 8, 2024.

By: _____
Jon Goulden, Chair

ATTEST:

Romeo Herrera, Planning and Building Director

ORDINANCE NO. 2024 –

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE AND AMENDING THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town of Portola Valley (Town) adopt a housing element for the eight-year period 2023-2031 to accommodate the regional housing need allocation (RHNA) of 253 housing units assigned to the Town by the Association of Bay Area Governments; and

WHEREAS, State Housing Element Law also requires the Town to rezone properties as required to make sites available with appropriate zoning and development standards to accommodate the portion of the Town regional housing need for each income level that cannot be accommodated on sites under existing Town zoning; and

WHEREAS, on January 24, 2024 the Town Council of the Town of Portola Valley adopted the 2023-2031 Housing Element, which identifies those properties proposed for rezoning to accommodate the Town’s regional housing need; and

WHEREAS, the 2023-2031 Housing Element was submitted to the State Department of Housing and Community Development (HCD) for review on January 26, 2024, and HCD notified the Town on January 30, 2024 that they found the Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, to implement the 2023-2031 Housing Element, (1) text amendments are required to Title 18 [Zoning] of the Portola Valley Municipal Code to enable the programs identified in the Housing Element; and (2) amendments are required to the Zoning Map for the Town of Portola Valley to rezone sites in order to accommodate the Town’s regional housing need for all income levels; and

WHEREAS, on March 20, 2024, the Planning Commission held a public hearing to review the proposed amendments to Title 18 [Zoning] of the Portola Valley Municipal Code to implement the 2023-2031 Housing Element programs and the amendments to the Zoning Map for the Town of Portola Valley, at which all interested persons had the opportunity to appear and continued the public hearing to April 3, 2024; and

WHEREAS, on April 3, 2024, the Planning Commission held a continued public hearing and conducted a joint meeting with the Architectural Site Control Commission to review the proposed zoning amendments and continued the public hearing to April 17, 2024; and

WHEREAS, on March 25 and April 8, 2024, the Architectural Site Control Commission held study sessions to review the proposed zoning amendments and

provide recommendations to the Planning Commission; and.

WHEREAS, on April 17, 2024, the Planning Commission held a continued public hearing to review the proposed zoning amendments and continued the public hearing to May 1, 2024; and

WHEREAS, on May 1, 2024, the Planning Commission held a continued public hearing to review the proposed zoning amendments and continued the public hearing to May 8, 2024; and

WHEREAS, on May 8, 2024, the Planning Commission adopted Resolution 2024-____ recommending the Town Council approve an ordinance amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to implement the 2023-2031 Housing Element; and

WHEREAS, on _____, the Town Council held a public hearing, and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received and the Planning Commission recommendation, the Town Council voted to approve the ordinance.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENTS TO CODE. The following Chapters of Title 18 [Zoning] are amended as specified in Attachment A. Attachment A shows additions with underlined text and deletions with ~~strike-out text~~. All text that is unmarked remains as is and all Title 18 chapters and sections not referenced in Attachment A remain unchanged.

Chapter 18.04	Definitions
Chapter 18.06	Districts
Chapter 18.10	Residential Districts
Chapter 18.11	Reasonable Accommodation for Individuals With Disabilities
Chapter 18.14	R-1 (Single-Family Residential) District Regulations
Chapter 18.15	R-MF (Multi-Family Residential) District Regulations
Chapter 18.23	M-U (Mixed-Use) District Regulations
Chapter 18.27	Standards for SB 9 Residential Development
Chapter 18.29	Affiliated Housing (AH) Combining District Regulations
Chapter 18.40	Signs
Chapter 18.60	Off-Street Parking

2. AMENDMENTS TO THE ZONING MAP FOR THE TOWN OF PORTOLA VALLEY. The following parcels will be rezoned to the zoning district indicated below and will be so designated on the Zoning Map for the Town of Portola Valley, included as Attachment B to this ordinance:

APN 79072120 (4388 Alpine):	M-U (3-6 du/a)
APN 77282030: (Glen Oaks site)	MF (2-4 du/a)
APN 79072060 (4370 Alpine):	M-U (3-6 du/a)
APN 79072130 (4394 Alpine):	M-U (3-6 du/a)

APN 77271180 (Ladera Church site): MF (20-23 du/a)

3. CONSISTENCY WITH GENERAL PLAN. This ordinance is found to be consistent with the General Plan of Portola Valley.

4. ENVIRONMENTAL REVIEW. The Town, as lead agency under the California Environmental Quality Act ("CEQA"), prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Housing Element, Safety Element, conforming General Plan amendments and zoning code amendments and circulated it for public review. On March 29, 2023, the Town Council conducted a public hearing on the IS/MND and adopted Resolution No. 2922-2023 adopting the IS/MND, the Updated Response to Comments and Text Changes, and the Mitigation Monitoring and Reporting Program (MMRP) (as updated at the March 22 and 29, 2023 public hearings). None of the implementing zoning code text amendments or amendments to the Zoning Map for the Town of Portola Valley require subsequent or supplemental environmental analysis under CEQA, as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. None of the following triggers have occurred: a substantial change to the project; a substantial change to the circumstances under which the project is being undertaken, or new information, which was not known and could not have been known at the time the environmental analysis was completed, becomes available. Therefore, the IS/MND adopted on March 29, 2023 remains valid.

5. CONSISTENCY WITH STATE LAW. This ordinance is intended to be consistent with State Housing Element Law and to the extent there is any inconsistency with such State law requirements, State law shall control.

6. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

7. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:
PASSED:
AYES:
NOES:
ABSTENTIONS:
ABSENT:
RECUSED:

ATTEST:

By: _____

Town Clerk

Mayor

APPROVED AS TO FORM

Town Attorney

List for future priority consideration

In the course of the combined PC and ASCC work to produce Zoning Code that supports our Housing Element, we identified many possible topics for future attention. They vary widely in scope but generally would require prioritization at a town level to warrant staff and council support. Obviously these items would need to be consolidated/ranked with other town priorities (including backlog items in areas such as Safety/Fire) and consider available staffing levels.

1. Discretionary Review

- a. Create a process option whereby applicants could apply to the ASCC for discretionary review/approval (vs ministerial process and objective standards) in order to receive benefits (tbd as part of discussion). This would need to integrate with code such that it would not require a variance. We would need to consider how this might integrate (or not) with the 5 meeting rule.

2. Objective standards

- a. We have various ordinances (ex. Lighting, fencing, reflectivity) that are a mix of objective and subjective standards. Should we be separating out the objective standards?
- b. Should objective standards work be applied to other zones?
- c. Some of the new objective standards that we are implementing to support our HE seem more appropriate for larger developments. Should we do a follow-up review of these standards in order to simplify and provide greater flexibility (ex. for one-, two-, and three-story buildings consider architectural facades, massing, building entries, roof lines, etc.)?
- d. Is there more work to be done to ensure “natural” aesthetics gets turned into objective design standards.

3. Code concerns and updates

- a. Reflectivity, Grading, Heritage Tree/Tree Removal code were specifically mentioned as perhaps needing updating. Reflectivity to allow greater energy efficiency. Grading and Tree with respect to ministerial approval.
- b. General code update potential to consider
 - i. New standards
 - ii. Simplification and reorganization for clarity
 - iii. Add more drawings for clarity across all zones
 - iv. Typos/Errors cleanup - Ex. subsection A of 18.12.040 refers to 18.40 (signs) should probably say 18.42
 - v. Need to ensure regulations are in line with other agencies (fire, sewer, pge, cal water, etc.)

- vi. Affordable – Capital ‘A’ vs lower case ‘a’ distinction Do we need to watch our definitions and usage of this term. Does it sometimes mean very specific things in housing law?
 - c. Building separation – We will need to see how the how the separation for massing new code in new zoning integrates with expected new fire code and state ADU code.
 - d. Street Parking – Definite concerns by residents vs state requirements. What degrees of flexibility do we have?
 - e. Reevaluate old code – Ex. 85% rule for main vs accessory structures for, one light at doors vs lumen max, 5% bonus for 1 story buildings since this encourages more grading
 - f. Biking regulations – Ex. Suggestions regarding long term storage, concerns about ebike battery fire risks’
4. Building Affordability
- a. Do we need a review of standards in general in order to address affordability?
 - b. Could or should there be different objective standards for affordable housing? Does Density Bonus law cover this already by allowing waivers and concessions?
 - c. Should we create Modular Home standards
 - d. Possible list of waivers/concession that are preferable to the town for discussion with developers
5. Zoning map
- a. Is Corte Madera School shown correctly as housing zone?
 - b. Frog Pond/Road Remnant zoning
 - c. Are there other issues with the map that need correcting?

**PLANNING COMMISSION and ARCHITECTURAL SITE CONTROL COMMISSION APRIL 3, 2024
Special Hybrid Meeting – In Person at Schoolhouse and via Zoom**

Time 00:01

CALL TO ORDER AND ROLL CALL

Chair Goulden called the Planning Commission and Architectural Site Control Commission (ASCC) joint special meeting to order at 7:00 p.m. Senior Planner Adrienne Smith called the roll.

Town Attorney Rene Ortega announced that the joint Planning Commission and ASCC meeting is conducted pursuant to the California Government Code Section 54953(b) in that Planning Commissioner Brothers is participating from 62 Colonial Drive, Rancho Mirage, CA 92270. Commissioner Brothers is participating by Zoom Webinar. In accordance with the Brown Act, each teleconference location has been identified in the notice and agenda for this meeting. Town Attorney Ortega confirmed that the meeting had a quorum of Planning Commissioners present in person and confirmed that all Commissioners were present and could hear Commissioner Brothers clearly. He advised the Commission that any votes taken during the teleconference portion of the meeting must be taken by roll call.

Chair Goulden inquired regarding how to proceed with Chair Warr's remote attendance without prior notification.

Town Attorney Ortega stated that Chair Warr could participate as a member of the public.

Present: Planning Commissioners: Chair Goulden, Vice Chair Targ, Brothers, Krashinsky, Kopf-Sill
ASCC Commissioners: Chair Warr (participated as a member of the public), Vice
Chair Flynn, Breen, Dixon
Absent: None.
Town Staff: Adrienne Smith, Senior Planner; Rene Ortega, Town Attorney;
Monica Szydlik, Lisa Wise Consulting, Inc; Roger Eastman, Lisa
Wise Consulting, Inc; David Bergman, Lisa Wise Consulting, Inc;

Time 04:50

ORAL COMMUNICATIONS

Chair Goulden invited the public to speak for oral communications. He expressed that during this item, any member of the public can speak to the Commissions on any item not on the agenda.

Rita Comes stated that she did not hear the roll call being asked of the two different groups. She appreciated how clear the last ASCC and Planning Commission meetings were and how the public got to ask questions and participate. She thanked both Commissions for their volunteering and commitment to the community and hoped that this meeting would be productive.

Chair Carter Warr expressed that he was having trouble hearing everyone. He inquired whether he could be advanced to panelist and explained that he did not receive the notification in time to get the address of his location. He also stated that Lynda's responses applied to him and that there were no members of the public present at his location.

Chair Goulden responded to Chair Warr that he did not believe promoting him to panelist was possible because advanced notification is required. Therefore, Chair Warr would have to participate as a member of the public.

