

CALL TO ORDER AND ROLL CALL

Chair Targ called the Planning Commission regular meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Hasko, Kopf-Sill, and Taylor; Vice Chair Goulden; Chair Targ
Absent: None
Town Staff: Laura Russell, Planning & Building Director; Arly Cassidy, Associate Planner; Cara Silver, Town Attorney

ORAL COMMUNICATIONS

Lisa Lovazzano, 287 Westridge. Ms. Lovazzano said it took them forever to build their home and she is very sorry about that. She said she is trying to put a gate at the top of their driveway to protect their home. She said Amazon and UPS deliveries come down their driveway and her dogs go nuts and then her neighbor blows a horrible blowhorn. She said she was told 10 years ago she couldn't have a gate, but then learned from one of the committees that they could have a gate. She said they don't want drivers coming down their driveway. Chair Targ advised the speaker to start with Town staff. She said they said she couldn't have a gate unless it was 25 feet from Westridge, which is right at their front door. Planning & Building Director Russell said there are setback requirements for gates but staff would be happy to take a closer look at it if she wants to come in during normal counter hours, from 8:00 to 12:00 or 1:00 to 3:00, or she can contact Planning & Building Director Russell directly.

Chair Targ took a moment to recognize the passing of Bud Eisberg, a long-time, well-respected member of the community, who was dedicated to public service and was a pilot. Chair Targ said Mr. Eisberg served on the Portola Valley ASCC for many years. He said Mr. Eisberg was a person of strong opinions and great civility. Chair Targ said it was a pleasure to have known him and the lack of his presence here will be felt.

PUBLIC HEARING

(1) Consideration of a Resolution to Recommend Approval of a Draft Ordinance on Accessory Dwelling Units

Chair Targ said the draft resolutions presented tonight address ADUs and are a culmination of the Planning Commission's discussion on the issue. Chair Targ said following tonight's hearing, and if there is a motion carried to move the resolution to Council, the matter will then be heard before the Council, including a review of the record, a review of the resolution, and the recommendations made by the Planning Commission. He said Council will then deliberate on changes it may want to make based on its own insights, experience, expertise, view of where the Town is going, and comments and public testimony. He said following the decision to move forward as an ordinance, the matter will be heard at a first reading, and then heard for a second time at a subsequent meeting, at which point it will be adopted.

Chair Targ described the background, the research and deliberation, the process leading up to the consideration of ADUs, including listening sessions and workshops, and public input on this issue.

Chair Targ said Commissioner Taylor will recuse himself from the issue of applicability of the ordinance, which will be the first ordinance heard, given the disposition of his home in an area that

would be excluded. Chair Targ said an issue came up regarding his own potential recusal and participation. Chair Targ said he is not recusing himself. As previously disclosed, Chair Targ said he lives on a street that may or may not actually be affected; however, he has no properties that would be impacted one way or the other by the applicability section of this resolution. He said he conferred with the Town Attorney who agreed that Chair Targ's recusal was not required. He said he has spoken with members of the Town Council and Town leadership who have also reached the same conclusion.

Town Attorney Silver suggested it may be more efficient to hear public comment on both resolutions together and then Commissioner Taylor can step out.

Planning & Building Director Russell explained the process for tonight's presentation and explained there are two resolutions so that Commissioner Taylor can participate in the majority of the conversation, and to comply with the regulations that require Commissioner Taylor's recusal for the conflict of interest.

Associate Planner Cassidy explained that tonight's presentation follows the staff report with the exception of the plurality of resolutions recommending approval of proposed ordinances further implementing the State law on Accessory Dwelling Units. She said there will be some bifurcation of the process, beginning with the staff presentation echoing the staff report. She said the first section would be the discussion of the majority of the ordinance and materials and history. She said second will be the discussion around the applicability and fire safety, with Commissioner Taylor recusing himself during that second discussion and possible vote. Commissioner Taylor will then rejoin the Commission and complete the discussion and possible vote on the remainder of the ordinance.

Associate Planner Cassidy described the background, the direction by the Town Council, the Planning Commission review and public outreach, additional feedback from ASCC Chair Al Sill and the Fire Marshal, discussion items, conflict of interest, the draft ordinance, secondary issues to forward to Town Council, consistency with the General Plan, environmental review, next steps, and discussion items, as detailed in the staff report. Staff recommended adoption of the resolutions recommending approval of the proposed ordinances on Accessory Dwelling Units with Findings of General Plan Consistency and Environmental Review as detailed in the staff report.

