



**TOWN OF PORTOLA VALLEY
REGULAR PLANNING COMMISSION MEETING
Wednesday, August 5, 2015 – 7:00 p.m.
Council Chambers (Historic Schoolhouse)
765 Portola Road, Portola Valley, CA 94028**

REGULAR AGENDA

Call to Order, Roll Call

Chairperson Targ, Vice-Chairperson Hasko, Commissioners Gilbert, McKitterick, and Von Feldt

Oral Communications

Persons wishing to address the Commission on any subject, not on the agenda, may do so now. Please note, however, the Commission is not able to undertake extended discussion or action tonight on items not on the agenda.

Regular Agenda

1. Preliminary Review of Proposed Amendments to Conditional Use Permit# X7D-30 for the Conceptual Design of a new 'STREAM' Classroom Building, 302 Portola Road, Woodside Priory School
2. *Public Hearing: Review of Proposed Amendments to the Second Unit Ordinance*
3. *Public Hearing: Review of Proposed Ordinance Establishing Streamlined Permitting Procedures for Small Residential Rooftop Solar Systems*
4. Review of General Plan Conformity Request for APN 080-241-410

Commission, Staff, Committee Reports and Recommendations

Approval of Minutes: July 15, 2015

Adjournment:

ASSISTANCE FOR PERSONS WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Assistant Planner at 650-851-1700 ext. 211. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours.

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley branch of the San Mateo County Library located at Town Center.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge a proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing(s).

This Notice is posted in compliance with the Government Code of the State of California.

Date: July 31, 2015

CheyAnne Brown
Planning Technician



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: August 5, 2015

RE: Preliminary review of proposed amendments to CUP X7D-30 for the conceptual design of a new STREAM classroom building, Woodside Priory School, 302 Portola Road

On July 27, 2015, the ASCC and Planning Commission held a joint preliminary field meeting to view the story poles of a proposed 12,997 square foot STREAM (Science, Technology, Robotics, Engineering, Arts and Math) classroom building at Woodside Priory School. The Commissioners convened at the building site where the project team presented the conceptual design of the classroom building and the overall objective of the proposal.

The ASCC discussed the proposal at their regular evening meeting on July 27, 2015 and expressed general support of the project. The Commission found the siting of the STREAM building behind the student center appropriate and noted that the location will help mitigate its size. Although more information will be needed to conduct a complete evaluation and analysis, the ASCC provided positive feedback about the building's size, massing and exterior materials. The ongoing parking issues in the overflow parking area along Portola Road was discussed and the applicant was directed to address the parking issue and return with an updated parking and circulation plan as part of the project submittal.

At this time, the applicant is seeking feedback from the Planning Commission on the concept of the new STREAM building and also the use permit amendment to allow for additional floor area. Comments and preliminary reactions will assist the applicant further develop the plans and prepare a formal application to the Town. Additional background information about the project is included in the July 27th ASCC/Planning Commission staff report. (Attachment 1)

PUBLIC COMMENTS

No public comments have been received as of the writing of this report.

ATTACHMENTS

1. ASCC and Planning Commission staff report dated July 27, 2015



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC and Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: July 27, 2015

RE: Preliminary review of proposed amendments to CUP X7D-30 for the conceptual design of a new STREAM classroom building, Woodside Priory School, 302 Portola Road

BACKGROUND

On June 26, 2015, the Town received an application from Woodside Priory School to amend Conditional Use Permit # CUP X7D-30 to add a new 12,997 square foot classroom building on the property. The project would require architectural review for the building, a site development permit for grading and tree removal, an amendment to the Conditional Use Permit to allow for 11,590 square feet of additional floor area, and an update to the master plan map.

The applicant has provided preliminary conceptual design drawings for the classroom building and additional information such as grading, landscape, and lighting plans will be submitted as the project develops. At this time, the ASCC and Planning Commission are being asked to provide initial reactions and comments on the application as the review process moves forward. The project is described briefly below and in the attached materials.

DISCUSSION

Woodside Priory School is proposing to build a new STREAM (Science, Technology, Robotics, Engineering, Arts and Math) classroom building on the 50.4 acre property at 302 Portola Road.

The proposed STREAM classroom building will be located over the site of the existing fine arts building, north of the student center. The 12,996 square foot two story classroom building contains 3 science labs, 1 robotics/flex space, 5 art classrooms, a digital lab, a tool shop, faculty offices, conference rooms, storage, bathrooms, and a covered outdoor work space. The building has a maximum vertical height of 28' and a maximum overall height of 34'.

According to the applicant, no increase in the number of students, staff, or faculty is proposed. This project is intended to provide a state of the art facility for the various programs offered at the school. The 3,000 square foot new science classrooms in the Church Square area

previously approved under the 2005 Master Plan will not be built. Instead, both the fine arts building and the science classrooms will be combined and be incorporated into the new STREAM building.

In reacting to these conceptual plans, the ASCC will need to consider their conformity with the Town's zoning ordinance and Design Guidelines as well as consistency with the approved Conditional Use Permit X7D-30, including the approved Priory Master Plan. The Planning Commission will need to consider whether an amendment to the use permit triggered by the proposed additional floor area and master plan update could be supported by making positive findings pursuant to Section 18.72.130 of the PVMC before granting the use permit.

Some initial comments on the proposed project in terms of these guiding documents are provided below.

1. **Considerations regarding Zoning Ordinance Regulations and the Design Guidelines.** More detailed plans and information, including grading, landscaping, and lighting plans, a geotechnical report and an arborist report will be needed to assess full conformity with the Town's zoning regulations and design guidelines. One key consideration will be whether the proposed building design includes any features that could create glare, lighting or other visual impacts on nearby properties, including those across Portola Road.
2. **Consistency with the Conditional Use Permit and the Priory Master Plan.** The proposed new classroom building is located over the site of the existing fine arts building. The applicant plans to combine the 3,400 square foot fine arts building and 3,000 square feet of science classrooms (approved but not built) into a larger building that serves a variety of academic programs. Overall, the location for the building appears to be generally consistent with what is shown on the master plan in that it will be located in an area already developed for classroom use.

The 2005 Master Plan includes floor area and impervious surface limits for the campus. There are separate floor area limits for scholastic, residential and athletic uses on the campus. The total proposed scholastic floor area including the new STREAM building is approximately 105,053 square feet, an increase of 11,590 square feet over the floor area approved under the 2005 Master Plan.

As noted earlier, the applicant is seeking an amendment to the Use Permit and the Planning Commission must determine that the following findings can be made in order to approve the change in the master plan map and the additional floor area requested.

1. The proposed use or facility is properly located in relation to the community as a whole and to land uses and transportation and services facilities in the vicinity.
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as may be required by this title or in the opinion of the commission be needed to assure that the proposed use will be reasonably compatible with land uses normally permitted in the surrounding area and will insure the privacy and rural outlook of neighboring residences.

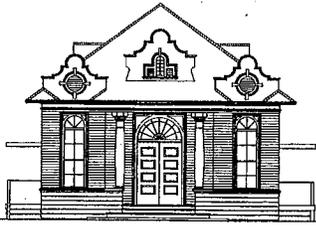
3. The site for the proposed use will be served by streets and highways of adequate width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.
5. The site for the proposed use is demonstrated to be reasonably safe from or can be made reasonably safe from hazards of storm water runoff, soil erosion, earth movement, earthquake and other geologic hazards.
6. The proposed use will be in harmony with the general purpose and intent of this title and the general plan.

At this time, the project team is seeking initial feedback and guidance from the ASCC and the Planning Commission on the conceptual design of the building as well as the request for additional floor area and use permit amendment. The joint preliminary field meeting on July 27, 2015 will begin at 3:30 p.m. at the Town Hall in front of the School House. Arrangements have been made to shuttle commissioners to several locations to view the story poles from vantage points west of the project site. The applicant will be presenting additional information about the proposal during the field meeting.

The ASCC and Planning Commission should continue discussion of this proposal at the regular evening meetings on July 27 and August 5 respectively and offer any comments reactions, or directions to the project team. Based on the feedback, the applicant will continue to develop the project plans and submit them for further review in the next several months.

Attachments

1. Letter of request and floor area analysis submitted by the applicant dated June 16, 2015
2. Section 18.72.130 of the Portola Valley Municipal Code
3. STREAM Building Conceptual Plans dated June 25, 2015



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: August 5, 2015

RE: Review of Proposed Amendments to the Second Unit Ordinance

RECOMMENDATION

Staff recommends that the Planning Commission review the draft ordinance, make any modifications deemed necessary, and adopt the resolution in attachment 1 recommending that the Town Council adopt the ordinance amending Chapters 18.04 and 18.12 of the Portola Valley Municipal Code.

BACKGROUND

The Town's 2014 Housing Element contains a program that calls for amendments to the Second Unit Ordinance. Second units appears to be a very effective way of providing affordable housing in Portola Valley and the ordinance is intended to simplify the permit process and help encourage the production of second units.

DISCUSSION

In June 2015, the Planning Commission and the ASCC held study sessions on the proposed changes to the ordinance. Key elements of the revised second unit ordinance are as follows:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.
3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

At their meeting on June 8, 2015, the ASCC suggested that courtesy notices be sent to adjoining properties to allow for neighbor input on second unit applications that are eligible for staff level review and approval. This change has been incorporated into the draft ordinance under section 18.12.040.b.15.f:

“Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by planning staff. Town planning staff shall consider comments from owner(s) of adjoining properties and may take action on a permit or refer it to the ASCC.”

Additional background and discussion of the proposed ordinance amendments are included in the June 8, 2015 ASCC and June 3, 2015 Planning Commission staff reports. (Attachments 3 and 4)

CEQA STATUS

Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

ATTACHMENTS

1. Resolution
2. Draft ordinance
3. Planning Commission staff report and meeting minutes dated June 3, 2015
4. ASCC staff report and meeting minutes dated June 8, 2015
5. Section 18.12.040.B of the PVMC (Second Unit Ordinance)

RESOLUTION NO. 2015-___

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
PORTOLA VALLEY RECOMMENDING APPROVAL OF AN
ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA
VALLEY MUNICIPAL CODE**

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley ("Town") adopted its current Housing Element;

WHEREAS, second units appear to be an effective way of providing affordable housing in Portola Valley;

WHEREAS, the Housing Element includes provisions to encourage increased production of second units, including allowing staff-level review of second units up to 750 square feet in size, allowing two second units on parcels that are over 3.5 acres in size, and allowing larger second units up to 1,000 square feet on lots that are two acres or more; and

WHEREAS, the Planning Commission held a duly noticed hearing on August 5, 2015 regarding the proposed ordinance; and

WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on August 5, 2015.

