

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, JUNE 18, 2008, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair McKitterick called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, Gilbert, Zaffaroni and Chair McKitterick
Absent: Commissioner McIntosh
Staff Present: George Mader, Town Planner
Tom Vlastic, Dep. Town Planner
Richard Merk, Council Liaison
Steve Toben, Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS

Bonnie Crater, Wayside Rd., asked for an update on the Douglas sewer hookup.

REGULAR AGENDA

- (1) Public Hearing: Site Development Permit Request X9H-555 for Landslide Mitigation, and Deviation Requests for 16 and 42 Santa Maria, Hibbard and Lee

Mr. Vlastic reviewed the staff report of 6/12/08 on the landslide mitigation project and deviation requests for the subject parcels. He said the project engineer submitted a revised plan yesterday with supplemental data to respond to input from Nolte Associates on behalf of the Public Works Director. Nolte and Mr. Young still had some concerns about drainage and would continue to discuss options. Most of the concerns related to flow velocity on site. He thought it would be resolved in 1-2 weeks. With respect to the deviations, he reviewed staff's analysis set forth in the 5/29/08 staff report. He noted that the Ted Sayre, Town Geologist's office, and project team members were available to answer questions.

Responding to Commissioner Elkind, Jon Berry (project engineer) said drainage calculations were based on a 100-year event. Responding to Commissioner Elkind, Mr. Hibbard confirmed there would be no basement. Responding to Commissioner Elkind, Mr. Vlastic said if closure was reached on the drainage, CEQA issues would be a lot less burdensome than initially thought. With respect to the right-of-way and Louise Lane, he said that would be looked at when there was a precise building plan. Responding to Commissioner Elkind, he said the plans for the septic field had been adjusted to accommodate the Health Department requirements. Mr. Berry described what was planned for the septic system, including putting the leachlines on a bench under the fill material. Mr. Sayre noted that the leachfield had been pulled as far away from the house as possible; it had already been pulled back from the creek substantially. Commissioner Elkind said this was the kind of project that required many complex solutions to problems. A solution to one problem could affect another problem. She was uncomfortable approving pieces of the project and wanted transparency on all of the issues before taking any action.

Responding to Commissioner Zaffaroni, Mr. Berry said the perc test would have to be done during the slide repair. Mr. Sayre said the Health Department indicated that they anticipated an "A" rating from the perc test. Responding to Commissioner Zaffaroni, Mr. Sayre said the intent of the landslide repair was to address the active slide that occurred in 1998. The repair would go down deep enough to excavate below that weak surface and completely take it out. A subdrain system with keyways and benches would be put in below the weak surface that caused the failure. The slope would be rebuilt with drained, engineered fill. In this case, they were incorporating a fair amount of geograde and reinforcing the soil to make it stronger. This technique was fairly standard for landslide repair. Responding to Commissioner Zaffaroni, he said what was proposed would not exacerbate the risk. This site and adjacent properties would be safer. From a recent site visit, you could see indications of movement of the active slide over the last few winters. It was a very unstable situation right now. It would be substantially better when a drained, engineered fill was

constructed. Responding to Commissioner Zaffaroni, he said pulling the upper house back from the edge of the repair and putting it in the center of the repair was a substantial improvement to the safety of that structure. He understood that the houses being considered would have rigid foundations. In the event of landslide movement, the house would move as a unified structural member. The type of landslides here underwent inches or possibly feet in a day; it would do damage to improvements, but people should be able to exit the structure if movement occurred. He said he had not looked at all of the houses in the neighborhood. There were a number of houses on Pd categories that were not on engineered drained fill. In that respect, this would be a better situation even though it didn't achieve industry standards of an engineered design solution.