Planning & Building Director Russell described the statutory exemption created by the State upon the passing of the ADU laws. She said the ADU compliance codes adopted by cities and towns are not required to be reviewed under CEQA, including this proposed ordinance. She explained the process leading to this determination, and the environmental review statutory exemption, alternative exemption, and exemption for individual ADUs, as detailed in the staff report.

Associate Planner Cassidy referred to Section 3 of the proposed new ordinance, "Applicability." She said this includes an exception section relating to fire safety and Commissioner Taylor would be recusing himself during discussion of this item. She explained the Fire Marshal's concerns regarding ADUs that fall under certain criteria, as detailed in the staff report.

Town Attorney Silver explained the conflict of interest issues as established by the State, and how the Fair Political Practice Commission (FPPC) promulgates regulations to implement the conflict of interest rules. She said there has been discussion on PV Forum regarding this issue and staff felt it was important in the interest of transparency to explain the thinking and analysis on the conflict issue. She said Commissioner Taylor's home meets the three criteria established for fire safety and the decision on that part of the code could result in a financial impact for Commissioner Taylor and he will recuse himself. She said Chair Targ also owns some property that meets the criteria in that two remainder parcels of less than an acre are accessed by a single road with a single point of ingress or egress and the road is less than 18 feet wide. However, when staff looked at that issue more closely, those

remainder parcels are simply not developable and would not be permitted to develop an ADU anyway. She said the regulations have a specific provision in them that say a property is not considered to pose a conflict of interest if the subject is not developable for other reasons. She said the development rights of those parcels are not being impacted by the ordinance and are being impacted by other zoning restrictions. For that reason, staff determined that it is not necessary for Chair Targ to recuse himself and he may participate in the process for the entire ordinance. Staff said they have segmented Section 3 to deal with the conflict of interest issue and to allow for as much participation by the Commissioners as possible.

Associate Planner Cassidy explained the contents of the staff report. Commissioner Hasko asked what language had changed in the staff report and draft ordinance from the packet that was circulated. Associate Planner Cassidy said that since Friday the ordinance proposal has only changed in the 3.a. Applicability Exception, which has been slightly reworded for clarity.

Chair Targ thanked staff for the exhaustive and well put together staff report. Chair Targ invited questions from the Commissioners.

In response to Commissioner Hasko's question regarding removed Section 18.12.040.B.2.h., Associate Planner Cassidy confirmed that second units that are visible from a local scenic corridor may be possible with discretionary review.

With regard to Section 18.36.040.B.2.i., Commissioner Hasko asked if it was intended that an internal ADU can have a second address. Associate Planner Cassidy said there was no intention to limit second addresses for internal units and she does not think the Planning Commission or staff ever discussed that.

With regard to Section 18.36.040.B.4.c, Commissioner Hasko asked for clarification regarding AMFA versus Floor Area Maximum. Associate Planner Cassidy said the Adjusted Maximum Floor Area (AMFA) is the amount of floor area any parcel may build. Under the current regulations regarding a regular home, a full basement does not count toward this AMFA, i.e., for a 1,000 square foot home with a 1,000 square foot basement directly underneath, only 1,000 square feet would be including in the AMFA. She said the current ADU ordinance is different, saying that basements under ADUs must count toward the AMFA. She said the proposed ordinance changes that to be consistent with the way basements are calculated under regular homes, such that a full basement under an ADU will not count toward AMFA. However, in the Planning Commission's deliberations around limiting the total size of an ADU, there was some worry about an ADU suddenly doubling in size using the basement floor area. Therefore, the maximums discussed other than AMFA, such as the 1,700 square feet and 70% limit on an external ADU, would be in place for any floor area including the basement under an ADU.

Commissioner Hasko asked if Section 18.36.040.B.5.b.ii.6 and 7 were derived from a different section of the code. Planning & Building Director Russell said Findings 1 through 9 come from a separate section of the code that apply to other architectural review projects in town.