Ayes:
Noes:
Absent:
Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Debbie Pedro, Town Planner

ORDINANCE NO. 2015 - _____

**ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY
MUNICIPAL CODE RELATIVE TO SECOND UNITS**

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element;

WHEREAS, second units appear to be a very effective way of providing affordable housing in Portola Valley;

WHEREAS, the Housing Element includes provisions to encourage increased production of second units, including allowing staff-level review of second units up to 750 square feet in size, allowing two second units on parcels that are over 3.5 acres in size, and allowing larger second units up to 1,000 square feet on lots that are two acres or more; and

WHEREAS, the Town Council identified amendments to the Zoning Ordinance to encourage the production of second units as a priority.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. **AMENDMENT OF CODE.** Section 18.04.422 [Second Units] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

“An attached or detached residential dwelling unit located on the same parcel as a main dwelling unit and which provides complete independent living facilities, including those for living, sleeping, eating, cooking and sanitation, for one household.”

2. **AMENDMENT OF CODE.** Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

“B. Second units subject to the following provisions:

1. A second unit up to seven hundred and fifty (750) square feet may be permitted on a parcel which is one acre or larger.
2. A second unit up to one thousand (1,000) square feet may be allowed on a parcel which is two acres or larger.
3. Two second units each up to one thousand (1,000) square feet may be allowed on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main house, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.

4. Second unit floor area is inclusive of any basement area, but exclusive of garage or carport area.
5. The second unit shall have the same address as the principal dwelling.
6. The second unit is served by the same vehicular access to the street as the principal dwelling.
7. One dedicated parking space shall be provided for each second unit with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.
8. Parking spaces in garages or carports shall be at least ten feet by twenty feet. Uncovered parking spaces shall be at least nine feet by eighteen feet.
9. Parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
10. Color reflectivity values shall not exceed forty percent except that trim colors shall not exceed fifty percent. Roofs shall not exceed fifty percent reflectivity.
11. Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.
12. Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.
13. An application for a second unit shall be referred to the town geologist, director of public works, fire chief and, if dependent on a septic tank and drain field, to the county health officer in accordance with town policies.
14. An application for a second unit shall supply all information required by Section 18.64.040A.1 through 13.
15. Staff may approve an application for a second unit, either attached or detached, which meets all of the conditions below:
 - a) The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
 - b) The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
 - c) The second unit shall not exceed a vertical building height, of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in

Section 18.54.020.A. A second unit may be permitted to a vertical building height of twenty-eight (28) feet and a maximum building height of thirty-four (34) feet subject to ASCC approval.

- d) The second unit shall have colors, materials and architecture similar to the principal dwelling. Architecture not similar to the architecture of the principal dwelling is subject to ASCC approval.
- e) The second unit is not located on a local scenic corridor as identified in the General Plan.”
- f) Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by planning staff. Town planning staff shall consider comments from owner(s) of adjoining properties and may take action on a permit or refer it to the ASCC.

3. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

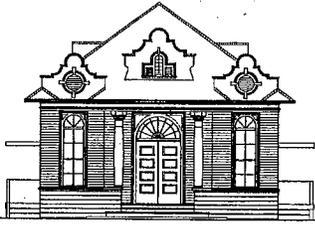
ATTEST:

Town Clerk

By: _____
Mayor

APPROVED AS TO FORM:

Town Attorney



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: June 3, 2015

RE: Study Session on Amendments to the Second Unit Ordinance

BACKGROUND

The 2014 Housing Element was adopted by the Town Council on January 14, 2015 and certified by the State Department of Housing and Community Development (HCD) on January 30, 2015. Program 3 of the 2014 Housing Element calls for amendments to the Town's Second Unit Ordinance with the intent to incentivize homeowners to add second units on their properties. Excerpts from Program 3 of the adopted Housing Element are provided in Attachment 1.

DISCUSSION

The Town's Zoning Ordinance has contained regulations for guest houses and second units since 1967. (Ord. 1967-80) The ordinance has been modified through the years and the last amendment was approved on January 26, 2011. (Ord. 2011-390) Under the current ordinance, a second unit is a permitted accessory use in the R-E zoning district and their requirements are provided in Section 18.12.040.B of the PVMC. (Attachment 4)

In order to encourage the production of second units, program 3 of the adopted 2014 Housing Element calls for the following amendments to the Zoning Ordinance:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.

3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

Pursuant to Council direction, staff has drafted the ordinance amendments including adding a definition of second units to Section 18.04.422, and rewriting and reorganizing the second unit requirements in Section 18.12.040.B as called for by the Housing Element. A clean version of the draft ordinance is included as Attachment 2 and a redlined version is included as Attachment 3. Key changes to the ordinance are summarized below.

For property owners with larger lots (2+ acres and 3.5+ acres), the ordinance amendments would allow the construction of a second unit of up to 1,000 square feet and in some cases, two second units on the property. It should be noted that the potential to develop second unit(s) on a property would still be limited by other zoning and site development standards including setbacks, maximum floor area and impervious areas, topographical and geotechnical considerations.

The proposed amendments would allow ministerial review instead of discretionary review of second units that comply with the following requirements:

- The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
- The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
- The second unit shall not exceed a vertical building height of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in Section 18.54.020.A.
- The second unit shall have colors, materials and architecture similar to the principal dwelling.
- The second unit is not located on a local scenic corridor as identified in the General Plan.

While staff cannot guarantee that the number of second unit applications will increase as a result of the proposed amendments, simplification of the permit process should help encourage second units. As with all applications for buildings and additions of any size, the Town Planner will have the discretion to forward projects with unusual or complex conditions to the ASCC for review pursuant to Section 18.64.010 of the PVMC.

Next Steps

This study session is an opportunity for the Planning Commission to provide input on the proposed ordinance amendments. Based on comments and direction from the Commission, staff will make changes to the draft ordinance and forward it to the ASCC for review. The draft ordinance, along with comments from the ASCC will then return to the Planning Commission for review and recommendation to the Town Council.

Attachments

1. Program 3 of the 2014 Housing Element adopted on January 14, 2015
2. Draft ordinance amendments (clean version) dated June 3, 2015
3. Draft ordinance amendments (redlined version) dated June 3, 2015
4. Section 18.12.040 of the PVMC (Second Unit Ordinance)

hang the blankets. He said the new pumps will be quieter than the existing pumps and noted that the noise evaluation was conducted based on the assumption that four pumps would be running at one time.

With no further questions, Chair Targ asked the Commissioners for comments.

Commissioner Gilbert said she was satisfied that Cal Water understood the Commission's desires as far as aesthetics, particularly hiding the fence and the equipment as much as possible.

Commissioner Von Feldt said she is comfortable with the findings of the CUP and variance as proposed. She said she is generally all right with the structures and layout, although the aesthetics are primarily the ASCC's purview. In terms of landscaping, she would include the Conservation Committee comments about the plant selection if possible. Because Cal Water is a public utility using public money, she wants to be mindful of the possible additional costs of lowering the pumps, as well as the associated impervious surface implications and the impact on the Town's Portola Road project.

Vice Chair Hasko remains concerned about the overall amount of noise; however, she supports the mitigation plans and understands that the final noise levels cannot be precisely predetermined. In terms of the aesthetics, particularly being on the scenic corridor, she wants to do whatever is necessary but practical to protect the neighbor's views as well as views from the road. She would agree with flexibility with the protection mechanism to try to save at least Trees #12 and #13.

Chair Targ asked if there was a consistency analysis performed with respect to the scenic road corridor. Ms. Kristiansson advised that she had reviewed the Corridor Plan specifically with regard to this project and found it to be consistent.

Chair Targ asked staff to reach out to the house across the street for their comments or concerns.

→ (4) Study Session on Amendments to the Second Unit Ordinance (Staff: D. Pedro)

Ms. Pedro presented the staff report regarding amendments to the Town's Second Unit Ordinance. She said that historically the Town has relied on second units to provide most of the affordable housing stock. With the goal of increasing the production of this type of housing, Program 3 of the 2014 Housing Element called for three amendments to the Second Unit Ordinance, as detailed in the staff report. She said that staff is seeking comments and directions from the Planning Commission. The ordinance will be forwarded to the ASCC and then return to the Planning Commission and the Town Council for review.

Commissioner Gilbert suggested amending Item #3 to read "Two second units, each up to one thousand (1,000) square feet ..."

In response to questions from the Commission, Ms. Pedro said that if a property was 3 ½ acres or larger, two accessory structures could be built on the property and then later be converted to second units.

Vice Chair Hasko said the ad hoc committee looked at requirements in nearby towns and found that Portola Valley had more restrictive limitations. She supports this approach as it makes it easier to create second units.

Ms. Pedro pointed out that Items 11-15 are existing language in the Second Unit Ordinance and are repeats of language in the design guidelines and other code sections. She asked for feedback from the Commission on whether it was necessary to duplicate that language in this ordinance or just include reference to the original source of the language.

The Commission discussed codifying the language by putting it in the ordinance rather than referring to guidelines, with the advantages being strengthening the guideline to a requirement and also having all the information up front and in one place. It was noted, however, that the result would be the requirements for the second unit being stricter than the requirements for the main house.

Chair Targ was concerned about some accessory structures being treated differently than others. He preferred cross-references rather than duplicating the language within the ordinance because if the underlying Code is changed in one place, the burden is then to be sure to change it in all the other places. He suggested the ASCC weigh in on the issue.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

None.

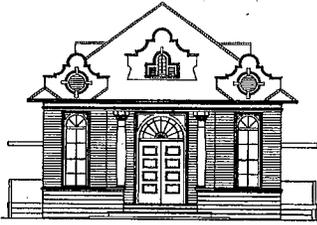
APPROVAL OF MINUTES: March 4, 2015, and May 20, 2015

Chair Targ moved to approve the minutes of the March 4, 2015, meeting. Seconded by Commissioner Von Feldt, the motion carried 3-0. Vice Chair Hasko abstained.

