

REGULAR PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, JUNE 16, 2004, TOWN CENTER, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chairman Breon called the meeting to order at 8:05 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, Wengert and Zaffaroni, and Chairman Breon
Absent: Commissioners McIntosh
Staff Present: George Mader, Town Planner
Tom Vlastic, Dep. Planner
Lisa Schiller Tehrani, Asst. Planner
Richard Merk, Council Liaison
Leslie Lambert, Planning Manager

ORAL COMMUNICATIONS: None.

REGULAR AGENDA

(1) PUBLIC HEARING: MROSD Site Development Permit X9H-517

Town Planner Mader reviewed the staff report of 5/14/04 on the proposed relocation of a portion of the existing Spring Ridge road/trail and a new connection to the Kabcenell driveway. Both the Planning Commission and Council had discussed the related issue of the closure of a nearby trail/road. In response to concerns raised by the Town, he said MROSD had forwarded a letter dated May 19, 2004. MROSD had also asked that the Town's desires be formally communicated to the Board.

Councilmember Merk said he had walked the trail/road section proposed for elimination with Larry Hassett who was in favor of maintaining the road as a trail. Because of personnel changes in the planning department, he [*Hassett*] felt that the original decision to close that section might be revisited. The Council was unanimous that they did not want to lose the use of that trail; it was important for a lot of users--particularly residents at The Sequoias. He suggested Planning Commissioners contact MROSD Board members or the General Manager and express the desire to maintain the road as a trail.

Chairman Breon noted that staff recommended continuing the item until after the next MROSD Board meeting on July 23. By motion and second, the item was continued to July 21, with the understanding that a subsequent continuation might be required. After discussion, the motion and second were amended to direct staff to draft a letter to the Board for Chairman Breon's signature indicating the Town's desire to maintain the road as a trail.

(2) PUBLIC HEARING: Proposed Amendment to Zoning Ordinance, Chapter 18.32, Floodplain Combining District

Mr. Vlastic reviewed the staff report of 6/9/04 on the proposed amendment to the floodplain combining district regulations.

Referring to the amendment, Section Y (p. 4), Commissioner Zaffaroni said it should read "'start of construction' commenced..." Referring to Sections 18.32.060 and 18.32.070 (p. 7), she asked why basements weren't specified in the residential construction section. Mr. Vlastic confirmed that the "lowest floor" was considered the basement. Basements were specified in the nonresidential construction section because the standard was not as high for nonresidential construction. Chairman Breon suggested adding "including basements" to Section 18.32.060. Responding to Commissioner Zaffaroni, Mr. Vlastic confirmed that Section 18.32.065, applied to both residential and nonresidential construction. Referring to Section 18.32.090 (p. 8), Commissioner Zaffaroni said it should read "...impairment or contamination...." On Section 18.32.130 (p. 8), Mr. Vlastic confirmed for Commissioner Zaffaroni that it applied to creekbank revetments.

Referring to Section 18.32.150 (pp. 8-9), Commissioner Zaffaroni said the language was confusing. She asked what procedures would pertain to a grandfathered structure that had experienced substantial damage. She assumed the variance procedure would be available. Mr. Vlastic suggested "Floodproofing of New residential structures or substantial improvements...." Commissioner Zaffaroni said language elsewhere included "substantial damage" and "substantial improvement." Mr. Vlastic said he would check the wording. Referring to Section B.3 (p. 9), Commissioner Zaffaroni said it should be broader than the existing individual owner and apply to occupants as well. The existing individual owner might not be the occupant. Mr. Vlastic said the language was from the model ordinance. Chairman Breon suggested "...on the existing owner(s) and or occupants...." Referring to Section B.2 (p. 9), Commissioner Zaffaroni said she thought it should read "Danger to life...."

If a house had a septic system within the floodplain, Commissioner Elkind asked if the owners would be required to move the septic system in order to be certified. Responding, Mr. Vlastic said there might be health issues associated with it, but it would not fall under the definition of "structure."

