

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, MARCH 17, 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 McIntosh, Von Feldt and Zaffaroni, and Chair Gilbert
Absent: Commissioner McKitterick
Staff Present: George Mader, Town Planner
Tom Vlastic, Dep. Town Planner
John Richards, Town Council Liaison
Ted Sayre, Town Geologist's Office
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None

REGULAR AGENDA

- (1) Public Hearing: Review of Proposed Site Development Permit X9H-611 for New Residence and Site Improvements, 2 Buck Meadow Drive, Toor [Continued to 4/7/10 meeting]
- (2) Public Hearing: Review of Proposed Site Development Permit X9H-610 for New Residence and Site Improvements, 295 Golden Oak Drive, Corman

Mr. Vlastic reviewed the staff report of 3/11/10 on the re-development of the subject 1.13-acre property. He used the plans to discuss access, proposed grading, house design, off-site views, materials, and impervious surface.

Commissioner Zaffaroni said the amount of grading was enough to trigger Planning Commission review, but it was relatively reasonable. The objective to be served was to keep the profile lower. At the site meeting, she expressed concern about the reflectivity of the roof. It seemed as if the ASCC addressed that. Responding, Mr. Vlastic said the key issue with metal roofs was sheen. The ASCC looked at samples, and it appeared to be a very good material. Some of the early roofs were very dark but appeared white when sunlight reflected off of them at certain angles; the more recent roofs were fine. This project did not have huge roof surfaces, and the angles of the roof were relatively minimal. The use of metal roofs was increasing both because of the cool nature and their longevity. They typically had a very low profile—especially when the house was tucked into the site.

Responding to Commissioner Von Feldt, Bob Stoecker (architect), said there would be some off haul but the quantities were not known at this time. There was a reasonable size basement, and drilled piers would probably be used. Responding to Commissioner Von Feldt, he said Bolero dwarf fescue would be used. Some of the plants close to the house would not be natives but were necessary for screening. Anything outside the north or south patios, all the transition planting, and areas affected by off-site views and corridors would be California natives and straight from the Town's guidelines.

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

Commissioner McIntosh said it was a well-conceived project and would develop nicely. Commissioner Zaffaroni re-iterated that it was a reasonable amount of grading and furthered an important objective. Chair Gilbert said she supported the single-story house and digging it in. She had expressed some concerns at the site visit about 90% of the allowable floor area in one building, but it looked like the ASCC covered that fully at the last meeting and was comfortable with that.

Commissioner Zaffaroni moved to find the site development permit project categorically exempt pursuant to

Section 15303(a) of the CEQA guidelines. Commissioner McIntosh seconded, and the motion carried 4-0.

Commissioner Zaffaroni moved to approve the site development permit application as shown on the plans and materials referenced in the 3/11/10 staff report, subject to conditions 2a through 2f. Commissioner McIntosh seconded, and the motion carried 4-0.

(3) Public Hearing: Request for Modification to Town's Geologic and Ground Movement Potential Maps, 3350 Alpine Road, Miller

Ms. Lambert reviewed the staff report of 3/9/10 on the requested map modifications. Responding to Commissioner Von Feldt, she said the existing structure was built before it was mapped as an active landslide. Responding to Commissioner Von Feldt, she said anything allowed in the Ps classification would be minor and would require the Town Geologist's approval. Responding to Commissioner Von Feldt, Mr. Sayre said from a hazard assessment standpoint, there was no shallow moving landslide above this property, so the risk went down quite a bit. Responding to Chair Gilbert, he said anything built in the Ps category generally relied on engineered solutions. Responding to Commissioner Von Feldt, Dr. Miller *[unidentified]* said the geologic investigation was done in October after the ASCC's conditional approval. He understood that the investigation probably didn't have to be done, but in the long run, it was the best thing to do to clear the property and make the maps accurate. Ms. Lambert confirmed that the other affected property owners were happy with the results.

