

PLANNING COMMISSION MEETING. TOWN OF PORTOLA VALLEY, MAY 7, 2008, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

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

Present: Commissioners Elkind, Gilbert, McIntosh and Zaffaroni, and Chair McKitterick
Absent: None
Staff Present: George Mader, Town Planner
Steve Toben, Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None.

REGULAR AGENDA

(1) Discussion of Planning Program and Budget for FY 08/09

Town Planner Mader reviewed his memo of 5/1/08 on the Planning Program and Budget for FY 08/09. On the update of the Housing Element (item #1), he discussed the hazards of not having a certified, up to date element; the deadline was 7/1/09. Additionally, State law indicated that if there was not adequate space for new development, cities/towns might have to zone for up to 20 units per acre to achieve that. To his knowledge, the State had not forced a city or town to do something they did not want to do. The last Housing Element the Town worked on was not certified. The State kept picking at details, and finally the Council's feeling was to wait until the next update cycle, which the Town was facing now. He discussed the program sponsored by the County that was intended to facilitate preparation of Housing Elements. The Technical Advisory Committee (TAC) met periodically to go over this program. The consultant hired by the County had developed a kit that specified: a) steps to take in gathering information; b) when you made decisions; and c) how to format the element. Some of the statistical data that all of the communities needed was provided by other entities. There had also been an effort to coordinate the distribution of housing requirements within the County, and the Town had a number of 74 units for its next element.

As noted in the staff report, Town Planner Mader discussed the subset of communities in the County that relied largely on second units. These communities had taken different approaches to second units in terms of size, length of occupancy, etc. The subset was developing a questionnaire that each community could send out to residents to get the data to support the contentions. The Town had done its own questionnaire, but people were reluctant to give occupancy data and their addresses. If there was agreement on a questionnaire and agreement from the State that that information in that form was acceptable, it would be very helpful. At the last TAC meeting, a representative from the State Dept. of Housing and Community Development (HCD) attended; he would be reviewing all the Housing Elements within San Mateo County.

Town Planner Mader noted that the section on the Housing Element in the State planning law was 54 pages. Some of that didn't apply to the Town, but much of it did. The real question the Town faced was how to meet the required units. The housing needs numbers issued for the County for each community was one aspect, and the Town's quantified objectives that went in the Plan was another. The quantified objectives did not have to be a mirror image of the needs allocation. It appeared that you could make an argument that the Town couldn't do the things that would be necessary to reach that number because the community could not accommodate that. He would be following up with the State on that along with the subset of communities. Depending on how things went, the Town might want to make a showing in Sacramento at some time. The program the County was sponsoring for a coordinated approach would be helpful and save some time. Responding to Commissioner McIntosh, he said the Town might end up being asked to pay for some of the coordinated work.

Responding to Chair McKitterick, Town Planner Mader said the current Housing Element was unapproved and not complete. Some of the questions that were asked by the State in 2005 had not been completed.

Now, some of the data was out of date.

Chair McKitterick said he understood from Ms. Sloan that there was some exception to meeting the ABAG numbers, and it would be up to the Town to plead its case in that regard. In terms of the penalties the State could enforce, it was Ms. Sloan's opinion that the State was unlikely to take that option. The more likely outcome was that the State would continue to work with communities to try to get the best result it could. Town Planner Mader said the HCD rep emphasized that the State wanted to make this a successful program and wanted communities to do their best to meet the requirements. The rep from the County also emphasized the need to make a good showing of trying to reach these goals. There were other new things such as shelters for homeless; the responsibility for that might be shared with other communities. The Town needed to make a good showing of making the best effort. A mechanism for allocating units within the County in the future so that housing was built in the areas where it was most needed was another option. Those kinds of things would carry weight with the State rather than just saying the Town couldn't do anything because it would ruin the community.

