TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
765 Portola Road, Portola Valley, CA 94028
Wednesday, May 5, 2010 – 7:30 p.m.
Council Chambers (Historic Schoolhouse)

AGENDA

Call to Order, Roll Call

Commissioners McIntosh, Von Feldt, Zaffaroni, Chairperson Gilbert, and Vice-Chairperson McKitterick

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. Continued *Preliminary* Review of the Town's Geologic and Ground Movement Potential Maps, Related to Zoning Provisions, Land Use Policies and Fault Setbacks

2. *Preliminary* Review of Proposed Revisions to the Safety Element of the General Plan

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: April 21, 2010

Adjournment

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Technician at 650-851-1700 ext. 211. 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 branch of the San Mateo County Library located at Corte Madera School, Alpine Road and Indian Crossing.

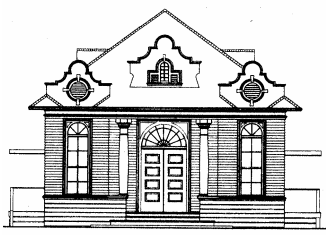
PUBLIC HEARINGS

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

This Notice is posted in compliance with the Government Code of the State of California.

Date: April 30, 2010

Carol Borck
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO : Planning Commission

FROM : George Mader, Town Planner

DATE : 4/29/10

RE : Continued Preliminary Review of Revised Geologic and Ground Movement Potential Maps, Related Zoning Provisions and Land Use Policies

Recommendation

It is recommended that the planning commission consider the responses in this memo to issues raised at prior planning commission meetings and provide direction.

Background

The planning commission has grappled with three questions at its meetings on 3/10/10, 3/17/10 and 4/21/10. The questions are:

1. Should any buildings be permitted in fault setbacks?

2. What constraints should be placed on remodels and additions to buildings within fault setbacks?

3. Can the confusion caused by providing for fault setbacks on both sides of a fault on one hand, and providing for fault setbacks from the centerline of a fault trace on the other hand be resolved?

Each of these questions is discussed below.

Should any buildings be permitted in fault setbacks?

Based on commission discussions, the following provision is suggested:

> Buildings, as defined in Section 18.040.070, are not allowed within fault setbacks; however, non-habitable buildings that do not exceed 120 square feet and are used as a tool shed, an ornamental garden structure, an animal shade structure, an agricultural building or for a similar use, are permitted. Other non-habitable buildings not exceeding 120 square feet, and of a similar nature and use may by permitted by staff or by the planning commission upon referral by staff.

What constraints should be placed on repairs, remodels and enlargement of buildings within fault setbacks?

Following are three suggested options. It is suggested the commission discuss the options and provide direction since this is essentially a policy decision. Each option restricts additions to no more than 500 sf. The reason for the 500 sf limit is described in footnote (1). Option 1 allows projects where total construction costs do not exceed 50% of the buildings value. Option 2 excludes the costs of seismic upgrades and thus the 50% limit applies only to the other aspects of a remodel or addition. Option 3 puts no limit on the cost of construction.

Option 1 - Buildings within fault setbacks that do not cross a fault trace may be altered, repaired, remodeled and enlarged up to a cumulative total of 500 square feet provided construction costs do not exceed 50% of the appraised value of the building. (1)

Option 2 - Buildings within fault setbacks that do not cross a fault trace may be altered, repaired, remodeled and enlarged up to a cumulative total of 500 square feet provided construction costs, other than for seismic upgrades, do not exceed 50% of the appraised value of the building.

Option 3 - Buildings within fault setbacks that do not cross a fault trace may be altered, repaired, remodeled and enlarged up to a cumulative total of 500 square feet.

There has also been concern that improvements include consideration of seismic strengthening. The following is suggested for consideration.

> For any construction project for buildings within a fault setback that requires a building permit, the construction work shall incorporate seismic strengthening as required by the building code or that is recommended by the building inspector and town geologist as being related to and commensurate with the work subject to the permit.

There was also concern about additions outside a fault setback to buildings within a fault setback. The following is suggested for consideration.