Responding to Commissioner Wengert, Mr. Vlastic said the Town could continue to rely on the existing ordinance language, but it should be made current. Additionally, at some point, the Town might determine that it would be appropriate to have the map looked at due to changes in conditions and improvement projects that had been made; that was more of a costly procedure than staff recommended at this point. Responding to Chairman Breon, he said an applicant would have to go through a more involved process to amend the maps because these were part of the federal program. He and Ms. Lambert discussed two incidents in the past where the maps had been modified.

Responding to Virginia Bacon, Golden Oak, Ms. Lambert said maps of the existing floodplains were in the Planning Dept. at Town Hall. Floodplain data was on the Residential Data Report as well.

Responding to Sharon Reich, Mr. Vlastic said a grandfathered structure would have to be evaluated against the provisions of the ordinance. There were provisions for substantial improvement or substantial change. There was also a requirement that if you added floor area, it would have to be above the flood elevation. Responding to Ms. Reich, he said the ordinance did not say that you couldn't have additional impervious surface. The ordinance had more to do with the safety of structures and additions to structures than to runoff. Responding to Ms. Bacon, he confirmed that once you passed a certain point in terms of the scope of the improvements, you might have to raise the entire house. That was based on market value, and there were definitions that set forth the substantial improvement test. Town Planner Mader added that there was floodplain zoning in the ordinance now; this was not a new requirement but a refinement to meet federal and State requirements.

Commissioner Zaffaroni moved to find the proposed amendment dated June 16, 2004, as amended, categorically exempt pursuant to Section 15305 of the CEQA guidelines. Commissioner Elkind seconded, and the motion carried 4-0.

Commissioner Zaffaroni moved to recommend approval to the Council of the proposed June 16, 2004, Amendment of Chapter 18.32, "F-P (Floodplain) Combining District Regulations," as amended. Commissioner Wengert seconded, and the motion carried 4-0.

(3) Status Report on Priory Conditional Use Permit Application

Commissioner Zaffaroni stepped down from the Commission. Chairman Breon said he also resided within 300' of the Priory. But because he rented, the Town Attorney had indicated that he need not step down.

Mr. Vlastic reviewed the staff report of 6/11/04 on the status of processing the Priory's CUP amendment. Responding to Chairman Breon, he said there were still some differences of opinion about the Georgia Lane access. There were five private residences along that side of Georgia Lane, and the intent at this time was to provide those residents access; there was some misleading language within the Initial Study that suggested

some other vehicle access. Additionally, some things were still being looked at like the faculty housing/location. He did not feel there were major differences of opinion. However, he would not say that staff was at this point in agreement with the proposed scale of every aspect of the buildings on the campus; additional clarification would be needed. Responding to Chairman Breon, he confirmed that the draft mitigated negative declaration would come to the Planning Commission in July.

Given the community interest in what would happen within the Priory campus and issues related to access/parking, Commissioner Wengert said there might be an entirely different perspective than what was shared by some of the participants in the June 2 meeting. Based on what was in the staff report, she felt a very specific viewpoint had been presented. Mr. Vlasic said the Town had tried to work within the committee structure to provide a broad representation of the community. Obviously, concerned neighbors would share their concerns. Those were heard and often conditions were included that were meant to resolve particular problems. The applicants and neighbors might be satisfied; on the other hand, it might push buttons for other people. The hope was that by working with the Parks and Rec Committee and Traffic Committee, the necessary input would be received.

Commissioner Elkind said the Town expected that uses serve primarily the residents of Portola Valley and used a 50% guideline. The Priory had a lot of uses and intensity of use in order to meet its goals and mission. She asked what criteria would be used to ensure that the uses serve primarily the Town and its spheres of influence. Some portion of the 350 students might have to come from the Town. Or, there might need to be an increase in the ancillary activities in order for the Priory to meet the 50% requirement. That could bring about increased impacts. Mr. Vlasic confirmed that there would be a discussion of whether that standard should be applied to this CUP. If it was determined that it should, that would be evaluated.

