

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, MARCH 3, 2010, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Gilbert called the meeting to order at 7:30 p.m. Ms. Lambert called the roll:

Present: Commissioners McKitterick, Von Feldt and Zaffaroni, and Chair Gilbert
Absent: Commissioner McIntosh
Staff Present: George Mader, Town Planner
Tom Vlastic, Dep. Town Planner
John Richards, Town Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

- (1) Public Hearing: Lot Line Adjustment Request X6D-207, 10 and 18 Tagus Court, Mabardy/Beresford & Schilling

Mr. Vlastic reviewed the staff report of 2/23/10 on the proposed lot line adjustment. Responding to Commissioner Von Feldt, he said the applicant had indicated that after the lot line adjustment, he wanted to cut back the deck so that there was more room between the deck and the adjusted property line. Chair Gilbert reviewed the three findings required for approval of a lot line adjustment.

Herb Schilling, applicant, said he hoped the Commission agreed with the proposed solution. It would resolve something that had historically been a problem.

Chair Gilbert opened the public hearing, there were no comments, and the hearing was closed.

Commissioner Zaffaroni said the request qualified under the rather narrow criteria used to make a decision. She did not see any other competing considerations. Commissioner Von Feldt concurred and moved to find the lot line adjustment project categorically exempt as provided for in Section 15305 of the CEQA guidelines. Commissioner Zaffaroni seconded, and the motion carried 4-0.

Commissioner Von Feldt moved to approve the requested lot line adjustment, which would then allow a deed or record of survey and certificate of compliance to be recorded for each adjusted parcel, subject to the satisfaction of the Public Works Director and Town Attorney. Commissioner McKitterick seconded, and the motion carried 4-0.

- (2) Continued Public Hearing: Site Development Permit Request X9H-609 for New Residence and Site Improvements, 40 Antonio Court, Larson

Mr. Vlastic reviewed the staff report of 2/24/10 and responses to comments made by Planning Commissioners during the 2/3/10 meeting. Using the plans, he described modifications made to cut and fill areas to address concerns raised.

Responding to Commissioner Zaffaroni, Jim Toby (project engineer) said the ground would be scraped to a depth that would be appropriate to key in the dirt going back to the hillside. Some of the topsoil could be scraped away and possibly used after evaluation. For the majority of the area, the top 4" would be scraped off to remove vegetation that needed to be removed in order for the dirt to be keyed back in. There would be a 5-6" layer on top of that that would not be as compacted as much as the dirt underneath it so that the natural plants could grow there again. Responding to Commissioner Zaffaroni, he said it could affect the amount of fill. Some dirt had to be removed because the topsoil and vegetation were not useable. Some dirt farther down might be mixed in, re-composted and used again as topsoil. Anything over 1' of fill would

have to be compacted deeply so that the soil was stabilized. The top layer would not be as compacted and could be dirt originally pulled off and stockpiled during construction. The top layer would be treated differently than the deeper soils. Responding to Commissioner Zaffaroni, he said “grubbing” was scraping the top layer 4-5.” That was either off hauled or mixed in and reused as topsoil later. Responding to Commissioner Zaffaroni, Mr. Vlastic said the only difference between the numbers for the grading was that the basement information was lumped in. Potential off haul was factored in; that number would be refined after evaluation to see if the dirt would have to be taken off. If less could be taken off, the numbers would be less. The landscape architect would be involved in the grading process to ensure the soil was appropriate for restoration. The construction schedule would be detailed in terms of how this was done with the appropriate oversight.

Responding to Commissioner Zaffaroni, Dave Darling (architect) said the other two Priory subdivision sites were similar. He used an aerial photograph to describe the three sites and open space easements. Mr. Vlastic said the other two sites were accessed off of Nathhorst and Veronica. Responding to Commissioner Zaffaroni, he said the EIR was completed in the late 1990s just prior to the subdivision improvements. Danna Breen had been asked to come to the site because she commented that the materials/grasses at the site were not very good; the invasive nature of the grasses had been confirmed at the site visit. What was proposed was a big effort in terms of the native restoration and keeping invasives out. The other sites were similar. With the concern over development of this subdivision, the density was reduced. The lot sizes were unusual, and there was very little tree cover. There were open space easements over a portion of them, and there were drainage issues. The PUD provisions called for some very unique water management approaches, more native planting, and native restoration.

