

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, DECEMBER 1, 2010, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Vice Chair (Acting Chair) Nate McKitterick 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, and Vice Chair (Acting Chair) Nate McKitterick

Absent: Chair Denise Gilbert

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

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

(1) Public Hearing: Proposed Lot-Line Adjustment X6D-209, Dwight, Woodward and Town of Portola Valley, 470 Wayside Road and 480 Wayside Road

Mr. Vlastic, referring to his November 23, 2010, memorandum to the Planning Commission on this proposed lot-line adjustment matter, indicated that this proposal is a straightforward one that comes to grips with long-standing property-line problems. The Town's opportunity to review lot-line adjustments is limited, but the ASCC did review the proposal and offered no additional comments. Since the Planning Commission's preliminary review on November 17, 2010, all that has been changed are some technicalities in the legal descriptions needed for the recording of the lot-line adjustment. Staff is recommending a CEQA finding of compliance pursuant to categorical exemption Section 15305 and approval of the lot-line adjustment.

In response to Vice Chair (Acting Chair) McKitterick, Mr. Vlastic said there have been no changes to the application aside from the previously noted corrections, and no public comments since the preliminary review. With no comments from commissioners, Vice Chair (Acting Chair) McKitterick opened the public hearing.

Representing the applicant, attorney Kent Mitchell, indicated that he would answer any questions. With no public comments, Vice Chair (Acting Chair) McKitterick closed the public hearing and brought the matter back to the Commission for discussion. Commissioner Zaffaroni said that the lot-line adjustment proposal is a desirable outcome for all involved to bring property boundaries in line with improvements on those properties. The other Commissioners concurred.

Commissioner Von Feldt moved to find the project categorically exempt pursuant to 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 with the conditions that a deed or record of survey and certificate of compliance be recorded for each parcel, that these documents satisfy the Public Works Director and Town Attorney, and that the Public Works Director determines that the final legal descriptions have been corrected properly. Commissioner Zaffaroni seconded, and the motion carried 4-0.

(2) Preliminary Review of Subdivision Proposal X6D-210, 1260 Westridge Drive, Shorenstein Realty

Describing the subject property as a unique 11.6-acre parcel, Mr. Vlastic referred to his November 23, 2010, memorandum for a discussion of the proposed subdivision. More information must be submitted before the application is complete, he said, and indicated that a site meeting with the ASCC is tentatively scheduled for December 13, 2011. In response to Vice Chair (Acting Chair) McKitterick, he said that it would be a noticed meeting, open to the public.

Vlasic explained that the applicant has expressed a desire to hold the properties together as they are now for marketing as a single estate parcel, but is pursuing this proposal to determine its subdivision potential. The staff report evaluates the proposal against the basic provisions of the zoning and subdivision ordinances and the General Plan. Mr. Vlasic said that the proposed density and lot sizes are well within all provisions. The parcel is long and narrow, with setbacks and some constraints vis-à-vis Corte Madera Creek, but the density is considerably lower than specified in existing zoning provisions.

Mr. Vlasic explained that the attempt is to come up with a plan that makes use of a level parcel surrounded by and containing unusual landscaping and house improvements to minimize the need for changing what's there. In particular, he pointed out, the plan would incorporate the existing driveway within a private access easement system that would serve all three lots for a short distance. After that, it would serve two of the lots for a longer distance, and then continue to the third lot. The applicant apparently prefers to keep it a private facility, which the Town also encourages for projects of this size. He added that staff also has encouraged a Planned Unit Development (PUD) process that would allow the applicant's proposal to proceed without exceptions that would otherwise be required, such as frontage on a public road.

To clarify discussion in the staff report, Mr. Vlasic said that with regard to the floodplain designation, on Lot A, the designation extends from Westridge Drive, along Corte Madera Creek on the westerly part of the property and also over a drainage extension that is not identified as a creek. The subdivision design suggests an issue with specific provisions set forth relative to compliance with the FEMA map's 100-year floodplain boundary, but the project engineer has determined that the elevations on the FEMA maps allow for an adjustment to that floodplain boundary. Accordingly, the Public Works Director – who also will conduct an engineering review of the project – has been asked to petition FEMA to either remove that boundary or at least identify it in conjunction with the field elevations. In any case, Mr. Vlasic said that most of the tree cover on the northwesterly portion of the property would be encumbered either by the floodplain or creek setback requirements. The PUD process also allows the Town to set boundaries to take such conditions into account and work with the design team as the project moves ahead. In response to questions from Commissioner McIntosh, Mr. Vlasic showed the locations being discussed on the vicinity map.