Opening the meeting to public comment, Chairman Breon asked that speakers focus on any additional information they thought the Planning Commission should consider at the July 21 hearing.

SallyAnn Reiss, Parks and Rec, said the Priory was proposing a 7,000 sf gymnasium addition, with a fitness center and basketball facility. She wanted to know how big the current basketball court was and the proposed size for the new court. Secondly, she wanted to know about any historical requests to the Priory for use of their tennis courts, soccer fields and basketball gymnasium from people within the Town--leagues or individuals. She wanted to know how much give and take there was in terms of utilizing their facilities. Third, she would like to know if there were any fees assessed for use of the tennis courts, soccer fields, etc. Finally, she wanted some clarification of whether the Town received any revenue income from the Priory and whether it was considered a business.

Dale Pfau, Alpine Rd., wanted to know: 1) what percentage of use was required by all of the other religious/civic organizations (e.g., churches, Alpine Hills, etc.) in Town; 2) what fees the city got from that; and 3) what traffic mitigation was required. He did not want the Priory to be viewed in a vacuum. Chairman Breon said it would be difficult to list every potential public use of every CUP in Town. There might, however, be some general discussion of what kinds of public uses occurred with other CUPs. Mr. Pfau said he was interested in the 50% use requirement. He also wanted to know how many other parking lots there were within the corridor of Alpine and Portola Roads within 50' of those roads.

Robin Kennedy, attorney for the Priory, said her firm had been involved in this project for 6 weeks. Her impression was that the Priory was extremely flexible with respect to the use of its land, fields, and facilities by others. She wanted clear guidance from the Planning Commission about what it was that the community wanted. The attitude over many years had been one of generosity and conceding to requests. Lately, the Priory had become a little skittish. Recently, a group of parents of incoming kindergartners had asked to use the facility during the summer for a breakfast. The Priory thought maybe it should say no because they didn't want to offend the neighbors. The Priory was willing to accommodate what it was that the Town would like. But, two very different sets of messages were being given. Chairman Breon said there would be clarification of what kinds of activities would be routinely allowed, allowed with a special permit, or not allowed.

Responding to Charlotte Thuner, Chairman Breon said written comments could be submitted to the Commission in advance. Individual commissioners could also be contacted by phone or e-mail.

Bernie Bayuk, Paloma Rd., said he was concerned with the possible size of the performing arts center. A theater with a capacity of 450-500 seats in Portola Valley seemed incongruous. The justification for a theater of this size was that it was necessary to accommodate all the residents, students, faculty and visitors when presentations or plays were being given. He would like some analysis done on how many times during the year there would be a need for such a large number of spectators. He questioned whether that would justify building a structure that size. Chairman Breon said there would be a discussion of proposed uses, how often they would be used, how many times they would be at maximum capacity, etc.

Lindsay Bowen, Parks and Rec, said the Committee was very interested in safety and the turnaround at the end of Georgia Lane. It appeared that use had dropped down, and he asked that the report from the Traffic Committee be clarified as to how many people were making use of that as a drop off for the schools. He was also interested in the field use agreement. Responding, Mr. Vlasic said staff was hoping Parks and Rec and the Priory could provide input on how the existing field use agreement could be restructured. At the February meeting, there had been some discussion about the field use agreement; some follow-up discussion resulted in a draft memorandum of understanding. He encouraged the Committee to look at some of the questions raised earlier. Chairman Breon also encouraged staff and Parks and Rec to work together. Mr. Vlasic suggested setting up a meeting with the Committee, staff and the Priory to hammer out key elements, look at the existing document, etc.

