

PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, APRIL 18, 2012, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chair Von Feldt called the Planning Commission regular meeting to order at 7:30 p.m. Ms. Borck called the roll:

Present: Commissioners Denise Gilbert and Arthur McIntosh; Vice Chair Leah Zaffaroni; Chair Alexandra Von Feldt

Absent: Commissioner Nate McKitterick

Staff Present: Tom Vlastic, Town Planner  
Carol Borck, Planning Technician  
Councilmember Jeff Aalfs, Liaison

ORAL COMMUNICATIONS

None

REGULAR AGENDA

- (1) Public Hearing: Proposed Amendments to Site Development and Zoning Ordinances to Adjust Permit Appeals Periods and Time Limits

Mr. Vlastic said there's been no public response to this proposal, which would align time periods for approvals and appeals with common practice as recommended by the Town Attorney. The slightly revised proposal addresses issues set forth when the Planning Commission first discussed it at the meeting on March 21, 2012. The staff report of March 27, 2012 from Mr. Vlastic and Principal Planner Karen Kristiansson explains why the proposal is exempt from California Environmental Quality Act provisions, pursuant to CEQA Guidelines Section 15061(b)(3). If the Planning Commission concurs with staff's recommendation and passes Resolution No. 002-2012, he said, the matter will be set for public hearing and consideration before the Town Council.

Vice Chair Zaffaroni noted that in terms of appeals periods, the staff report specifically references site development permits, zoning permits, variances and conditional use permits (CUPs), but not fence permits. Commissioner McIntosh said the fence ordinance (Chapter 18.43.080) specifies that applicants or owners of adjacent neighbors may appeal Planning Commission or ASCC decisions about fences to the ASCC, but it mentions no time period for such appeals. For consistency, Mr. Vlastic recommended adding the 15-day appeal period for fences.

Vice Chair Zaffaroni raised several other points:

- Chapter 15.12.390 (site development permit expiration): She asked whether "or" in paragraph A should be "and" instead.

Commissioner McIntosh said that "or" is appropriate, because either of the two situations indicated would make the permit null and void. Chair Von Feldt agreed with "and." As the language reads, Commissioner Gilbert interprets it to mean that it would be acceptable if an applicant commences work within 200 days provided the project is completed within one year. Vice Chair Zaffaroni said that "and" would require meeting both conditions – not just one or the other.

- Chapter 18.34.150 (administration/variances): Vice Chair Zaffaroni said the language is unclear as regards "a variance granted by the Board of Adjustment or Council becomes null and void if not exercised within the time specified . . . or if no date is specified, within one year . . . ." She said "exercised" implies that some work has commenced, but the sentence continues with "unless" and goes on to list a number of options that would keep the variance from becoming null and void.

Commissioner McIntosh agreed with Vice Chair Zaffaroni's observation. Mr. Vlasic said he believes the intent is that any one of the items listed is tantamount to exercising the variance.

Commissioner Gilbert suggested eliminating "unless" and starting a new sentence. She pointed out that the original three items on the list (A.1–A.3) are examples of ways in which the variance could be exercised, but the fourth – the addition proposed – is not: Paragraph A.4 reads: "Where a single project requires both a variance and an architectural review approval from the ASCC, and those permits are considered and issued together, the variance shall have the same expiration period as the architectural review approval."

Commissioner Gilbert suggested keeping the original list of items, changing the fourth one to paragraph B, and re-lettering the paragraph that follows. Mr. Vlasic agreed.

- Vice Chair Zaffaroni asked whether the introductory paragraph's "following the date on which the variance becomes effective" means 15 days from approval of the variance. Mr. Vlasic said yes.
- Vice Chair Zaffaroni noted that Chapter 18.70.080 (Board of Adjustment), Chapter 18.72.200 (CUPs), Chapter 18.78.022 (Town Council appeals/review) all make reference to 15-day periods. When the period was 30 days, she said, the text referred to the 31st day.