Commissioner Zaffaroni said timing was of concern to the applicant as well as the neighbors. She was somewhat concerned about moving ahead on the site development permit and then making a decision about the structures later. If they started work on the site development permit and then didn't get the answer they wanted on the structures, they would be half way into the project. Mr. Hibbard said he would not go forward with any of the project if he couldn't get the answer he wanted on the structures because he could not get financing. Responding to Chair McKitterick, Mr. Vlasic confirmed that the Commission was not in a position to approve anything tonight. In terms of the site development permit, the Commission could determine that the issues had been identified and were being pursued. The critical thing tonight was to give some reaction to the deviations and policy document so that it could go to the Council. The site development permit would not come back to the Commission until all the issues were resolved. Everyone wanted to see this move as quickly as possible because of the risk to the general area. Staff was not enamored with the idea of separating the issues. Hopefully, the site development permit work could move ahead so that everything was in place once the decision was made by the Council on the policy.

Mr. Hibbard said he had been forbidden to talk to the Town's consultants for five years. Now, communications had been opened. Additionally, it was not economically viable to build two 2,000 sf homes on the lots.

Mr. Sayre noted that the amount of grading in the area to be graded to repair the active landslide would be the same regardless of what the house footprint was.

Mr. Berry confirmed that there would be no increase in runoff because of this project. The runoff that existed before and after the slide would be the same or less. Responding to Chair McKitterick, he said there was an impervious driveway to the upper house and to the lower house which would remain essentially the same. Responding to Chair McKitterick, Mr. Vlasic said the evaluation of the drainage took into account the fact that there would be development on these properties.

Commissioner Gilbert said she understood that in order to do the repair in this season, the demolition and stitch pier installation work needed to start in June. There was some question whether the vegetation would have enough time to set down roots. Mr. Vlasic said staff understood that the plan was to do the work in one season. Whether the June date was the drop-dead date was uncertain. He thought it could be done in the August, September, or early October period if the Council gave a decision that Mr. Hibbard was happy with. Mr. Hibbard said it was a question of whether the contractors could fit the project into their schedules. Commissioner Gilbert asked if there was increased risk if only half the repair could be accomplished in one season. Mr. Vlasic said there was no plan to secure the property during the wet season. If it had to be done in two seasons, staff would need to have that kind of plan to complete a reasonable environmental review and final recommendations on the site development permit. Responding to Commissioner Gilbert, he said if the remaining drainage issues were resolved the way Mr. Berry had suggested, the action on the site development permit could be completed. If the Council did not take action in a timely framework that gave Mr. Hibbard an acceptable solution, he would have to make a decision at that point. If it started this year, the Town would need an interim plan as part of the site development permit. Responding to Commissioner Gilbert, Mr. Sayre said it had been agreed that if the sensors detected movement of one-half inch, they would call the Town Geologist out to the site to review the conditions. Open excavations that caused movement into a void space would then be backfilled to buttress the slopes. He described the series of

stitch piers designed to prevent movement on other parts of the property.

Responding to Chair McKitterick, Mr. Sayre said how the parcel would respond to seismic shaking or rupture was unknown. That could occur within the useful life of the structure. Chair McKitterick said he was satisfied with the repair proposed. His concern was with what was not being repaired. Mr. Sayre said the upslope area had not shown signs of recent or historic movement that he was aware of. Those areas that showed movement in the 80's or 1998 that were triggered by heavy rainfall were the areas of concern in terms of future movement. Those areas were being addressed. He could not speak to the risk of the older, larger landslide feature that hadn't been studied; there was no historic evidence of that being unstable as long as the area had been built out with roads and other houses. It was a good sign, but it was not a guarantee.

Commissioner Elkind asked if there was any further exploration of the idea of joining the two lots and building one larger house. John Hibbard said he did not think a bigger house belonged on the lands; it would also not be an economic solution for him. He did not particularly like big houses. From an appraiser's standpoint, he was looking at a balance between the sites and improvements. Economically, he wanted the ideal improvements, which were something less than 3,000 sf on the lower site and something a little more than 3,000 sf on the upper site. He said he was facing bankruptcy over this issue. He had put several hundred thousand dollars in the property. The houses needed to be attractive. He described the houses proposed. He felt the garages should be consistent with the architecture of the house; otherwise, the market wouldn't like them. He described costs associated with the repairs as well as the improvements. It was not an ordinary building project. The project was designed to mitigate the slide and make his and the neighbor's site safer. Each month that went by meant another \$5,000-\$6,000 was taken away from the construction of the houses. He was on the edge now, and discussions could not keep going until next spring.