Responding to Commissioner Zaffaroni, Mr. Sayre said the exploratory shaft that was completed was done in the deepest part of the landslide, and it conclusively showed that there was not previous landslide activity through the 20' that was exposed. The geologists then started looking carefully at the side margins of the landslide as they went up the hill. The more the feature was looked at, it did not have the signature of an active landslide, which was easily recognizable in terms of the lateral margins of a slide. Responding to Commissioner Zaffaroni, he said when Rodine did the mapping, a number of students were used to map specific areas. There were differences in the quality of the mapping depending on where it was done. He was surprised that this had been mapped as an active landslide; there were no features visible on the surface or subsurface. Responding to Chair Gilbert, he said he did not think it was a shallow landslide. It was not a landslide at all, and looked like a slope-wash deposit. In terms of mapped landslides, it was unusual for this mapping to be so far off. Generally, the mapping was quite close. Responding to Commissioner Von Feldt, Ms. Lambert confirmed that staff often advised property owners to have a geologic investigation—especially when someone was interested in purchasing a property.

Responding to Chair Gilbert, Dr. Miller said the current house and garage were within the mapped Als area. The kitchen was being built in the same location, and the garage was being reoriented.

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

Commissioner Zaffaroni moved to approve the map modifications recommended by the Town Geologist as set forth in the staff report of 3/9/10. Commissioner McIntosh seconded, and the motion carried 4-0.

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

Chair Gilbert recused herself because her property was affected. Commissioner Zaffaroni took the gavel.

Town Planner Mader reviewed the section of the staff report of 3/11/10 (pp. 1-3) on the types of buildings that might be allowed in fault setbacks.

Commissioner Zaffaroni said buildings generally would not be allowed in the fault setback, but there would be exceptions for non-habitable buildings, which would be allowed without any further processing.

Responding, Town Planner Mader said the applicant would have to prove there was no other place to put them on the property. Commissioner Zaffaroni said there were three categories: a) buildings; b) non-habitable buildings, which didn't fall within the exceptions; and c) the exceptions. She did not think anyone should have to ask for an exception to put up a gazebo. Commissioner Von Feldt said she understood there would be no structures in the Pf zone unless there was no other place to put them. If there was no other place to put them, the exceptions cited were appropriate.

Responding to Commissioner Zaffaroni, Town Planner Mader said the exceptions wouldn't have to go to the Planning Commission. The applicant would have to demonstrate that there was no place on the property that they could reasonably put them. There might be a basis for a variance to allow it. They would have to exhaust all the possibilities before they could put it within the fault setback. He noted that this provision was for small ancillary structures that someone might want. Responding to Commissioner Zaffaroni, he confirmed that if someone wanted to build a larger barn, there was no process to put it in the fault setback, even if there was no other place on the property. They would have to apply for a variance. Commissioner Zaffaroni said she was hesitant that there was no process if people didn't have other space on the property. Town Planner Mader re-iterated that they could apply for a variance. As a practical matter, most of the parcels affected were 1-acre or larger. In most cases, structures of this size could be put outside the fault setback. He did not think it was a severe burden in most cases. They would be allowed to put in these small buildings if there was no other place to put them. Responding to Commissioner Zaffaroni, he said "roofed structures" were buildings. Commissioner Zaffaroni felt the "roofed structure" definition of a building was quite comprehensive.

Commissioner Von Feldt said she liked the approach of enumerating the permitted exceptions for non-habitable buildings. Responding to Commissioner Von Feldt, Town Planner Mader confirmed that there were other situations where a few examples were enumerated. In some cases, you had to make a decision—not everything could be covered. Staff was very careful not to exceed what appeared to be authorized. Commissioner Von Feldt said she thought the language for the exceptions was descriptive, including the limit of 120 sf. Town Planner Mader said if someone wanted to put a light bulb in a tool shed, staff would probably approve that. Putting in a bathroom or a kitchen would not be allowed.

Responding to Commissioner Zaffaroni, Town Planner Mader said he did not think the exceptions should come to the Planning Commission; it was a staff-level decision. Commissioner Von Feldt concurred unless there was something staff wanted referred to the Commission.

Town Planner Mader reviewed the staff report section (p. 3-4) on constraints placed on remodels and additions to buildings within fault setbacks. Responding to Commissioner McIntosh, he said there were no requirements proposed to improve seismic capacity of an existing structure if it was within the fault setback. He noted that property owners who had buildings affected by the fault were concerned about being able to do things to the building. The idea was to allow someone who had a substantial investment to do a small addition but not have to go back and do the whole existing building.