With respect to fencing and signage on Kalman Field, Leah Zaffaroni said her personal preference was for the minimal necessary. She did not want the rural atmosphere damaged by unnecessary amounts of fencing. With respect to Georgia Lane and the parking situation, this was an unusual circumstance. The Priory use of its land and facilities had never been an issue or a problem on Georgia Lane. It was unusual to have a CUP holder who also shared their facilities with other individuals or entities that they did not necessarily have control over with respect to that use. Because of the Town's requirements, the Priory had to make their facilities available for other users. It was more of a difficult situation in terms of compliance. The actual use of the field was not the issue; it was the parking situation. Responding to Chairman Breon, she confirmed that she would like to have a discussion of the relationship between the Priory, the other entities that used the facility, and kinds of control.

Virginia Bacon said there were three uses for the Priory: 1) a community use; 2) a school use; and 3) a monastic use. All three of those uses needed to be addressed. She was uncomfortable with this field use arrangement and the community use concept of the Priory. She thought there was an overlap between church and state. She would like to see the Priory have more control over what went on. They needed to be compensated appropriately for any community use. She did not understand why community use had to be part of the use permit. She assumed it was a way to make the 50% rule apply.

Jack Hundley, Priory, said it had been primarily his responsibility to put all of this information together. Certain aspects had not been included because it was not thought it was necessary. There had been a great deal of talk about the Priory being a business/commercial venture. By definition of a 501(c)3 entity, the Priory was not a business or a commercial venture. The Priory was classified as an educational and religious charity. Secondly, there were constraints beyond the Town's desires for the field use. The greatest constraint was that the insurer would not allow organized groups to use the facility unless they were insured at the level of \$1 million. That eliminated most individuals. To say the Priory should be opened up completely to whatever use community members wanted to make of it was not a possibility. Those types of things were not included in this study, but it sounded like they were very pertinent concerns.

Donna Mackowski, Los Charros Lane, said one of her concerns was the traffic in the morning with students being dropped off at the Priory.

Patrick Yam, Golden Oak Dr., said he would also like to see the use, permitting, and limitations of other tax-

exempt organizations in Town and their restrictions in terms of what they could and could not do. Chairman Breon reiterated that there could be a limited discussion about other similarly situated uses and the kinds of conditions placed on them regarding community use, etc. There would not be a detailed discussion of all the other CUPs in Town. He recommended that Mr. Yam and Mr. Pfau look at some of the other permits and conditions.

Michael Reich, Georgia Lane, said the rural nature was appreciated in the community. Appropriate review of the CUP and conditions would solve lots of problems and help both the Priory and the citizens with some of the issues. He thought the particular definitions agreed to in the next few months would not only solve some initial concerns on both sides but also provide a basis in the future when someone violated their CUP and citizens expressed their concerns about the violations. This was a great opportunity. He was also concerned that there were very few citizens in Town who knew what was going on with CUPs. One of the dangers was the tendency to rush this through to meet some aggressive goals and objectives of the Priory. The Priory had indicated that they would like to see their CUP expanded to 350 students for the foreseeable future. He questioned what "foreseeable future" meant. He did not want the current situation repeated in the future. Chairman Breon suggested Mr. Reich forward a list of the "particular definitions" he thought were important. He suggested Mr. Reich look through the documents to ensure the clarity was there. With regard to rushing, he said there was a desire to move on, but time would be taken to get a good document. Mr. Reich reiterated that he wanted to: 1) ensure that this project and amendment of the CUP promoted the rural nature of the community; and 2) have "foreseeable future" defined.

Chairman Breon said any CUP holder had a right to come to the Town and request permit revisions. It would not be legal for the Town to say there could not be amendments to a CUP for the next 25 years. The master plan would hopefully have some time projections in it, and the Town would proceed with the information it was given. Many of the CUPs in Town probably had minor violations on occasion or in some cases major violations. That was inherent in the nature of these permits and the enforcement mechanisms of many towns. The new permits being issued were a lot tighter than the older ones.