> Additions may be made outside a fault setback to buildings crossing a fault setback provided the two buildings are structurally independent of one another or of appropriate design so the fault movement under the building within the fault setback will likely not result in fault-caused damage to the addition. The addition should conform to building code standards in effect at the time of building permit approval.

(1) If the objective is to limit exposure to hazards, there does not appear to be a good argument for increasing the floor area of a building and its potential occupancy in a fault setback. A small amount of additional floor area might be permitted for minor exterior alterations. A 25% limit would be excessive, for example, a 4,000 sf house with a 25% increase in floor area would allow an additional 1,000 sf, an amount of floor area that could easily accommodate additional bedrooms and occupancy. Rather than allowing a percentage increase, allowing a small amount, such as 500 sf, would allow some exterior changes but not likely result in additional occupancy.

Provisions of Resolution No. 2279-2006

Commissioners asked for information about provisions of Resolution No. 2279-2006 with respect to the definition of "alteration and repair" and "floor area" limitations with respect to deviations. Following is a summary:

Alteration and Repair Alterations and Repairs occur when construction costs do not exceed 50% of the Appraised value of a building.

Reconstruction Reconstruction occurs when construction costs exceed 50% of the appraised value of a building. (Sec. 18.46.050 of the zoning ordinance requires that reconstruction comply with the fault setback or be no closer than 50 ft. of the most recent fault rupture.)

Appraised Value Appraised Value is the market value of a structure secured by the applicant and reviewed and accepted by staff. If damage has occurred, the Appraised Value shall be the market value of the building immediately prior to being damaged. Staff may waive the appraisal if Staff believes information submitted is sufficient for making a determination.

With respect to all deviations, it must be demonstrated that "such Deviations will not unduly jeopardize human safety, public property or private property, and will be consistent with the provisions of the General Plan, including those requiring that development be guided to reduce the exposure of people and improvements to physical hazards such as earthquakes and landslides."

With engineered design, deviations are allowed for legal buildings on legal parcels and buildings can reach floor area, heights, etc. allowed in the zoning district.

Without engineered design, building footprint, weight, floor area and height can be modified but only as a part of increasing the structural safety of a building. In any case the floor area increase cannot exceed 25%.

Now, what is the relevance of the above provisions with respect to fault setback regulations?

An engineered design in a landslide area, if the foundation is extended to stable material, can provide considerable safety. In a fault area, safety from fault offset cannot be achieved unless a massive mat foundation is provided which would likely be prohibitively expensive and even then would not provide absolute safety. Accordingly, an engineering design in a fault setback would likely not protect against damage from fault offset.

A project without an engineered design in a landslide area is only allowed additional floor area as a part of increasing structural safety. This could be a financial inducement for a person to increase structural safety. In a fault setback area, some additional floor area might be allowed if it contributed to safety from fault offset. The problem is that in a fault setback, as opposed to a landslide area, increase in

structural safety will probably result in less additional safety than possible in a landslide area.

Measurement of Fault Setbacks.

It has been agreed that fault setbacks should be measured from the centerline of the earthquake fault.

Use of the 50% Limitation in Planning Regulations

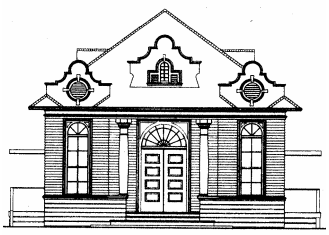
A question was raised at the last meeting with respect to the use of the 50% limit in the zoning ordinance when determining what is and is not allowed. The zoning ordinance includes the 50% provision in Sections 18.46.030, 18.46.040 and 18.46.050. Section 18.46.030 relates to replacement of involuntarily damaged or destroyed nonconforming structures or a structure occupied by a nonconforming use. Section 18.46.040 relates to voluntary demolition of a nonconforming structure or any portion thereof. Section 18.46.050 relates to replacement of buildings in earthquake fault setbacks. This last section provides in general that a building damaged less than 50% of its "…current appraised value as defined in Section 18.46.030 at the time of the damage…" may be reconstructed but not enlarged, but if damaged more than 50%, the building must be constructed to conform to the fault setback. Note: Section 18.46.050 is more complicated than noted here and if commissioners want to see the full text they should look at their copy of the zoning ordinance.