Mr. Sayre said if someone was building an addition and attaching it to an existing house within the fault setback, the addition should be structurally independent and not hard nailed to the other part of the structure. If the house swayed to the side or came down, it shouldn't pull the addition with it. There was also the potential that the main house could collapse toward the addition. In that case, it wouldn't matter if it was structurally independent. A structural engineer could look at this situation and decide whether it was possible to design it in such a way that it could be structurally independent and not be affected by collapse of the other structure. It should be built that way. Councilmember Richards questioned how a structural engineer would approach this because there were no guidelines. He thought it would be hard to find an engineer who would be willing to design it.

Commissioner Zaffaroni said if you were going to have an addition attached to a structure that was more at risk, you couldn't just build it like you were building outside the setbacks. The attachment actually increased the risk to the new addition as well. A lot of people wouldn't necessarily understand that. It required a

special kind of solution. Commissioner McIntosh suggested just using Mr. Sayre's language. Commissioner Zaffaroni said the Commission would have to come up with some guidelines. She suggested that an engineered design be required as had been done for unstable ground. Responding, Mr. Sayre said the engineered solution in terms of the ground was different than structural engineering. Commissioner Zaffaroni read the definition of "engineered design" from Resolution 500. Mr. Sayre said that pertained to the stability of the earth material—the ground it was sitting on, which was not the situation here. He was concerned about a building collapsing and pulling the addition down or the building collapsing onto the addition. Requiring an engineered design using the Resolution 500 definition would not address his concerns. The addition should be structurally independent and support itself.

Commissioner Zaffaroni said Resolution 500 required improvements to the existing building. She was not sure if those kinds of improvements would be critical to the concern that it might collapse onto the addition. One solution was a breezeway or a hall. Another solution might be to do something at the connecting point in terms of the existing building that would stabilize it. Town Planner Mader said alternatively, you could require the existing building be brought up to current building code standards for seismic safety. Mr. Sayre said there were two specific hazards: ground rupture and ground shaking. The building code spoke to ground shaking hazards. But, that would not take care of the problem.

Commissioner McIntosh said for additions, the question was whether to require additional seismic improvements to the existing structure. He thought it could be left up to the owner as long as the addition was structurally independent. Town Planner Mader suggested: "The addition and existing building should be structurally independent and designed so that fault movement under the building within the setback will likely not cause damage to the addition, and the addition shall conform to building code standards for seismic safety." Commissioner McIntosh suggested "significant" damage. Councilmember Richards suggested "designed to a shaking standard."

For additions, Commissioner Von Feldt felt that requiring the existing structure to be upgraded could be onerous. She agreed that it should be structurally independent.

Denise Gilbert said there were 4-5 houses in the Ranch that had fault setbacks on the property. The buildings were not in the setback, which was 100' because it was an inferred trace. For most of those houses, the only place to put an addition was in the fault setback. She assumed that those additions wouldn't be allowed. The only option for the homeowner was to dig a trench to show where the fault was so that it was no longer inferred and would have a setback of 50 feet.

Town Planner Mader read item 2b in the staff report (p. 3-4) for additions entirely or partially within the fault setback.

Commissioner Zaffaroni said it was important to distinguish why an addition/encroachment into the setback was not permissible when the entire building was outside of the fault setback. Based on what Mr. Sayre said, you could compromise the structure that was outside the setback by putting in an addition in the setback. If the public asked the question, she wanted to make sure she understood why it was considered acceptable to have everything in the setback but not acceptable when the structure was outside the setback.

Town Planner Mader said some people had major investment in their home but happened to be in the fault setback. His feeling was that under certain circumstances, they should be able to make a small addition. Commissioner Zaffaroni said Mr. Sayre indicated that if the existing structure was outside the setback and you allowed encroachment within the setback, that could destabilize the existing structure. Town Planner Mader noted that item 2 addressed constraints that should be placed on remodels and additions to buildings within fault setbacks. It was assumed the building was in the fault setback.

Referring to item 2b.1, Commissioner McIntosh asked for examples. Responding, Mr. Sayre said there were situations where there were Pd zones and other zones right up against the Pf boundary. Encroaching into the setback would be better than encroaching into that landslide. Town Planner Mader noted that that

provision was already in a part of the zoning ordinance and had been worked over at great length. Commissioners agreed the wording of 2b.1 should be reworked.