Chair Targ moved to approve the minutes of the May 20, 2015, meeting. Seconded by Commissioner Von Feldt, the motion carried 3-0. Commissioner Gilbert abstained.

ADJOURNMENT [9:42 p.m.]

Chair Targ said this would be the last Planning Commission he would be attending with Ms. Kristiansson in attendance. The Commission commended Ms. Kristiansson on her excellent work and service to Portola Valley.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

FROM: Debbie Pedro, Town Planner

DATE: June 8, 2015

RE: Study Session on Amendments to the Second Unit Ordinance

BACKGROUND

The 2014 Housing Element was adopted by the Town Council on January 14, 2015 and certified by the State Department of Housing and Community Development (HCD) on January 30, 2015. Program 3 of the 2014 Housing Element calls for amendments to the Town's Second Unit Ordinance with the intent to incentivize homeowners to add second units on their properties. Excerpts from Program 3 of the adopted Housing Element are provided in Attachment 1.

DISCUSSION

The Town's Zoning Ordinance has contained regulations for guest houses and second units since 1967. (Ord. 1967-80) The ordinance has been modified through the years and the last amendment was approved on January 26, 2011. (Ord. 2011-390) Under the current ordinance, a second unit is a permitted accessory use in the R-E zoning district and their requirements are provided in Section 18.12.040.B of the PVMC. (Attachment 4)

In order to encourage the production of second units, program 3 of the adopted 2014 Housing Element calls for the following amendments to the Zoning Ordinance:

1. Allow second units on parcels two acres or larger to have up to 1,000 square feet of floor area, rather than the current limit of 750 square feet.
2. Allow two second units to be built on parcels 3.5 acres or larger. One of the units would need to be attached to the main house and the other unit would be a detached structure. This change will allow owners of larger properties to accommodate more housing, particularly for family members and potentially employees such as groundskeepers or caregivers.

3. Allow staff level review and approval of second units up to 750 square feet, rather than the current limit of 400 square feet.

Per Council's direction, staff has drafted the ordinance amendments including adding a definition of second units to Section 18.04.422, and rewriting and reorganizing the second unit requirements in Section 18.12.040.B as called for by the Housing Element. A clean version of the draft ordinance is included as Attachment 2 and a redlined version is included as Attachment 3. Key changes to the ordinance are summarized below.

For property owners with larger lots (2+ acres and 3.5+ acres), the ordinance amendments would allow the construction of a second unit of up to 1,000 square feet and in some cases, two second units on the property. It should be noted that the potential to develop second unit(s) on a property would still be limited by other zoning and site development standards including setbacks, maximum floor area and impervious areas, topographical and geotechnical considerations.

The proposed amendments would allow staff review and approval of second units that comply with the following requirements:

- The second unit shall not exceed seven hundred and fifty (750) square feet of floor area.
- The second unit shall conform to the Town's General Plan, Zoning and Site Development Codes, and Design Guidelines.
- The second unit shall not exceed a vertical building height of eighteen (18) feet with and a maximum building height of twenty-four (24) feet, as defined in Section 18.54.020.A.
- The second unit shall have colors, materials and architecture similar to the principal dwelling.
- The second unit is not located on a local scenic corridor as identified in the General Plan.

At their meeting on June 3, 2015, the Planning Commission reviewed the draft and had no major comments. They discussed whether requirements regarding color reflectivity, exterior lighting, and landscape plantings (#10-12) should remain as written as they already exist in the Design Guidelines and decided to defer the discussion to the ASCC.

Next Steps

This study session is an opportunity for the ASCC to provide input on the proposed ordinance amendments. Based on comments and direction from the ASCC, staff will make changes to the draft ordinance and forward it to the Planning Commission for review. The draft ordinance, along with comments from the ASCC and Planning Commission, will then be forwarded to the Town Council for their review and consideration.

ATTACHMENTS

1. Program 3 of the 2014 Housing Element adopted on January 14, 2015
2. Draft ordinance amendments (clean version) dated June 8, 2015
3. Draft ordinance amendments (redlined version) dated June 8, 2015
4. Section 18.12.040 of the PVMC (Second Unit Ordinance)

(5) NEW BUSINESS

→ (a) Study Session on Amendments to the Second Unit Ordinance (Staff: D. Pedro)

Ms. Pedro presented the staff report summarizing the key amendments to the Second Unit Ordinance. She said that staff is conducting a study session tonight and is seeking comments and direction from the ASCC. The comments will then be incorporated into the draft ordinance and forwarded to the Planning Commission and the Town Council for consideration.

Commissioner Breen was uncomfortable with amendment #3 to increase the threshold for staff level review from 400 square feet to 750 square feet. Ms. Pedro pointed out that even though a 750 square foot second unit would qualify for staff level review, it may be forwarded to the ASCC for architectural review if there are any unusual features or site conditions. Ms. Kristiansson added that the proposed amendments have been approved by the Council as part of the housing element last year.

Chair Ross suggested that the ASCC be advised at their regular meetings of new second unit applications. He is concerned that staff may not be able to require certain conditions to mitigate potential impacts, such as light spill, that the ASCC could.

Commissioner Breen likes the idea of having new second unit applications reported to the ASCC under Commission and Staff Reports on the meeting agenda.

Mayor Aalfs asked if neighbors would be notified of 750 square-foot projects under staff review. Ms. Pedro said that administrative approvals do not require public hearings and neighbors are typically not noticed. However, courtesy notices can be sent to adjoining property owners and staff approvals may be appealed to the ASCC.

Ms. Pedro said the Planning Commission questioned whether items #10, #11, and #12, which are duplicates of items in the design guidelines, should be included in the ordinance, with the observation that a guideline is not as strong as an ordinance and inclusion would effectively make second units have more restrictions than a new residence. Chair Ross was in support of leaving those items in the Second Unit Ordinance.

Commissioner Clark also supported keeping the language within the ordinance.

Chair Ross asked for public comment. There was none.

The ASCC was generally supportive of the proposed amendments to the Second Unit Ordinance.

(6) COMMISSION AND STAFF REPORTS: [8:38 p.m.]

Commissioner Breen advised that she assisted in the placement of the three screening oak trees for the cellular monopine at the Priory.

Chair Ross advised that he reviewed and approved the construction staging plan for 250 Alamos.

Portola Valley Municipal Code**18.12.040 - Accessory uses permitted.**

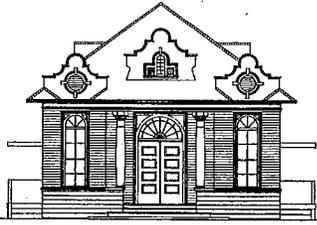
Accessory uses permitted in the R-E district shall be as follows:

- A. Accessory uses, as permitted by Section 18.36.040 and Chapter 18.40
- B. One second unit on a parcel of one acre or larger subject to the following provisions:
 1. All provisions of Title 18 (Zoning) pertaining to this district prevail unless otherwise provided for in this subsection B.
 2. A second unit shall comply with all provisions of the site development and tree protection ordinance, set forth in Chapter 15.12
 3. The parcel already contains an existing single-family dwelling or the second unit is being built simultaneously with a new single-family dwelling that will be the principal dwelling.
 4. The second unit is attached to the principal dwelling, at the ground floor level or in a basement, and does not exceed a floor area of four hundred square feet. Second unit floor area is inclusive of any basement area, but exclusive of garage or carport area. Second units that are larger than four hundred square feet in floor area, that require a permit under Chapter 15.12, the Site Development and Tree Protection Ordinance, or that are located above the first story are subject to architectural and site control commission (ASCC) approval per Chapter 18.64
 5. Whether attached or detached from the principal dwelling, the second unit floor area may exceed four hundred square feet subject to ASCC approval per Chapter 18.64. In such cases, however, the second unit floor area may not exceed seven hundred fifty square feet.
 6. Second units up to seven hundred fifty square feet may be created by converting space within an existing home. When created within the first floor of an existing home, or including an addition of four hundred square feet or less, such second units may be permitted solely with a zoning permit, and without review of the ASCC. However, staff at their discretion may refer an application to the ASCC if the application includes proposals for doors, windows or other exterior improvements that could potentially have a significant effect on the aesthetics of the structure.
 7. The second unit complies with the definition of dwelling unit in Section 18.04.150
 8. The second unit is served by the same vehicular access to the street as the principal dwelling and complies with off-street parking requirements for dwellings set forth in Chapter 18.60 except that parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
 9. The second unit shall have the same address as the principal dwelling.
 10. A second unit shall not exceed a height, as defined in Section 18.54.020, of eighteen feet with a maximum height of twenty-four feet. A second unit may be permitted to a height of twenty-eight feet and a maximum of thirty-four feet subject to ASCC approval per Chapter 18.64
 11. The second unit shall have colors, materials and architecture similar to the principal dwelling. Architecture not similar to the architecture of the principal dwelling is subject to ASCC approval per Chapter 18.64
 12. Color reflectivity values shall not exceed forty percent except that trim colors shall not exceed fifty percent. Roofs shall not exceed fifty percent reflectivity.
 13. Exterior lighting on the structure shall not exceed one light fixture per entry door. Each fixture shall be fitted with only one bulb and the bulb wattage shall not exceed seventy-five watts incandescent light if frosted or otherwise diffused, or twenty-five watts if clear. Each fixture shall be manually switched and not on a motion sensor or timer. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.
 14. Landscape plantings shall be selected from the town's list of approved native plants and shall adhere to the town's landscaping guidelines.

