

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

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

Present: Commissioners Arthur McIntosh, Alexandra Von Feldt and Leah Zaffaroni, Vice Chair Nate McKitterick and Chair Denise Gilbert

Absent: None

Staff Present: Leslie Lambert, Planning Manager
Tom Vlastic, Town Planner
Karen Kristiansson, Principal Planner
John Richards, Town Council Liaison

ORAL COMMUNICATIONS

Prompted by Vice Chair McKitterick's comments at the Planning Commission's meeting on October 20, 2010, Commissioner Zaffaroni distributed copies of the material in the General Plan related to institutions.

REGULAR AGENDA

- (1) Preliminary Review: Conditional Use Permit X7D-146, T-Mobile West Corporation [continued to future date]
- (2) Study Session: Zoning Ordinance Amendments for Implementation of Provisions of the Adopted and Certified Housing Element of the General Plan

Ms. Kristiansson referenced the staff report of October 28, 2010, noting that some of the changes proposed to the Town's Zoning Ordinance in respect to the Housing Element are needed to comply with State law. These changes include amendments to allow emergency shelters, and residential care facilities for up to six people by right in residential districts or with a conditional use permit for seven or more people. Also required are amendments to ensure that regulations governing farmworker housing, transitional housing and supportive housing are consistent with State law.

In addition, Ms. Kristiansson explained, other proposed changes would strengthen Portola Valley's housing programs. These include allowing staff-level review of certain types of second units, permitting the Town Council to waive or reduce fees for projects that have 50% or more of the units set aside for moderate- or low-income households, and creating a reasonable accommodations ordinance to enable people with disabilities to apply for exceptions to Town standards and regulations if such exceptions are needed to use and enjoy their residence.

A final group of proposed amendments includes a number of clean-up items, such as replacing the narrower term "church" with the broader "religious institutions," removing golf courses from the list of conditional uses in RE Zoning Districts, removing references to accessory structures in the section that limits the height of second units and to second-unit amnesty inasmuch as that program has expired.

Ms. Kristiansson indicated that any further recommended changes resulting from the Town Attorney's further research of the farmworker housing issue will be incorporated in the draft amendments prior to the public hearing, which is tentatively scheduled for the Planning Commission meeting of December 1, 2010. In terms of CEQA, the proposed changes should have no significant environmental impact because they were considered as part of the Housing Element, which had no significant environmental impact. Furthermore, none of the amendments would significantly affect the use or development potential of land.

Staff is asking the Planning Commission for comments and direction, which will be incorporated into the draft amendments as appropriate prior to the public hearing.

Second Units

In response to Vice Chair McKitterick, Ms. Kristiansson explained that in order to count as a second unit, a structure requires a door to the outside. It could be a space over a garage, for example, and it would be subject only to staff review provided that it does not exceed 400 square feet.

Commissioner Zaffaroni referenced Section 18.12.040.B.4., which would authorize staff review for approval of up to 400 square feet, an increase over the current 200 square feet, and Section 18.12.040.B.17., which would permit second units of up to 750 square feet to be created by converting space in an existing home. She asked whether a property owner could combine the two, converting 750 square feet and adding 400 square feet, and still need only staff approval. Mr. Vlasic explained that anything larger than 750 square feet total for the second unit would trigger ASCC review.

Chair Gilbert suggested that the provisions in Section 18.12.040.B.17 be moved closer to Section 18.12.040.B.4.; both Ms. Kristiansson and Mr. Vlasic agreed.

Commissioner McIntosh asked whether the State would not count as a second unit one that is within the existing perimeter of a house. Ms. Kristiansson explained that the State would consider it a second unit provided that it has its own entrance as well as a kitchen and bathroom. Boarding house regulations would apply if the owner were to merely rent a room; it would not constitute a second unit.

Regarding Section 18.12.030, Commissioner Von Feldt questioned the deletion of the material in item H. in conjunction with the fact that the following point (I.) says "not used." She requested further information about the employee housing for qualified agricultural uses (an addition to the section). Ms. Kristiansson said that the lettering would be clarified. In terms of the agricultural housing, she explained that this is one of the areas that the Town Attorney continues to research, but essentially the California Employee Housing Act requires a dormitory for up to 36 farmworker-employees or 12 single-family dwellings for farmworker-employee families to be treated as an agricultural use. An area that remains unclear is what conditions, if any, are appropriate inasmuch as agricultural uses in Portola Valley are conditional uses that require conditional use permits. Among the things being clarified is whether such housing would have to be physically located on the same property that has an agricultural CUP, and how the State law might (or might not) affect Town conditional use permit findings in regard to agricultural uses and farmworker housing.

Waiver of Fees

Commissioners had no objections or questions about the proposal to amend zoning ordinance Section 18.34.070 to allow some or all fees to be waived for projects in which at least 50% of units will be set aside for households with moderate incomes or below. Mr. Vlasic pointed out that one of the provisions specifies a minimum number of units (10) so that no one comes in requesting a waiver for a property with a second unit claiming it is a low- or moderate-income residence.