Seeing no other oral communication speakers, Chair Taylor moved to the regular agenda item.

Time 06:30

REGULAR AGENDA

- (1) **Previously considered by Planning Commission on March 20, 2024, Continued to a Date Certain of April 3, 2024. Joint discussion between the Planning Commission and the ASCC to discuss the ASCC's recommended feedback on: Adoption of a Resolution Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code and Amending the Zoning Map for the Town of Portola Valley to Implement the 2023-2031 Housing Element.**

Senior Planner Adrienne Smith stated the meeting format as follows:

- Staff presentation, followed by questions from the Commissioners for staff.
- ASCC Subcommittee presentation
- Planning Commission/ASCC clarifying questions of staff – due to conflicts only questions for proposed Multi-Family standards/all other parts of the draft code, *excluding Mixed-Use standards*
- Public Comments
- Planning Commission/ASCC discussion – conflicted Commissioners depart Schoolhouse; remaining Commissioners pose questions/discuss Mixed-Use Standards
- Conflicted Commissioners return for discussion of the Multi-Family standards/all other parts of the code

Town Attorney Ortega suggested moving all public comments to the end.

Vice Chair Targ stated that he would be happy to step out as is appropriate. He clarified that he has an appearance of a conflict but does not have an actual conflict. His firm represents one of the individuals looking to develop on Alpine Road and from his perspective, he would like not to participate in that matter even though it does not present a legal conflict.

Chair Goulden stated that Vice Chair Targ could potentially step out twice because he would like to keep the public comment to just one session.

Time 06:55

Senior Planner Adrienne Smith announced that the purpose of the meeting was to facilitate a joint discussion between the Planning Commission and ASCC, focusing on the feedback and recommendations from the ASCC's meeting held on March 25, 2024. The Planning Commission was tasked with advising staff and consultants on its recommended modifications to the draft Zoning Code and Zoning Map amendments. She provided a brief background of the item, noting that the Town Council adopted the Housing Element on January 24, 2024, which was subsequently submitted to the State Department of Housing and Community Development (HCD). By January 30, 2024, HCD had deemed the Housing Element to be in substantial compliance with State Housing Element Law, prompting the Town to continue the timely and effective implementation of all Housing Element programs. On March

20, 2024, the Planning Commission engaged in a thorough discussion, providing feedback to staff and consultants. However, they decided to seek further input from the Town through an expanded public review process. On March 25, 2024, the ASCC conducted an extensive review of the draft amendments, providing feedback to staff. A subcommittee, comprising Chair Warr and Vice Chair Flynn, was appointed by the ASCC Commission to consolidate all feedback for the Planning Commission, as outlined in the staff report. She reiterated the importance of adopting Code Amendments in a timely manner and shared that the staff had initiated an errata list to track minor errors previously identified by the Planning Commission and ASCC. The staff is currently seeking official recommendations from the PC and ASCC based on the current meeting's outcomes. She outlined the next steps, which include a Planning Commission meeting scheduled for April 17, 2024, to finalize the review of draft amendments and formulate a recommendation to the Town Council. Ideally, the Town Council will convene on May 8, 2024, to review the Planning Commission's recommendation and consider the adoption of an ordinance, followed by a second reading on May 22, 2024.

Time 018:30

Vice Chair Flynn presented a comprehensive review of the ASCC's proposed Zoning Amendments. A subcommittee, comprising Chair Warr and Vice Chair Flynn, distilled the discussion from the ASCC meeting, with the zoning amendments provided serving as the discussion's foundation. They compiled a list of issues and potential solutions, which they submitted to the Planning Department for inclusion in the current joint meeting's agenda. Vice Chair Flynn acknowledged the limited time available for this task and the lack of opportunity to delve into all the details. She highlighted that their initial finding was a noticeable absence of many rural aspects of Portola Valley design guidelines from the Objective Standards in the zoning. The regulations' primary purpose is to minimize disruption to the natural terrain, preserve the Town's inherent visual amenities, and where appropriate, encourage the grouping or clustering of residential structures to maintain the natural amenities and open space qualities of Portola Valley. She outlined the issues identified, which included the absence of rural aspects in Objective Requirements, insufficient ASCC input and early involvement, missing regulations such as floor area ratio, undefined plate heights, a problematic 42-foot maximum height, lack of landscape/greenscape requirements, privacy not included in Objective Standards, absence of objective requirements for simple buildings, inflexible objective requirements, unrealistic off-street parking requirements, and vague zoning amendments in certain areas. She briefly summarized the recommended objective requirements for MF-4, MF-23, and MU-6, highlighting the proposed changes. She proposed that Cottage Housing Development might be a good fit for Portola Valley, citing the municipal code for Langley Washington as a reference. She recommended scheduling an ASCC meeting for the following Monday to further refine the details for objective requirements.

Chair Goulden expressed his thoughts on the need for clarity on what is required and what is in and out of scope for the current objectives. He suggested working on establishing a common agreement, understanding legal constraints, and considering next steps.

Time 046:00

Chair Goulden invited questions from the Commissioners.

Commissioner Krashinsky questioned the necessity of the 'very high fire hazard severity zones' part in the packet, suggesting that the Woodside Fire Protection District ordinances would apply regardless.

Senior Planner Adrienne Smith responded by explaining the historical context of the code's drafting in 2022. She mentioned that fire safety standards were a significant community focus at that time, leading to certain connections to fire safety being included in the zoning code. The former Director and former Town Attorney was in very close contact with the fire marshal at the time. She believed that the 'very high fire hazard severity zones' part could be modified to be more generic or removed entirely.