15. An application for a second unit shall be referred to the town geologist, director of public works, fire chief and, if dependent on a septic tank and drain field, to the county health officer in accordance with town policies.
 16. An application for a second unit shall supply all information required by Section 18.64.040A.1 through 13.
 17. Second units on parcels with frontage on Portola Road or Alpine Road, both of which are identified as local scenic corridors in the general plan, are subject to ASCC approval per Chapter 18.64 to ensure consistency with the general plan.
- C. Equestrian facilities serving a single residential dwelling including stables, corrals, exercise rings, and the like, provided that (i) requirements of the stable ordinance, Chapter 6.12, shall apply, (ii) for a corral, the sum of the maximum depth of cut and maximum height of fill shall not exceed six feet and (iii) corrals and riding rings shall be set back a minimum of twenty feet from property lines.
- D. The renting of rooms and/or the providing of table board in a dwelling as an incidental use to its occupancy as a dwelling, provided that not more than one paying guest is accommodated. Provided further that this shall not be construed as authorizing the establishment of any rest home, convalescent home, boarding home, or any other institution of a type which requires any state or local license, nor any other operation which tends to change the character of the property involved or of the neighborhood.
- E. Home Occupation. The conduct of an art or profession, the offering of a service, or the handcraft manufacture of products subject to the following conditions:
1. Such occupations shall be conducted entirely by resident occupants.
 2. The floor area used for such occupations shall not exceed that equivalent to one-fourth of the floor area of the main residence but shall not be more than four hundred square feet in any case.
 3. No products shall be sold or stocked for sale other than those finished products which are produced on the premises.
 4. There shall be no unusual external alteration of the dwelling to accommodate a home occupation, and the existence of a home occupation shall not be apparent beyond the boundaries of the parcel.
 5. There shall be no show window, window display, or sign to attract customers or clients.
 6. There shall be no emission readily discernible at the property lines of sound, vibration, odor, electrical interference, light, dust, waste, or other properties not normally associated with residential occupancies.
 7. No motor power other than electrically operated motors shall be used in connection with a home occupation. The horsepower of any single motor shall not exceed one-half horsepower, and the total horsepower of such motors shall not exceed one horsepower.
 8. Automobile, pedestrian or truck traffic attendant to such occupations shall not be other than on an infrequent or occasional basis, and shall not be significantly in excess of the normal amount required for residential uses in the district. Vehicles or equipment of types not normally accessory to a dwelling shall not be parked or stored in any exterior location.
 9. In the case of a physician, surgeon, or dentist, the use shall be subordinate to the use of an office located elsewhere unless the practice is of such restricted nature as to involve only occasional visits by patients.
 10. The uses permitted under this subdivision shall not include a commercial photo studio, beauty parlor or barbershop, or any similar service enterprise; or a music school, dancing school, business school, or other school of any kind with organized classes or similar activity.
- F. Private swimming pools, cabanas, tennis courts, and similar recreation facilities.
- G. Private garages, carports, and parking areas.

- H. Signs as permitted and regulated by Chapter 18.40
- I. The sale of agricultural products grown on the premises, provided that no building or structure is maintained specifically for such purposes.
- J. Household pets and domestic animals permitted by town ordinances.
- K. Emergency shelters for up to ten individuals only when located on a parcel with a conditional use for a religious institution, subject to a zoning permit. Architectural and site plan review shall be required for the design of the emergency shelter unless the shelter is located within an existing structure, but no discretionary approval shall be required. Emergency shelters shall comply with the following standards:
 - 1. Temporary shelter shall be available to residents for no more than sixty days. Extensions up to a total stay of one hundred eighty days may be permissible if no alternative housing is available.
 - 2. On-site management shall be provided during the hours of shelter operation.
 - 3. Emergency shelters may include common space for the exclusive use of the guests, and office and meeting space for the exclusive use of emergency shelter staff.
 - 4. Each shelter shall have a designated outdoor smoking area that is not visible from the street or from adjacent properties. The outdoor smoking area may be screened by vegetation.
 - 5. On-site parking may be provided as shared parking with the church use. If separate on-site parking is needed, the maximum amount required shall be 0.35 parking spaces per one bed plus one space per staff member on duty when guests are present.

(Ord. 2011-390 § 4, 2011; Ord. 2003-354, § 1, 2003; Ord. 2003-352, § 1, 2003; Ord. 2001-338 § 6 (part), 2001; Ord. 1991-263 §§ 4, 5, 1991; Ord. 1988-242 § 2 (Exh. A) (part), 1988; Ord. 1979-166 § 20 (part), 1979; Ord. 1969-99 § 4, 1969; Ord. 1967-80 § 1 (6501.33), 1967)



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: August 5, 2015

RE: Review of Proposed Ordinance Adding Chapter 15.21 to the Portola Valley Municipal Code to Establish Expedited Permitting Procedures for Small Residential Rooftop Solar Systems

RECOMMENDATION

Staff recommends that the Planning Commission review the draft ordinance, make any modifications deemed necessary, and adopt the resolution in attachment 1 recommending that the Town Council adopt an ordinance adding Chapter 15.21 [Small Residential Rooftop Solar Systems] to Title 15 [Building and Construction] of the Portola Valley Municipal Code.

BACKGROUND

Assembly Bill No. 2188 (Muratsuchi, 2014) requires local governments to adopt an ordinance that creates an expedited, streamlined permitting process for small rooftop solar system installations on or before September 30, 2015.

DISCUSSION

The proposed ordinance is intended to comply with the requirements of Government Code section 6580.5 and provide an expedited plan submittal and review process for small rooftop solar systems. The Town will allow electronic submittal and review of plans, use a standard checklist to determine a project's eligibility for expedited review, and require only one inspection by the Town's Building Inspector, with an additional inspection by the Fire Department as appropriate.

The ordinance applies to residential rooftop solar energy system that are:

- No larger than 10kW for photovoltaic or 30kW for thermal domestic hot water.
- In conformance with all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town of Portola Valley and all state and County health and safety standards.
- Installed on a single family or duplex dwelling.

- Solar panel or module array that does not exceed the maximum legal building height as defined by the Town of Portola Valley.

Staff does not anticipate any issues with implementing the requirements of AB2188. The Town's Building Department, by its current process, already expedites the review of solar applications. However, to satisfy the State requirement, the Town must adopt an ordinance as mandated by section 65850.5(g)(1) of the California Government Code.

On July 27, 2015, the ASCC reviewed the proposed ordinance and unanimously recommended approval of the ordinance as proposed. Additional background on the proposed ordinance and AB2188 is included in the ASCC staff report. (Attachment 3)

PUBLIC COMMENTS

No written public comments have been received as of the writing of this report.

CEQA STATUS

The proposed application is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

ATTACHMENTS

1. Resolution
2. Draft Ordinance
3. ASCC staff report dated July 27, 2015
4. State Assembly Bill 2188
5. FAQ, Implementation of AB2188 Solar Permits and Inspections

RESOLUTION NO. 2015-___

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY RECOMMENDING APPROVAL OF AN ORDINANCE ADDING CHAPTER 15.21 [SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, Government Code Section 65850.5(a) provides that it is the policy of the State that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, Government Code Section 65850.5(g) provides that cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the Town of Portola Valley ("Town") desires to comply with Government Code Section 65850.5, to encourage the installation of small residential rooftop solar energy systems and minimize barriers, obstacles, and costs of obtaining permits for their installation; and

WHEREAS, the proposed ordinance is in conformity with the General Plan, and that public necessity, convenience and general welfare require adoption of the proposed ordinance; and

WHEREAS, the Planning Commission held a duly noticed hearing on August 5, 2015 regarding the proposed ordinance; and

WHEREAS, the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15051 (B)(3) of the CEQA Guidelines.

NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby recommend that the Town Council approve the proposed ordinance as set forth in Exhibit A.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on August 5, 2015.

Ayes:
Noes:
Absent:
Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Debbie Pedro, Town Planner

ORDINANCE NO. 2015 - _____

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
ADDING CHAPTER 15.21 TO THE PORTOLA VALLEY MUNICIPAL CODE TO
ESTABLISH EXPEDITED PERMITTING PROCEDURES FOR SMALL
RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

WHEREAS, as set forth in Government Code Section 65850.5(a) it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g), cities must adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the Town of Portola Valley ("Town") desires to comply with Government Code Section 65850.5, to encourage the installation of small residential rooftop solar energy systems and minimize barriers, obstacles, and costs of obtaining permits for their installation; and

WHEREAS, the Architectural and Site Control Committee considered the small residential rooftop solar systems ordinance at a study session on July 27, 2015; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the small residential rooftop solar systems ordinance on August 5, 2015; and

WHEREAS, after due consideration of the small residential rooftop solar systems ordinance, public comments, and the staff report, the Planning Commission found that the proposed ordinance is in conformity with the General Plan, and that public necessity, convenience and general welfare require adoption of the proposed ordinance; and

WHEREAS, the Planning Commission recommended that the Town Council adopt the proposed the small residential rooftop solar systems ordinance; and

WHEREAS, on _____, 2015, the Town Council held a duly noticed public hearing to carefully consider the proposed small residential rooftop solar systems ordinance, public comments, and the staff report and have determined to adopt the proposed ordinance for the public necessity, convenience and general welfare of the Town.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

SECTION 1. ADDITION OF CODE. Chapter 15.21 [Small Residential Rooftop Solar Systems] is hereby added to Title 15 [Buildings and Construction] of the Town of Portola Valley Municipal Code to read in full as follows:

**CHAPTER 15.21
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

15.21.010 - Intent and Purpose.

15.21.020 - Definitions.

15.21.030 - Applicability.

15.21.040 - Solar energy system requirements.

15.21.050 - Duties of the Building Department and the Building Official.

15.21.060 - Expedited permit review and inspection requirements.

15.21.010 - Intent and Purpose.

The purpose of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter is intended to encourage the use of solar systems by removing unreasonable barriers, minimize costs, and expand the ability of property owners to install solar energy systems. The Chapter allows the Town of Portola Valley to achieve these goals while protecting the public health and safety.

15.21.020 - Definitions.

- A.** A "Solar Energy System" means either of the following:
1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- B.** A "small residential rooftop solar energy system" means all of the following:
1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town of Portola Valley and all state and County health and safety standards.
 3. A solar energy system that is installed on a single or duplex family dwelling.
 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the Town of Portola Valley.
- C.** "Electronic submittal" means the utilization of one or more of the following:
1. Email;
 2. The Internet;
 3. Facsimile.
- D.** An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- E.** A "common interest development" means any of the following:
1. A community apartment project.
 2. A condominium project.
 3. A planned development.
 4. A stock cooperative.
- F.** "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards,

policies, or conditions as they existed on the date the application was deemed complete.

- G. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- H. "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:
 - 1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
 - 2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

15.21.030 - Applicability.

This Chapter applies to the permitting of all small residential rooftop solar energy systems in the Town of Portola Valley. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the Ordinance are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.21.040 - Solar energy system requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, county and local fire district.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

15.21.050 - Duties of the Building Department and the Building Official.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible website for the Town of Portola Valley.