Ken Singleton, adjacent property, said a comment had been made that shifting the proposed building site away from the edge of the property and more towards the center produced a safer building site. He asked if 19 Santa Maria, which was at the bottom, would be safer given: a) its location near piers; and b) the fact that the whole hillside above it had been reconstructed. Responding, Mr. Sayre said subdrains and stitch piers should make it safer. But, the lower lot would provide the leachfields for both lots. It was hard to say that the repair was a huge gain, but there were a lot of things being done that should improve the safety. Responding to Mr. Singleton, Mr. Vlasic said when Resolution 500 was revised, it was envisioned that there would be lots like this one where there could be no engineered solution and there was still some risk of earth movement. In order to encourage people on lots like that to try to improve their properties and make them safer, the Commission allowed for no more than 25% increase in the floor area up to the maximum allowed for the lot. It was an arbitrary number but one that the Commission felt would provide an incentive to people to do something with their house—even if they couldn't meet that engineered standard, which was pretty high. Staff had proposed a solution for this lot that was based on having the sites balanced. Mr. Singleton said he endorsed having a plan that assured that once started, the site redevelopment would be guaranteed and brought to fruition within one year—whether this year or next year. He had some discomfort about the notion of 3,000+ sf houses on each of those parcels—even after it was reconstructed. His biggest discomfort was that there was seemingly very little geologic basis for making judgments about the square footage there. He did not think that economic viability should play a major role in the Planning Commission's or Council's decision. If that was the case, it behooved the Planning Commission and the Council to obtain an independent evaluation of that.

To the comment about safety and square footage, Mr. Sayre said Cotton Shire's geotechnical engineer that reviewed all the slope stability calculations indicated that the difference in loading between a two-story house and a single story house with the same footprint was insignificant considering what was being built there. As you started to enlarge the footprint, you enlarged the foundations and the weight of the structure. Adding a second story onto an existing foundation was a relatively light thing to do. Mr. Berry said engineered fill was about 160 lbs/cf. A house would be much less than fill. The difference between a 2,000 sf house and a 4,000 sf house was insignificant when dealing with 40' of engineered fill.

Mr. Vlastic said there was no magic to what staff put together in terms of floor area or design. Looking at a partial two story had been suggested to minimize the footprint. It could be carved up in different ways. He did not think the risk, when all of the other factors were considered, was dramatically different. The policy had been carefully thought out, and it was a question of how much of a stretch beyond that was appropriate.

This was not the only time the Commission would probably face a situation like this. The decision for the Town would be based on the best land use and parameters. Staff was also concerned about setting precedent without taking a hard look at Resolution 500

Richard Crevett, Russell, said he hoped the Commission and applicant had considered alternative septic systems from a spacing perspective. Putting leachlines at the toe of engineered fill lost 30% of the capability of the septic. Evaporation was a key element when the leachlines were closer to the surface; this was not the case here. From a site development perspective, he said public safety was an issue in the Highlands. The roads were narrow, and people walking in them had been an issue. There had been a lot of discussion about opening up some of the old road easements. It would be nice if the Commission understood the interest of the community in trail and/or access through the property. On constructability, he assumed that the Commission and building department understood the complexity of bringing in big equipment and the need to store dirt. He hoped a construction plan was thought through. It would also be nice to have a plan for traffic, dust mitigation, noise, working times, etc. Something needed to be added from a policing perspective so that the neighbors didn't have to phone the Town with complaints. He noted that everyone believed that something should be done here.