Commissioner Krashinsky followed up by pointing out a discrepancy in the references to Fire Marshal Don Bullard that the agenda packets referred to as Fire Marshal Rob Lindner. He asked for clarification on the correct title and person.

Senior Planner Adrienne Smith apologized for the confusion and clarified that she had been working closely with Don Bullard; however, she had discussed the lack of ladder trucks in the Woodside Fire Department with Rob Lindner, which is why she mentioned him in the staff report.

Commissioner Krashinsky stated that there was discussion about having three story buildings and he figured there would be related requirements for fire safety in terms of egress and fire escapes. He asked if that was something that should appear in the zoning code or if that is already in the building codes.

Senior Planner Adrienne Smith explained that is already in the building code, so it would be beyond the scope of the zoning code amendments. The building codes address all egress requirements, and the most recent code was adopted by Town Council in October 2022.

Chair Goulden asked if modifications would be needed to the code if the Town went with three stories.

Senior Planner Adrienne Smith said according to her understanding and the Acting Building Official's input, no modifications would be needed.

Commissioner Krashinsky pointed out the section defining the role character in the Objective Requirement section. He asked if staff agreed that it seemed subjective and if there could be small changes made to make them objective, or if this would be a significant undertaking.

Senior Planner Adrienne Smith agreed with how Commissioner Krashinsky characterized it. She felt rural character was an abstract idea and stated that the challenge for the group was to determine if this could be quantified to make it objective.

Commissioner Krashinsky brought up the ASCC's proposed solution to create early design review opportunities for projects and possibly include an SB 330 meeting limit waiver. He asked about the legality of such a proposal, how far they could go in restricting the objective standards, and whether they could require only single-story buildings in the objective standards and require design review for multiple-story buildings. He also inquired if they could include a generic statement allowing applicants to request exceptions to the objective standards through a discretionary review process, or if such a concept already existed and needed to be stated.

Town Attorney Ortega emphasized the importance of understanding the group's objectives with these amendments. He stated that the current effort is to implement what was committed to in the Housing Element, which includes rezoning sites and adopting certain standards to provide a ministerial path for the approval of housing development projects. He noted that identifying separate processes within these goes beyond what is intended to be accomplished in implementing the Housing Element.

Commissioner Krashinsky asked if he was saying the group was unable to state that these are the objective requirements, but if an exception is wanted, then an alternative discretionary review process could be followed.

Town Attorney Ortega responded that part of it is understanding what that process will be. He pointed out that there may already be processes in the code when it is not a ministerial type of project. He emphasized the need for a comprehensive look at this before starting to put processes in place that could conflict with other parts of the code.

Commissioner Krashinsky asked about the feasibility of reintroducing the maximum floor area (AMFA) limits to try to limit the square footage of buildings in some way. He suggested that some of the lots might already have established AMFA.

Senior Planner Adrienne Smith responded that staff and consultants are hesitant to apply AMFA due to concerns about reducing site capacity. She explained that they do not want to do anything that limits the development potential indicated in the Housing Element. She mentioned that if too many controls start getting introduced, that might start to reduce the developer's ability to develop the units as expected. She suggested that if this were a recommendation that the body would like to put forward, some of these things may need to be tested out and put through a high-level feasibility analysis. She noted that if this is something the body wants to explore, it will require a bit of work prior to the April 17th meeting. In this case, if they are doing AMFA, they would need to do some site testing.

Monica Szydluk, Lisa Wise Consulting, Inc., acknowledged that the AMFA and reduction of FAR are valued aspects of how building form is regulated in Portola Valley. She noted that the draft standards developed regulate residential building form by density. She mentioned that staff did not introduce a maximum floor area, which would then be reduced by the AMFA, for reasons described by Senior Planner Adrienne Smith. She recognized concerns about oversized structures and suggested that as changes to the standards are considered, they should be tested on the site to ensure they meet the site and can allow the density. She suggested considering an average unit size or establishing a range to ensure that the standards do not lead to oversized units, while still relying on the setbacks developed to respect neighboring properties and the open space. She expressed the staff's preference not to use the AMFA to limit lower areas because it introduces a constraint on the potential for residential development.

Commissioner Krashinsky sought to understand issues related to subdivisions and condos. He asked if a property developed with sixteen units could have those units individually sold with the HOA, and/or if it would be possible to then have that parcel subdivided into sixteen lots that each had one unit.

Senior Planner Adrienne Smith clarified that the condo arrangement HOA is permitted by State Law, even if it is not explicitly stated in the zoning code. She noted that historically, the Town is single-family, so condominiums are not discussed in the code. She suggested that if there is a desire to clarify it down the road, that would be a good recommendation for a broader comprehensive code update. She explained that in terms of further subdivision, Glen Oaks could further subdivide, but they have the dwelling units per acre minimum and maximum, so subdivision into very small lots would not be possible. She also mentioned that they have the lot with a minimum of 120 feet, which would have to be supported in a subdivision.

Commissioner Krashinsky raised a question about the determination of density for affiliated housing sites, which are likely built on a small portion of a larger property. He noted that the current guidelines state that depending on the density, it either follows the R-MF-4 or the R-MF-23.

Ms. Szydlik responded that she would need to give some thought to this question and recall how the standards under Chapter 18.29.060 were established.

Chair Goulden inquired if these were new standards or simply relocated from another section.

Senior Planner Adrienne Smith clarified that these are new standards for affiliated housing, as they are attempting to codify the program and layout standards, which have not been previously established.

Commissioner Lynda Brothers expressed concerns about the general nature of the drafting for these affiliated housing sections. She suggested that it might be beneficial to review these sections in more detail, as she found the current drafting to be so open-ended that it could potentially allow for a wide range of interpretations.

The Commissioners collectively agreed to revisit this question at a later time.