- B. Electronic submittal of the required permit application and documents by [email, the Internet, or facsimile] shall be made available to all small residential rooftop solar energy system permit applicants.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- D. The Town of Portola Valley's Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
- F. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

15.21.060 - Expedited permit review and inspection requirements.

- A. The Town of Portola Valley Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Ordinance.
- B. The Building Department shall issue a building permit or other nondiscretionary permit within three business days of receipt of a complete application including review by Woodside Fire Protection District if the application meets the requirements of the approved checklist and standard plan. If the application is deemed incomplete, the Building Department shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for the expedited permit issuance.
- C. The building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. The building official may deny an application for a use permit if the official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact on the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of any potential feasible alternative(s) for preventing the adverse impact. Any decision of the building official to deny the use permit may be appealed to the Town of Portola Valley Planning Commission.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation

imposed by the Town of Portola Valley on another similarly situated application in a prior successful application for a permit. The Town of Portola Valley shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

- F. The Town shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- G. Only one inspection shall be required and performed by the Building Department and one separate inspection is required by the Woodside Fire Protection District for small residential rooftop solar energy systems eligible for expedited review. If it is found that the installation does not conform to the approved plans and/or comply with the current California Building Code requirements then an additional, follow-up inspection shall be required.
- H. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two to three hour inspection window.

SECTION 2. SEVERABILITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 3. ENVIRONMENTAL REVIEW. The project is exempt from environmental review per the California Environmental Quality Act Guidelines under the General Rule, Section 15051(b)(3). The project involves additions to the Portola Valley Municipal Code that are consistent with California Law, specifically Government Code Section 65850.5 and Civil Code Section 714. It can be seen with certainty that the Ordinance will have no significant effect on the environment. In addition, Public Resources Code Section 21080.35 exempts the installation of solar energy systems on the roof of an existing building or at an existing parking lot from environmental review.

SECTION 4. EFFECTIVE DATE; POSTING. This Ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town of Portola Valley in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

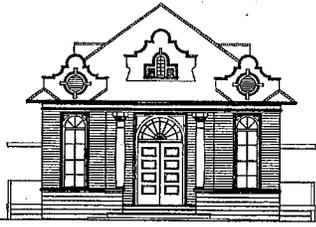
Town Clerk

By: _____
Mayor

APPROVED AS TO FORM:

Town Attorney

DRAFT



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: ASCC

FROM: Debbie Pedro, Town Planner

DATE: July 27, 2015

RE: Review of a Proposed Ordinance Establishing a Streamlined Permitting Process for Small Residential Rooftop Solar Systems

RECOMMENDATION

Staff recommends that the ASCC review the attached draft ordinance, make any modifications deemed necessary, and forward a recommendation to the Planning Commission and Town Council to adopt an ordinance adding Chapter 21 to Title 15 (Building and Construction) of the Portola Valley Municipal Code to provide a streamlined permitting process for small residential rooftop solar systems.

BACKGROUND

In September 2014, the California State Legislature passed Assembly Bill No. 2188 requiring local governments to adopt an ordinance that creates an expedited, streamlined permitting process for small rooftop solar system installations.

Section 65850.5(a) of the California Government Code states that the timely and cost-effective installation of solar energy systems is a matter of statewide concern and that it is the policy of the State to promote and encourage the use of solar energy systems and to limit obstacles to their use. Per AB2188, cities and counties must adopt an ordinance that expedite and streamline the building permit process for such systems on or before September 30, 2015.

The attached draft ordinance is intended to satisfy this requirement. The ordinance would allow for the acceptance and approval of applications electronically (fax, email, internet), require the adoption of a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorize the Building Official or designee to administratively approve such applications.

Additional information about the requirements and implementation of AB2188 is included in Attachment 3.

DISCUSSION

The ordinance would amend the Town's regulations by adding Chapter 15.21 (Small Residential Rooftop Solar Systems) to Title 15 (Building and Construction) of the Portola Valley Municipal Code. The ordinance provides an expedited plan submittal and review process for residential rooftop solar photovoltaic systems that are less than 10kW in size or solar thermal systems for domestic hot water that are less than 30kW in size. It promotes the acceptance of electronic submittal and review of plans, the use of a standard checklist by applicants and the Town, and require only one inspection by the Town's Building Inspector, with an additional inspection allowed by the Fire Department as appropriate.

Staff does not anticipate any issues with implementing the requirements of AB2188. The Town's Building Department, by its current process, already expedites the review of solar applications and no substantive change is needed in the Department's process in order to comply with AB2188. However, to satisfy the State requirement, the Town must adopt an ordinance as mandated by section 65850.5(g)(1) of the California Government Code.

CEQA Analysis

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15061(b)(3) of the CEQA guidelines because it is an action taken by a regulatory agency for protection of the environment and there is no possibility that the activity in question may have a significant effect on the environment.

PUBLIC COMMENTS

No written public comments have been received as of the writing of this report.

NEXT STEPS

The Planning Commission is scheduled to review the proposed ordinance on August 19, 2015 and make recommendations to the Town Council for their consideration and introduction on September 9, 2015. The ordinance is tentatively scheduled for adoption by Council on September 23, 2015.

ATTACHMENTS

1. Draft Ordinance
2. State Assembly Bill 2188
3. FAQ, Implementation of AB2188 Solar Permits and Inspections

Assembly Bill No. 2188

CHAPTER 521

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[Approved by Governor September 21, 2014. Filed with
Secretary of State September 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy

system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread

adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state's Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the "implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair ... but is instead a matter of statewide concern," the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an "obstacle" to the state's clean energy and greenhouse reduction goals and a "burdensome cost" to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state's ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, “significantly” means an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

(B) For photovoltaic systems that comply with state and federal law, “significantly” means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(2) “Solar energy system” has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this

section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(2) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance

required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Electronic submittal" means the utilization of one or more of the following:

- (A) Email.
- (B) The Internet.
- (C) Facsimile.

(3) "Small residential rooftop solar energy system" means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



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Frequently Asked Questions

Implementation of AB 2188 (Muratsuchi)

Solar Permits and Inspections

These FAQs are provided to assist cities with implementing AB 2188, which amended portions of the Solar Rights Act of 1978 and created new statutes requiring cities to streamline and expedite small residential rooftop solar energy systems. The FAQs are provided for informational purposes only and do not constitute legal advice. Each jurisdiction should consult with its city attorney to gain a complete understanding of AB 2188.

1. Q: Are all cities required to develop an ordinance to streamline small residential rooftop solar energy system permitting and inspections?

A: Yes. On or before September 30, 2015, every city, in consultation with the local fire department or district and the utility director, if the city operates a utility, must adopt an ordinance creating an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less.

2. Q: What is a “small residential rooftop solar energy system”?

A: A “small residential rooftop solar energy system” means all of the follow:

- Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code;
- Installed on a single or duplex family dwelling; and,
- The solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

3. Q: What must be included in the ordinance?

A: The ordinance must:

- Be consistent with the goals and intent of Government Code Section 65850.5 (a);
- Create an expedited, streamlined permitting process for small residential rooftop solar energy systems of 10 kilowatts or less; and,

- Substantially conform to the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research as it relates to the checklist and the expedited permitting process.

4. Q: Are cities required to create a checklist as part of implementing the expedited permitting process?

A: Yes. Cities are required to adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

5. Q: Can a city adopt an ordinance that modifies the checklist or suggested streamlined permitting process as prescribed in the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research?

A: Yes. Cities may alter the checklist or deviate from the streamlining process as outlined in the California Solar Permitting Guidebook in order to account for unique local climatic, geological, seismological, or topographical conditions.

6. Q: Are cities required to post the checklist and required permitting documents on its website?

A: Yes. A city must post the checklist and required permitting documents on a publically available website unless the city does not have an Internet website.

7. Q: How are cities required to accept the checklist and required permitting documents?

A: Cities are required to allow for the electronic submittal of the permit application and all associated documents. "Electronic submittal" means the use of one or more of the following: email, the Internet, and facsimile.

8. Q: Are cities required to accept an electronic signature, in lieu of a wet signature, on all forms, applications, and other documentation required for those eligible for expedited review?

A: Yes. However, should a city determine it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, it must state the reasons for its inability to accept electronic signatures in the city's small residential rooftop solar energy expedited review process ordinance.

A city may also want to review Government Code Section 16.5 and California Code of Regulations, Title 2, Division 7, Chapter 10, starting with Section 22000, which pertain to digital signatures.

9. Q: What constitutes a completed small residential rooftop solar permit application?

A: An application is deemed complete if it satisfies the information requirements in the checklist, as determined by the city. A city must approve the application and issue all required permits or authorizations once it confirms that the application and supporting documents are complete and meet the requirements of the checklist, and is consistent with the ordinance.

10. Q: What happens if a city receives an incomplete small residential rooftop solar permit application?

A: The city must issue a written correction notice detailing all deficiencies in the application and identify any additional information required to be eligible for expedited permit issuance.

11. Q: Are cities limited in the number of inspections they may require for small residential rooftop solar energy systems eligible for expedited review?

A: Yes. In most cases a city may only perform one inspection. The inspection may include a consolidated inspection with multiple inspections occurring at the same time. In the event that a city does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority, the fire authority may require a separate fire safety inspection.

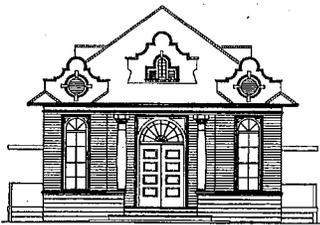
If the applicant fails the inspection, a subsequent re-inspection may take place. However, the re-inspection process is not required to conform to the restrictions placed on the initial inspection.

12. Q: Is there a specified timeline for completing the inspection?

A: No. The inspection need only occur in a “timely manner.”

13. Q: Can a city conditionally approve a solar energy system permit on the approval by a homeowners association or similar association?

A: No. A city may not conditionally approve any solar energy system permit on the approval by an association, as defined by Civil Code Section 4080.