Referring to item 2b.2 in the staff report, Commissioner Zaffaroni asked if the applicant would be forced to go through the variance process before they could rely on this exception. Responding, Town Planner Mader said in some cases, there was no basis for a variance. Staff could come to the Commission for advice. The question was whether to violate a side yard as opposed to building in a potentially hazardous area. He agreed that people should not be put through a variance process unnecessarily. On the other hand, if there was a good case for a variance, that might be a better solution.

Commissioner McIntosh questioned whether someone should be able to ask for a variance because they wanted more space in their house, and it was the only place you could put an addition. As he understood it, it didn't matter if you were 25' or 50' away if you designed for shaking and you weren't right over the fault. Responding to Commissioner Zaffaroni, Town Planner Mader said the idea was to allow this without a variance. He suggested taking out the reference to variance. Commissioner Zaffaroni said that made more sense. Someone could always pursue a variance, and staff could recommend what they thought was the best option.

Commissioner Von Feldt asked for clarification of the paragraph after item 2b.2 and the statement about the geologic and engineering study. Commissioner McIntosh felt "minimize" should be replaced by "preclude." Commissioner Zaffaroni felt that was a difficult standard. Town Planner Mader suggested "significantly minimize." Commissioner McIntosh suggested deleting "...and that measures are specified to minimize the risk of collapse from fault rupture." Town Planner Mader said even if it was not right on the fault trace, there could be ground disturbance some distance from the main trace. Mr. Sayre said an example of a measure would be to put in a rigid shallow foundation, which could take some movement unlike a deep pier foundation that tied it to the ground. There were some structural measures that could be taken to minimize the secondary deformation, which was right next to the primary. Responding to Commissioner Von Feldt, he said the most important thing was not to be over the fault trace itself. Some geologists felt you could be 10-15' from the rupture and still be okay. As you moved away from the rupture surface, secondary ground deformation occurred such as warping, secondary cracking, and a host of other effects that were not nearly as likely to cause collapse of the structure even if it caused some damage to the structure. Commissioner Zaffaroni said the second part of the sentence should be stronger. If the Town allowed someone to increase the extent of the encroachment with new building, it should be a high standard. Town Planner Mader suggested "...minimize the risk of collapse or secondary ground deformation." Mr. Sayre said that would be a key phrase for the geotech to start specifying certain types of foundations for the addition.

Commissioner Zaffaroni asked about requiring improvements to the existing structures. Commissioner Von Feldt said it would be strange to spend your money to add onto a structure that had been determined to be unsafe rather than spending the money to make the structure safer. Town Planner Mader said some people would become educated in the process in terms of what they could do to the existing structure. Commissioner Zaffaroni said Resolution 500 required improvements to the existing building's structural stability and foundation in order to minimize the potential for structural failure. The issue was whether the Town should require anything to be done to the existing structure if people were allowed to put additions entirely or partially within a fault setback. In the first scenario, the extent of the encroachment would not be increased. She liked "extent of the encroachment" better than "amount of setback." That was different from an addition that increased the extent of the encroachment.

Commissioner Von Feldt said the intent was for people to build safer structures. They should be encouraged to build outside of the fault setback as much as possible. But, if they were already in the fault setback and wanted to put more things in the fault setback, they should be required to improve the safety of the existing structure. Commissioner McIntosh agreed it was different if the addition was outside of the fault setback. People should be encouraged to upgrade the existing structure with any addition being up to code. The question was what level of improvement. The cost could be worse than building more.

Responding to Commissioner Zaffaroni, Mr. Sayre re-iterated that he would like to see new additions built structurally independent. Town Planner Mader noted that it could be a second story. Commissioner Zaffaroni said if it was a second story, something should be required to make the first story more stable. Town Planner Mader noted that it would not be structurally independent. Additionally, this was limited to 50% of the value of the existing structure. That would limit the size of the addition. The question was, if they were allowed to do that, should they be required to do some structural improvements to the existing structure.

Commissioner Zaffaroni read from Section XI.4 of Resolution 500: "Particular attention shall be given to the method of attachment of the addition to the existing building. Improvements to the existing building's structural stability and foundation are required in order to help minimize the potential for structural failure." She felt that language could be used. Mr. Sayre said it was appropriate. Commissioner McIntosh said he liked the XI.4 wording.