Commissioner Brothers also raised concerns about the potential traffic and evacuation impacts of allowing more parking and more vehicles. She questioned when and where these issues would be addressed, and if they would be dealt with in the zoning code. She also expressed concern about the segmentation of these issues if each project had to address them in a California Environmental Quality Act (CEQA) document. She specifically focused her question on the sites currently being considered for zoning changes.

Vice Chair Flynn responded by stating that if a property has 23 units and no available street parking, there should be an expectation that the parking will be on that property. She mentioned that limiting the amount of available parking would not solve the issue of excess cars. She also noted that the ASCC did not consider evacuation and traffic, but she believes that the Emergency Preparedness Commission would be presenting something about traffic that may consider the potential extra cars on the street.

Commissioner Brothers asked about the extent to which the ASCC would focus on known sites along Alpine and Portola, as opposed to potential future sites elsewhere. She sought clarification on their thinking regarding this aspect.

Vice Chair Flynn provided insights on the new zoning codes, stating that they were designed with the consideration of actual lots included in the Housing Element. She highlighted that the codes were written in a somewhat generic manner, anticipating their application to other unidentified sites. She pointed out that in Portola Valley, few sites could accommodate an MF-23, as these would be located on major thoroughfares, not in hilly areas. She also mentioned the upcoming opt-in for the MF-4, which would be more widespread throughout the town, but could be restricted to sites with good access and without tight cul-de-sacs and small roads.

Commissioner Brothers raised a question about whether the specificities needed to be incorporated into the language of the codes currently being written.

Senior Planner Adrienne Smith expressed her inclination towards making the standards more generic to apply to subsequent sites. She noted that wholesale rezoning of sites is unlikely until the next Housing Element cycle. At that time, zoning code amendments would be inevitable, so having the standards mostly geared towards the sites might not be a disadvantage. She expressed uncertainty about whether this could be stated in a code.

Town Attorney Ortega clarified that the current consideration involves specific areas being rezoned and the development standards being adopted for these areas. He explained that in the future, if other areas are designated for rezoning within the Town and there are changes to the general plan, potential zoning code amendments would be considered at that time, considering those properties also being rezoned.

Commissioner Brothers inquired about how the ASCC would put the incentive system together.

Vice Chair Flynn suggested that the group could develop more generic language to allow for greater flexibility. She advocated for increased dialogue with property owners to determine the most sensible approach and what could be incorporated into incentives versus standards.

Commissioner Brothers expressed her approval of using incentives but admitted uncertainty about how to craft it.

Vice Chair Flynn proposed that if the ASCC were to convene on Monday, they could brainstorm some ideas within a limited scope. She suggested that they could then consult with the Town and Town Consultant, who has experience in devising incentives. Given the time constraints, it would be best to consider only a few incentives and draft the language in a way that allows applicants to request additional incentives through the ASCC. She emphasized that the decision-making process would need to be clearly defined in the code.

Commissioner Brothers said she liked that approach. She noted that the ASCC had not included anything about land use and asked if this was an oversight or a deliberate decision.

Vice Chair Flynn clarified that the ASCC had not considered this aspect. The focus was solely on evaluating the existing zoning amendments. She stated that the Commission had not contemplated changing the subdivision code wholesale.

Commissioner Brothers clarified that she was not suggesting changes to the subdivision code, but rather the inclusion of a similar provision in the zoning of the multi-family section.

Vice Chair Flynn explained that the Commission had considered each property as an individual development, with the aim of ensuring adequate green space within each property while keeping the costs at a minimum to ensure development that will fulfill the RHNA numbers allocated to the town.

Town Attorney Ortega provided commentary on the incentive process, advising that if the group decided to pursue this route, they should ensure that the incentives are objective and do not impose constraints on development.

Time 1:22:10

Chair Goulden called for a five-minute break.

Time 1:22:30

Chair Goulden opened questions from the Planning Commission

Ms. Szydlak addressed Commissioner Krashinsky's question about affiliated housing. She explained that the site inventory identifies a certain number of units on two affiliated housing sites, which exceed what the base zone would support. Therefore, a zone that would describe, support, and shape the kind of

density anticipated in the Housing Element on those two affiliated housing sites is needed. Both identified sites would have less than six units per acre.

Vice Chair Targ expressed appreciation for the ASCC's work, noting the significant effort by the Chair and Vice Chair in a short period. Targ raised concerns about the Woodside Fire District's ladder length, stating that it appears inadequate to reach 26 feet. He questioned the number of ladders available and whether calling Menlo Park and Redwood City for assistance would delay response times.

Senior Planner Adrienne Smith clarified that the Mutual Aid Agreement extends to the entire county, meaning that while the closest ladder trucks are in Menlo Park and Redwood City, the agreement encompasses all San Mateo County fire districts.

Chair Goulden requested an invitation be extended to the fire marshal.

Vice Chair Targ identified the four most substantial items in the ASCC Subcommittee's recommendations: FAR, objective standards, height limitation, and potentially the landscape area.

Chair Goulden asked if the design standards code could be referenced.

Town Attorney Ortega answered yes, but noted the need to examine the merits of specific documents. He explained that while some jurisdictions have adopted objective standards, the work would involve ensuring consistency within that document. The objective is to implement the Housing Element and ensure the standards are indeed objective.

Vice Chair Targ clarified that he did not want to flush the objective guidelines.

Commissioner Breen commented on the ASCC's language, particularly regarding the landscape part. She noted that most of the current sites are in the scenic corridor and the ASCC approaches these differently. She stated that in terms of creating objective standards, they aim to apply their feelings about the scenic corridor almost everywhere.

Commissioner Anne Kopf-sill asked about what guidance they have and how to determine if they have created units of suitable size.