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Planning Commission

FROM: Debbie Pedro, Town Planner

DATE: August 5, 2015

RE: Review of General Plan Conformity Request for APN 080-241-410

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution, finding that the County's acquisition of an undeveloped parcel (APN 080-241-410) from the Los Trancos County Water District is consistent with the Portola Valley General Plan.

BACKGROUND

The Los Trancos County Water District is currently in the process of dissolution and must dispose of its properties. San Mateo County, as the successor agency to the Water District, has agreed to accept the properties from the Water District. One of the properties, APN 080-241-410, is a 0.12 acre parcel located in the Blue Oaks Subdivision within Portola Valley's town limits.

California Government Code section 65402(b) requires that prior to an agency's acquisition of property for public purpose, the planning agency having jurisdiction must make a determination of the acquisition's consistency with the adopted General Plan.

Government Code Section 65402 (b)

"A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable....until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof."

On June 17, 2015, the County submitted a General Plan Conformity request to the Town for APN 080-241-410. (Attachment 3) The subject property is a 0.12 acre remainder parcel that is contiguous with a 1.78 acre parcel (APN 080-071-010) located in unincorporated San Mateo County. Collectively known as the Lake Property, the parcels are located west of Lake Road and largely consists of a dammed reservoir and undeveloped lands surrounding the reservoir. A location map of the property is included in Attachment 2.

DISCUSSION

General Plan Consistency

The County's acquisition of the Los Trancos Water District property is consistent with the Portola Valley General Plan because it furthers the goals and policies set forth in the Town's Open Space Element regarding protection of open space and natural resources.

According to the General Plan Residential Area Map, the parcel is located within Residential Area 12. The Land Use Element describes this area as containing "steep slopes, scenic qualities and the historic Coal Mine Ridge Trail". (LUE 2129a, p. 14) The area is further described in the General Plan Open Space Element as a neighborhood open space preserve. "A third preserve, Coalmine Ridge Open Space Preserve, includes a small lake and is located at the edge of the town adjoining Los Trancos Woods." (OSE 2216, p. 9) Per the Open Space Element, the primary purpose of a neighborhood open space preserve is the preservation of natural resource with secondary purposes noted as outdoor recreation and public health and safety.

In May, 2015, the County offered a permanent conservation easement over the property to Midpeninsula Regional Open Space District (MROSD). The easement would require that the property be maintained in its current condition, with no change in land use and restrict any new infrastructure, including roads, structures or additional improvements.

The County's intention to preserve the Lake Property in its current undeveloped condition for use as a reservoir open space in perpetuity is consistent with the Town's General Plan policy to maintain the parcel in its undeveloped state for open space and natural resource preservation.

CEQA STATUS

A request for General Plan Conformity determination is not a project under the California Environmental Quality Act (CEQA).

ATTACHMENTS

1. Resolution
2. Parcel Map
3. General Plan Conformity Request from the County of San Mateo dated June 17, 2015
4. Government Code Section 65402
5. General Plan Land Use Element and Open Space Element (excerpts)

RESOLUTION NO. 2015-___

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PORTOLA VALLEY FINDING THAT THE COUNTY OF SAN MATEO'S ACQUISITION OF APN 080-241-410 FROM THE LOS TRANCOS COUNTY WATER DISTRICT CONFORMS WITH THE PORTOLA VALLEY GENERAL PLAN

WHEREAS, the Los Trancos County Water District is currently in the process of dissolution and must dispose of its properties.

WHEREAS, the County of San Mateo intends to accept a 0.12 acre undeveloped property (APN 080-241-410) from the Los Trancos County Water District.

WHEREAS, Government Code section 65402 requires the planning agency having jurisdiction over the property make a determination of the acquisition's consistency with the adopted General Plan.

WHEREAS, the Planning Commission held a duly noticed hearing on August 5, 2015 to review and consider the general plan conformity request; and

WHEREAS, the County's intention to preserve the property in its current undeveloped condition for use as open space in perpetuity is consistent with the General Plan land use designation of neighborhood open space preserve.

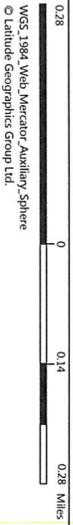
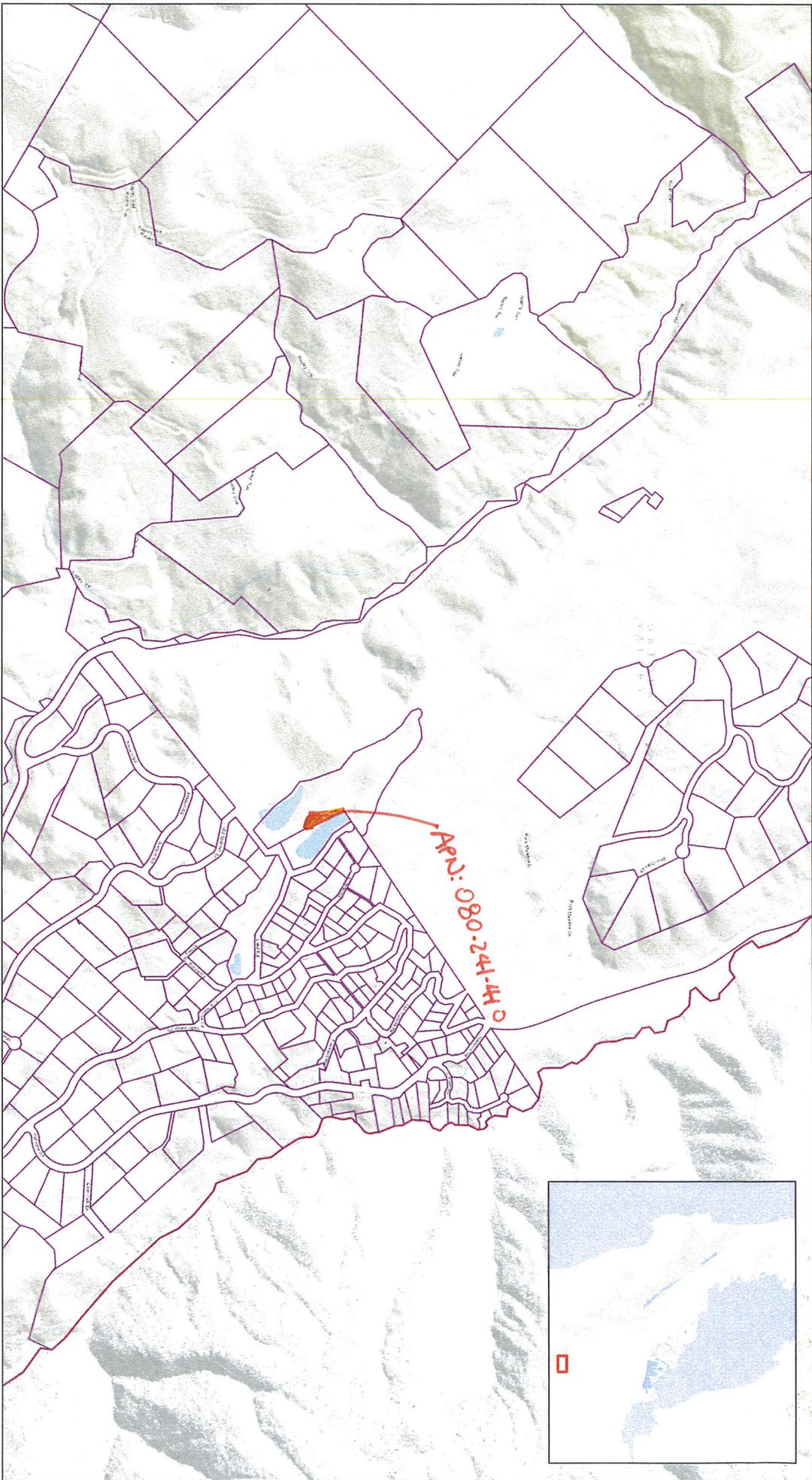
NOW, THEREFORE, be it resolved that the Planning Commission of the Town of Portola Valley does hereby find that the County's acquisition of the property is consistent with the goals and policies of the Portola Valley General Plan for preservation of open space and natural resources.

PASSED AND ADOPTED at the regular meeting of the Planning Commission of the Town of Portola Valley on August 5, 2015.

Ayes:
Noes:
Absent:
Abstain:

By: _____
Nicholas Targ, Chairperson

ATTEST: _____
Debbie Pedro, Town Planner



1: 9028 

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

COUNTY OF SAN MATEO
COUNTY MANAGER'S OFFICE

Freda Manuel
Real Property Manager

Real Property Services
455 County Center, 4th Floor
Redwood City, CA 94063
650-599-1388 T
650-363-4832 F

www.smcgov.org

June 17, 2015

Ms. Debbie Pedro
Planning Director
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
Sent via email: dpedro@portolavalley.net

RE: General Plan Conformity Request
Assessor's Parcel Number 080-241-410

Dear Ms. Pedro,

The County of San Mateo seeks a determination of whether acquisition by the County of APN 080-241-410 from the former Los Trancos County Water District, conforms to the General Plan. The property is currently owned by the Los Trancos County Water District, which is in the process of dissolution and must dispose of its properties. The County is the successor agency to the Water District, and intends to accept the properties from the District at no cost.

Attached please find more information about the property.

Should you have any questions, please contact me directly at (650) 363 4047.

Sincerely,
Freda Manuel





Midpeninsula Regional
Open Space District

R-15-77
Meeting 15-13
May 13, 2015

AGENDA ITEM 9

AGENDA ITEM

Intent to Accept a Gift of a Conservation Easement over three Los Trancos County Water District Parcels, two located in unincorporated San Mateo County (Assessor Parcel Numbers 080-060-126 and 080-071-010) and one located in the Town of Portola Valley (Assessor Parcel Number 080-241-410)

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "G.M.", written over the printed text of the section header.

1. Authorize the General Manager to negotiate the terms and conditions of a Conservation Easement over three Los Trancos County Water District (LTCWD) parcels with San Mateo County and Woodside Fire Protection District, the successors in interest to the LTCWD property, to conform to the terms specified herein. This authorization is contingent upon the completion of the LTCWD dissolution and transfer of properties as further described in this report.
2. Direct the General Manager to return to the Board of Directors for acceptance of the Conservation Easement once the various dissolution and property transfer approvals are secured through other agencies.