Responding to Commissioner Zaffaroni, Mr. Vlastic said the State requirements for water conservation and green building were becoming very significant. Various checklists had been used on an informal basis, but they had become very significant tools in the project review process in terms of sustainability. The work program included going back and working on the ordinances to more directly implement the Sustainability Element provisions. For the last 2+ years, every project that went through any architectural review had been evaluated against the green building checklists.

Commissioner Zaffaroni said it was unwise to make superficial assessments that having less truck trips was necessarily beneficial with respect to sustainability when there would be grubbing, compacting, long-term irrigation, etc. If those kinds of assessments were going to be made, the Town should come up with some formulas that factored in. That would guide the Town towards truly more sustainable decision making. Just looking at truck trips without understanding what the comprehensive results of removing topsoil, layering over new topsoil, irrigation, etc., was not sufficient. The Town would be facing additional applications that would look similar to this at the Priory subdivision and elsewhere in Town.

On truck trips, Mr. Vlastic said the amount of concern that was expressed during the height of the work on Blue Oaks was significant. Three hundred truck trips over a period of several weeks was not insignificant—whether it was measured in terms of carbon footprint or impacts on neighbors. In most instances, staff would not encourage keeping this much dirt on site. But, there were not many other lots that could accommodate this kind of losing of dirt on the property without dramatically changing the land forms. He agreed staff needed to get a handle on these other aspects—especially in light of not being able to charge road impact fees. In terms of impact on the neighbors and the general community, reducing truck trips that did not adversely impact the site was a good tradeoff.

Responding to Chair Gilbert, Mr. Toby said the hard compaction in the knoll area would be done right on top of the soil. If it was a steeper condition, it would need to be keyed in. The geotechnical engineer would look at the slope conditions. There might need to be minor benching to keep the soil from slipping. The top few inches would be topsoil that was not very compacted for the new planting.

Responding to Commissioner McKitterick, Mr. Vlastic used the plans to describe why the ASCC recommended changes to the guest parking/turnaround. They were concerned about the distance guest

cars would have to travel to be able to turn around.

Responding to Commissioner Von Feldt, Mr. Vlasic said he felt the comments offered in the architect's letter of 2/17/10 relative to the basement were reasonable. Responding to Commissioner Von Feldt, he said once everything had been signed off as completed, the burden of managing the restoration effort fell to the property owner. This would be a 2-3 year project. By the end of that, there should be a meadow area that was well established in terms of the restoration effort. He assumed that the landscape architect would provide directions to the client for the management of the property over the long term—including managing the meadow area. Responding to Commissioner Von Feldt, Bernard Trainer (landscape architect) said the photos were examples of how the planting would look after two years. Ideally, you planted in fall. In spring, you mowed the bunch grasses. There was a lot of exotic grassland without natives surrounding all three sides. He described proposed planting and transition areas to make it look authentic. Responding to Commissioner Von Feldt, he discussed methods for the removal of weeds. He said he would outline management strategies for the client; the work would be done by the client's maintenance contractor.

Chair Gilbert opened the public hearing, there were no comments, and the hearing was closed.

Commissioner McKitterick said he was generally supportive of what was proposed. He had some questions about what the ASCC had done because it added to the grading and paving. He understood the reasons, but given the amount of grading on the site, he was reluctant to change the plan in a way that had more grading involved and more impact on the knoll.

Commissioner Von Feldt said based on the comments and documentation, she was more comfortable with the amount of grading. But, she did not think the rationale for it should be the truck trips. There were so many other things going on. The rationale provided for keeping a lot of the dirt on site was appropriate given the nature of the site. There were no trees that would be affected, and the site was open. The site was also large, and the fill could be spread out and look natural. It appeared that the guest parking/headlights would not affect the neighbors. With respect to the restoration, she was somewhat skeptical. It sounded great, but restoration didn't always come to fruition. She could support this project but wanted the record to show the reasons why in this particular case, it was acceptable to keep so much fill on this site.