Commissioner Von Feldt said she agreed that those parts of the project considered seismic upgrades should be excluded from the 50%. Commissioner Zaffaroni said that was her suggestion because she had been through it. If the cutoff was 50% and they were going to do a really good job with seismic retrofitting, they would use up all of that. It was very expensive work. Town Planner Mader said seismic upgrade being excluded was a preamble to all of the proposed provisions.

Commissioner Zaffaroni said the Commission needed to address remodels, which were not additions. Town Planner Mader reviewed the language in item #2 of the staff report that pertained to remodels. He said "resistance to seismic forces" was his wording and that there might be structural engineering wording that was more appropriate. Commissioner McIntosh said he liked the language proposed. It said bring it up to the building code, and he thought it should be kept general. Commissioner Von Feldt agreed it should be kept general. There was a whole range of remodeling issues. Responding to Commissioner Von Feldt, Mr. Sayre said "resistance to seismic forces" essentially accommodated design for the ground shaking forces that were specified in the current State building code. The forces were specified as were the measures to deal with those forces.

Commissioner Zaffaroni asked about situations that required repair where someone had extensive termite damage. In those kinds of situations, the person would have to make some repairs. A remodel could be someone putting in new kitchen cabinets and new appliances and some new flooring. She questioned whether the Town should require that the building's resistance to seismic forces be upgraded. It was not as clear as an addition. It was more equivalent to furnishings. Some people liked to put a lot of money into wall treatment, flooring, rugs, etc., which could add up to significant amounts of money. She asked how an internal change would be determined and how requirements for seismic resistance could be made commensurate with what was being done. Commissioner McIntosh thought it was cosmetic versus structural. Cosmetic shouldn't trigger seismic resistance. He felt "remodel" was too general. Town Planner Mader said even if you put in new kitchen cabinets, you could make them more seismically safe in terms of latches, sliding doors, etc. The statement in the staff report was conceptual. He agreed you should make structural upgrades commensurate with the improvements you were making. If you were re-doing your kitchen and changing a wall, you would pay attention to the structural aspects.

Commissioner McIntosh said the question was what triggered the seismic requirements. He felt "structural changes" should be the key issue. Town Planner Mader said if someone was putting in a lot of money into remodeling the inside of the building but was not changing it structurally, the question was whether they should consider something to provide more structural security. Commissioner McIntosh said they would be crazy not to, but it should be their choice. He suggested using the term "structural remodeling." Commissioner Von Feldt liked the idea that the seismic upgrade should be commensurate with the amount of remodeling. The overall goal was to improve the safety of these homes that were already in dangerous situations without creating an undue burden. Responding to Commissioner Von Feldt, Commissioner McIntosh said he did not think putting hundreds of thousands of dollars into Brazilian cherry wood floors was commensurate with requiring them to improve safety. Commissioner Zaffaroni said it was the same as

buying expensive furniture or throw rugs. It could be overreaching to require seismic upgrade. Commissioner Von Feldt said it related more to the scope of the remodeling. Town Planner Mader said any structural remodeling should be up to the code. The question was how far beyond that the Town should go.

Commissioner Von Feldt said it made more sense to have a lot of latitude. It would be hard to know all the different scenarios and react to them. Town Planner Mader said that was why it was written the way it was in the staff report. If the remodel was less than 50% of the building's value but included structural changes, he thought there should be some basic seismic upgrades without having to redo everything. He suggested requiring that it be up to code.

Commissioner Von Feldt noted that only changes up to 50% would be allowed. Commissioner McIntosh said the Town shouldn't discourage any seismic upgrade if they wanted to do that. Commissioner Zaffaroni said if someone wanted to remodel 60% of their house, they would have to raze the house and rebuild. Town Planner Mader pointed out that they couldn't rebuild in the same location. Commissioner Zaffaroni said it seemed a little Draconian that you couldn't remodel up to 60%--especially if it was internal and not structural. Town Planner Mader said the question was to what extent houses at risk should be perpetuated rather than ultimately located someplace else as they aged. The more you allowed people to invest in a structure that was in a hazardous location, the more you perpetuated the use.