SUMMARY

The Midpeninsula Regional Open Space District (District) is being offered a gift of a 3.28-acre property (Red Shed Property) and a 1.78-acre property (comprised of two parcels that form the Lake Property), both located along Lake Road in the community of Los Trancos Woods. These two properties are currently owned by the Los Trancos County Water District (LTCWD), which is undergoing dissolution and is preparing to transfer fee title of the Lake Property to San Mateo County (County) and fee title of the Red Shed Property to the Woodside Fire Protection District (Fire District). Residents of the Los Trancos Woods community have a strong desire to ensure the protection of the conservation values of these two properties so that they remain in an undeveloped, natural open space condition in perpetuity. As such, they have worked closely with the San Mateo County Local Agency Formation Commission (LAFCo) and San Mateo County Supervisor Don Horsley to facilitate discussions with the District on the potential transfer of a conservation easement. Although not contiguous to District lands, these properties do lie within the District's jurisdictional boundaries and provide habitat for birds and small mammals.

DISCUSSION

The LTCWD is an independent special district that was originally formed to provide water to the Los Trancos Woods community. The LTCWD's remaining assets include three parcels within the Los Trancos Woods community: a 3.28-acre parcel that is largely undeveloped with the exception of a small Red Shed, and two parcels totaling 1.78 acres that together are mostly comprised of an impounded reservoir (refer to additional property details below and Attachment 1). In 2005, the LTCWD sold its water system to California Water Service Company and continued to exist as a district collecting property tax although it no longer performed its original core function. This situation became the subject of an investigation by the San Mateo County Civil Grand Jury in 2008-09, which recommended the dissolution of the LTCWD. Many discussions with multiple potential take-out partners have been facilitated by LAFCo since 2009, including discussions with the District to consider fee title ownership of the Lake Property. This proposal was reviewed and considered multiple times by the District with consistent findings that the property does not meet District criteria for ownership (small parcel, not contiguous to District land, largely surrounded by development, no direct connection to District trails, not of regional significance).

Just recently, San Mateo County (County) has agreed to take fee title of the Lake Property and the Woodside Fire Protection District (Fire District) has agreed to take fee title of the Red Shed Property. Both agreements include ongoing property maintenance and management. To solidify the land exchange and proceed with dissolution, the Los Trancos Woods community is seeking additional assurances that the natural conditions of both properties will be protected in perpetuity. To this end, LAFCo, Supervisor Horsley, LTCWD Board members, and various community residents have modified the original request that was made to the District to instead request acceptance of a conservation easement over both properties.

Red Shed Property

The Red Shed Property is located at 126 Lake Road in unincorporated San Mateo County, within the Sphere of Influence of the Town of Portola Valley. The property is zoned R-1/S-108 - One Family Residential District. This parcel is largely in a natural condition with the exception of a small storage structure commonly referred to as The Red Shed. Although this parcel is small and largely bordered by Lake Road to the north and east, and neighboring private residences to the south and west, it does provide habitat for local wildlife, particularly birds and small mammals. During years of very heavy rainfall, this parcel can retain standing water.

Lake Property

The Lake Property is located just west of Lake Road, opposite the Old Spanish Trail that extends through property owned by the Town of Portola Valley. This property is comprised of two parcels, one located in unincorporated San Mateo County, within the Sphere of Influence of the Town of Portola Valley, and the other located within the Town's jurisdiction. The parcels are zoned R-1/S-108 - One Family Residential District and M-R/7.5A/SD-3/DR - Mountainous Residential District, 7.5 acres. The Lake Property largely consists of a dammed reservoir that retains year-round water with minimal upland habitat and a small viewing area with one bench. The reservoir serves as a flyover resting place for local waterfowl. The Lake Property is bordered by a Town of Portola Valley parcel to the north and west that includes the Lake Trail, which passes through the common area of the Blue Lakes Subdivision, and by the one-lane Lake Road and Old Spanish Trail (road) and private residences to the south and west.

Neither of these properties is contiguous to District land nor directly accessible via District trails. However, both properties do lie within the District's larger jurisdiction. These properties can be indirectly accessed from the Windy Hill and Coal Creek Open Space Preserves via either Town of Portola Valley trails or paved roads through the Los Trancos Woods community. The proposed Conservation Easement over both properties may be made as an addition to Windy Hill Open Space Preserve.

At this time, the requesting parties are seeking the District's Board of Directors (Board) intent to accept the Conservation Easement so that negotiation of terms and conditions can proceed. If this proposal is supported by the Board, the General Manager recommends finalizing the terms and conditions of the Conservation Easement once all of the prior approvals necessary for dissolution and property transfer are obtained for these properties. These approvals would be managed by the LTCWD and the County, and include: 1) a vote by the LTCWD Board to approve dissolution, 2) approval of the dissolution application by LAFCO, 3) approval by the County Board of Supervisors to receive fee title of the Lake Property and establish a County Maintenance District to receive the ongoing tax assessment for maintenance and management of the properties, and 4) approval by the Fire District to receive fee title of the Red Shed Property.

Once the approvals are secured, the General Manager would finalize the terms and conditions of the Conservation Easement prior to bringing the easement to the Board of Directors for approval. At this time, the General Manager recommends the following proposed terms, which are subject to change based on further discussions with the affected parties and additional review of the properties:

Initial Proposed Terms:

- County and Fire District, as fee owners, to be responsible for enforcing their own ordinances (e.g., trespassing, illegal dumping)
- County and Fire District, as fee owners, to retain all liability and maintenance responsibility for water bodies, dams, etc.
- County and Fire District to perform all maintenance, repairs (e.g. mowing, fences)
- County and Fire District to perform Phase I and share results with District prior to acceptance of the Conservation Easement
- District to prepare a baseline site conditions document
- District to perform annual monitoring of the Conservation Easement.
- District at its sole discretion may assign the Conservation Easement should a more appropriate easement holder emerge in the future.
- No third party beneficiaries to the Conservation Easement

The proposed Conservation Easement would be held solely by the District, who would be responsible for monitoring the easement and notifying the County and Fire District of any violations to the easement. The easement would require that both properties be maintained in their current condition, with no changes in land use and restrict any new infrastructure, including roads, structures or additional improvements. The County and Fire District, as fee title owners, would remain responsible for the ongoing maintenance, repairs, and management, including actions to correct any noted violations. The conservation easement would remain on the properties in the event of property ownership transfer.

FISCAL IMPACT

The proposed easement interests would be granted to the District at no cost. Ongoing monitoring of the conservation easement would result in a nominal fiscal impact, primarily associated with staff time to conduct an annual site inspection and prepare a report to be shared with the County and Fire District. These costs are estimated at approximately \$500-\$750 per year (in 2015 dollars). Initial discussions with the LTCWD indicate a possibility to have these costs reimbursed through the continued LTWCD tax assessment.

BOARD COMMITTEE REVIEW

Given the time sensitivity of the easement proposal, this item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Notice has been provided as required by the Brown Act. Additional notice was also provided to all residents that lie within the Los Trancos County Water District.

CEQA COMPLIANCE

Authorization to negotiate the terms and conditions of a Conservation Easement is not considered a project under the California Environmental Quality Act (CEQA). Future Board acceptance of a Conservation Easement will be subject to CEQA review.

NEXT STEP

If authorized by the Board, the General Manager will direct staff to negotiate the terms and conditions of the Conservation Easement once all of the approvals for the dissolution and fee title transfer have occurred. The Conservation Easement, including terms and conditions, is expected to return to the Board for acceptance in the summer.

Attachment: Map

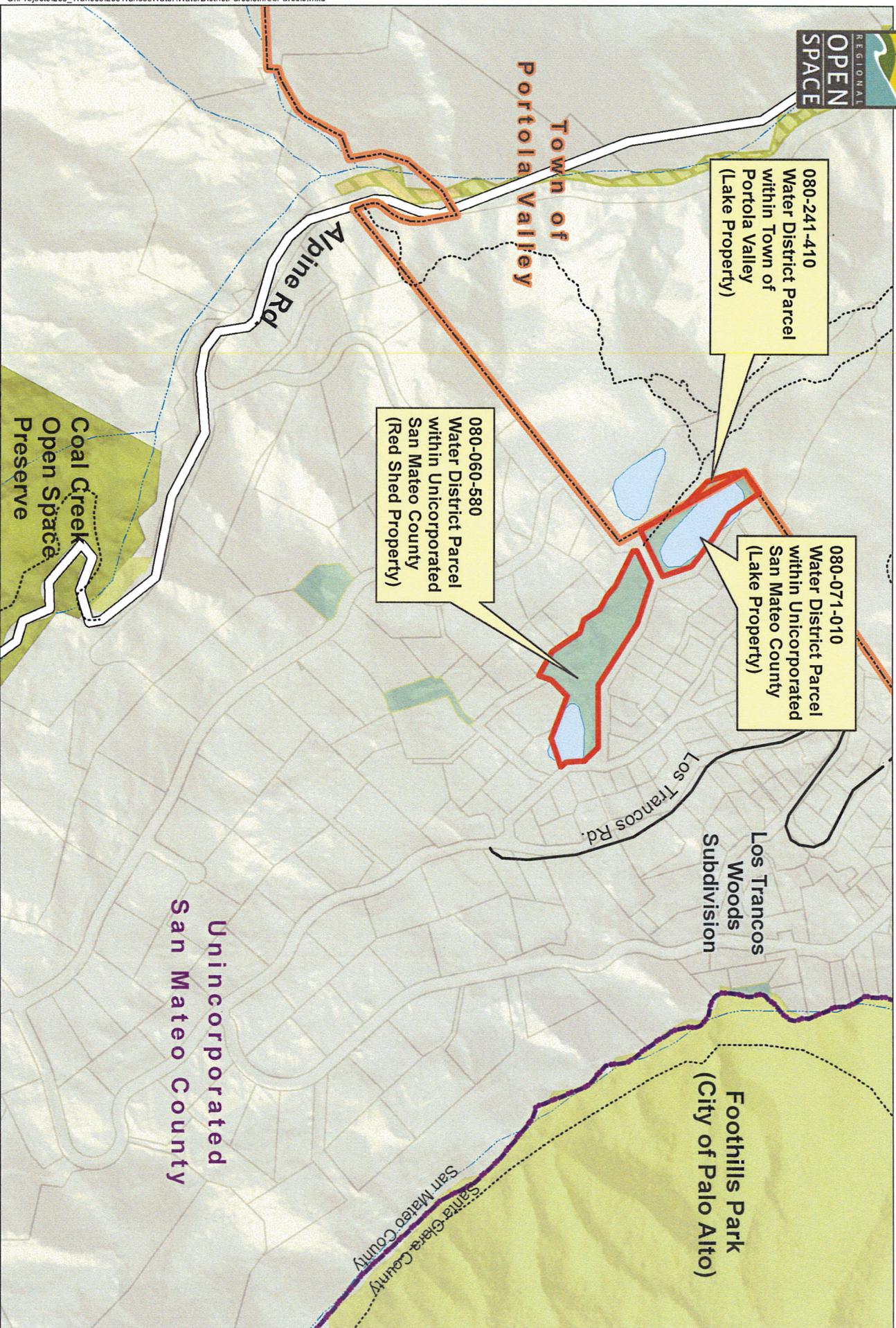
Responsible Manager:
Stephen E. Abbors, General Manager