In the above paragraph a reference is made to current appraised value as defined in Section 18.46.030. That section uses the following language "…the structure's current appraised value at the time of damage,…"

Recommendations

It is recommended that the commission consider the three questions addressed in this memo and provide direction. When concurrence is reached, we will combine the results along with prior comments on the revised geologic and ground movement potential maps, related zoning provisions and land use policies into complete documents and set the items for public hearing before the planning commission. We will also complete CEQA documentation for the several items.

Cc. Leslie Lambert
Sandy Sloan
Ted Sayre
Steve Toben
John Richards
Angela Howard



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO : Planning Commission

FROM : George Mader, Town Planner

DATE : 4/28/10

RE : Preliminary Review of the Draft Revised Safety Element

Recommendation

The planning commission should review the enclosed draft of a revision of the safety element of the general plan. After the commission has concluded its preliminary review, the element should be set for public hearing. Following that, the commission will forward its recommendations to the town council for its hearings and adoption.

Background

State law provides that at least five of the required seven elements of the general plan be updated at least every ten years. As a warning, the Governor's Office of Planning and Research notifies jurisdictions when elements haven't been revised in the last eight years. Following is a list of the required seven elements and where the town stands with respect to each element:

Land use element, revised in 1998
Circulation element, revised in 1998
Housing element, revised in 2010
Conservation element, revised in 1998
Open space element, revised in 1998
Safety element, revised in 2010
Noise element, adopted in 2009

With revisions to the safety element in FY 09/10 and anticipated revisions to the conservation and open space elements in FY 10/11, the town will be in compliance with state provisions. Revisions should be made to the land use and circulation elements in FY 11/12.

The safety element was adopted in 1975 and then amended in 1977, 1980 and 1998. In each revision, new information about geologic, fire and flooding hazards was incorporated. Also, policies were modified or added as appropriate. The current revision again adds new information with respect to hazards as well as new policies.

Major Changes to the Safety Element

A considerable amount of new information has become available since the element was last revised in 1998, or twelve years ago. Major new information includes the revised geologic and land movement potential maps prepared by the town geologist as well as the William Lettis & Associates study of faulting at the town center. Also, the town has, for the first time, detailed fire hazard maps prepared by Moritz Arboricultural Consulting. In addition, the state has issued new maps showing landslide prone areas and areas subject to liquefaction as well as areas of earth shaking. Also, the town now has revised federal flood insurance rate maps. All of these sources of information were used in the revision of the safety element. The extensive bibliography at end of the element lists many sources of information relevant to the element. The list is particularly important since it provides information relied upon when revising the element and provides a substantial justification for town policies.

Rather than describing the many changes to the element, we are **providing** both tracked and un-tracked versions of the element. With this information, commissioners should be able to easily locate the changes.

Review Process

We have worked closely with Ted Sayre in making changes to the geologic provisions. We relied on other sources for changes relating to other topics such as fire and flooding. Finally, we referred the draft for review to individuals and committees with responsibilities related the provisions of the element, these included: town geologist, town engineer, town building inspector, geologic safety committee, emergency preparedness committee and Woodside Fire Protection District. We have now received responses from all of the above and have incorporated their recommended changes. **Enclosed** is a copy of the referral memorandum dated 1/7/10. We have not completed the CEQA analysis, but will do so prior to public hearings.

Maps

Leslie Lambert will email the geologic and land movement potential maps to each commissioner. The fire map is available on the town web site. If any commissioner needs assistance, please contact Leslie.

Next Steps

It is now appropriate for the planning commission to review the draft safety element and suggest any changes it believes are appropriate. Ted Sayre will be at the meeting to answer questions. We are also **enclosing** a copy of the portion of the state planning law that pertains to the safety element. We believe the draft element is responsive the requirements of the state law.

Encl.

cc. Planning Commission
Sandy Sloan
Leslie Lambert
Ted Sayre
Steve Toben
John Richards
Angela Howard