Commissioner Zaffaroni said she was also concerned about setting a precedent with respect to how cut and fill was being handled and what the General Plan had to say about what the priorities should be. She could distinguish this particular application because a formal environmental impact report had been completed for the area. The General Plan required that the disturbance to natural terrain be minimized. But, this was not natural terrain, which was an important finding as was the fact that a professional biological survey had been done. She shared the concern that the ASCC had added something to the project that was not in the original design. She was also concerned about off-site views. From the site, you could see the Windy Hill path. Responding, Mr. Vlasic used the plans to show elevations. He said the cars would be hidden from Windy Hill views. The parking area was on the other side of the knoll and would not be seen from Windy Hill. He used the plans to illustrate views of the parking area and driveway from the Town trail. Bob Larson, applicant, said the amount of material involved with the parking area was a very minor amount. The ASCC felt that a very minor change of grading had the benefit of keeping headlights away from the neighbors. Jim Toby said it represented less than 5% of all the grading. Responding to Commissioner McKitterick, he said there would be a steeper area right at the guest parking as it came up to the knoll. It was not so steep that it looked manmade. He described transition areas that would be molded in a way that would give it a more natural look. Mr. Larson added that changes had been made because of the length of the driveway and the pull-outs, which looked very unnatural. The legal requirements for the pullout and the visitor parking had been combined.

In terms of the processing of this application, Commissioner Zaffaroni said it needed to be done better next time. If something came to the Planning Commission for preliminary review and was dramatically changed, the Planning Commission needed a heads-up about it. The ASCC should have the minutes reflecting of the Planning Commissioners' comments from the preliminary review when they had an application back before

them. She did not think there was good communication in terms of the ASCC and Planning Commission on this permit request. Mr. Vlasic said the ASCC would have the minutes if they were ready. The joint site meetings were more important because preliminary comments were shared at the same time, and there was more interaction between the ASCC and Planning Commission.

Responding to Craig Brown, Antonio Court, Mr. Vlasic said the parking area plus the open areas that were graded for the pool and terrace areas could be used for equipment during the construction process. In the past when there was a requirement for early restoration of areas, a fence was put around that area so it was not violated. The entry part of the driveway and the driveway parking area would probably be used for construction staging. Responding to Mr. Brown, he used the plans to show the meadow and staging areas.

Chair Gilbert said with this project, it was a balance between the benefits from reducing the off haul with the impact on the land. She was quite concerned at the last meeting about what was happening to the land and the task of restoring the meadow. She was persuaded by the current condition and the amount of weeds that were on the site. Hopefully, the area would be improved if the restoration was successful. The task was large in part because the surrounding invasives would be constantly seeding this area. The ongoing maintenance would be huge.

Responding to Commissioner McKittrick, Chair Gilbert and Commissioner Von Feldt said they were comfortable with slightly increasing the parking and building up a berm in the northwest corner to block headlights. Commissioner Zaffaroni said she was sympathetic to Commissioner McKittrick's concern but understood that it would not be visible and that there would be more natural contours relative to what was originally there. In terms of distant views, Mr. Vlasic reiterated that neither of the design solutions would be visible from Windy Hill. In terms of earth movement, the expanded parking area for the turnaround would have more earth movement. In terms of the finished slopes, the first design had steeper cuts and not as smooth finished slopes as the alternative; but, there was more grading with the alternative. That was the tradeoff.

Commissioner Von Feldt moved to find the site development permit project categorically exempt pursuant to Section 15303(a) of the CEQA guidelines. Commissioner Zaffaroni seconded, and the motion carried 4-0.

Commissioner Von Feldt moved to approve the site development permit application shown on the plans and materials referenced in the 1/28/10 memo, subject to conditions 2a through 2g shown in the 2/24/10 supplemental staff report. Commissioner Zaffaroni seconded, and the motion carried 4-0.

(3) Continued Preliminary Review: Town's Geologic and Ground Movement Potential Maps, Related Zoning Provisions, and Land Use Policies

Chair Gilbert recused herself from the discussion because her property was affected. Commissioner McKittrick took the gavel.