Commissioner Gilbert pointed out that if the appeal period ends at the close of business on the 15th day, that's the latest an appeal can be filed; the 16th day is too late. If a CUP becomes effective at the close of business on the 15th day, the applicant cannot begin implementing CUP-authorized changes until after that (i.e., on the 16th day). In terms of administration, Mr. Vlasic said that the "close of business" terminology works.

In Chapter 18.72.200 (CUPs), Commissioner Gilbert suggested adding "unless an appeal is filed" to the end of the paragraph.

Mr. Vlasic recapped the changes.

Chair Von Feldt opened the public hearing. With no one coming forth, she closed the public hearing.

Commissioner Gilbert moved to approve Resolution No. 002-2012 with the changes discussed. Seconded by Commissioner McIntosh, the motion carried 4-0.

## (2) Report: Annual Housing Element Monitoring Report for 2011

Mr. Vlasic said that provisions of the Housing Element require annual monitoring reports that address the status of its various components. In response to Commissioner McIntosh, Mr. Vlasic said monitoring reports aren't submitted to the State but must be completed and on record in the event questions arise.

Commissioner Gilbert asked about inclusionary housing in Blue Oaks. Quoting from Ms. Kristiansson's staff report dated April 6, 2012, Commissioner Gilbert read, ". . . it may still be possible for the Town to meet the main goals of starting construction during the 2011-2013 time period." Given the direction is toward selling the lots, and presumably buying new ones elsewhere before construction begins, she asked whether all of that is feasible. Mr. Vlasic said a number of discussions have focused on various pieces of property, and looking at it realistically, he sees potential opportunities opening up. While the goal is realistic, it will take continued pushing to make it happen, he added. The idea of developing Blue Oaks lots for below-market-rate (BMR) housing has been explored in many ways, all of which have proven futile, but gaining resources from some of those lots in one way or another and using those resources on other properties seems more likely. Nothing in Blue Oaks has been put on the market so far, he explained, because there are not-quite-resolved questions about whether the Town is able to stockpile funds before having identified a specific application for those funds.

Vice Chair Zaffaroni asked about the multi-family housing at The Priory – 11 new housing units that are expected to be built before 2014. Mr. Vlasic said The Priory remains interested in moving ahead on that plan, and the Town is having regular discussions with The Priory about its priorities with its existing CUP as well as with its

fundraising. There's also a possibility of The Priory coming back to the Town for additional CUP consideration to reconfigure space and possibly fold some existing housing into the development of additional units.

Commissioner McIntosh asked about the status of The Priory's gymnasium. Mr. Vlastic said it's part of a series of projects The Priory is also trying to fold in, and discussing whether to take a one- or two-phase approach. To move ahead would require changes to its master plan.

Vice Chair Zaffaroni asked to what extent a CUP can be modified without bringing it back to the Planning Commission. Mr. Vlastic said basic provisions can't be altered without Planning Commission approval, although The Priory may make some internal adjustments that are subject to ASCC review under current CUP provisions. Some aspects of The Priory's program, he explained, fall completely within the boundaries of its existing CUP, but other elements – expansion of the fields, incorporating the Gambetta property, etc. – would require Planning Commission approval. At this time, Mr. Vlastic said, the Town is trying to advise The Priory as to which approaches would require CUP amendments. He confirmed that a CUP amendment would need an Initial Study (i.e., environmental review).

Chair Von Feldt requested more information about the idea of replacing the inclusionary housing program with a housing impact fee. Mr. Vlastic said that's not something the Town committed to, but it's among the avenues the Housing Element indicated would be explored. Some discussions toward that end have taken place at staff level. With so little subdivision development in Town, he said that option wouldn't be very popular and he'd rather not pursue it further unless it becomes necessary to satisfy Housing Element requirements. He explained that the fee would apply to new residential construction only.

In response to Commissioner Gilbert, Mr. Vlastic said impact fee funds could be used to help develop BMRs in other locations. Also, if the Town continues working with San Mateo County to find locations outside Portola Valley, those funds might be used by that other community and still satisfy the Town's obligation.