Mr. Vlasic also noted that the Town has run updated estimated floor area calculations that take into account the changes made to the subdivision layout to get more floor area attributable to the middle parcel (Lot B), which contains the existing improvements. Those adjustments increase the permitted floor area by about 220 square feet. He said that staff will continue working with the design team to determine how to best proceed with further adjustments that will be necessary to address floor area, impervious surface area and related issues.

Mr. Vlasic further noted that tree cover around the property boundary is significant, as is redwood tree separation between the driveway and the building site on the lot closest to Westridge Drive. While the building sites have relatively generous open areas, they have a lot of relationship to one another, so the PUD approach makes sense. At this time, one of the sites incorporates a tennis court, which may or may not remain if the property is subdivided.

In response to Vice Chair (Acting Chair) McKitterick asking what findings the Planning Commission would have to make if there were PUD exceptions, Mr. Vlasic said they would primarily relate to frontage on a public road, a need for public road extension, a wider right-of-way and so forth. To deal with such problems in the past, he cited three lots at The Priory subdivision as an example. Veronica Place from Nathorst Avenue was a public right-of-way, and through the process of that subdivision being created, it was converted to a private road with standards reduced to driveway standards for the three lots. One of them is an extension from Antonio Court, and the other is an extension from Nathorst Avenue. Adjustments were made to what would otherwise have been access requirements. In connection with the Shorestein proposal, there could be some open space or conservation easements placed on more sensitive lands. In the case of The Priory, conservation easements were established to protect a drainage area (particularly on the parcel closest to the Hillbrook Drive properties) and to protect a slope visible from Portola Road.

If no exceptions were approved, Vice Chair (Acting Chair) McKitterick also inquired whether the project could still be subdivided within Town guidelines but with a somewhat contrived lot layout to obtain public road frontage. Mr. Vlasic said yes, emphasizing that it probably would result in a wider public right-of-way, a wider road serving the three lots, and a more complicated design. Due to several factors – including the fact that the property is so long and narrow, the established access and the established tree cover – he said that the PUD approach avoids all the exception questions in a way that is more suitable in this case than trying to work around the subdivision

standards. The Town is leaning away from requiring public road extensions (via subdivision provisions) toward putting the burden on the property owners (via the PUD process) because of the cost involved in maintaining the road systems. There would be a maintenance agreement under any circumstances, Mr. Vlastic explained, but that would be incorporated with the PUD to divide the maintenance costs among the parcels that make use of the access. Fundamentally, he said, the PUD enables a design that could be tailored to be more sensitive to site conditions and to create less disturbance to those conditions. The applicant could apply for it as a PUD as was done with The Priory subdivision and (on a much larger scale), the Blue Oaks Subdivision. It gives the applicant and the Town more flexibility in crafting the design to suit the property.

Commissioner McIntosh asked about staff's thinking in terms of size of the existing structure and impervious surfaces on the center lot (Lot B). Mr. Vlastic said closer examination will be needed to determine what adjustments would be needed to bring it as close as possible to Town standards. Noting that the existing house has some unique history, it might be possible to permit it as part of the PUD, with a provision stating that any rebuilding must meet whatever Town standards would be current at the time of construction. Generally, however, Mr. Vlastic confirmed that the PUD would have to conform to the ordinance and a variance might be required. He said the Blue Oaks project, with the Mariani barn, is the only instance he can recall when the Town permitted more floor area than would otherwise have been allowed without going through the variance process. Refurbishment and restoration work was not counted against the floor area limit otherwise applied to the property, he said. In response to a question from Commissioner Zaffaroni, he said that was a totally private project.