Commissioner Elkind said the housing problem in the Bay Area was horrendous, and the pressure had been building for many years. The Town had to find a way to make a contribution as a community. In Massachusetts, the housing advocates passed a law that said in a development of 25 units or more, you had to have a certain percentage of affordable units. Using that law, substantial condominium complexes were going in with all luxury apartments except for a few token basement units. Recognizing that it was terribly difficult in Portola Valley, she questioned how the Town could resist the pressure. The community had demonstrated its resistance with the Nathhorst Triangle proposal. She hoped there would be some creative thinking beyond just using second units.

Town Planner Mader said he told the State rep that there was no way Portola Valley would adopt multiple family zoning, and the other communities in the subset echoed that. The State was aware of that position. But, the State expected these towns to make some effort. It was a question of whether the Town felt it was important to help provide housing.

Chair McKitterick said this was not a situation where there was concern that the State would force zoning on Portola Valley. The goal was to get a Housing Element approved. This was the largest budget item, and it would have to be decided how much time the Planning Commission, Council and community should spend on this. One way to go about it was to approach the State with the second unit provisions and do a little more based on discussions with the other three communities. The information gathering part was required. But, major revisions of the second unit provisions, rezoning certain properties, etc., would have a major impact on planning staff's work, the Planning Commission and the Town Council. The approach the Commission agreed on would dictate what the budget was.

Responding to Commissioner Gilbert, Town Planner Mader said the Town had about half of the target units in the uncertified Housing Element. Responding to Chair McKitterick, he said second units would be the major factor. It was a question of how interested people would be in putting those in and whether the Town should do something to encourage it. The State also required that there be public participation in this process so that it was not done in a vacuum.

Responding to Chair McKitterick, Town Planner Mader said every time new housing projections were made by ABAG, the Town got a new number for the next five-year planning cycle. The numbers were based on projections that included transportation, employment, changes in population growth, etc. It was a complex formula. The Town had objected to its number—particularly because the employment component was not realistic—and the number came down some to 74 new units in last 5-year cycle. The Town might be able to reach 61 during the next planning period. There was still a deficit to make up, which had not been the case in prior elements. If the Town made a good faith effort to try to meet its number, participated with other communities and did the things that it could to further housing, the argument could be made that the character of the community would be compromised if the Town tried to achieve the number.

Responding to Commissioner Zaffaroni, Town Planner Mader said the estimate for the Housing Element work was \$50,000-\$80,000 and was based on the amount of work done on elements in other communities. That might be thin given what had to be done and the amount of things that had to be put in the element. That would not help define the policy, but it was required. The range would allow for a reasonable response to State law. Responding to Commissioner McIntosh, he said the cost for the last update, which was not certified, was probably over \$100,000. Responding to Commissioner Zaffaroni, he said he did not think the uncertified element could be used as a draft. He assumed that the Town would follow the approach the consultant hired by the County was putting together. If some of the Town's prior work could be inserted, it would be. He felt it was preferable to use a similar format to the County's—especially if there would be one reviewer. He supported coordination between the communities. The Town would also learn something in the process about other communities in terms of what had worked and what made it successful. The consultant would also bring experiences from other jurisdictions.

Responding to Commissioner Zaffaroni, Town Planner Mader said 61 units was a number he thought could be built in that time period. The State said you must make accommodation for these numbers. There needed to be some track record, but you could also show that you had accommodated for these in a reasonable way. Responding to Commissioner McIntosh, he said second units that had not been counted before, could be counted now. One of the tricks was to find out which ones were not counted previously. That was difficult. The Town had records on a lot of them but not all of them. Responding to Commissioner McIntosh, he said the 8 BMR units at Blue Oaks had not been built. The proposed relocation was found to be in a wildlife corridor, which a lot of people were upset about. There was some talk of relocating the BMRs elsewhere in Town.