Town Planner Mader reviewed the staff report of 2/25/10 on the geologic maps, related regulations and policies. He suggested the Commission focus on: 1) buildings within fault setbacks; 2) enlargement of buildings within fault setbacks; and 3) the 50% rule. During the 1/20/10 meeting, he said Commissioner Zaffaroni had some questions about the use of "P" in Table 1 of Resolution 2279-2006 (Resolution 500). He said that was a conventional term the geologists used as a modifier. Commissioner Zaffaroni said "P" stood for "potential," and "Pf" stood for "primary fault rupture." You ended up with "potential primary," which was contradictory. It was either a primary fault or a potential fault. Town Planner Mader said it meant potential movement on a primary fault, which was consistently used by geologists.

Commissioner Zaffaroni said she wanted to revisit the different setbacks based on whether the fault was known, inferred or en echelon. In the original material (staff report 1/6/10, enclosure 4, section C.2) the measurements were taken from "each side of the trace" for known and inferred, and from "center of the line" for en echelon. She asked why that distinction had been made. Town Planner Mader said most faults were

shown by a line on a map, and you measured from the center of the line. En echelon breaks were different because there was no exact line; it was a zone. Commissioner Zaffaroni asked if 100' from the centerline was the same as 100' from the side of the trace. Town Planner Mader said in en echelon breaks, the breaks could be 40' or more. In that case, it would only be 20' from the center line, with 80' left over. That was more of a margin of safety. En echelon breakage was not understood that well. Commissioner Zaffaroni said the Town's code needed to be backed up by a sound policy. She was not a geologist and didn't understand the risk. She asked if the setback area for en echelon would be greater or lesser than for inferred. Inferred was 100' from the side of the trace. Town Planner Mader said it was 100' from the center.

It was essentially a 100' setback from the line believed to be the fault. On an inferred fault, it was not certain where it would break. There was uncertainty in both inferred and en echelon. Commissioner Zaffaroni said if someone with one kind of a fault running through their parcel had a 20' larger setback than someone with the other, they might feel that there was some unfairness because the parcels were being treated unequally.

She wanted to make sure there was firm science behind the policy in terms of what the setback was. Responding to Commissioner McKittrick, Town Planner Mader said the State did not address en echelon faults. He was not aware if other communities had addressed the en echelon pattern. The Geologic Safety Committee looked at these standards, and they were comfortable with them. Commissioner Zaffaroni said because there were differences in the setbacks, she wanted to make sure that the Town had sound science for going from 50' from the side to 100' from the center. She understood that the different fault types would warrant different setbacks, but she wanted to make sure that what the setbacks were was backed up by the science in terms of the differences that people would observe. Town Planner Mader asked if Commissioner Zaffaroni would be more comfortable with "Where the location of the trace is known, the boundary of the zone is set back 50' from the center of the trace." Commissioner Zaffaroni said she didn't understand the science and what "side" versus "center" meant for a known fault. Commissioner McKittrick said some faults were not narrow and could be 5 or 10 feet. The map showed the San Andreas Fault with different widths in different locations. Town Planner Mader said in some cases there were multiple splays. By and large, the setback from an active fault was taken from a line. Commissioner Zaffaroni said she did not think people would wonder about the 50' setback. It was the 100' from the side for inferred versus 100' from the centerline for en echelon. It sounded as if the inferred would create a larger setback because it was from the side. She did not want to make changes to what the geologists and the Committee felt was good science. She just questioned the difference.

Commissioner Von Feldt said if the language came from Ted Sayre, she had confidence in it. She understood him to say that this was the way the geologists talked about traces. Town Planner Mader confirmed that this was Mr. Sayre's language and was convention. He had not heard people discuss the nuance that Commissioner Zaffaroni was concerned about. With more detailed mapping, you would know more about the fault, and things would be judged differently.