Commissioner VonFeldt requested clarification about what happens regarding the need to elevate the living areas on Lot A (the westerly lot) if the new FEMA floodplain boundary line is adopted. Mr. Vlastic said in that case, the issue goes away. In response to her question about whether the floor area data on page 4 of the staff report reflected the updates that Mr. Vlastic talked about, he said the calculations he mentioned applied to attributable floor area and impervious surfaces. The new numbers, showing an increase on Lot B, will be provided before the field meeting. Specifically, increases include 226 square feet of floor area for a conventional two-story building and 930 square feet of impervious surface. These changes would reduce the sizes of Lot A and Lot C, he added, but not dramatically.

Commissioner Zaffaroni asked why more of the acreage wouldn't be available for Lot B if the FEMA line can be adjusted for Lot A. She noted that with the minimum lot size at 2.5 acres for a subdivision and 2.7 acres for a PUD, there seems to be considerable leeway. At this point, Mr. Vlastic said there isn't much latitude in terms of adjusting that line with respect to Lot C and Lot B when considering the form and where they want to place the house. He also said more time will be spent looking at various options to deal with the floor area issue short of a variance, or with a variance depending upon how it plays out. In response to Commissioner Zaffaroni's question about whether a variance could incorporate a condition requiring preservation of existing improvements, he said that the answer is multifaceted. In part, he said, since the house was built more than 50 years ago, CEQA requires a review if someone proposes demolishing it to determine whether it has historic value. Because this is a unique setting and a unique house – considering its history of use as opposed to its architecture – it would undergo a review similar to the McKinney properties and the Patricia Law Homestead ruins. However, he noted that such a review would be required whether or not a variance is issued.

In response to Commissioner McIntosh, Mr. Vlastic confirmed that if the current structure were to be razed, any new structure would have to conform to Town standards at the time of construction.

Commissioner Von Feldt, observing that the house was built before Portola Valley had its maximum floor area allowance, asked whether the Blue Oaks subdivision is the closest comparable case – a project that does not comply but represents an improvement because it is subdivided. Mr. Vlastic said yes, from the standpoint of floor area. The only other situation he could recall in which preservation of a house as a part of a subdivision was allowed and granted a variance due to setbacks was on Georgia Lane. In that case, road widening that was mandated to serve the subdivision would have made the Reichardt home nonconforming in terms of setbacks. (The Reichardts owned the property at that time.)

Commissioner Von Feldt also asked about how the applicant's lot on Mapache Drive is involved. Mr. Vlastic said that it is identified and recognized as a separate property within the Westridge Subdivision area, and there is no mandate for it to be part of this ownership. The apparent intrusion of a portion of the improvement from Lot B onto the vacant Mapache-facing lot had previously been corrected by a lot-line adjustment, and is not reflected on the Vicinity Map. Mr. Vlastic said that he is unaware of any discussions about joining Lot B and the Mapache Drive lot to give it more room.

Vice Chair (Acting Chair) McKitterick asked whether the same house and accessory structures on Lot B, as they stand now, would comply if built now under current floor area and impervious surfaces regulations. At 9,515 square feet, Mr. Vlastic said, considering the floodplain area on the property, it would probably be larger than conventional standards would allow today. Reductions for the flood zone would be needed, and because it's over the minimum parcel area, it also would be necessary to adjust the floor area attributable above the normal minimum parcel area. Thus, he said that it is not likely to hit anywhere near the 10,000 square feet that would be attributable to a 10-acre parcel. It would be less, even with the floodplain reductions. However, Mr. Vlastic cannot say with certainty that it would exceed current standards, because he does not have the numbers at this time to make that determination.

Vice Chair (Acting Chair) McKitterick invited public comments.

John Dissmeyer, Possum Lane, has lived in a home that adjoins the applicant's property for 35 years. He said that because it wants to keep the Town's rural atmosphere, Portola Valley has always seemed diligent about not being really friendly to subdivisions. With that in mind, he asked why the Town would want to allow two more buildings on the parcel if the current house almost fills the existing 11 acres. Viewing it in terms of flooding, and noting that his property is midway on the drainage down to the Bay, Mr. Dissmeyer said that additional development also would cause more flood problems with runoff in the flatlands of Palo Alto and Menlo Park. Vice Chair (Acting Chair) McKitterick said that the relationship of the floor area and impervious surfaces to what is being proposed is a major concern of this application for that reason.