Chair McKitterick asked if planning staff could come back with a more precise budget number that broke out the various tasks (e.g., questionnaire, meetings with other communities, etc.). He was concerned that the work might be potentially much more than \$80,000. The Town would have to do something, and he would like to see a breakdown. Commissioner McIntosh said it would be helpful to have tasks broken out. But, he didn't know if it would make a lot of difference in terms of the budget. Responding to Commissioner Elkind, Town Planner Mader confirmed that the Housing Element had to be finished in the next fiscal year. If it looked like the budgeted amount was not going to be enough, he would have to come back for an additional amount. He did not have enough of a guideline from the County's consultant on what they were going to do. He did not think he could come up with a better estimate. Commissioner McIntosh suggested budgeting \$80,000. Commissioner Elkind agreed. Commissioner Zaffaroni concurred noting that if they needed more money, they would come back. Chair McKitterick said he was uncomfortable basing the number on what it cost in other towns. He was also not happy with a \$208,000 budget, which was 30% more than last year and all because of the Housing Element. He suggested budgeting \$50,000. Town Planner Mader pointed out that the revised budget for last year was \$211,000 because things had been added during the year. He noted that about \$15,000 had been spent on the fire hazard mapping issue, which was not budgeted for. He added that there had been some items that were done under budget. After discussion, Commissioner McIntosh said the Town operated frugally, and he was not concerned about budgeting \$80,000. It would not be used if it wasn't needed.

With respect to the Noise Element (item #2), Town Planner Mader said the consultant would submit a second report before the end of the fiscal year. The Noise Element was separate from the noise ordinance. He felt there would be enough from the work on the Noise Element to move pretty rapidly on the noise ordinance. But, it might be controversial. The consultant had been asked to critique the Town's Noise Element and provide the best examples of elements that he had worked on. Responding to Chair McKitterick, he confirmed that the element had to be updated. A lot of the controversy would be over equipment used by commercial people and residents and the disruption that that caused. Commissioner Zaffaroni said a lot of the issues in Town had to do with enforcement. There were also terms that needed to be better defined.

On the Sustainability Element (item #3), Chair McKitterick said the draft contained some controversial items, but he felt the program itself would be an attention getter. With what was already in the General Plan, he

was not sure than a separate element was necessary. Commissioner Zaffaroni said she did not think \$7,500 was excessive. Town Planner Mader said he hoped to have a draft before the end of the fiscal year. It would not be a long document, and he did not think it would be highly controversial or require multiple meetings.

On the Sustainability Program (item #4), Chair McKitterick said he questioned whether \$15,000 was enough. But, there had been a lot of public input already. Commissioner McIntosh thought \$15,000 plus the remaining \$22,000 for this year would be adequate. Town Planner Mader said Mr. Vlasic indicated that the program was moving ahead. When it came down to the required number of points, the community reaction would determine how much time it would take.

Town Planner Mader said TRA should have the biological map done by the end of this fiscal year when their contract was up. The fire hazard study should also be completed this fiscal year. The mapping was already done but some text needed to be prepared. How the biological study was integrated in the planning/regulation program would need to be discussed. The fire hazard study was a little more complicated. The Council took the position that they would do something in cooperation with the Fire District. Ray Moritz's fire maps were not recommended to the State but would be used by the Town to address hazards. The Fire Marshal wanted to get regulations in place that were pretty close to what was contained in Building Code Chapter 7A in terms of ignition resistant construction. If the fire hazard study was the Council's responsibility, not all of what was budgeted would be needed. Ms. Lambert said setting up an ad hoc committee was agendaized for the Council's 6/25/08. Responding to Commissioner Zaffaroni, Town Planner Mader said whether it was a Council or Planning Commission item was yet to be determined. The Planning budget went to the Town Administrator who included it in a single line item in the Town's budget.

On Recordation of Historic Buildings (item #6), Town Planner Mader said CEQA required that structures over 50 years of age had to be looked at in terms of their historical significance. It did not have to be done right away. The Historic Resources Committee would prefer not to deal with this. Reasonable criteria would have to be established that could be applied by staff to conform with the requirement. Responding to Commissioner Elkind, he said the item was partially done. Commissioner Elkind said she felt item #7, Rules of Oversight of Project Implementation should be a higher priority. Chair McKitterick preferred to strike Recordation of Historic Buildings from the budget. After discussion, Commissioners agreed the item could be carried forward to a subsequent year.