John Boyce asked what mitigation was planned for the upper area. Mr. Hibbard said the structure and foundation would be removed. He assumed that the repair work would go right up to where the cliff was now. Mr. Vlastic said part of the requirement was to get the grading plan consistent with what was shown in terms of the house footprint. Decisions would have to be made with respect to retaining walls, etc. Those details would be worked out when that point was reached. Mr. Boyce said it was close to the creek and it needed to be shown very clearly what would be done in that area.

Chair McKittrick suspended the public hearing.

Responding to Commissioner Zaffaroni, Mr. Vlastic said some assumptions would need to be made regarding resolution of the site development permit issues, which would be coming back to the Commission.

At this point, the Commission needed to discuss its recommendation to the Council on how the property should be used after the repair. Staff recommended that the policy decision relative to the deviations should move ahead to the Council as soon as possible.

Chair McKittrick noted that a partner at his firm was hired by Mr. Hibbard a few years ago. He (McKittrick) was not involved and did not have any information about the matter. Additionally, he also had a water problem on his property with water coming down from the Highlands. He said it sounded like the site development permit issues were 90% resolved. He was convinced that the repair of the landslide was appropriate based on the geotech evaluation that had been done—subject to the caveats expressed about the final design for drainage, etc. As far as Resolution 500, he said it was the intention of this Commission that the 25% for non-engineered solutions reflect the economic incentive for people to improve their properties and make them safer. He had not relied on the economic analysis for these lots in his analysis. As policy, the Commission was comfortable with 25%. For 16 Santa Maria, he could approve the full 25% increase in floor area. The property would be safe with an extensive repair to the landslide. For 42 Santa Maria, it was more difficult. He was encouraged that the house site had been moved. Based on Cotton Shires's report and Mr. Sayre's comments, he thought the location was reasonable for reconstruction. It was not without risk and appeared to be a greater risk because of the proximity of the land that would not be repaired. As far as an increase in floor area, the applicant was spending a lot of money to repair the landslide and needed more than a 1,100 sf house. He thought the Town Council should consider a larger house on the upper lot. The factors that went into that recommendation were the extensiveness of the repair and the benefit it would be to the other properties. This parcel was partially isolated and he was not particularly concerned about a larger house. The neighbors appeared to be supportive. As far as how

much of an increase to allow, he recommended the Council consider some kind of balancing between the two parcels based on the fact that this was almost a redevelopment project. He thought the Council should consider what was reasonable for lots of that size--taking into account the neighborhood. He wouldn't approve 3,500 sf houses on both and each of those lots. He did not have the number he could approve right now, but he recommended a departure from Resolution 500 in this case for the upper property