Commissioner Zaffaroni said it was fairly straightforward to measure something from the side of the fault. With en echelon, it was from the centerline. Her question was why known and inferred was based on the side, and why you couldn't use the side with en echelon. Town Planner Mader said when this was written, it was deemed that this would be a line on the map. You couldn't measure from the side of a line that was 1/16 of an inch wide. It could state you measured from the center of the line that showed the location of the trace. But, this was not uncommon language. Commissioner Von Feldt agreed it sounded strange, but she would not want to disrupt the convention. Town Planner Mader said you could not measure from the edge of the en echelon breakage because you wouldn't know where it was until a lot of investigation had been done. Commissioner McKittrick said he was comfortable with the language because it had been vetted by the Town Geologist and the Committee. He followed the discussion about the location of the Town Center and en echelon faulting, and he was comfortable with that setback. Commissioner Zaffaroni questioned why you wouldn't use centerline for inferred. Commissioner McKittrick said you could use the centerline for inferred because it was a line on the map. He suggested "100' on each side of the inferred trace as shown on the map." Town Planner Mader reiterated that this had never been raised as a question until the question of en echelon breakage was brought up. It was a problem because it was a zone that needed to be measured from. All you could do was measure from the centerline. Commissioner Zaffaroni said there was a discrepancy between inferred and en echelon, and that distinction needed to be justifiable.

Councilmember Richards said in his 25 years, this had never been an issue. It was clear that an inferred trace had to be a wide swath because you didn't know where it was. No one had ever questioned why it was wider here than there. Commissioner Zaffaroni said if the inferred setback had never been compared to the en echelon setback, her point would not have been encountered. In Town, both inferred and en echelon existed and people would make a comparison.

Responding to Commissioner Von Feldt, Town Planner Mader pointed out where the en echelon faults were mapped. There might be more that had not been identified to date. An inferred trace was where you knew it was in two places and you drew a line between them. It might also have en echelon pattern breakage.

Commissioner Zaffaroni said she saw an inconsistency and wanted to make sure it was backed up by Town policies. Town Planner Mader said for other than en echelon breakage, "each side of the trace" was the language used for years and years. Responding to Commissioner Zaffaroni, he said if there was a 100' swath and it was inferred, the breakage might wander on either side because it was inferred. The zone of breakage would normally be minor on a strike-slip fault. With an en echelon pattern of breakage, if the rupture was on the order of 40 feet, that meant 60 feet was left over. The setback was 100 feet from each side. Half of 40 feet was 20 feet, which left 80 feet beyond the en echelon breakage. That was a reasonably good margin of error/protection. With the inferred, you also didn't know where it would break because you just connected the points. It might deviate, so you needed to provide a zone that it would, hopefully, stay within. It was hard to compare them exactly. Those in the geologic community were comfortable with the language.

Commissioner McKitterick suggested the Commission discuss buildings within the fault setbacks.

Commissioner Von Feldt said she appreciated the analysis in the staff report of 2/3/10. She supported the more conservative approach of not allowing any structures within the Pf zone. Even if they were non-habitable, there still could be people in them for several hours during the day or night. The analysis showed that it would not put a burden on the landowners because they all had safe places where they could have put these buildings. She wanted a provision included for some unforeseeable circumstance where there was no other location more suitable and the building was non-habitable. That was more restrictive than Alquist Priolo, which dealt with all sizes and uses of lots throughout the State. Town Planner Mader added that when that State law was adopted, it originally only applied to subdivisions of 5 or more lots. Commissioner Von Feldt said she did not feel the restriction would create an undue burden and that the Town should take the safest course of action.

Commissioner Zaffaroni said when earthquakes hit, people were sometimes appreciative of a town taking more careful approaches. She felt it was warranted if there was some way to allow buildings for non-human occupancy if there was no other alternative location. If people had alternative locations, that was where they should build. People would be happier to have done that even if it was a stable for their horse. In the event of a massive quake, the damage would be minimized in Town. That was a prudent policy provided that there was some exception for people who didn't have the alternative because they had a very small lot, a very steep lot, etc. Town Planner Mader said the same logic used to support the language in Resolution 2279-2006 could apply here. If you couldn't comply with the regulations, the Town shouldn't deny people the use just because of that.