Kevin Webster, Westridge Drive, expressed concerns about the width of the proposed access driveway to the property and where it would connect with Westridge Drive. He noted that the driveway is on a fairly blind section of Westridge Drive, and drivers regularly exceed the posted 30 mph speed limit there. Traffic volume, compounded by school traffic and construction traffic on top of normal traffic, would be even worse if the driveway were to serve three residences rather than one. Mr. Webster noted that the situation was difficult enough when the late Walter Shorenstein owned the property, and often when he hosted special events, his guests and their vehicles would encroach on properties across the street or even on Mapache Drive. Mr. Webster also is concerned about who would be responsible for the riparian on Corte Madera Creek – the property owners or the Town – because the gabion walls that have been erected move silt down to fill up Searsville Lake.

In terms of access, Vice Chair (Acting Chair) McKitterick said that the current driveway would be improved to some extent to serve as the common driveway for all three parcels. Requirements about access to each of the parcels, for turnarounds for emergency services, and appropriate setbacks would be established. As for the riparian corridor, he said it would be divided among the three lots, because Corte Madera Creek would be on all three. Mr. Vlastic added that the whole approach is to minimize any improvements on the site that would increase runoff. While he acknowledged an obvious need to come to grips with central improvements, he said that the grading for roads and driveway extensions would be only for the purpose of making a few corrections. Basically it would follow the existing driveway. Mr. Vlastic also noted that there has been a lot of work upstream of Westridge Drive in terms of gabions and other things.

In terms of sewage, Mr. Webster asked whether the properties would have septic tanks. Mr. Vlastic said that the proposal calls for a STEP (Septic Tank Effluent Pumping) system. Vice Chair (Acting Chair) McKitterick said that with a STEP system, sewage goes into a holding tank for pumping into the sewer system rather than into the ground. Project Engineer Jeff Lea said that the process to obtain service for the owner's Mapache Drive property via the West Bay Sanitary District, through the San Mateo Local Area Formation Commission (LAFCo), is already under way. As this seems to be the easiest way to provide a private pump system for each of the three parcels affected by this application as well, they have surveyed the connection, confirmed that the sanitary district has the capacity, and have begun preparing exhibits for all the paperwork.

Mr. Webster said that when Mr. Shorenstein remodeled his home, materials were being dumped on his easement, in part because the access is so difficult. If additional improvements are approved for the former Shorenstein property as a PUD, he said it would be a long time for him to deal with the construction issues and the increased traffic volume.

Bill Lautner, Possum Lane, asked whether current zoning would allow more than three lots on the site, and how additional lots would affect the floodplain issue. Mr. Vlastic said that at this time there is no specific design, but the flood boundary isn't deducted from the net parcel area but rather is used to adjust for floor area and impervious surface figures. On a property this size, he added, it is theoretically possible to have four or five lots, but the

roadway requirements would become more complicated with more than three lots, and access requirements would not make it easy. Vice Chair (Acting Chair) McKitterick also pointed out that realistic building sites would have to be approved, including required setbacks.

Mr. Lautner pointed out that there seems to be an access lane from the Mapache Drive property to the subject property. If that's the case, he asked if it would be possible to prohibit access that way. If the PUD proceeds and the properties are subdivided as proposed and sold, Mr. Vlasic responded, any easement on the Mapache Drive property would reduce the net area on that property below the required minimum and thus make it nonconforming. As he sees it, there is no regulatory way to establish access via the Mapache Drive property without combining the two parcels – but in that case, part of the property would be within the Westridge Homeowners Association. That would create title complications that he expects the applicant would prefer to avoid.

Mr. Lea, speaking on the applicant's behalf, noted that as water comes down Corte Madera Creek, it is contained at the 100-year flood level within "pretty substantial" creek banks, until it finally spills out onto the property during major storms. In terms of the dividing line between Lot A and Lot B, he said he wanted to maximize the size of Lot B to the extent possible to minimize nonconformity. At the same time, he added, the best use of the property would be to maintain it as an estate. They hope to see a main house – the existing building or replacement – on Lot B with the other lots being part of the overall estate, with reasonable walking distance between the main house and other structures.