Commissioner Von Feldt asked whether the Town Council has provided strategic direction in terms of the housing impact fees and BMRs in Portola Valley in general. In the sense that the Council approved the Housing Element, Mr. Vlastic said that yes, the Council has provided some strategic direction. The Town also has taken inclusionary fees on smaller subdivisions that had no provisions for gaining a lot. Mr. Vlastic said that Blue Oaks is the key example of where the Town obtained the land but has been unable to develop any BMR housing. He also said the Town's second-unit program has been relatively successful in helping offset the BMR requirements.

Chair Von Feldt inquired about the effects of the Town's efforts as regards second units, including changes in zoning regulations and administration of second-unit applications as well as posting a second-unit manual on the town website and creating a flyer for distribution at the Planning counter. She asked whether these actions have spurred interest in second-unit development. In and of themselves, Mr. Vlastic said, those actions may not be the reason. As he sees it, the need to satisfy family needs, accommodating children and older parents in separate units, is the major driving factor.

Chair Von Feldt invited public input.

Jon Silver, Portola Road, asked who's been working on the BMR issue. Mr. Vlastic said Councilmember Ann Wengert and Commissioner McIntosh, as well as staff, have had informal conversations about pieces of property that may be considered for BMR housing. There also have been conversations with people in Blue Oaks and representatives of entities involved in BMR housing.

Mr. Silver said that while State housing laws have encouraged and required BMR housing, the regulations of the California Real Estate Commission require all property owners within a subdivision to pay certain fees, which often are prohibitive. He asked if that is still the case. Mr. Vlastic said that fundamentally, that is correct. Mr. Silver suggested exploring the possibility of a special bill to exempt Blue Oaks from these fees.

Mr. Vlastic said Blue Oaks lots as sites for BMR development haven't been ruled out, because environmental review and entitlements have been handled. A major roadblock to implementation is finding a developer willing to take on such a small project.

Vice Chair Zaffaroni said community pushback can be expected wherever BMR housing is proposed. In Blue Oaks, at least the homeowners had upfront notice of BMR development.

Mr. Vlastic said the original Blue Oaks idea involved eight units (duplexes) on four lots, with the same general character of other homes there. However, a tighter clustering or use of smaller lots may be more workable economic models in the eyes of the agencies.

With no Commission action on this item needed, Mr. Vlastic said that the Annual Housing Element Monitoring Report for 2011 would be filed with a copy of the minutes of this meeting.

(3) Preliminary Consideration of Portola Road Corridor Background Report and April 11, 2012 Town Council Direction Relative to Corridor Plan Process

Mr. Vlastic said that the Planning Commission may choose to have additional time to review and discuss the Portola Road Corridor Plan at its meeting on May 2, 2012. He explained that the Town Council agreed to a task force approach to plan development, and various committees have been asked to select representatives to be part of the task force. The Planning Commission, too, is invited to have a representative on the task force.

The task force's primary role will be in data gathering and initial discussion of issues, with the Planning Commission taking primary responsibility for overseeing the process, reviewing and refining identified issues, giving direction for plan development, and serving as the focal point for discussions.

The plan is for the task force to be ready to meet for the first time in early May 2012. After various task force representatives take issues back to their committees for discussion, Mr. Vlastic said, subsequent task force meetings would be held to collect that input and synthesize it into what would become a modified background report to bring back to the Planning Commission.

Referring to the Draft Background Report provided, Commissioner Gilbert noted that it states as a condition to building a new agricultural building in the meadow and adding additional agricultural plantings, the owner of the Spring Ridge LLC property is required to thin the trees along the west side of the corridor along the parcel frontage. She asked whether this condition relates specifically to the agricultural building or is part of the entire CUP. Mr. Vlastic said the thinning in this context is associated strictly with the development of the meadow area.

In response to Commissioner McIntosh, Mr. Vlastic added that the redwood trees were planted along Portola Road, oak trees along the property boundary and some shrubs are another issue, and those will be removed in any case. They are addressed as conditions of the CUP as a whole, not related to the agricultural building in particular.