Chair McKitterick said item #7, Rules for Oversight of Project Implementation, was important, and he definitely wanted to see it happen. Ms. Lambert said the ASCC would provide some guidelines for the Planning Commission. Inspections would be more frequent; there would be more involvement between public works, building and planning; etc.

On the Geologic Maps (item #8), Town Planner Mader said the Town Geologist had been making changes to the maps over the years. A master map was close to being done, and the Planning Commission would need to review it—particularly in terms of how the San Andreas Fault was shown. The way in which the fault was mapped and its relation to setbacks would change. The implications of that for zoning of the fault itself would then need to be looked at. There could be potential problems for a few lots. Responding to Commissioner Zaffaroni, Ms. Lambert said the maps should be ready in a couple of months. Responding to Chair McKitterick, Town Planner Mader said the maps would be translated in the context of the zoning ordinance, and there would be public hearings. If the Commission did not address the implementation of it in terms of potential zoning regulations, it could probably be done the following year. It would be important to look at the implications whether regulations were adopted or not. Commissioner McIntosh said applicants would have to have a geologic evaluation whether or not there were regulations. Chair McKitterick suggested just finishing the map. Town Planner Mader said that would cost about \$5,000. Responding to Commissioner Zaffaroni, he said there was a map in the zoning ordinance that showed fault setbacks. The first thing was to look at the map to see how it would affect properties and what the implications were. He suspected that the zone shown on the map would be wider than the setback itself. Commissioner McIntosh

said any property owner could establish in great detail what the fault was like on their property. The map was not based on that kind of detail. Responding to Commissioner Gilbert, he said when the geologic map was established, the criteria for development was discussed and shown in the matrix. Everybody was in favor of setting standards. One of the engineering geologists wanted to take each case as it came up. That wouldn't have worked. The policy that was established was the bulwark for a lot of the General Plan and zoning. That whole foundation wouldn't have existed if it had been taken on an individual basis. There was some wisdom in developing standards. Responding to Commissioner Zaffaroni, he said the setbacks were measured from a trace in most instances. He confirmed for Commissioner Zaffaroni that the zoning would not be consistent with the new map. When it came out, the public would need to be involved. Responding to Commissioner Zaffaroni, he said the margin of safety beyond the zone of probable deformation would need to be established. A reasonable standard of safety had been established for the Town Center. That history would need to be reviewed as it set a precedent. Responding to Chair McKitterick, he said he did not think more than a dozen homes and some accessory structures would be affected. Commissioners agreed to leave the budgeted amount at \$10,000.

Commissioners agreed \$2,000 was adequate for the Transfer for Plans and Regulations to GIS (item #9). On ABAG population projections (item #10), Town Planner Mader said the Town needed to defend itself when the numbers came out. There had been quite a bit of correspondence with them in the past. The population projections were based on a combination of factors, such as employment, proximity to transportation, etc. In some areas they made a lot of sense, but not in Town. Commissioners agreed on \$5,000

Chair McKitterick said Referrals from Other Jurisdictions (item #11) included things like responding to Stanford, Philips Brooks, etc. Town Planner Mader said a presentation from Stanford on the shopping center and hospital was scheduled for a Council meeting. The major impact of their project on the Town would be traffic.

Town Planner Mader said homeowners' associations (item #12) didn't always know how the Town's regulations related to them. Historically, it was about \$5,000. Commissioner Elkind said she expected it to go up due to changes to buildings codes, fire codes, etc. On expenses (item #13), Town Planner Mader said those were things that his office sent out, and it was not used much. Staff always received an invoice.

On Special Requests (item #14), Chair McKitterick said he preferred to take money from something else—especially given the size of the budget. Commissioner Zaffaroni said the Special Requests budget was often used to fund other items that needed additional money. Town Planner Mader said the intent was to use the money for things that were not otherwise budgeted. This year, transfers had to be made from other items to address things that came up. It had been increased because it never seemed to be enough.

Chair McKitterick said of the 11 specific items budgeted for this year, only two—the creek setback regulations and basements—were completed. Given the current budget and the tasks the Planning Commission was taking on, he questioned whether the Commission could take on any special projects. Town Planner Mader noted that the biologic/fire hazard study would be completed by the end of the fiscal year according to the contracts. The revision of the Noise Element in terms of the consultant's work would also be done by the end of the fiscal year.