Town Planner Mader confirmed for Commissioner Zaffaroni that a gazebo was a structure and not a building. The Building Code cited several exceptions, which were also listed in the 2/3/10 staff report (p. 3). Commissioner Zaffaroni said "ornamental structure" should not be included because it was not a building. Additionally, if the Town did not allow buildings for non-human occupancy in the setback, you still needed to know for purposes of an exception what would be allowed there. Responding to Commissioner Von Feldt, Town Planner Mader verified that the buildings listed on page 3 of the 2/3/10 staff report would only be allowed as an exception. The basic rule was that you could not have, for example, a playhouse or artist studio, in the fault zone. Commissioner McKitterick said as with Resolution 2279-2006, the Town had a duty to look at the preservation of life and property. If people were allowed to build artist's studios in a fault

setback where they were much more likely to suffer damage in the event of a quake, that was not upholding the Town's duty to look after preservation of property. This was a good compromise in terms of what was and was not allowed within the setback. Town Planner Mader verified that the Commission was comfortable with no buildings in the setback. Responding to Commissioner Zaffaroni, he said how "building" was defined was in the Building Code, and he would provide that to Commissioners.

Commissioner McKitterick asked for public comment, and there was none.

With respect to additions or alternations to buildings in fault setbacks, Town Planner Mader reviewed the 2/8/10 staff report. Commissioner McKitterick said he felt the options were "no additions" or an exception if there was no other place on the property that was not in the setback. Just because someone was in the setback, he did not think the Town should allow them to make it worse without some other qualifier. With respect to alternations, he felt remodeling could often make a structure safer. Councilmember Richards noted that additions could also make it safer.

Town Planner Mader read the proposed Section 18.46.051 (staff report 2/8/10). It indicated that what was proposed would be looked at to ensure it was a good design structurally. For some residents, the fault went right through the house. He thought there should be some flexibility. Commissioner McKitterick said he could see it for additions, but questioned why a remodel less than 50% needed to come before the Planning Commission.

Commissioner Zaffaroni said her initial reaction was that enlargements or additions shouldn't be allowed. But, she felt that someone with a house right on the setback should be allowed some addition to the home. There would need to be a condition that it had to meet the highest possible standard in terms of minimizing risk with the new addition. For remodels and whether it came to the Planning Commission, that was not as critical as having some standards. She felt "minimize risk" should be defined more specifically in terms of retrofitting for seismic safety. Additionally, she was not happy with either of the ways of defining the extent of the improvement. She had done seismic retrofitting on her house, and it was extraordinarily expensive. Describing the work that was done, she said it was not a remodel; it was a seismic retrofit. The amount of expense allocated strictly to seismic retrofit should be separated out of the 50% rule. Otherwise, you would be limiting what would be a very beneficial goal to try to achieve. Town Planner Mader said one of difficulties was that the definition that had been adopted by the Council not a 50% rule. Commissioner Zaffaroni said she was not satisfied with either of the definitions the Town used. Anything done for seismic retrofitting should not be considered a limiting factor. Town Planner Mader suggested "Portions of the building modified for structural seismic safety would not count..." Commissioner Zaffaroni said she was also cautious about applying whatever definition/rule the Town used across the board. In each situation, there might be different policy objectives that came into play. She would need to look at each of those situations to come up with a definition that satisfied all of those policy objectives.

Town Planner Mader said it should be consistent by and large, but each place it would go should be looked at. On the 50% rule, he said Ms. Lambert could not remember where it had been a big issue. Councilmember Richards said it could be a huge issue in the County and other jurisdictions. Ms. Lambert said when the Town adopted the building codes a number of years ago, it was adopted straight from the County that used a 50% rule. The Council decided it was not fair to the applicants. Commissioner McKitterick said he was inclined to go with what the Council recently approved. Even though it was harder to understand, if it was easier to enforce, he could support it. Commissioner Zaffaroni re-iterated that she wanted to set aside seismic retrofit. Commissioner McKitterick agreed noting that these buildings were within the fault setback.

Commissioner Von Feldt said it was hard to make a distinction between remodels and additions—especially in the fault zones. A remodel or addition could have seismic implications. By making it come to the Planning Commission, it forced everyone to have that conversation. Commissioner McKitterick said if someone wanted to put in new windows, he didn't want to see that. Commissioner Zaffaroni said that was why there was a 50% rule or the new Town rule which was 50% or more of the floor area. If the remodel

exceeded that, it was more than replacing windows.