Commissioner McIntosh said as long as you weren't on the fault and you were upgrading an existing building to make it safer from shaking, that should be permitted. Commissioner Von Feldt pointed out that seismic upgrades were excluded from the 50% limitation. These were all upgrades outside of seismic upgrades.

Commissioner Zaffaroni said an addition or reconstruction of some part of the building was different because you were taking down part of the building and reconstructing. If you were talking about simply cosmetic remodeling, she had some difficulty with the 50% concept. Some of these buildings would be very small, and remodeling work could easily reach that threshold. That might force someone to raze their building and rebuild it.

Commissioner Von Feldt said Commissioner McKitterick indicated that the goal was that in 100 years, there wouldn't be any buildings astride the faults. The more you let people continue to invest in a home that was sitting on a fault, the less likely they would be moved any time soon.

Commissioner Zaffaroni said she didn't have any problem with the 50% rule except when you were talking strictly about cosmetic internal remodeling. Councilmember Richards said anyone coming in with an application would not include the fact that they wanted to put in a \$500,000 floor. If the main concern was the value, he did not think that would be an issue. Commissioner Zaffaroni said if someone was going to be reconstructing or putting in an addition, there were good grounds to require upgrades for safety purposes. If someone was not in any way touching their home structurally and they were just doing cosmetic internal work, it was very different to say that they had to do structural work to make it safer.

Commissioner McIntosh said if you did an extensive remodel and you upgraded seismically but you were within the fault setback, you were not creating any more danger as long as you were improving the structure. You were not creating more danger for future generations because you were only trying to address shaking. For remodels, he liked putting aside seismic upgrades from the 50%. If someone wanted to invest in significant remodeling, seismic upgrade should be required. The focus should be on improving the safety of existing structures. There would be people who would tear it down to one stud, but that was okay as long as you were in the footprint.

Town Planner Mader said the Council's position with respect to fire hazard was to try to get rid of all the buildings that were hazardous. In fifty years, there wouldn't be that many flammable buildings, and they would all have new materials. Commissioner Zaffaroni said that was more plausible than not having anything in the fault setbacks. Town Planner Mader said if you had a hazard now, the question was how

much do you do to try to reduce the hazard. With respect to fire hazard, the Council didn't want to have that any more. With houses in fault setbacks, the question was whether you wanted to keep those or eventually try to phase them out.

Commissioner Zaffaroni said the question was whether to impose the 50% rule with respect to internal cosmetic remodeling. Town Planner Mader said "cosmetic" should be defined. Commissioner Zaffaroni said repairs had not been discussed. There had been cases of massive termite damage. Commissioner Von Feldt thought the 50% requirement might be waived for repairs.

Commissioner McIntosh said the criteria the Council used with respect to fire retardant materials in the future was safety. Safety should be the criteria used here as well. Rather than cosmetic, he thought it should be structural or non-structural. You didn't want to encourage more building in the setbacks. But, you did want to encourage better structural integrity. Responding to Town Planner Mader, he said there should be some limit—perhaps two-thirds—for remodeling to discourage taking everything down but one stud.

Town Planner Mader said you could do a geologic study and find out the best information about the fault rupture. You could set back a minimal distance that was reasonable from that for fault offset questions. Then you could just rebuild without meeting the 50' setback for an existing structure. One could argue that you could rebuild close to a fault if you knew where it was with reasonable safety. The issue was whether you wanted to have setbacks. Commissioner McIntosh said if you could do your own seismic study and convince the Town's consultants that there was no risk other than shaking, you should be able to rebuild the existing structure within the existing footprint and existing square footage as long as it was designed for safety. The question was whether there was a desire for safety or a desire to have everyone conform to the 50' setback.

Town Planner Mader said the Town had said that the 50' setback was important. The question was to what extent you wanted to allow deviations from that. Commissioner Zaffaroni said equally situated properties needed to be treated equally. You shouldn't tell new property owners they couldn't build there and at the same time tell somebody else, who could move out of the setback, that they could rebuild right where it was. The Commission needed more guidance and more options. She saw right away that it was very complex because there were so many variations. There was remodeling that was strictly cosmetic, remodeling that would require alternations, repairs, etc. A repair was not remodeling if it was rebuilding exactly what was there. But, it would come up especially with these older homes. There was also remodeling that was strictly cosmetic and internal and remodeling that might require alternations.