Noting that the Draft Background Report indicates "special building setbacks for Portola Road," Vice Chair Zaffaroni asked if the setbacks aren't typical rather than special. Mr. Vlastic explained that from the Alpine Road intersection to the northerly Town limits, no building can be located closer to the Portola Road right-of-way than 50 feet if the minimum parcel area is one acre. However, an accessory structure on a parcel with a side or rear parcel line contiguous with Portola Road may come within 25 feet of the ROW, provided that the ASCC finds the structure won't be visible from Portola Road. A one-story house can have a minimum setback of 35 feet.

Commissioner Gilbert asked how that compares with other properties in Portola Valley. Mr. Vlastic said most areas have the standard 50-foot front setback, with 20-foot setbacks in the side and rear yards. In smaller zoning districts, front and rear setbacks are 20 feet, with 10-foot side setbacks. Along Alpine Road, the front setback is 75 feet.

Chair Von Feldt observed that in some areas along Portola Road there may be issues with deeper setbacks getting into the Pd fault zone (potentially deep landslide).

Vice Chair Zaffaroni said it would be helpful for the background information to clarify how Portola Road setbacks compare to those elsewhere in Town, particularly if the Portola Road setbacks are labeled "special." She also noted a statement that parcels fronting Alpine and Portola Roads need Conservation Committee approval to plant

trees and shrubs within 75 feet of the road ROW. Mr. Vlasic explained that the previously discussed plantings on the Spring Ridge LLC property must be removed because they didn't have that approval.

Vice Chair Zaffaroni noted that the trail crossing Portola Road south of The Sequoias to continue along the west side is a major safety issue, particularly for children and equestrians, She asked if there's a way to circumvent the need for crossing this major thoroughfare. Mr. Vlasic said it makes sense to explore the potential for more easement or ROW.

Observing that the crossing is located about where Willowbrook Road meets Portola Road, Commissioner McIntosh said the trail on the west side is a good one. Vice Chair Zaffaroni agreed, and noted that because it feeds into Georgia Lane, where it basically ends on the way to Ormondale School, it serves a good function there.

Chair Von Feldt said that she would like the task force to address the situation of invasive weeds in the Portola Road Corridor. In particular, she mentioned the hedge of Spanish broom by the exit of the Midpeninsula Regional Open Space District (MROSD) parking lot. It serves a screening purpose, she said, but could be phased out in favor of another species.

Vice Chair Zaffaroni said that parking has become a big problem and safety concern at MROSD, because its parking lot is maxed out. Commissioner McIntosh noted that MROSD has more land that could be used for parking, but also pointed out that more parking means more people. Mr. Vlasic said that putting the cars on Portola Road is an issue to begin with, and factoring in pathway and trail use and bike lanes makes it an even more problematic. He said he doesn't know the best answer, but the situation requires attention.

Chair Von Feldt said that the Pearson-Arastradero Preserve has a problem every weekend with the parking lot filling up, and because people aren't allowed to park on Arastradero Road, they hike in from Park and Ride.

Vice Chair Zaffaroni suggested directing people to Town parking lots as a possible solution. She said it isn't too much of a walk and the trail is a good one, but people don't know about the Town lots. That's one reason they park at The Sequoias, too, which creates problems there.

Mr. Vlasic said enforcement is an issue. He indicated that when work was being done in the MROSD parking lot, signs directed visitors to park at Town Center but many of them parked up and down Portola Road instead. Vice Chair Zaffaroni said that people coming from out of the area may not realize how close the Town lots are. She wants the task force to look at parking in the Town lots as a potential solution.

Chair Von Feldt pointed out that certain parts of Portola Road are extremely dangerous for bicycle riders, particularly when they turn left onto Westridge Drive. She would like to see the task force come up with recommendations to improve safety, because it's a key concern for all types of users.

Mr. Vlasic said the idea is to identify the issues and concerns, and if more detailed studies are needed to address particular problems, there's a possibility of tapping funds in the Public Works budget.