Emergency Shelters

In response to Vice Chair McKitterick's suggestion that if the new language for Section 18.12.040.K comes from State law, the section should reference the relevant statute, Ms. Kristiansson explained that not all of the standards included in the proposed amendment are included in the State statute. The definition of an emergency shelter, she said, does reflect the State statute. Incorporated in the proposed addition of Section 18.04.153, she said, an emergency shelter "provides temporary housing, usually for six months or less, with minimal supportive services for homeless persons."

Chair Gilbert questioned the on-site parking allowance for "one space per 0.35 beds" (18.12.040.K.5), which translates into more than three parking spaces per bed. Mr. Vlasic and Ms. Kristiansson said that the language will be changed to "one space per 3.5 beds."

Removal of Constraints to Housing for People with Disabilities

Chair Gilbert noted that some referenced sections, including Sections 18.12.020, 18.14.020, and 18.16.020, were omitted from the attachment. Ms. Kristiansson said that instead of editing those sections, the appropriate changes were addressed in the revision proposed for the definition of Household, so that the definition will comply with State law. Accordingly, the proposed Section 18.04.23 would read: "'Household' means either 1) an individual or two or more persons living together sharing household responsibilities and activities; or 2) the occupants of a residential care facility, including transitional and supportive housing, serving six or fewer persons. For purposes of this definition, 'six or fewer persons' does not include people employed as facility staff." Vice Chair McKitterick said that while some of the language targeted for deletion might be discriminatory (e.g., "related by blood or marriage"), he would like to preserve the current "anti-frat house" purpose of the current definition if possible, with appropriate non-discriminatory language. Ms. Kristiansson said that the Town Attorney is also working on this.

In response to a question from Commissioner Zaffaroni, Ms. Kristiansson clarified that a residential care facility could house as many as six individuals being cared for, plus live-in caretakers.

Farmworker Housing

Ms. Kristiansson confirmed that further changes to the "Household" definition in Section 18.04.023, based on the Town Attorney's findings, will address farmworkers.

Transitional and Supportive Housing

In response to a question from Vice Chair McKitterick, Ms. Kristiansson said that the proposed definition of supportive housing incorporates and clarifies the State's definition. Consequently, the proposed Section 18.04.515 reads, "'Supportive housing' is housing licensed by the State with no limit on length of stay, that is occupied either by adults with low-income having one or more disabilities or by individuals eligible for services provided under the Lanterman Developmental Disabilities Act (Welfare and Institutions Code, Section 4500 et seq.), and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health, and maximizing their abilities to live and, when possible, work in the community."

Vice Chair McKitterick suggested referencing State statutes for definitions of supportive housing, transitional housing and residential care facility, e.g., ". . . as defined in California Code Section" That way, he explained, the Town would avoid the need for further revisions to the zoning ordinance that otherwise would be triggered by any changes in the wording in the applicable statutes. Ms. Kristiansson said she would consult the Town Attorney for her opinion. Chair Gilbert said she prefers the Town using its own definitions because referencing other documents puts more of a burden on residents, and Mr. Vlasic agreed, saying that he would rather face an amendment to a definition than be uncomfortable with a State definition.

Clean-Up Items

Commissioner Von Feldt wanted to confirm whether deletion of what was Section 18.12.030.D.3. means that "golf courses with standard length fairways" would no longer be allowed as permitted conditional uses. Mr. Vlasic confirmed her understanding. (The proposal includes renumbering items 3-6 to adjust for the removed item.)

Reasonable Accommodations Ordinance

In response to questions from Vice Chair McKitterick, Ms. Kristiansson said that the proposed ordinance is based on a State model and does not differ from the model in any significant ways. Mr. Vlasic added that the proposal does include a bit more information about appeals than the State model.

Because a number of people at The Sequoias have disabilities, Commissioner Zaffaroni asked if this particular ordinance is expected to have an impact on that facility. Mr. Vlasic explained that because The Sequoias' use permit governs development and use of the units and the care facilities, he does not expect the ordinance to have any bearing. The problems with road accommodations and parking do not involve access to any of the units, he added. In response to another question that Commissioner Zaffaroni posed, Ms. Kristiansson confirmed that the Census 2000 estimate that 10% of Portola Valley's population has disabilities would include residents of The Sequoias.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said that the Wireless Task Force is being assembled, and although Commissioner Zaffaroni had previously volunteered, due to other commitments she now cannot represent the Planning Commission on the Task Force. The first meeting will be at 1:30 p.m. on Thursday, November 11, 2010. Chair Gilbert volunteered, but indicated that she cannot make the first meeting.

APPROVAL OF MINUTES

Commissioner Von Feldt moved to approve the October 20, 2010 minutes as amended; Vice Chair McKitterick seconded and the motion carried 5-0.

ADJOURNMENT: 8:25 p.m.

Denise Gilbert, Chair

Leslie Lambert
Planning Manager