Responding to Commissioner Zaffaroni, Town Planner Mader said when the Town's budget was put together, the Town Administrator knew what the amounts were. She did not count on additional requests. If a supplement was needed, she would have to figure out where it would come from. It was preferable for the Commission to live within its budget. With respect to completing items, Commissioner Zaffaroni said it was usually the public that required some funds be reallocated because more time was needed. That was in some cases difficult to anticipate. Town Planner Mader said the budget numbers were rough estimates. Things couldn't be programmed in great detail.

Commissioner Zaffaroni said she was comfortable with \$30,000 for Special Requests. Commissioners

Elkind and McIntosh concurred.

By motion of Commissioner Elkind, seconded by Commissioner McIntosh, the Commission approved the budget as amended by a vote of 4-1 (McKitterick). Town Planner Mader said he would make the changes discussed and forward the budget to the Town Administrator.

(2) Discussion of Sustainability Element of the General Plan

Chair McKitterick asked if Commissioners wanted a separate element on sustainability. Commissioners Elkind and McIntosh felt it should be separate. Commissioner Gilbert said it could go either way-- separate or incorporate it into the existing elements. There was a lot in the existing elements that applied, and sustainability was an integral part of the General Plan. Town Planner Mader noted that some of the sustainability provisions would fit in more than one element. It seemed more efficient to keep them together.

Commissioner Elkind said the principle message of the General Plan responded to a sense of aesthetics and what the landscape looked like. There were some comments that recognized the importance of the interdependence of plants, animals, people and the landscape. Sustainability was going in an important and new direction of respecting ecological principles and living within means on the planet. That was a new concept that wasn't stated in the General Plan.

Commissioner Zaffaroni said it was important to have a separate element in terms of public education and perception. It was always a bit of a struggle to bring people back to the General Plan again and again. It was not part of the general knowledge. When it was relevant, it would be nice to have a Sustainability Element to refer to rather than referencing all the different elements. It would also be helpful for future Commissioners to have an element that they could refer to. Commissioner McIntosh concurred with Commissioners Elkind and Zaffaroni.

Town Planner Mader reviewed the State law on optional elements and subjects noting that it related to the physical development of the county or city. It was easy to get into things that weren't directly related to physical development. Things like urging people to buy CFLs really didn't have a direct bearing on physical development.

Commissioner Zaffaroni asked if there were templates from other local jurisdictions like San Jose and Palo Alto. Town Planner Mader said he looked at a number of things on line and had quite a few publications in his office. He relied on those rather than going to other communities. He was not aware of other communities that had adopted a Sustainability Elements. He said some calls could be made.

On the general format of the draft, Commissioner Zaffaroni said she would like to have something more condensed. It should be anchored in areas that would be effective and appropriate for the Town. She didn't want it to be overreaching on things like getting domestic services to carpool to Town. Town Planner Mader said he "reached" as much as he could purposefully to raise questions. The goals and objectives were general while policies were more specific. Some of the things he included would be difficult for the Town to do and some would be controversial. He recommended the Commission go through this and decide which ones they were comfortable with.

Commissioner Gilbert said in some cases the objectives were so specific they should be policies and vice versa. She also thought a new area on community design could be included. Community design had to do with the layout of the Town, services being central, roads and transportation, etc. Town Planner Mader said that was embedded as a fundamental principle in the General Plan in the Land Use and Circulation Elements. That had not been repeated in the draft because it was there. It was referenced in the summaries rather than repeating it. Commissioner Gilbert said it could come into play in housing needs and rezoning, services at Town Center, or how the Nathhorst Triangle area was developed. It was a big principle in how the Town was put together. If there was a separate Sustainability Element, there was nothing wrong with highlighting it.