Senior Planner Adrienne Smith explained that they do not commit to a specific unit size. Instead, they are committed to pursuing different opportunities for a variety of housing types and sizes to increase housing diversity in compliance with fair housing law. She suggested that creating a code that allows for a variety of unit sizes is a good strategy, as the goal is to cater to a diverse range of residents with different housing needs beyond just large, single-family homes.

Commissioner Kopf-sill inquired about two options of the Planning Commission.

Ms. Szydluk explained that a maximum, average, or range of unit sizes could be introduced. She also mentioned the possibility of introducing a floor area in terms of square feet or a floor area ratio. She detailed how the Planning Staff used the proposed standards to account for upper story setbacks, on-site open space requirements, parking, and access. They developed building forms and estimated the amount of building needed to support the maximum density.

Vice Chair Targ sought clarification on whether a nuisance determination by a fire marshal would be considered ministerial or an objective standard.

Town Attorney Ortega clarified that the statute for objective standards defines it as a design standard that involves no personal or subjective judgement by a public official. It is uniformly verifiable by reference to an external and uniform benchmark or criterion, available and knowable by both the development applicant or proponent and the public official before the application is submitted.

Commissioner Kopf-sill asked Vice Chair Flynn about her confidence level that one more ASCC meeting could tidy up the objective standards to a level that could be made into a resolution at the next Planning Commission meeting.

Vice Chair Flynn explained that she was currently examining the non-objective standards of the rural concepts in the design guidelines. She believed that many objective standards could be created, including quantity of screening, average unit size, minimum and maximum size, privacy plane at the setback, building heights, and landscape area ratio.

Commissioner Krashinsky asked if the standards could be segmented based on affordability.

Town Attorney Ortega stated that if a project was 100% affordable, it would fall under the State density bonus law. He advised that up to four different incentives and concessions could be requested, depending on the level of affordability and the number of affordable units.

Senior Planner Adrienne Smith noted that the challenge for the Town would be determining whether there was an alternative structure more compelling than the density bonus law, which is quite permissive if the affordability requirements are met.

Ms. Szydluk added that the concessions are about project feasibility and apply project-wide. She suggested retaining the affordable unit design standard, which mandates that affordable units and market-rate units in the same group of buildings constructed under the same approval should be constructed with the same materials and details to ensure that affordable units are not distinguishable from market-rate units.

Time 2:15:50

Chair Goulden invited questions from ASCC Commissioners.

Commissioner Dixon inquired if it was feasible to define a limit, such as an earth movement limit, that would trigger an ASCC review for a project. She also wondered how they could incorporate objective standards or elements from the design guidelines into the ASCC review process.

Town Attorney Ortega clarified that if a standard is objective, then triggering an ASCC review might depend on whether the standard is being met. He also mentioned a separate permit streamlining act that includes a five-meeting rule, which counts meetings potentially including appeals.

Commissioner Dixon noted that a lot of feasibility study seemed to have been done on the zoning criteria in terms of coverage percentages. She questioned if the objective design standards underwent the same feasibility analysis.

Senior Planner Adrienne Smith explained that the same sort of feasibility analysis that is done with site planning could not be applied here. Instead, it was more of a prolonged exercise of making informed decisions and considering what the decision-makers would prefer to see.

Commissioner Dixon asked whether architects were involved in the testing.

Ms. Szydlik confirmed that they work with many communities, design review committees, and planning commissioners, most of whom have some experience and provide knowledgeable input. They learn about best practices, regional variations, and have worked on zoning codes and developed regulations for building form and design. They draw from their experiences and try to learn from what they observe in each individual community

Vice Chair Flynn suggested that the ASCC could commit to brainstorming in the session on how they might envision some objective standards for simpler buildings. If it seemed like an impossible task at the end of the brainstorming, the ASCC could hand back the preferred requirements to the Planning Department to come up with something. She asked about the base level that could be established for the objective standards.

Town Attorney Ortega responded that the base level would be dictated by whatever is in the Housing Element in terms of what can be developed in the zones. Other factors, including the range of unit sizes, would also need to be considered.

Chair Goulden asked if there was any truth in the public comments suggesting that items they thought were in the Housing Element had been omitted and lost from the draft zoning requirements. He also asked if there were specific items that were part of the Housing Element that have to be included in the new zoning code.

Senior Planner Adrienne Smith clarified that the new zoning code cannot contradict what the Housing Element says. The Housing Element precedes the zoning code. The goal is to carry through any commitments made in the Housing Element and elaborate on them in the zoning code. She expressed confidence that what is in the Housing Element reflects the negotiations and discussions that have taken place.

Chair Goulden mentioned that one of the discussions when reviewing the Housing Element was about how the new zoning codes compared to the surrounding properties. He asked if they ever made that comparison.

Senior Planner Adrienne Smith explained that negotiations with landowners and adjacent neighbors were considered. They aimed to establish reasonable setbacks that would allow for privacy and appropriate use of space.

Chair Goulden noted his observation that parking regulations generally applied to all due zoning, with the only exceptions being those mandated by the state. He sought confirmation on this point.

Senior Planner Adrienne Smith clarified that off-street parking regulations had to be expanded to accommodate the new uses, as there were no existing standards that applied to multi-family housing.

Time 2:42:30

Chair Goulden opened the floor for public comment.