Commissioner Zaffaroni said it looked as if everything had pretty much been addressed for the site development permit. She also appreciated the Town's consultant's explanation of some of the broader issues that had not been previously addressed. Her recommendation to the Council was not that different from what Chair McKitterick had stated but for different reasons. She preferred to adhere more closely to Resolution 500 and the policy established versus treating it as a more free-form decision with respect to redevelopment. She appreciated the Town Planner's recommendation and presenting ways that this could be looked at. The applicant had stated again and again that he didn't want to do a merged project in the sense of having a single development and wanted to keep the two parcels and structures separate. She also didn't think a merged parcel would be in keeping with what the existing community looked like. There was a certain amount of additional property improvement that would be possible under Resolution 500. Mr. Vlasic had looked at the potential property improvements and suggested re-allocating them to create a more balanced distribution. She could justify that from a policy perspective and adhering to Resolution 500. The 25% cutoff was in large part based on the fact that you wanted to put some cap on the amount of property improvements at risk. There was an ongoing risk here, and it couldn't be addressed through an engineered solution where potential risk could be eliminated. In terms of future owners, adhering to the 25% addition that was normally allowed made sense. The Town didn't want to have overly expensive property improvements that were at risk to some degree. Whether you took that 25% and allocated it all to the lower unit or divided it, it was still the same amount of improvement that would be at risk. But, it was not any more than the original provision would allow. It was an unusual circumstance for two reasons. First, the applicant owned two parcels. Under the Town Planner's proposal, there would be a re-allocation of that property improvement. It would be unusual for it to be precedent setting because you would have to have one single owner of two parcels. That was not likely to arise again. Based on the proposal in the staff report, greater improvement was not being allowed than what would be allowed normally under Resolution 500. It simply allowed the owner to re-allocate those particular improvements to the two separate parcels. She thought it made more sense to have two homes that were more modest than one very large home and one very small home. It also made more sense in keeping with the character of the community. The other thing that was unusual was that this was a matter of public safety, and the result would be a huge public benefit. In terms of Resolution 500 and the policy reasons underlying it, this was a strong example of why the Town might want to allow the full amount of the improvement given the public benefit to be achieved. Looking at the criteria under Resolution 500, she felt this fell clearly within the criteria. The only issue was the disruption to the site. But, having seen the site, it was quite disrupted already. There was some reassurance that there would not be more people at risk because the structures themselves would have greater integrity and greater safety. The underlying nature of the landslide was that it was likely to be more slow moving. There were already two structures and the policy decision had generally been made that the property owner had the right to build at least to the square footage of existing structures. In terms of property improvements at risk, there were no additional property improvements at risk under the reallocation proposal. The owner of the two parcels was simply being allowed to re-allocate that improvement. There were some community benefits to having that reallocation and significant benefits to the public in site stabilization. She supported the Town Planner's proposal and would recommend it to the Town Council.

Commissioner Elkind said she concurred with Chair McKitterick and Commissioner Zaffaroni. This was the first project considered under the revised Resolution 500. Adhering to that policy was particularly important because precedent was being set. For that reason especially, she thought the arguments and solution proposed by staff provided excellent direction. It essentially adhered to the 25% limit. Under all of the language in Resolution 500, there was nothing that created a conflict with the idea of allocating between the two properties. A major issue for her was that it was a tremendous public benefit to take care of the landslide in this area. Once the landslides were repaired the property would be much less likely to be disrupted.

Commissioner Gilbert said she supported the project because it served everyone to improve the slope. That put her in the frame of mind to give a little bit of latitude. With respect to the site development permit, she assumed that the questions about drainage would be addressed. She also wanted to see some kind of tentative construction contingency plan. She presumed the applicant would try to get this started this season, and it would be a greater risk if the rains came before it was finished. There needed to be some plan in place so that the danger to the neighboring properties wasn't increased. On the deviation request, she came to this meeting generally supporting staff's recommendation to take the 25% increase as a whole. But, instead of dividing it in half, she preferred to give the applicant the latitude to divide it as he saw fit between the two properties. She understood that that would be approximately a combined square footage of 5,000 sf between the two properties, excluding a 400 sf carport for the upper part. Responding, Mr. Vlastic said the recommendation was to take the 25% increase and add the 400 sf on top of that. That would give them the 25% and cover the covered parking issue. He did not think that was a major stretch beyond the amended Resolution. Responding to Commissioner Gilbert, he confirmed that the combined square footage of 4,960 included the 400 sf carport. Commissioner Gilbert asked if the applicant was comfortable with that.

Mr. Hibbard said the bank would start with the houses. Assuming the houses were 2,200 sf for each house, the appraisals would come out at \$1.8 million each. They would then take the construction costs and the land value. If the land value was less than the money needed to construct the homes, they wouldn't make the loan. He said he did not think what the Town was proposing would meet his needs.

Commissioner Gilbert said she was affected by Mr. Hibbard's economic decision because he was at the point of not doing it. The land would then stay in the condition it was for another few years. Secondly, she did not think the amount of increase being contemplated would change the safety factor. Thirdly, in the calculation, the applicant was being hurt by the fact that there was a very small house on the upper lot of only 840 sf. Normally, it would be much larger, and the calculations would come up with more square footage. She was open to something a little bit more but didn't know what the number should be or what to base it on.