Vice Chair Zaffaroni agreed that safety is an issue, but she wonders whether wider bike lanes would even help. She said bicyclists should ride single-file. Even riding two abreast can be a problem; she's had riders fall onto the road in front of her when trying to pass other bikes. She said enforcement is important.

Mr. Vlasic agreed, noting that riders consider bike lane stripes as guides rather than boundaries, particularly when riding in groups. This poses problems for all users – drivers and even runners pushing baby strollers. It's a popular, important route, he said, and sharing the facilities in such a way that benefits everyone needs to be explored. He said discussions with the various biking entities as well as individual users will be important.

In response to Commissioner McIntosh, Mr. Vlasic said he believes that the Alpine Road bike lane was widened to five feet when the road was repaved, but he'd check with the Public Works Department to be sure about the width. Commissioner McIntosh asked whether the Alpine Road bike lane might be a good template to start with on Portola Road. Vice Chair Zaffaroni said she doesn't think Portola Road has enough space to do that.

In terms of setting priorities for the Portola Road Corridor, Commissioner McIntosh raised the issue of undergrounding utilities. He asked whether Mr. Vlasic has examples from other communities. Mr. Vlasic said it won't be the case in Portola Valley, but the most successful undergrounding programs involve having a development in which the developer carries the financial burden. Palo Alto was able to generate funds through its own utility, leveraging additional fees in certain parts of its service area to put utility lines underground in those areas. He noted, too, that undergrounding probably works best in places where a significant number of property owners are able to share the burden – but Portola Valley's low population density would make the per-household burden very high. The Town Council identified Alpine Road as an undergrounding district, but even so, the funds identified through PG&E's Rule 20A wouldn't address the entire district. The situation is complicated because undergrounding is so expensive. If the community really got behind it and wanted to do a fundraising, it's possible, Mr. Vlasic added, but it takes a huge amount of money to underground just a foot of line.

No one came forward when Chair Von Feldt invited public comment. She asked whether any Commissioner wanted to serve on the task force. Commissioners Gilbert and McIntosh, as well as Vice Chair Zaffaroni, indicated that prior commitments during the task force's key timeframe – May and into early June 2012 – make them unable to participate. Mr. Vlasic said he'd ask Commissioner McKitterick. In any case, Mr. Vlasic said, data will come back to the Planning Commission.

#### (4) Proposed Planning Program and Budget for FY 2012-2013

Mr. Vlasic said some budgeting uncertainties stem from the fact that the Town will be working with a new Planning Department Manager and Leslie Lambert taking on a new role as Planning/Building Services Advisor, as well as having a new Town Manager and possibly a new Assistant Town Manager. Nick Pegueros, the new Town Manager, is due to come on board the first week of May 2012, he said, and two candidates have been identified for the Planning Department Manager position, with additional interviews to be scheduled soon.

The draft budget presented for the Planning Commission's consideration reflects continuing work on some items, including the Housing Element, the Portola Road Corridor Plan and zoning ordinance cleanup, Mr. Vlasic said. The proposed budget also includes development of a record that contains information about the status of land use controls, conditions for specific properties and use permits, and variables discussed and/or interpreted at various meetings, etc. Mr. Vlasic pointed out that all this information will be important not only in making the imminent transition to new personnel as seamless as possible but also as time goes on.

In response to Vice Chair Zaffaroni, Mr. Vlasic said that assembly of this record isn't likely to involve contacting former Councilmembers and Commissioners, but in some instances it may be appropriate to check in with Planning Consultant George Mader (Mr. Vlasic's predecessor as Town Planner). Mr. Vlasic explained that the record will relate primarily to entitlements on various projects (e.g., Portola Valley Ranch and Portola Green Circle), identify the locations of planned unit development (PUD) documents and relevant maps, etc. – things that staff members must consult from time to time but can be difficult to track down. As another example, he said that with longstanding CUPs, the associated resolutions and conditions of approval aren't always readily available. While the latest activity is easy enough to find, Mr. Vlasic said, other layers and documents referenced that are part of the conditions sometimes tend to get lost in the process. If everything can't go into the same record, he said, at least it should show clear paths to direct staff to the necessary information. The difficulty presented in staff finding what they needed became evident during Ms. Lambert's absence.