Chair Carter Warr provided feedback on the recommendations to add the floor area ratio and landscape area ratio. He believed these two elements would best protect the Town and provide developers with the opportunity to develop buildings that would be rural in character. He suggested an 800 square foot average unit size or floor area per unit size as a totally objective standard before design review. This would provide a specific threshold and allow for significant flexibility on properties zoned MF-23. He

explained that if the coverage area is larger than the floor area, it encourages one-story buildings. He also recognized the need for parking and suggested that some average floor area limit for multi-family housing would provide more opportunities for developers to create units within an affordable class. He expressed concern that the proposed zoning ordinance, with only the coverage area, setbacks, and height limits, could result in large, luxurious units similar to those in Palo Alto and other upscale areas. He believed that the ASCC could quickly address three critical areas: floor area, landscape area, and reduced building heights.

Tim Clark, member of Ladera Community Church (LCC), shared his advocacy for the congregation to develop affordable housing on a half-acre parcel adjacent to the church. He noted that the parcel, which is separate from the church and located in Portola Valley, has been largely unused for fifty years and contains three heritage oaks that the congregation wishes to preserve. He expressed concern that the parcel doesn't fit neatly into the zoning code, being too large for MF-4 and too small for MF-23. He mentioned that initial discussions considered ten units, but this number was reduced and written into the Housing Element. He revealed that the congregation is partnered with Habitat for Humanity and is working towards a congregational resolution to negotiate details before the summer. He appreciated Commissioner Flynn's comments about simplification, as they aim to use modular units, which are typically built with wood, a material not mentioned as allowed in the zoning code. He also noted that the congregation applied to be an affiliated housing site about four years ago and was accepted by the Town Council.

Dave Cardinal agreed with the comments made by Chair Warr and Tim Clark. He posed the question of whether affordable housing is desired, stating his personal support but acknowledging that if others do not share this view, all other discussions may simply be legal delaying tactics. He expressed his belief that after three years, the Housing Element represents the community's best effort and should be implemented. He questioned the feasibility of the 20 units zoning, doubting the likelihood of 40-foot buildings being built on LCC's lot due to cost and preference. He urged support for LCC if the Town wants them to build and called for more discussion about the potential for building affordable housing in Portola Valley. He emphasized the need for the Town to facilitate building opportunities if they wish to see development.

William Russell commented on the development agreement for 4370 Alpine Road, which was approved by both the Planning Commission and Town Council, included in the Housing Element, and approved by the State of California. He assumed that the zoning ordinances must align with the Housing Element. He noted that the draft housing ordinances reference the Housing Element and include the same provisions. He questioned whether the ASCC's stance contradicts the Housing Element and the draft zoning ordinance 18.23.050. He also asked if a contract exists between the homeowners in the Nathorst/Applewood Development and the owner of 4370 Alpine Road, preventing changes to the provisions of that contract related to what will be built unless the parties agree. Lastly, he inquired about the suggestion that a contract exists between a jurisdiction and the State once the State approves the jurisdiction's proposed Housing Element, obligating the jurisdiction to comply with its commitments in the Housing Element.

Judith Mendelsohn expressed gratitude for the group's discussion and encouraged careful consideration of expanding parking and landscaping. She noted that increased parking and landscaping requirements could necessitate more vertical building, impacting affordability. She shared that affordable housing developers have mentioned the prohibitive expense of building a parking garage compared to open spaces or carports. She mentioned that there are online examples of how to list design requirements objectively without making them burdensome.

Ellen Vernazza, resident of 120 Nathhorst Avenue, pointed out that the day's agenda did not indicate MU standards. She noted discrepancies in the setbacks, the absence of single-story houses on the Nathhorst side of the property, and the lack of attention to interior parking in the property plans.

Karen Askey, resident of Groveland Street, thanked everyone for the amazing work done in a short amount of time. She raised concerns about building height and suggested it should be lowered. She highlighted potential fire risks, noting that if a fire were to occur, it would likely come from the east down Alpine road, blocking the major evacuation route and delaying the arrival of fire trucks with ladders. She questioned the building separation and noted that the Woodside Fire Protection District and others have recommended a 20-foot building separation. She asked why the Frog Pond was not included as an open space. She expressed interest in modular or manufactured homes and asked if Portola Valley had restrictions that prevent people from building these due to soil, foundation, or similar issues. She also inquired about the average square footage for very low-, low-, or moderate-income homes.

Ron Eastman, resident of Applewood Lane, commented on the issue of ladder trucks coming from Redwood City or Menlo Park. He cited multiple studies showing that with modern building materials, a chamber fire can proceed to flash over in approximately five minutes, compared to thirty minutes fifty to sixty years ago. He stated that if the fire department can arrive within eleven minutes, that is good, and insurance will be lower. He noted that Nathhorst and Applewood Lane are between twenty and twenty-two feet wide and asked about vehicle placement. He mentioned that Don Bullard was prepared to make the streets fire lanes on street parking, which would significantly change the community.

Caroline Vertongen urged all residents on the committee to strive to preserve the Town's interests. She expressed frustration with the consultants, blaming them for the lack of answers and changes to objective regulations. She noted that safety was supposed to be addressed first before housing and it was not. She stated that the Town now has more issues than have been solved, with staff and consultants adding new language and codes for supportive housing, transitional housing, and low barrier navigation centers. She mentioned that the Town was supposed to have an emergency center, but it does not.

Kristi C. appreciated the smooth level of discussion and the presentation given. She supported Commissioner Dixon's idea that a local architect be involved in the feasibility study. She suggested that the Town hear about what similar cities or towns were looked at regarding similar zoning description for what Portola Valley is putting in the Housing Element. She recommended making descriptions of the zoning codes readily available at meetings for the residents. She suggested the Town consider having inclusionary percentages for multi-use and mixed-use. She was curious about group housing when there is one kitchen in many rooms, but it only counts as one unit. She stated that she liked green islands in parking places and trees to go with the Housing Element.