Because there are some blind driveways on Westridge Drive, Vice Chair (Acting Chair) McKitterick asked Mr. Lea whether some consideration can be given to the driveway location that might improve safety for ingress and egress. Acknowledging that a single driveway is the best approach, looking at the geometry and curvature of Westridge Drive, Mr. Lea said that the current location provides the best view in both directions. The driveway would be widened to meet fire safety requirements for three homes, he added, but reiterated the applicant's desire to retain the three lots as a single estate.

Mr. Vlasic added a point of clarification. Until the approved tentative map is recorded, he explained, there is no mandate to change anything on the property. In fact, he pointed out that anything the owner does to the property in the period between tentative map approval and recording of the final map could be jeopardized once the final map is recorded. The period could be up to two years, or even five years with an extension.

In response to a follow-up question from Mr. Lautner, Vice Chair (Acting Chair) McKitterick said that limitations on floor area that could go into any particular parcel would prevent simply adding buildings if the current property remains an estate. The maximum floor area for three smaller, separate lots would be greater than for a single large lot on the same land. If the land is subdivided but the estate remains intact, he said that it would be possible to put a guest house on one of the smaller lots – something that the owner cannot do now because the current house already accounts for all of the allowable square footage.

Mr. Dissmeyer asked whether the Town could require the same ownership of all three lots rather than have individual owners building homes on Lot A and/or Lot C. Mr. Vlasic said that a single owner could apply for a use permit to build on all three lots, but as a practical matter they reduce potential development on the adjoining properties if they want to keep Lot B and its improvements. By increasing the overall density allowed, the PUD option would avoid the variance.

With no more public comments, Vice Chair (Acting Chair) McKitterick said that he has concerns about approving a subdivision in which one of the parcels would be nonconforming in square footage and impervious surfaces. Of particular interest to him, too, are the idea of balancing among the three parcels to maximize conformance, the setbacks of potential building sites, and where buildings would be located.

Commissioner Zaffaroni said that the good news is that all of the neighbors, the community and the applicant agree that the ideal outcome would be to maintain the property essentially "as is." She said that she too favors the idea of maintaining the existing estate if possible, because it minimizes construction, furthers green goals, and preserves historical value. She said that she would like to determine whether there is a way to work toward that end, because she also understands that the current owner wants to maximize value and determine a selling price that can be justified on the basis of some criteria. She also said that she believes the PUD is the way to go because it provides maximum flexibility.

Vice Chair (Acting Chair) McKitterick emphasized that the floor area and impervious surface limits are maximums. Each particular situation is evaluated in terms of constraints, such as setbacks and floodplain issues.

Commissioner Von Feldt said that she would like to see the property remain as a single parcel for many of the reasons neighbors have mentioned. She said that she understands that the applicant is applying for a modification to the FEMA map, but she is concerned that Lot A really may not be buildable, because creeks do move. She also expressed concern about the Lot B square footage being 20% over the maximum allowable and impervious surface 30% over; according to her rough calculations – pretty drastic differences. Commissioner Von Feldt added that driveway access to Lot A seems strange, going up to Lot B and then going off to Lot A. If the applicant wants to subdivide the parcel, she said that she agrees with the PUD approach.

Commenting on Commissioner Von Feldt's reference to the driveway, Mr. Lea said the idea was to follow the existing driveway, assuming that a buyer would leave much of that just as it is. At this time, the driveway becomes a service road around the creek bank. Mr. Vlasic said that the site meeting will help clarify issues concerning the driveway. The site meeting is scheduled for 3:30 p.m. on Monday, December 13, 2011.