Town Planner Mader confirmed that the new Town rule was from the Building Code and was not in the zoning code. Additionally, if a house was damaged, he did not think it would be that difficult to get a realistic value/appraisal of the structure prior to damage. Commissioner McKitterick said there was a lot of discrepancy in appraisals. He thought the other 50% rule that the Town recently adopted should be used. Town Planner Mader said it basically defined “new building.” The zoning ordinance used the appraised value prior to the damage. He re-iterated that Ms. Lambert indicated there were few cases where the 50% rule had to be applied. Commissioners and staff discussed the value of a house sitting on the San Andreas Fault, the Chapter 7A definition in terms of complexity and enforcement, and the County’s solution. Commissioner Zaffaroni noted that the Chapter 7A definition was not tried and true at this point. Commissioner McKitterick preferred to stick with 50% of the value before the damage, which was consistent with the rest of the zoning ordinance.

In terms of allowing additions or remodels in the fault setbacks, Commissioner Von Feldt agreed some flexibility should be permitted as long as the safety would be improved. That should be allowed and encouraged. Commissioner McKitterick said language about improving structural risk should replace “minimize risk” for remodeling or additions. Town Planner Mader noted that these were buildings in fault setbacks, which was a special condition. You could state that the building could be remodeled, including resistance to seismic forces. For additions, the Planning Commission might want to review those.

Responding to Commissioner McKitterick, Town Planner Mader said if it was in a fault setback and you were only going to allow up to 50% of the appraised value to change, anything beyond that would require the building to be moved. Commissioner McKitterick said that was how the creek setback had been handled. If they wanted to do more than 50%, they had to move the building if possible. He liked that same solution here. Town Planner Mader said it was different. In a fault setback, you were talking about a building being torn apart. The creek setback protected the riparian corridor and sloughing of the bank. Commissioner McKitterick felt it would be appropriate to say you couldn’t add on in the fault setback. You could add on elsewhere on the property. You could also do remodels. But, if you hit that 50% trigger, you had to re-site your house if possible.

Commissioner Von Feldt asked if there was any remodel or addition that would make the house safer—even if it moved closer to the fault.

Responding to Commissioner Zaffaroni, Town Planner Mader said some of the structures were entirely within the fault setback area. If you didn’t allow encroachment of the setback area, they wouldn’t be able to do anything. Responding to Commissioner Von Feldt, he said there were a couple that were astride the San Andreas Fault itself and astride the fault that went up to the tennis and swim club. He felt the Town should allow something if the risk could be minimized or the resistance to seismic forces increased. It would still be a judgment matter because the Town Geologist would be involved. He did not think there would be many or that it would be a big issue.

Town Planner Mader asked if the Planning Commission wanted to see remodels that didn’t exceed 50% of the value of the structure. Councilmember Richards said he did not see any logical connection for Planning Commission review of that. Commissioner McKitterick said the Commission didn’t review anything else that was below 50%. Town Planner Mader noted that this was an exception situation; it was not a variance. If the Planning Commission didn’t think an exception approach was necessary, the homeowner could do as much remodeling as they wanted. They could put three times the value of the house into remodeling, and the Town would not get involved other than a building permit. If it was in the fault setback, there would not be any limitation on the amount they could put in remodeling. Commissioner Von Feldt said there might only be 5 or 10 houses in Town that would be impacted by this. She thought the Commission might want to see everything. Town Planner Mader agreed it would not be that much. Even with a remodel, Councilmember Richards said it would increase the value at risk—even if the outside walls weren’t touched. The Town’s charge was to limit that if possible.

Commissioner Zaffaroni said the primary concern was risk in terms of safety. If someone wanted to remodel their kitchen based on their heart's desire, Town involvement could be overreaching. It was very different if you were talking about an addition where you were adding to the structure. That was a clear opportunity for the Town to indicate that minimization of risk was a priority. She could see both sides.