Pierre Fischer, Valley Oak, said in looking at this staff report, he was concerned about the size of the future staff reports/recommendations; he hoped that there would be a summary that could be easily comprehended rather than going through 40-50 pages. Responding to Chairman Breon, he said he would like to see some motives, conclusions, history, and some rationale. Mr. Vlasic said the conditions of approval, key documents that defined what the use was, and the site plans would be the focus of what people would want to see. Staff would articulate the conditions in much greater detail than they had been before. He suggested interested parties look at the document that set forth the conditions because it would include a lot more than there had been in the past.

Charlotte Thuner asked if there was any way to get the documents early. Chairman Breon noted that there would be more than one public hearing. Documents were normally distributed the Friday before the meeting. There was also a lot of documentation that was already available.

Claudia Mazzetti, Ramona Rd., said she reviewed the Town's 1998 General Plan and that it only included a reference to the Priory school in the Housing Element. The information in the Plan referred to the Priory as a Catholic all-boys school with a population of 109 students. The churches and The Sequoias were defined as institutions, but not the Priory. What had happened over time was that people thought of it as a business even though it was a 501(c)3 charitable organization that did not make any money and could not be described as a commercial operation. She would like the Planning Commission to look at the General Plan and to update it to reflect the Priory as an educational institution rather than including it only in the Housing Element where housing for the monks and the student dormitories were discussed. Responding, Mr. Vlasic confirmed that the Priory was recognized under institutional uses as a private school. It was also recognized on the Plan diagram as a private institutional use. The Housing Element discussion was background data rather than policy and was currently under revision.

Dale Pfau asked what the density of students/faculty per acre at the Priory was during the daytime compared

with Ormondale, Corte Madera, and other institutions. Responding, Chairman Breon said there would be a comparison of this school and other schools in Town and other schools similarly situated in other communities. Mr. Vlastic said you would not find a specific model for a private school. You had to take into account not only that it was a private school but also precisely what the functions in Town would be. Some reasonable comparisons would be presented for similar use and educational objectives.

Kathryn Vaughn, Alpine Rd., said people were looking for some context. Although specific comparisons might not always be available, something was needed as a basis to start the discussion. That would help people get their arms around what was being talked about.

Charlotte Thuner said she had been here since 1978 and watched the Town grow and change. While change had to occur, she valued the ruralness of the Town and ambiance. She wanted to compare having the Priory to not having it and what might be there instead--such as housing. She felt the Priory was a benefit because it helped the rural atmosphere. They were also very conscientious. Chairman Breon said alternate uses would probably not be part of the discussion.

Sharon Reich said she read the Initial Study, which included some information about flooding that had taken place on the Priory. She wanted to have an understanding of this new floodplain concept and the Priory's past flooding and storm drainage. Chairman Breon said this would be answered in the environmental review documents.

Virginia Bacon said there was a cell phone tower at the Priory. She asked how that use and leasing something like that fit in with the use permit. Responding, Mr. Vlastic noted that those were all regulated under separate use permits. There had been a relatively quick number of applications over a short period of time. The Priory and the Town had expressed concerns that the limit had been reached; there hadn't been any discussions about additional facilities for a long time. Chairman Breon added that the cell phone companies leased the space from the landowner.

Bernie Bayuk reiterated his concerns about the size of the performing arts center. Looking ahead 5-10 years, if a 500-seat structure was available and the institution that owned it needed funds, different managers might make different decisions in the future. He would not like to see Portola Valley become known as a convention center. Chairman Breon said the Priory's use of the building and other potential users would be discussed. Mr. Vlastic added that the proposal was not a 500-seat performing arts center. It was a moveable bleacher kind of thing with a 400-seat maximum. There were no specific architectural plans for it, and it was not a fixed seat theater. He said the footprint, square footage, and uses in the building would be discussed.

Referring to the supplemental documentation attached to the staff report and discussions about extra activities on campus month by month, Commissioner Elkind asked that there be some evaluation of the extra traffic generated by these activities.

Given the amount of information people would have to digest in a short period of time, Commissioner Wengert suggested distributing some of it on the Town website in advance. If that was possible/feasible, that might be a way for more people to get information more quickly. Mr. Vlastic said he thought the staff report and the conditions from the permit documents could be put in a .pdf file for posting on the website.