Greg Franklin, resident of Applewood Lane, advised that there was a public hearing on home insurance hosted at the Cal EPA Headquarters recently, and he believed that anyone who attended that meeting would have significant reservations about a Housing Element similar to the one Portola Valley has provided in terms of insurability and public safety. He asked if it would be possible to include proof of insurability as an objective standard. He felt it would be an interesting criterion for public safety and preservation of personal assets.

Time 3:21:00

With no additional public comment, Chair Goulden invited the Commissioners and Planning Staff to comment/answer the public comments.

Senior Planner Adrienne Smith clarified that while wood frame construction is allowed, wood cladding is not.

Vice Chair Flynn added that homes could be manufactured with wood sheathing and then fitted with fire-resistant cladding on-site or built with fiber cement cladding directly at the factory.

Senior Planner Adrienne Smith shared her previous understanding that ten units on the half-acre site at Ladera Church were feasible. However, she acknowledged that circumstances may have changed, potentially affecting compliance with the no net loss law.

Town Attorney Ortega confirmed the Town's commitment to implementing identified programs, including zoning changes.

Senior Planner Adrienne Smith explained that setbacks stipulated in the Housing Element for Mixed-Use need to be consistent with the zoning code. In case of conflict, the Housing Element controls.

The consultants addressed some of the comment questions regarding 'average' square footage for inclusionary housing stating there is not a specified average in the Housing Element and other objective standards being used in other areas.

Time 3:35:16

After a break, the meeting resumed at 11:00 p.m. for Commission and ASCC discussion.

Time 3:35:40

Vice Chair Targ recused himself during a question regarding the Jim White Project.

Commissioner Krashinsky raised questions about the requirements for ground floor leasable commercial space, asking for a definition and whether it would affect establishments like the café at Willow Commons.

Senior Planner Adrienne Smith explained that the fifty by thirty-foot depth was chosen to accommodate a variety of uses in the zone but suggested that it might be too large and could be revised to allow for smaller spaces. She proposed removing the term 'leasable' as it implies that the space must be leasable, which may not always be the case. She also noted that the current requirement would exclude a café. She mentioned that the Willow Commons site and the adjacent property, both owned by Jim White, have a supportive housing overlay as per the Housing Element.

Time 3:44:10

After Vice Chair Targ rejoined the meeting, Chair Goulden invited discussion from the ASCC Commissioners.

Commissioner Breen stated that the ASCC had met, provided a report, and planned to meet again on Monday for further work.

Vice Chair Flynn outlined the ASCC's objective to propose a limited number of changes to the zoning amendments, including unit size, floor area ratio, height limit, landscape area ratio, and the creation of objective standards for design guidelines.

Time 3:47:40

Chair Goulden invited discussion from the Planning Commissioners.

Vice Chair Targ suggested that the ASCC could benefit from consulting with experts in form base code, such as Lisa Wise Consulting or another firm in Berkeley. He proposed that one or two Planning Commissioners join the ASCC meeting, either as participants or as public commentators.

Town Attorney Ortega noted that having more than one Planning Commissioner at the meeting would constitute a Brown Act meeting.

Senior Planner Adrienne Smith stated that she would prepare a packet for Monday's meeting and ensure a quorum. She mentioned that the packet could be released as late as Friday.

Commissioner Krashinsky expressed agreement with Vice Chair Flynn's direction, suggesting a focus on the impact on specific sites to be zoned. He proposed relying more on the natural environment for landscaping to reduce costs for affordable housing. He also suggested removing the requirement that shared entrances may serve no more than three units

Vice Chair Flynn clarified that they were not referring to specifying particular plants as much as just having green area, which includes the natural environment.

Commissioner Krashinsky suggested removing the requirement that shared entrances may serve no more than three units.

Commissioner Brothers thought that staff needed to look at what is happening in the Alpine-Nathorst situation to ensure we are clear on what our commitments are on a number of occasions and that this zoning does not cancel any of those commitments. She strongly supported the approach that the ASCC took. She agreed with a public comment about fixing the open space at Frog Pond and the incorrect designation of the Corte Madera school, which is now listed as residential. She felt the comment about insurability was a really good one to think about because she was concerned about the building height and fire potential. She believed the only comparable site in the State might be Malibu where there are only two ways out along the Pacific Coast Highway, and the fires come down the hill. She stated that she would like to have data regarding what really could happen if there was no fire anywhere else and how quickly a firetruck could get to the Town. She hoped that what the ASCC has done will help simplify the job and not complicate it. She suggested including a clear presumption that what is being written only applies to the properties that are included here.

Commissioner Kopf-sill thanked the ASCC and acknowledged the time pressures everyone is under. She supported focusing on the specific sites and creating strict objective standards that could be relaxed upon discussion with the ASCC at a later time. She was open to three-story buildings and favored a path for simple houses. She was indifferent between FAR and CAR but noted that CAR would define unit sizes. She supported defining minimum and maximum units.

Chair Goulden appreciated the ASCC's discussion on incentives and suggested deferring the consideration of exact numerical incentives. He proposed finding ways to accommodate three-story buildings on specific sites or making them a topic for ASCC discussion. He stated that changes to the HCD in the Housing Element at this point would be inappropriate.

Senior Planner Adrienne Smith stated that staff and consultants were under the impression that they would get most of their project direction from this meeting and then they would have enough time to test out specific standards prior to the April 17, 2024, meeting.

Vice Chair Targ expressed confidence in the Town Council's ability to make informed decisions based on the information provided and staff input.

Commissioner Brothers suggested keeping an open mind about the schedule and reassessing the situation in two weeks.

Time 4:18:00

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports

There were no Commission reports.

3. Staff Report

There were no staff reports.

ADJOURNMENT [11:22 p.m.]

Vice Chair Targ moved to adjourn. Seconded by Commissioner Breen, the motion carried 9-0.