Commissioner McKitterick suggested adding the following to the proposed section 18.46.051: "...minimize risk and, in the case of additions, the planning commission approves the modification after..." That way, the remodel couldn't exceed 50% but the Planning Commission would not have to look at the remodel. "Minimizing risk" would need to be revised. The addition would still have to be less than 50%. Town Planner Mader said if it was an expensive remodel, the ASCC would look at it. The geologist would not normally need to review it, but he could if foundation work was included. Commissioner Zaffaroni said the definition of remodel needed to be clarified. She also thought there might be alternate variations of Section 18.46.051.

Commissioner Zaffaroni said she wanted to reach a consensus on the remodeling issue. Commissioner McKitterick said if it was less than 50%, the Planning Commission didn't need to see it. If it was more than 50%, it wouldn't fall under this exception. Commissioner Von Feldt said she didn't want to look at an application when people were changing their kitchen cabinets. But, she didn't want it to be more than 50%. Commissioner McKitterick would allow remodeling up to 50%. If it was more than 50%, they would have to go under the exception for the situation when there was no place else they could put the house or they would have to bring the structure into compliance. Town Planner Mader noted that 50% was the limit if you were within the fault setback. Commissioner Zaffaroni said she liked that for the sake of simplicity.

Town Planner Mader said if someone wanted to improve their front door area, that would be an addition. A very small addition like that probably didn't require Planning Commission review. He suggested the Commission look at anything where the valuation exceeded 10% or 20% up to 50%. Commissioner McKitterick said if it was an addition that was less than 50% and not in the fault setback, he didn't feel the need to see it. Commissioner Zaffaroni said that was consistent with what had been done for the creek setback. If it was an addition within the fault setback, Commissioner Von Feldt suggested the Town Planner decide whether the Planning Commission should see it. Town Planner Mader agreed it could be subject to staff recommendation. Responding to Commissioner Von Feldt, he said phased projects were a continuing problem. People could come in for permit after permit unless there was an overall maximum established. Staff would also have to keep track.

Town Planner Mader summarized: 1) no buildings would be permitted within the fault setback; 2) remodels up to 50% of the value would not come to the Planning Commission; and 3) additions up to 50% of the value might come to the Planning Commission upon a recommendation of staff. Commissioner Zaffaroni said she wanted seismic upgrades addressed. That could be easily added in in terms of the valuation criteria. Commissioner McKitterick said he could support the idea that dollars spent on seismic upgrading didn't count towards the 50%. But, the goal was that in 100 years, there would be no houses in the fault setback.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Chair Gilbert re-joined the Commission.

Ms. Lambert said the Town Council approved her recommendation to form a working group to review wireless antenna applications. Councilmember Driscoll and Jeff Aalfs from the ASCC would participate, and she asked for a volunteer from the Planning Commission. After discussion, she said she would verify with the Town Attorney that Commissioner Zaffaroni did not have a conflict of interest.

Referring to the memo from the Chair of the Teen Committee, Chair Gilbert described the proposal to have teens work with Town Council, Commission and Committee members and staff to learn about town government. She asked for volunteers to act as mentors. She said she would participate.

Commissioner Von Feldt said there had been two meetings of the Spring Down Ad-hoc Committee. The consensus was that the property should stay as close to “as is” as possible with some changes made to the existing, manmade water feature. A hydrologist would be consulted on options.

Commissioner Von Feldt said the landscaping and indoor water ordinances were introduced at the last Council meeting.

Town Planner Mader said the Safety Element of the General Plan had been re-drafted and had been sent to various committees, the Town Geologist and the Fire Chief. Comments would be brought to the Planning Commission within the next few meetings. Responding to Commissioner Zaffaroni, he said the fire maps were on the web. He confirmed that the Town did not adopt the State maps, but Chapter 7A had been adopted. Responding to Chair Gilbert, he said the Housing Element had been approved by the State.

APPROVAL OF MINUTES

Commissioner Zaffaroni and Chair Gilbert submitted changes to the minutes of the 2/17/10 meeting. By motion and second, the minutes were approved as amended by a vote of 2-0, with Commissioners McKitterick and Von Feldt abstaining.

ADJOURNMENT: 10:30 p.m.

Denise Gilbert, Vice Chair
Planning Commission

Leslie Lambert
Planning Manager