Having sat through all the Resolution 500 discussion, Town Planner Mader said the 25% number was intended to be an incentive for people to improve their property. It had an economic component to that decision. This was an unusually small house on that one lot. It didn't seem to be representative of an average. That might enter into one's thinking about whether the 25% on an 840 sf house was a reasonable limit. He did not know how many houses were that small in Woodside Highlands. That was part of why staff used the 25% plus the carport. People should be encouraged to make things safer but not stretch dramatically beyond the effort that went into the number in Resolution 500. He noted that the Commission had worked with 10% for a long time and concluded that that was not appropriate. It was a policy and the Commission could recommend well beyond that; the ultimate concern was setting a precedent.

Chair McKitterick said the Commission could not approve the balancing between the two properties under Resolution 500. He had the ability to give up to 25% on the lower property, up to 25% on the upper property and the ability to make a recommendation to the Council if he felt there should be a further deviation from that. It was all advisory at this point. Mr. Vlastic said the document was a policy document, and the Council could conclude that the balancing was a fair interpretation. The Planning Commission was just offering a recommendation. The Town Attorney indicated that the Council had the ability to go beyond the provisions of the amended Resolution 500. Staff had tried to give the Commission a basis to offer a recommendation that wasn't a dramatic departure from the policy document. Responding to Councilmember Merk, he said with the current Pd designation, the development potential for lot 42 was 4,072 sf; the 85% number was 3,461 sf. For lot 16, it was 3,501 sf with 85% at 2,976 sf.

Responding to Chair McKitterick, Commissioner Zaffaroni said she did not think the allotment had to be 50-50. The idea was to stay within the 25% additional amount and allow the applicant to re-allocate that. There was no reason it should be split 50-50. Responding to Chair McKitterick, Commissioner Gilbert said her concern was that the project would not go forward if the numbers didn't work for Mr. Hibbard. Mr. Vlastic said

the applicant might come back with some hard data relative to the economics. As indicated by the Town Attorney, the economics were not the driving force. Commissioner Gilbert reiterated that adding a little more square footage would probably not change the safety factor. The numbers were also somewhat artificial because of the small cottage. Mr. Vlastic added that at some point, the Town would have to make a decision about the size. If the argument was for 3,500 sf to make it economically viable, he questioned what the position of the Town would be relative to Resolution 500. That would be a major decision.

After discussion, Councilmember Merk said Council would consider all the background materials in making its decision. Mr. Vlastic said he wanted to be clear that agreement on the drainage was close, but there were still some issues.

(2) Discussion of Sustainability Element – Follow-up to May 21, 2008, Discussion

Councilmember Toben said he was concerned that the amount of material in the Sustainability Element could generate a strong reaction from the community as opposed to the more “bite size” approach of green building. The goal was to make real strides forward in the Town’s commitment to resource efficiency and reducing the carbon footprint. From a tactical standpoint, the Town was looking for an aggressive increase in the number of homes that undertook emergency efficiency improvement projects. He appreciated that Town Planner Mader had tried to be complete in the Sustainability Element and included everything imaginable with the notion that it would be massaged and made workable. In its present form, he felt there was some risk that when it hit the Council and community, it could generate a lot of reaction. The Town could pursue on a parallel path the notion of gradually drawing people in on energy-efficient remodeling/additions, etc. He was concerned about the extent of what the Town would introduce for public dialogue with the Sustainability Element. This needed to be an iterative process where the Planning Commission got some early comments from the Council.

Commissioner Elkind thought it would be productive to move forward with the Sustainability Element’s goals and objectives and leave the illustrative policies and programs for a later time. For people in the community who were uncomfortable with some of the green concepts and adopting the BIG rating, identifying Town goals and objectives was important. She did not think it was enough to tell people the Town was going to comply with AB 32 goals. It was philosophically and politically useful to go through the process of identifying goals and objectives.