(3) Annual Housing Element Report, 2010

Referring to her memorandum of November 22, 2010 to the Planning Commission, Ms. Kristiansson said that the new Housing Element calls for annual monitoring of three programs to assess the Town's progress and to determine whether additional steps are needed:

- For inclusionary housing, a main goal is to ensure that the Blue Oaks below-market-rate (BMR) units actually get built. The Town Council is expected to provide some direction for the program early in 2011. Another goal is to revise the inclusionary housing program as a whole in 2012.
- For multi-family housing, Mr. Vlasic checked with The Priory, which seems to be on track for building the 11 new units that are part of The Priory's master plan within the next few years.
- For second units, the goal is to increase the average number of second units built each year from five to six. The number of second units permitted and built varies considerably year to year, she said, noting that six units were completed last year. To keep that going, the Town must encourage more applications. The zoning ordinance amendments (Item 4 on the agenda) take the first step in this direction by authorizing staff-level approval of second units located on the first floor of an existing home and second units smaller than 400 square feet that don't require site development permits. Work has begun on a second unit assistance manual, with a complete draft ready for posting on the Town's website some time during the first half of 2011.

Ms. Kristiansson indicated that no action is required of the Planning Commission, provided that it agrees that the Town is making progress on each of the three programs.

In response to Commissioner Von Feldt's request for more information about developments at Blue Oaks, Mr. Vlasic said that the Town's fundamental objective overall is to find a solution to the Blue Oaks problem within the next year. So far, none of the options have fallen neatly into place, he said, but discussions are underway among the Town Manager, Town Council members and the Blue Oaks representatives. Commissioner Zaffaroni inquired whether any provision essentially enables the Town to support construction of BMR houses that may have better transit access. Ms. Kristiansson replied that there may be other alternatives for future developments, including possibly locating such units within the Town's sphere of influence.

(4) Public Hearing: Zoning Amendments Needed to Implement Portions of the Housing Element

Ms. Kristiansson referred to her November 23, 2010 memorandum to the Planning Commission for complete descriptions of the proposed zoning ordinance amendments called for in the General Plan's Housing Element, which the Planning Commission reviewed at a study session on November 3, 2011. Based on input from the study session and information from the Town Attorney, the proposal now contains three revisions:

- 1) "Household" definition: U.S. and California legislation as well as case housing law prohibit 1) distinguishing between related and unrelated groups of people and 2) establishing a maximum number of people that differs from the Uniform Housing Code. Ms. Kristiansson said that staff reviewed definitions from a number of other

cities as well as definitions that various housing organizations recommend. The Town Attorney also advised against language excluding fraternities and sororities. The proposed definition now reads:

One or more people living together as the functional equivalent of a family where the residents share a single kitchen and form a single housekeeping unit by sharing living expenses, chores, and/or meals, and are a close group with social, economic and psychological commitments to each other.

In response to a question from Vice Chair (Acting Chair) McKitterick, Ms. Kristiansson said that this language is not novel, and in fact is more restrictive than in most communities. Although not easily enforceable, she said that if a household advertised to lease a room or space within a house, the Town could object on the grounds that families don't lease parts of their houses. It would have to be designated for some other use, such as a boarding house. The courts do distinguish between residential and commercial uses, she explained, so leasing to various people comes across as a commercial use. It isn't necessarily a matter of who lives in a residence, but the manner of living, behavior, and impact on neighbors. In that regard, the Town also has a noise-control ordinance and nuisance-abatement regulations.

Ms. Lambert pointed out that there are a number of such households in Portola Valley now, and sometimes parking becomes a problem. In response to Vice Chair (Acting Chair) McKitterick, she also said that staff is comfortable about being able to enforce the proposed definition.

- 2) Care facilities/group homes: Per State law regarding residential care facilities, traditional and supportive housing, the Town must accommodate licensed group homes. In the process of researching for a definition for household, Ms. Kristiansson said they found case law that prohibits distinguishing between licensed and unlicensed care facilities, because for certain types of disabilities, the care might be provided separately from the house, and so a license isn't required. When that occurs, requiring a license can appear to be discriminating against people with those certain types of disabilities. There has not yet been a court case in California, but the Town Attorney recommended allowing both licensed and unlicensed facilities because of case law decisions in other states. The proposed ordinance has been revised to incorporate that recommendation.
- 3) Numbering: Various parts of the Zoning Ordinance refer to particular sections and subsections. If parts of the ordinance that affect implementation of the Housing Element are not referenced at all or are referenced only once elsewhere in the Zoning Ordinance, that section/subsection has been re-numbered or re-lettered appropriately. However, in instances where there are two or more references elsewhere in the Zoning Code, those sections/subsections have been left in place with "not used" notations.