On a related note, Vice Chair Zaffaroni said it would be good to see the final language that reflects the outcome when, for example, the Planning Commission discusses and acts on a CUP. Mr. Vlasic said that information goes to the Planning Commission Chair.

Speaking to the floor area and impervious surface limitations item in the proposed budget, Mr. Vlasic explained that no fundamental or significant change is intended, but issues have surfaced that suggest finer-grain adjustments for some properties may be appropriate. He said it's worth exploring the possibility of graded relief without having to deal with CUPs, and that the CUP threshold presents a fairly high bar to cross for adding floor area. Mr. Vlasic also agreed with Commissioner Gilbert's observation that there's concern about current restrictions unintentionally encouraging subdivisions of large parcels.

In response to Vice Chair Zaffaroni, Mr. Vlasic said the genesis of the idea to explore alternatives came largely from work on McKinney, Neely and Shorenstein properties, as well as a suggestion from the Town Manager.

Commissioner McIntosh pointed out the potential nexus toward objectives such as conservation easements, combining lots and so on, where bonuses could offset if applicants had the incentive to combine lots or commit to some public benefit, for example, in exchange for some relief in terms of floor area and impervious surface restrictions.

Vice Chair Zaffaroni commented that she didn't think the Shorenstein subdivision action was particularly burdensome, long or contentious. When an issue becomes contentious, she said, it reflects a strong community reaction – a plus in the sense that the Planning Commission is obliged to represent community interests rather than private ones.

Commissioner McIntosh said if the Shorenstein people, for example, had an incentive to keep the lots together, they might not have pursued the subdivision. That might have led to an offset that resulted in more open space, conservation easement or other community benefit. Vice Chair Zaffaroni said they had the option of going either way – subdivision or the CUP.

Mr. Vlasic said that on a parcel of 10 acres or more, applicants who want a CUP for a second house larger than 750 square feet must prove they can subdivide the property to the Town's subdivision standards, which forces them to take the subdivision route in any case.

Chair Von Feldt reported that Commissioner McKitterick wanted her to voice his concerns about the floor area issue, because 1) it could reopen discussions that the Planning Commission had concluded, and 2) the effort would cost considerably more than the \$10,000 estimated.

Mr. Silver said he doesn't see the benefit to either the Town or the public to pursue the floor area matter, which is "a can of worms that's better not opened." If someone wants to maximize the development potential of a larger parcel, he said, it can be considered with a use permit. Turning to another matter, he said that although he did not see it in the budget proposal, cleaning up the wording as regards the Meadow Preserve requires attention. He said that perhaps it can be completed in the current fiscal year and won't have to be on next year's budget.

Chair Von Feldt asked whether the Meadow Preserve item is in this year's budget. Mr. Vlasic said it's among the items in the "special requests" category. He explained that discussions about the Portola Road Corridor Plan during the April 11, 2012 Town Council meeting made it clear that it's important to move ahead with clearing up the Meadow Preserve language.

Chair Von Feldt asked whether Commissioner McIntosh's idea about providing incentives could work in the floor area/impervious surface arena. Mr. Vlasic said that it could, but the main idea was to find ways of making the process less complicated than use permits for smaller projects. Where the nexus is clear – as it would be in the case of a subdivision project – obtaining open-space or conservation easements has been accomplished on a regular basis, Mr. Vlasic said. Furthermore, staff encourages easements for the public benefit in both subdivision and use permit situations. On occasion, he said, people want property in a conservation easement; the late Bill Lane, for example, pursued that course of his own volition. However, as Mr. Vlasic pointed out, most property owners don't step up like that even if they're encouraged to do so. Commissioner McIntosh agreed, "There aren't many Bill Lanes."