(4) Discussion of Fence Regulations and Design Guidelines

Ms. Tehrani reviewed the staff report of 6/11/04 on the alterations and additions made to the proposed fence regulations and Design Guidelines recommended by the Commission at the June 2, 2004, meeting. She summarized issues that still needed to be resolved. With respect to fences on slopes exceeding 20% slope, she distributed and discussed a diagram showing slopes in Portola Valley. She reviewed staff's recommendation as set forth in the staff report.

Virginia Bacon said she had a corner lot with a lot of street frontage. With the way the terrain sloped down

from the road, a 4' fence wouldn't provide any privacy from the street. Chairman Breon summarized the Commission's discussion on perimeter fencing. He said the sentiment of the Commission was to reduce or eliminate as much fencing as possible to what was minimally needed for safety purposes, etc. The Commission had tried to balance people's privacy versus the open space feeling. Ms. Tehrani noted that there was a provision that said in cases of hardship, the ASCC could review applications and make accommodations. Commissioner Elkind added that people could build whatever fence they wanted within the building envelope to create privacy.

Commissioners agreed with staff's recommendation for 1+ acre properties to not allow fencing on slopes above 20%; the ASCC could provide some relief on a case-by-case basis. Responding to Commissioner Zaffaroni, Chairman Breon confirmed that the ASCC exception did not relate to just the slope restriction. Ms. Tehrani read the exception provision (item #15.c). With respect to the examples given of hardship, Commissioner Zaffaroni suggested deleting "...between neighbors...." That would address Ms. Bacon's concern about privacy from the road. Chairman Breon pointed out that it was only an example. Additionally, hardships needed to be unique situations where privacy came into play such as where homes were placed very close together even though they were on larger lots. With respect to Ms. Bacon's situation, Town Planner Mader added that to exceed the height limit, a variance would be needed; that should be deleted as an example of a hardship. He noted that the ASCC's attitude toward tall fences along the street was very negative.

With respect to the provision that addressed review of fencing in the M-R district by the ASCC, Commissioner Elkind said these areas were best suited for wildlife. The ASCC looked at visual impacts--not from the wildlife point of view. She suggested the Conservation Committee also review fence applications in the M-R district. Councilmember Merk pointed out that the ASCC currently received guidance from the Conservation Committee. Chairman Breon suggested "...reviewed by the ASCC and forwarded for comment by Conservation Committee...."

With respect to Fence Opacity (item #4, p. 3), Commissioners agreed to reword the second provision to read, "With regard to the less than 1-acre districts, an opacity limit should only be required in front yard fences."

On Color Reflectivity and Design (item #6, p. 3), Commissioners and staff discussed the term "Fence members" and agreed it was adequate.

With respect to Repairs or Replacement to an Existing Fence (item, #7), Councilmember Merk said he was confused by the definition of segment. Ms. Tehrani said the intent was a line from one point to another that didn't change in direction. Town Planner Mader said the point was that the line was of consistent character--not the fence design. Town Planner Mader said staff would rework the language.

Referring to Horse Fence Standards (item #8a), Ms. Tehrani said "...no more than four horizontal wood members, each not to exceed 4-5/8 inches in height" had been added to allow for four horizontal members but also achieve 50% opacity; the calculations showed that a member could not be greater than 4.5 inches, but wood apparently came in 4-5/8." After discussion, it was agreed to use 4.5 inches.