Prepared by:
Ana Ruiz, AICP, Assistant General Manager

Contact person:
Same as above



Los Trancos County Water District Parcels



- MROSD Lands
- MROSD Conservation Easement
- Other Public Open Space

- Los Trancos County Water District Parcels
- Watershed Land

Unincorporated
San Mateo County

Foothills Park
(City of Palo Alto)

Produced by Midpeninsular Regional
Open Space District, May 2015



carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

→ (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or

authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

65403. (a) Each special district, each unified, elementary, and high school district, and each agency created by a joint powers agreement pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that constructs or maintains public facilities essential to the growth and maintenance of an urban population may prepare a five-year capital improvement program. This section shall not preclude, limit, or govern any other method of capital improvement planning and shall not apply to any district or agency unless it specifically determines to implement this section. As used in this section, "public facilities" means any of the

following:

- (1) Public buildings, including schools and related facilities.
- (2) Facilities for the storage, treatment, and distribution of nonagricultural water.
- (3) Facilities for the collection, treatment, reclamation, and disposal of sewage.
- (4) Facilities for the collection and disposal of storm waters and for flood control purposes.
- (5) Facilities for the generation of electricity and the distribution of gas and electricity.

natural features present. It should be possible and practical to preserve a large amount of the area in a natural state. In particular, it is desirable that the natural character of the open ridge leading up to the Windy Hill Open Space Preserve and the orchards and meadow adjacent to Portola Road and town center be retained.

2127 **Residential Area No. 12.** This area consists primarily of the upper portion of the western hillsides. It is similar in character to residential area No. 11; however, it is more removed from local town roads, utilities, schools and shopping, has steeper slopes, has a significantly colder, more foggy, and more windy climate and is somewhat less geologically stable. The most feasible access appears to be from Skyline Boulevard, and fire protection is minimal. Its reduced density is compatible with the adjoining agricultural, recreational, and forest resource region west of Skyline Boulevard. This area is shown in the open residential intensity category.

2128 It is envisioned that development in this area will be minimal. The foregoing factors make the area unsuitable for more than very sparse development. Large areas are shown in the residential open space preserve category. Any development in this area should have adequate access by roads which ensure prompt access to and from public facilities and commercial areas, and for fire, police and other emergency services.

2129 The barren ridge leading up to Windy Hill from the east is a visually dominant feature of Portola Valley and highly noticeable from much of the Midpeninsula area. It should remain in its natural state to the maximum extent possible. Development which might go on these lands should preferably be located elsewhere on the same parcel of land. If any development takes place in this area, extreme care should be taken to ensure absolute minimum disruption of existing visual characteristics. A major portion of this ridge is owned by the Midpeninsula Regional Open Space District.

→ 2129a A small portion of the area lies east of Alpine Road next to Los Trancos Woods and Vista Verde. This area is included because it is similar to the balance of the area in terms of remoteness and geologic instability, and also because it contains steep slopes, scenic qualities and the historic Coal Mine Ridge Trail.

Other Residential Areas

2130 In addition to the areas described above, there are several other residential areas included within the planning area. These areas, although in other jurisdictions, are of concern to the planning area because of common problems relating to drainage, circulation, public facilities and visual amenities.

2131 The portion of the Town of Woodside northeast of Portola Road and known as Hidden Valley Farm and Family Farm is shown on the plan diagram because of its

- c. Scenic corridors and greenways should be designed to insulate residential areas from noise and activity on trafficways and to provide buffers between other incompatible uses.
18. New residential developments should provide for the clustering of residences so as to leave larger natural areas (residential open space preserves and other open space preserves) as undisturbed open space with limited local use by trails and paths. (When considering residential open space preserves, see also Section 2109 of the general plan.)

Standards

2214 Specific standards are and will be included within the zoning, subdivision and site development ordinances.

Description

2215 Extensive open lands presently exist within Portola Valley, much of which is in private ownership. The open space proposals in this element define those lands that enhance the character of the town. The primary open space function of these lands is for one or more of the following uses: preserving natural resources, managing production of resources, providing outdoor recreation, or protecting the public health and safety.

2216 The land use categories that are of major importance in assuring a continued quality of open space and make up the open space classification system for Portola Valley are:

- 1. ***Neighborhood Open Space Preserves*** - A number of neighborhood preserves are shown on the plan diagram. The specific sites for two of the preserves, Ridge Rest Open Space Preserve and Frog Pond Open Space Preserve, are defined through the general development plan for the Portola Valley Ranch "planned community" zoning. A third preserve, Coalmine Ridge Open Space Preserve, includes a small lake and is located at the edge of the town adjoining Los Trancos Woods.

The exact locations of the remaining preserves shown on the plan diagram for the undeveloped lands of the town's western hillsides, should they ever be developed, should be determined by the town when more precise plans are made for this area. The distribution indicated on the plan diagram generally provides a neighborhood preserve within a radius of from 1/4 to 1/2 miles of all potential residential sites. Steep

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, JULY 15, 2015,
SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Vice Chair Hasko called the Planning Commission regular meeting to order at 7:30 p.m.

Present: Commissioners Gilbert and Von Feldt; Vice Chair Hasko

Absent: Chair Targ, Commissioner McKitterick

Staff Present: Debbie Pedro, Town Planner
Carol Borck, Assistant Planner

ORAL COMMUNICATIONS

None.

REGULAR AGENDA

- (1) Public Hearing: Site Development Permit for a New Residence and Swimming Pool, File #'s: 01-2015 and X9H-688, 20 Minoca Road, Unger Residence.

Ms. Borck presented the staff report for the proposed site development permit subject to the recommended conditions of approval.

Vice Chair Hasko invited questions from the Planning Commission.

Commissioner Gilbert asked if pools could be filled considering the current water restrictions. Ms. Pedro advised that Cal Water's current regulations allow filling of new swimming pools.

Vice Chair Hasko asked for clarification regarding the permit to abandon the septic system. Property Owner Bill Unger said they recently discovered there were two septic systems on site; one serving the main house and one serving the second unit. The septic system serving the second unit will be abandoned and removed with permit from the San Mateo County Environmental Health Department.

Vice Chair Hasko opened the public hearing.

Michael Friedman, 435 Golden Oak Drive, the downhill neighbor, asked for clarification regarding the design of the retaining wall and curb along the driveway. Mr. Unger said that the retaining wall will be constructed to support the driveway on the slope, and the curbing will sit on top of the wall.

Mr. Friedman said that Mr. Unger had advised him that specific plans to protect his residence from falling rock and construction debris would be determined based upon the recommendations of the project's soil engineer, and that the Town Geologist would also review the plan. Mr. Friedman asked if the applicant would be willing to discuss with him the protection measures that are recommended by his project team. Mr. Unger said he would share that information once it is determined. He said he does not want to commit to Mr. Friedman's soil engineer's suggestion to use plywood fencing until his project team has reviewed the plans at the site with the Town's Public Works Director and determined the best approach to slope protection. Mr. Friedman said he would appreciate being kept informed.

In response to Vice Chair Hasko's question regarding process, Ms. Pedro said the Public Works Director and Building Official are responsible for reviewing the construction staging plans of all

projects. Ms. Pedro said that staff will advise the Public Works Director of the neighbor's concerns and notify Mr. Friedman when the construction staging plan is submitted to the Town.

Vice Chair Hasko asked for comments and discussion from the Commission.

Commissioner Von Feldt supported the site development permit with the recommended conditions. She said it appeared that the neighbor's concerns have been addressed, and she appreciated the applicant's efforts to try to preserve the blue oaks.

Commissioner Gilbert and Vice Chair Hasko also supported the project.

Commissioner Gilbert moved to approve the site development permit for 20 Minoca Road as proposed. Seconded by Commissioner Von Feldt, the motion carried 3-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Pedro reported that an anonymous letter addressed to the ASCC and Planning Commission was received on July 13, 2015 raising concerns regarding the size of the house at 3 Grove Court. She said the project, a remodel of a historic home, was approved in 2013 and included a variance for height and floor area. She advised that she had also forwarded the letter to the ASCC. Commissioner Von Feldt recalled that there was substantial vegetation clearing downslope of the project site that made the building more visible. Ms. Von Feldt also recalled that most of the community feedback was supportive of the project.

Ms. Pedro advised that there would be a special joint ASCC/Planning Commission field meeting on July 27 at 2:30 p.m. for a new residence at 207 Westridge Drive followed by a second field meeting at 3:30 p.m. to review the proposed 13,000 square foot STREAM (Science, Technology, Robotics, Engineering, Arts and Math) building at the Priory School.

Commissioner Von Feldt advised that she was the designated Planning Commissioner to review the proposed staging and grassland restoration plans for the private open space easement (POSE) at 3 Buck Meadow. She said that the restoration plan was quite extensive and includes a biological review. Ms. Pedro stated that utilizing the POSE for construction staging is not an insignificant request. A thorough report was necessary to evaluate and mitigate the impacts to the native grassland and any future applications requesting use of the open space easement will be held to the same standards.

APPROVAL OF MINUTES: June 17, 2015

Commissioner Gilbert moved to approve the minutes of the June 17, 2015, meeting. Seconded by Commissioner Von Feldt, the motion carried 3-0.

ADJOURNMENT [7:57 p.m.]