Town Planner Mader said the Commission needed to reach agreement on the philosophy of this and what the Town was trying to accomplish. The Council had laid down the philosophy of increasing safety from fires on structures. For fault setbacks, one philosophy was that the Town wanted to eventually get these buildings out of fault setbacks. Another one was that people who already had homes should be given considerable latitude to improve them. He said Commissioner McIntosh made the point that someone having an existing house that was not on the fault but within the fault setback should be able to upgrade and stay in that house as long as they didn't expand it. If the Town wanted to do that, it could be handled. Commissioner McIntosh added that the science indicated that the setback could be less than 50 feet, and it probably didn't make any difference if it was 30 or 40 feet. If the goal was safety, it could be structured in a way to encourage people to upgrade the safety of whatever buildings were within the setback as long as they were not on a fault. Safety should be the driving force. He also felt that some seismic improvements should be allowed without having to bring the entire structure up to code—especially if only cosmetic changes were proposed.

With respect to item number 3 in the staff report (p. 4) and where to measure the setback from, Commissioner Zaffaroni said she raised the question because she wanted to be sure that someone who had to deal with the different setbacks understood the distinction. She did not have any particular desire to change the language—especially after learning that the Committee that looked at it felt good about it. Town Planner Mader said it was easy to make the change suggested in the staff report. Commissioner Zaffaroni

said she was uncomfortable with changing it since it had gone through so much vetting.

Responding to Commissioner Zaffaroni, Mr. Sayre said he liked the idea of measuring from the centerline of the trace versus the edges. It would simplify the procedure and allow some consistency with how inferred traces were handled. Responding to Commissioner Von Feldt, Town Planner Mader said if a fault ruptured and the zone of rupture was 5' wide, you would measure from the centerline of it. Mr. Sayre used a diagram and discussed: a) the 50 foot setback from a known trace; b) the 100' setback for inferred; c) probable width of an inferred trace; d) en echelon traces at Town Center, length/width of tears and angles from general fault trend; and e) measuring from side versus centerline and resulting setbacks.

Town Planner Mader said he agreed with Mr. Sayre that using the centerline was a good thing to do. Responding to Commissioner Zaffaroni, he said he did not think it needed to go back to the Geologic Safety Committee.

Town Planner Mader said at the next meeting, remodels would be addressed.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Chair Gilbert rejoined the Commission

Town Planner Mader described the Conroe project on Los Trancos Road. He discussed: 1) two parcels involved; 2) referral from the City of Palo Alto; 3) changes to zoning since the application was filed; 4) allowable FAR of 50% and impervious surface of 3.5%; 5) house size of 11,184 sf and impervious surface at 5,400 sf; 6) renderings of the house design and materials; 7) visibility from off site; 8) conversations with Mr. Conroe about the two Canary Island date palm trees and planting additional trees along the road; and 9) the 50' setback from the creek. He said the Town received a copy of the mitigated negative declaration, and comments were due 4/4/10. The Palo Alto planning commission would consider this on 3/24/10. Ultimately the project had to be approved by the city council because it was in the open space district. He did not think the Town could say a lot about the design of the building. But, the Town could talk about the impact off site—particularly the date palms and view from Los Trancos Road.

Commissioner Von Feldt said some redwoods remained on the site that put the oaks at risk. The native vegetation should be preserved. She suggested asking 1-2 members of the Conservation Committee to look at the site and bring up any concerns about the vegetation. Responding to Commissioner Zaffaroni, Town Planner Mader said it would be hard to argue that the impact of the size of the house would be significant. It would not be visually prominent to Portola Valley. Commissioner Zaffaroni suggested Chair Gilbert talk to the Ranch about the project so people could see if they would be impacted.

Town Planner Mader said he would draft a letter for the Chair of the Planning Commission to sign.

Chair Gilbert introduced Kate Sivoka (sp) who would be shadowing the Planning Department/Commission as part of the mentoring program.

APPROVAL OF MINUTES

Commissioner Zaffaroni and Chair Gilbert submitted changes to the minutes of the 3/3/10 meeting. By motion and second, the minutes were approved as amended by a vote of 3-0, with Commissioner McIntosh abstaining.

ADJOURNMENT: 10:30 p.m.

Denise Gilbert, Chair

Leslie Lambert

Planning Commission

Planning Manager