Under item #8e and the wire mesh question, Commissioner Zaffaroni said she did not disagree that wire mesh would be a prohibition in terms of wildlife migration. Her position was that people would choose a horse fence or a domestic fence. A domestic fence could be impenetrable in part. If you could get people to do a horse fence and it had utility for them, they would be less likely to build a domestic fence. She reiterated: 1) the situation on Georgia Lane where the owner maintained sheep/lambs; and 2) her interest in finding out if there was some sort of wire mesh that could be appended to a horse fence that could restrain animals such as sheep or goats. Responding to SallyAnn Reiss, she said she felt wire mesh had utility as was the case on Rossotti's where it was used to keep out the feral pigs. Ms. Reiss pointed out that the Town's fences should comply with the Town's rules. Ms. Tehrani noted that the regulations referred to residential properties in certain zoning districts. Ms. Reiss added that the Rossotti fence also helped to keep

out raccoons when it was resod. Now, the best utility of that fence was to keep the kids in. She thought the mesh was beneficial in certain circumstances.

Ms. Tehrani said one option would be to allow wire mesh but have a Design Guideline about qualified uses. Town Planner Mader said there might also be a separate permitting arrangement for these for special cases like Rossotti Field, agricultural purposes, etc. Some procedure that ran with the property might be appropriate. Chairman Breon said his preference was not to allow wire mesh but to say that the ASCC could make an exception based on the hardship aspect. Commissioner Elkind agreed. She did not want everyone deciding that they had to have mesh on their fences; that would be particularly bad on the larger properties and in the M-R district. Chairman Breon was concerned that subsequent property owners of fences with wire mesh would keep them even if they were no longer needed. He wanted to cut down on exceptions from the beginning to avoid the cumulative effect. Responding to Town Planner Mader, he reiterated that he preferred that wire mesh not be allowed, but that the ASCC could grant an exception in cases such as agricultural uses. Councilmember Merk suggested "animal husbandry" rather than agricultural uses; vineyards were agricultural. Chairman Breon agreed.

Town Planner Mader noted that the ASCC had already given its recommendation with respect to wire and fences. He suggested the Commission might want to have some criteria. Councilmember Merk suggested this should go to the Conservation Committee for feedback. They could better address what size mesh would allow the flow of animals but stop the movement of dogs, lambs, etc. Commissioners Elkind and Zaffaroni agreed it should go to the Conservation Committee. After discussing opacity measurements of horse fences with wire mesh, Commissioners agreed on "no wire mesh" except in circumstances like animal husbandry at the permission of the ASCC.

Referring to item #15b (p. 5), Town Planner Mader verified for Chairman Breon said the 50% floor area trigger was in response to his initial suggestion to tie redevelopment/additions and off-site visual impacts to existing fencing. Referring to the provision's language, Chairman Breon questioned why the ASCC must find that the fencing adjustments were needed to ensure that the site would be compatible with neighborhood conditions. His intent was to recapture as many really bad fences in Town as possible. Ms Tehrani said it had initially been inserted to provide clarification as to when this would be required; the 50% floor area trigger had since been added. Chairman Breon suggested: "In making this determination, the ASCC should consider compatibility with neighborhood conditions, keeping with the design objectives of the Town and the policy goals of the fence regulations."

Referring to the Public Information provisions (p. 6), Chairman Breon suggested omitting the first provision; with all of the issues that had to be dealt with, the regulations were not necessarily clear and understandable. Commissioner Elkind suggested deleting "in a clear and understandable form." Commissioners agreed.

Commissioners agreed that the modifications discussed did not need to come back to the Council. Chairman Breon directed staff to forward the proposed regulations, as amended, to the Council and the Conservation Committee.

APPROVAL OF MINUTES

Commissioner Zaffaroni submitted changes to the minutes of the June 2, 2004, meeting. By motion of Commissioner Elkind, seconded by Commissioner Zaffaroni, the minutes were approved as amended by a vote of 2-0, with Chairman Breon and Commissioner Wengert abstaining.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Breon said he had been appointed to the South Bay Salt Pond Restoration Advisory Committee. Committee members had been asked to disseminate information about what was going on. He offered to give a presentation during a Planning Commission meeting. Ms. Lambert suggested the first meeting in August. Councilmember Merk suggested also giving a presentation to the Council.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:22 p.m.

Craig Breon, Chair
Planning Commission

Leslie Lambert
Planning Manager