In terms of farm-worker housing, Ms. Kristiansson said there have been no changes but she did report answers and clarification to questions and issues that came up during the study session. First, farm-worker housing would be permitted only on a property that already has an agricultural use. Secondly, even on properties where there is agricultural use, the Town Attorney said that the Town could deny a use permit application for farm-worker housing if the Planning Commission cannot make the conditional use permit findings for the housing.

Ms. Lambert confirmed Commissioner Zaffaroni's understanding that agricultural uses – including employee housing as set forth in California Health and Safety Code Section 17021.6 – are permitted as principal uses in the O-A (open area) District but require conditional use permits (CUPs) in R-E (residential estate) Districts. The O-A District is a small strip along Alpine Road, including Stanford land with horse facilities. (The correct designation for the Principal Uses Permitted Section is 18.26.020, not 18.26.030.)

Mr. Vlastic added a point. The language in 18.26.020.B says that principal permitted uses exclude those listed in Section 18.26.030 unless such uses are authorized by CUP.

Thus, he said an option might be to include farm-worker housing as a use that requires a CUP. Mr. Vlastic suggested that Section 18.26.020.B should stay the way it is, and provisions for farm-worker housing under Section 18.26.030 should remain as a conditional use.

In regard to farm-worker housing, Commissioner Zaffaroni referred to page 3 of Ms. Kristiansson's memorandum. She asked whether the statement that "farm-worker housing for six or fewer persons must be permitted in the

same way as a single-family home" is still correct. Ms. Kristiansson said yes, because that's what State law requires. She also verified that State law does not affect Portola Valley's floor area limitations.

Vice Chair (Acting Chair) McKitterick opened the public hearing; with no comments forthcoming, he closed the public hearing.

Commissioner Zaffaroni raised a concern about a provision for second units added to Section 18.12.040, Accessory Uses Permitted, because she said a property owner might want to use some of the interior of the home for a second unit, and have it extend beyond the original footprint. At the study session, she said that she understood Mr. Vlasic to have said that would be permissible provided it did not exceed 750 square feet in total. However, in reading Section 18.12.040.B.6, she said that she is not clear on that outcome.

Ms. Lambert suggested adding text that states something to the effect of "When created within the first floor of an existing home and/or including an addition of up to 400 square feet, such second units may be approved solely with a zoning permit." Commissioner Zaffaroni said she wanted to know whether the Planning Commission considered such combinations a good idea in the first place, but she said that many people might want to add a second unit that way. Commissioner Von Feldt said that it would make a lot of sense. Ms. Lambert pointed out that if the second unit is created completely within the existing house and/or the addition does not exceed 400 square feet, the application could be approved at staff level.

Commissioner Von Feldt, returning to the definition of "household," said that she would prefer to omit the language about "social, economic and psychological commitments to each other." Commissioners agreed to strike "psychological," leaving the sentence concluding "social and economic commitments to each other."

Commissioner McIntosh moved to forward to the Town Council the Resolution of the Planning Commission of the Town of Portola Valley recommending adoption of the Zoning Ordinance Amendments to implement the Housing Element, with three amendments to Attachment A as discussed. Commissioner Von Feldt seconded, and the motion carried 4-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said that there is a meeting of the Wireless Task Force at 2:00 p.m. on Thursday, December 1, 2010 that Chair Gilbert cannot attend and wanted to know if someone would attend in her place. Leigh Prince, from the Town Attorney's office, will present information as to the legal framework surrounding wireless issues. Commissioner McIntosh said that he would try to attend.

APPROVAL OF MINUTES

Commissioner Von Feldt moved to approve the November 17, 2010 minutes as submitted; Commissioner Zaffaroni seconded and the motion carried 4-0.

ADJOURNMENT: 9:25 p.m.

Denise Gilbert, Chair

Leslie Lambert, Planning Manager