Vice Chair Zaffaroni pointed out that the conservation easements on the McKinney property and at The Priory were linked to their use permits. Mr. Vlasic said McKinney's conservation easement came with his deal from the Peninsula Open Space Trust (POST). The Priory's came from its subdivision. It was the same with Portola Valley Ranch, he said, as part of the PUD and subdivision leverage provided by the California Subdivision Map Act. He said the Town has not used use permits to obtain conservation easements.

Vice Chair Zaffaroni asked how the Town allowing more floor area as a matter of right translates into an incentive. Commissioner McIntosh said if someone owns four or five contiguous lots and combines them into a single parcel for accommodate one larger house, it could benefit everyone. His point, he said, is to work out something that benefits the community as well as the property owner. Vice Chair Zaffaroni said she thinks

benefiting the community as well as the property owner is a good idea, but she doesn't see how it connects to a floor area incentive.

Mr. Vlasic said the idea is to explore ways of considering additional floor area on some of the larger properties. Maybe exchanging more floor area for an open-space easement is realistic and logical, but as the Town Attorney has indicated, the Town doesn't have that leverage unless the nexus is clear. He said there's a possibility of constructing the ordinance in such a way as to encourage easements. What he considers important is clarifying the process that applicants have to go through. The way the wording in CUP findings is interpreted can make it a challenge for property owners to respond to the questions.

In response to Vice Chair Zaffaroni, Mr. Vlasic said that the goal of looking into options is to allow some incremental increases and articulate what's most important to the community as a set of performance standards – as opposed to CUP findings, which may not be clear until they're interpreted. He suggested that applicants who meet specified performance standards could be entitled to a certain amount of extra floor area without having to make all the CUP findings. Clearly, he added, there also must be a benefit to the community.

Vice Chair Zaffaroni said the current process allows an increase in square footage, and has the normal CUP requirements – which she said aren't so onerous – addressing such issues as safety and aesthetics. The process also enables the Town to add conditions, including conservation easements. It's a well-used process that the Planning Commission is comfortable with, she said. Mr. Vlasic said CUP findings don't specifically state anything about providing a public benefit to obtain additional floor area.

Vice Chair Zaffaroni said it would be a different issue if the focus is to change the ordinance in such a way so as to obtain a public benefit from applicants who want extra square footage without going through the CUP process. Mr. Vlasic said he's not trying to dictate the outcome. Rather, he hoped to explore the issues and if certain performance standards are important, articulate them in a way that's clearer to applicants than it is now. He said that while CUP findings are helpful, there may be another way of approving additional floor area without going through the full CUP process.

As Chair Von Feldt summarized, the question before the Planning Commission is whether the issue belongs in the proposed budget so it can be addressed this year.

When Commissioner McIntosh asked what Mr. Vlasic proposed to do if the budget is available, he said they would identify the kinds of properties likely to be affected and then articulate the options. He said this isn't an attempt to just give those who have large properties more floor area – only to be clearer in terms of the Town's expectations and consider some of the factors that property owners have brought to the Town's attention.

Mr. Silver said it would affect very few properties to change the current ordinance to state explicitly that an applicant would have to provide a major public benefit if the Town were to grant a CUP allowing additional square footage. He also said he wondered if we're trying to craft performance standards that would automatically yield a decision without review as thorough as the CUP process. He said it might be instructive to look back in history at projects that led to good results in terms of public benefit, citing as examples the Melchor (now Neely) and MROSD property subdivisions and the Slobe Windy Hill property, including the site on which the Kabcenell home is now located.

Bev Lipman, Favonio Road, said that in terms of the floor area issue, she sees nothing wrong with the way things are now with the CUP process. She also said she discussed the idea of a conservation easement on the Neely meadow with POST's executive director, who told her it's far too small to interest POST and conservation easements are expensive. Commissioner McIntosh said it's not expensive to monitor an easement.

Mr. Vlasic said that POST is talking to other properties in Town, some of which are fairly large and some of which have houses on them.

Commissioner McIntosh said that he favors having staff explore the question as Mr. Vlasic proposed.