Town Planner Mader said the General Plan was not an ordinance and didn’t dictate what needed to be done; it provided a sense of direction. A number of things were “encouraged.” If there were things that were overly onerous, those should be identified. The statements in the Element were those things that the Town should be considering and at some point take up. He thought it was a good umbrella document for discussion. He would be more hesitant if it was an ordinance. Ordinances and programs would come later.

Responding to Councilmember Merk, Ms. Lambert said the reaction from residents on filling out the green form was positive; everyone was very excited about it. Councilmember Merk said that was one way of gauging the community reaction. Unlike Councilmember Toben, he was not gun-shy about having an angry crowd in front of the Town Council, as was the case with the basement issue. He would like to see this move ahead, and he didn’t think it should be put on the side track just because there might be a lot of angry people.

Commissioner Zaffaroni agreed with Commissioner Elkind’s suggestion to deal with the goals and objectives. Town Planner Mader said one option was to have an appendix for information purposes that would contain the illustrative policies and programs; he did not want to see those get lost in the dust. Commissioner Gilbert said despite the Commission’s best efforts, people would assume they were requirements. The level of detail could generate a knee-jerk reaction without looking at the bigger picture. Most people would not disagree with the philosophical goals and objectives. It was the same approach the Town was using with the checklists: starting with a lower number that was acceptable and then slowly ratcheted up. Once the principles were accepted in the Sustainability Element, you could get into some of

the tougher details. Town Planner Mader reiterated that he felt there should be an appendix, which would not be adopted when the Element was adopted. He didn't want to see a lot of momentum lost on some of the work. You could indicate that there were other suggestions that were not adopted as part of the Element. Mr. Vlasic added that a lot of these things that were specific could be educational if they were cast in that way. For two recent applications, the applicants knew the Town was talking about checklists, and they embedded the BIG checklists voluntarily. People were beginning to realize there was real benefit to their projects to do that for a variety of reasons. People could learn something from some of the policies and programs even if they weren't mandated.

Commissioner Zaffaroni said the language and how it was cast was very important. Most of the statements talked about "encouraging" people to do things. Commissioner Elkind said there were a number of policies and practices that were directed to Town staff. Those were things where the Town would take steps that were educational. Those should be included some way in what was adopted. It implied some cost to the Town but didn't put a burden on any individual resident. Town Planner Mader suggested "the Town should consider..." rather than stating "staff shall..."

Chair McKitterick suggested focusing on the goals and objectives for the rest of the meeting. Town Planner Mader said Commissioners Gilbert and Elkind had provided comments which had been incorporated in the latest version. He reviewed the staff report of 6/12/08 on the revisions to the draft.

Referring to Section 7000, Part 7 (p. 1, ¶ 2), Commissioner Gilbert said air quality and water quality spoke to what the concern was, but "natural terrain" didn't speak to the concern. She also didn't like the use of the term "biology" and asked whether the concern was for "sustaining plant and animal life" or "sustaining the viability of plant and animal life." Chair McKitterick suggested "preserving and encouraging natural terrain." Town Planner Mader said if a modifier was added, modifiers should be added to each term. Commissioner Gilbert said "quality" was the modifier for air and water. After discussion, Chair McKitterick suggested "preserving natural terrain and sustaining native plant and animal life."

Commissioner Zaffaroni said she had problems with the next sentence that stated, "These topics must be addressed globally." Biology, for example, didn't need to be addressed globally. Some of the topics listed could be addressed locally, regionally or nationally. Town Planner Mader said sustainability of the planet was the concern, and he felt that had to be done globally. After discussion Commissioner Zaffaroni said she would work with the Town Planner and rewrite the section.