On the layout in general, Commissioner Gilbert said it got to be a little repetitive reading the sections of the existing provisions. She suggested referencing them within the actual sections. Town Planner Mader said he felt they should be in the element so that people understood that very fundamental things were already in the General Plan and were not repeated here. If you wanted to go into those, you would go to those elements. Commissioner Zaffaroni agreed they were too lengthy to incorporate. Instead of breaking it out, Commissioner Gilbert suggested, for example, "See Open Space Element," without listing the individual principles. Town Planner Mader said it could be cross referenced. But, he thought it would be helpful to keep those in so that someone picking up the element for the first time could see that these topics were covered and other topics were not covered. Commissioner Gilbert said the same thing was being said over and over. Town Planner Mader said some of the primary objectives found their way in each element, and he felt that was a strength. Chair McKitterick said this could be addressed at a future meeting when there was more substance in the body of the draft.

Commissioner Elkind said the General Plan was beautiful because it had such philosophical clarity. Because it had that, she thought some of the statements could be edited down more concisely. On the section on Sustainability Goals, Objectives and Policies (p. 4), she said the key ideas were to conserve resources and reduce greenhouse gas emissions. She felt the Objectives for a Sustainable Ecology statement in the Charter of Sustainability from New Pattonsburg, MO, was a nice succinct statement. Commissioner Zaffaroni agreed that the draft's introduction could be improved. Chair McKitterick noted that global warming and greenhouse gases were referred to three times. The New Pattonsburg document talked about more general principles. There were other issues in sustainability that didn't have anything to do with greenhouse gases. He agreed the draft's introduction should be broader and more philosophical.

Town Planner Mader noted that the draft's Overarching Goals section was supposed to be the fundamental and overall framework. That was the important list, and the other was an introduction. Commissioner Elkind said she had some questions about the draft's Overarching Goals and whether they were clear. The second statement needed to be clarified. It was also covered in the New Pattonsburg document.

Commissioner Zaffaroni suggested discussing the goals. Town Planner Mader said there were different ways the goals could be done. Since so much of the concern was about global warming, and vehicles were a big part of that, he put that near the beginning. The next was "New Buildings" and then "Existing Buildings." "Water Resources" was very important and was getting more and more important. "Community Education and Involvement" had less to do with the physical aspect, but it was important and should be included. The idea was to include what the Town was currently doing and would be doing and provide a basis in the element.

On adding a goal that addressed community design, Town Planner Mader reiterated that he felt it was covered in the existing Plan. Commissioner Zaffaroni said Commissioner Gilbert mentioned rezoning in the future for higher density. It would be helpful to have that reference to the design of the community. Town Planner Mader read provisions from the Land Use Element that discussed community design and land use planning.

Town Planner Mader reviewed the objectives in the draft under Motor Vehicles. Commissioner Elkind felt the first three were excellent but felt statement #4 might be better under policy. Town Planner Mader noted that he didn't want to include on-line shopping, but a lot of people did it, and it was counter productive to the local businesses. Commissioner Gilbert suggested adding an objective about centrally locating businesses and services. Town Planner Mader said he would draft something about locations in terms of efficiency. In terms of school commuters, Commissioner Zaffaroni suggested adding something about discouraging unnecessary trips. A number of policies would flow from that such as school buses, car pooling for work crews, etc.

Commissioner McIntosh said it was fundamental to analyze the traffic. If you had 7,500 cars/day on Alpine Rd., it would be important to know how many were school related, construction related, etc. You needed to

know that before specific policies were created to address them. Town Planner Mader said there were origin and destination studies where you did a sampling of people coming through. The studies were expensive.

Commissioner McIntosh suggested focusing on the objectives at the next meeting.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert said an update on the Noise Element and ordinance would be presented to the Council at their meeting on May 28. Next week, Council would hold the public hearing on non-conforming structures and uses.

APPROVAL OF MINUTES

Commissioners Zaffaroni and Gilbert submitted changes to the minutes of the April 16, 2008, meeting. By motion and second, the minutes were approved as amended by a vote of 3-0, with Commissioners Elkind and McIntosh abstaining.

ADJOURNMENT: 10:40 p.m.

Nate McKitterick, Chair
Planning Commission

Leslie Lambert
Planning Manager