Vice Chair Zaffaroni said she's still unclear about the objective, and the concept of facilitating the dedication of open space seems a high hurdle if the purpose is to simplify the process. She also said that 1) the current method is functional, operational and works reasonably well; 2) CUPs aren't a "burden" to most applicants, and 3) the Planning Commission generally deals with CUPs rapidly. If the process poses a burden because it becomes "controversial," the controversy doesn't stem from regulations or the Planning Commission – it means there was a big community reaction and thus community participation is important.

Commissioner Gilbert said if the objective is to create an entirely new process, she's not sure she can support it because it might undermine the existing CUP process and further complicate things. She said she leans toward modifying the CUP process as necessary.

Chair Von Feldt said she agrees that a controversial application needs vetting in a rigorous process, but at the same time doesn't want to pass up an opportunity to be clearer up front about expectations for a public benefit.

Vice Chair Zaffaroni said nothing about the CUP process discourages conservation easements, because the Town would be favorably inclined if the applicant has demonstrated willingness to do that and it's stated as a permissible condition within the CUP ordinance. Mr. Vlastic said that nothing in the process suggests that applicants consider conservation easements – there's no link between conservation easements and the community benefit. Vice Chair Zaffaroni said perhaps it isn't explicit, and perhaps it shouldn't be. Mr. Vlastic said amending the CUP ordinance to make expectations clear, as Commissioner Gilbert suggested, may be the answer, but the issue deserves a fair discussion and further input from the Town Attorney.

Chair Von Feldt suggested leaving the item in the budget proposal, then seeing where things stand as the Planning Department works through its priorities in FY 2012-2013. Vice Chair Zaffaroni said it's a good idea if it's rephrased to make it clear that the purpose is to encourage public benefits. Mr. Vlastic said the work could be limited to agenda items for discussion by the Planning Commission, and then see where that leads. He also suggested a separate line item for the Meadow Preserve issue.

Mr. Silver said he might be persuaded by the idea of tweaking the current CUP requirement with a link to public benefit clearly spelled out if applicants want additional floor area.

Vice Chair Zaffaroni asked about a "special request" item related to Ormondale School addressed during FY 2011-2012. Mr. Vlastic explained that the School District entered into an agreement with a summer camp for use of Ormondale School without public airing. Neighbors' objections led staff to examine whether Town zoning regulations were applicable, discuss the issue with the Town Attorney, and meet with the School District and neighbors. It turned out that the agreement had been crafted in such a way that it was clearly within the School District's purview and not governed by Town regulations. He said the situation regarding another item, a gourmet food truck at Christ Church, was similar.

Vice Chair Zaffaroni asked about "density bonuses" mentioned in the Housing Element implementation item in the proposed budget for FY 2012-2013. Mr. Vlastic explained that the Town provides for some density bonus for subdivisions, but the opportunity for subdivision is so limited it won't have much impact.

#### COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

At the Planning Commission meeting on March 21, 2012, Mr. Vlastic advised that Palo Alto had contacted the Town about increasing attendance at the summer concert series at the winery on Los Trancos Road and using Alpine Hills Tennis & Swim Club for overflow parking. In follow-up communications, Mr. Vlastic told the winery operator how the Town's use-permit requirements relate to Alpine Hills, explained what information would be needed, and indicated that any request would have to come from Alpine Hills. Mr. Vlastic has now heard that Alpine Hills is out of the picture, because attendance will remain at last year's level.

In response to Chair Von Feldt's comments about management changes at Alpine Hills, Mr. Vlastic said he hasn't spoken with anyone there, but he will do so because its use permit calls for periodic reporting.

APPROVAL OF MINUTES

Commissioner McIntosh moved to approve the March 21, 2012 minutes of the Planning Commission meeting, as amended. Seconded by Vice Chair Zaffaroni, the motion carried 4-0.

ADJOURNMENT [9:45 p.m.]

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Alexandra Von Feldt, Chair

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Leslie Lambert, Planning Manager