On the Overarching Goals section (p. 4), Commissioner Gilbert said she thought the percentage by which carbon emissions should be reduced could be eliminated because it was too specific. Town Planner Mader said he included the percentage because it was a State policy and a linchpin for what was going on in green building. After discussion, Commissioners agreed to include the percentage. On Overarching Goal #4 and #5, Town Planner Mader said he felt "green building" was a subset of the prior statement. The prior statement was much more global and encompassing than the green building statement. Green building was something the Town would be talking about a lot, and he thought it made sense to get those words in there. Commissioner Zaffaroni agreed it should be kept as a stand alone statement. She also suggested deleting "the integration of" from Overarching Goal #4. Commissioners and Councilmember Toben agreed.

On the New Buildings section, objective #2 (p. 5), Commissioner Gilbert said minimizing house size was fine. But, at some point it would be small enough that when it changed ownership, the new buyer would be encouraged to knock it down and rebuild. The same applied to optimizing a house and the rooms just for your use. The more specialized you made it, the greater the chance was that the next owner would just rebuild. That defeated the purpose of what the intent was. Town Planner Mader said it charged the Town with looking at house size. Chair McKitterick said he did not want to push that issue in this document. Commissioner Elkind disagreed. In place of "minimize," Commissioner Zaffaroni suggested "consider." Councilmember Merk pointed out that this was the Sustainability Element. He suggested "reduce." Town Planner Mader said you could always go back to the General Plan for guidance. It was a question of whether the Town wanted to further consider how house size related to the needs of the residents and

energy conservation. Chair McKitterick said he did not want to include any mention of house size. One of the key issues to green building was how big the house was. It was the number one issue on the LEED checklist. If it was going to be taken up, it should be taken up in that context—not in this document. It would be a lightning rod. People would think the Town would be revising floor area regulations. A lot of people would like to see that, but he was very reluctant to see it in the Sustainability Element. Commissioner Elkind suggested “consider” house size. Commissioners agreed.

For the New Buildings goal (p. 5), Commissioner Zaffaroni suggested “Encourage and where feasible possible....” Commissioners agreed.

On the goal for Existing Building Stock (p. 6), Commissioner Zaffaroni suggested adding “Employ new design features and practices that conserve resources.” Chair McKitterick suggested deleting “new.” Town Planner Mader suggested “...practices and features...” in that order.

On objective #3 under Existing Building Stock (p. 6), Commissioner Zaffaroni suggested “...when buildings are remodeled or torn down.”

For Water Resources objectives (p. 6), Commissioner Zaffaroni said the Commission had discussed wells, and she thought it should be included in this section. Town Planner Mader suggested objective #5 state “To protect groundwater resources.” Commissioners agreed. Commissioner Elkind felt “Encourage groundwater recharge areas and protecting the watershed “should be included as an objective rather than a policy. Commissioner Zaffaroni questioned what “associated facilities” meant. Town Planner Mader suggested objective #1 cover protection of the watershed and that “encourage ground water recharge areas” be left as an illustrative policy.

On the Living Environment section, objective #3, Commissioner Zaffaroni questioned whether it was clear to people why forest areas contributed to air quality. She suggested adding language about carbon absorption. Town Planner Mader said Councilmember Toben made the observation that trees really didn’t do that much. On the other hand, they did something. Councilmember Merk said it could be included under Water Resources as well. Herb Dengler said research showed that the shape of redwood needles captured the moisture from fog and dripped it onto the ground. Through the course of a summer, you could get about 10” of fog drip under a redwood tree.

Under the Living Environment section, objective #1, Commissioner Elkind suggested “...comprise a balanced ecosystem in our forest, grassland, chaparral and creek systems.” Commissioners agreed.

Town Planner Mader said he would incorporate the changes in the next version. Commissioners asked to see a version without the illustrative policies and practices sections.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS: None.

APPROVAL OF MINUTES

By motion and second, the minutes of the May 21, 2008, meeting were approved as submitted by a vote of 3-0, with Chair McKitterick abstaining.

ADJOURNMENT: 11:00 p.m.

Nate McKitterick, Chair
Planning Commission

Leslie Lambert
Planning Manager