Commissioner Hasko asked how the statement that an ADU does not increase density aligns with the concern about low density on steep hillsides. Planning & Building Director Russell said the General Plan uses density to also refer to intensity of development, not always meaning units per acre. She said the intensity of land use is limited on steep hillsides, which is taken into consideration in the AMFA, because that reduces the amount of floor area built where it is steep. She said California Housing and Community Development (HDC) is using "density" in terms of the number of units per property and ADUs are considered integral to single family use according to State law.

With regard to Section 2.B.6.b.i., Commissioner Kopf-Sill said she thought the 50% trigger for a staff discretionary review on an internal ADU had been eliminated. Planning & Building Director Russell said it was discussed regarding creating an ultimate maximum, but it was not discussed specifically with regard to the trigger for review. Associate Planner Cassidy said this section is pared from the State law, due to the State requirement that a path exist for a ministerial review.

Commissioner Taylor asked if building an ADU in a basement counts against the AMFA. Associate Planner Cassidy said it does not count against AMFA but it is considered against the size limits on ADUs. All of the size limits that pertain to ADUs outside of AMFA would limit the size of the basement ADU.

Commissioner Taylor pointed out a possible inconsistency in the Findings on General Plan Consistency, Safety Element, in the section discussing Policies Concerning Fire Hazards where it describes prohibiting development of external ADUs. Commissioner Taylor said he thought that was supposed to apply to all ADUs. Staff advised they would respond after Commissioner Taylor recuses himself.

Vice Chair Goulden asked if Section 2.B.4.e.iii.3. should include a reference to not adversely affecting neighbors. Associate Planner Cassidy said the items listed are objective standards, but the description of having no effect on neighbors is more discretionary. She said the Commission can decide it should be picked up in a ministerial review and it should be worded so that it can be answered by a yes or no question. She said Finding #12 may cover that.

Commissioner Hasko said normally she would like to see a redline of the full ordinance that indicates any change. She wants to be sure the correct process is being undertaken with regard to the new language since it is different from what was in the noticed packet and tonight is the first it's been seen. Town Attorney Silver said the changes are very minor language tweaks and they expect the Commission may make additional modifications. Planning & Building Director Russell said the simplified revised draft ordinance shows the change in bold.

Chair Targ pointed out a grammar issue with the paragraph in Section 2.A. and a punctuation error in Section 2.B.2.a.i.

Chair Targ asked if there was a definition of AMFA in the definition section. Associate Planner Cassidy said there is not in the Accessory Dwelling Unit Ordinance.

With regard to Section 2.B.4.i., Chair Targ noted that other types of setbacks, such as for creeks and rivers and scenic corridors, were not called out and he asked if that was intentional. Planning & Building Director Russell said the intent is that other setback provisions of the code will still apply so it may need clarification. Associate Planner Cassidy said a section at the introduction of Section 2.B.4., Development Standards, states that all existing development restrictions in the base zoning district shall apply.

Chair Targ asked if the changed language and approach for the areas of concern were generally discussed with the Fire Marshal. He asked about the process of developing the language and if the Fire Marshal had reviewed it. Planning & Building Director Russell said staff had several conversations with Fire Marshal Enea in regard to fire safety and the concerns raised by the Planning Commission. Planning & Building Director Russell said Fire Marshal Enea suggested those criteria, such as one point of ingress or egress and less than the Fire Code access width, as the things that raised the biggest issues for fire safety reasons. Planning & Building Director Russell said Fire Marshal Enea did review the draft outline and did not offer any further comments. Planning & Building Director Russell said the final language before the Commission this evening includes those two concepts, fine-tuned

with staff and the Town Attorney. She said Fire Marshal Enea has not seen the fine-tuned language, but it is consistent with her previous direction.

Commissioner Hasko, referring to Section 2.B.1., Purpose, said subsections b and c seem odd. She asked if that language came from somewhere else. Associate Planner Cassidy said it came from the ADU model ordinance and is open to further modification from the Planning Commission. Commissioner Hasko said subsections b, c, and d do not make a lot of sense and are confusing. She suggested this be discussed further.

Commissioner Hasko said Section 2.B.2.i., regarding second addresses, is also a discussion point.

With regard to Section 2.B.4.k.ii., Commissioner Hasko said she is not sure that the exception applies as written. She said when the Commission discussed it, they wanted to provide someone with the ability to appeal to the ASCC if, for example, an historic tree is in the way or some other impediment to being able to underground. She said conceptually it should be noted that the exception the Commission discussed applies.

Commissioner Hasko suggested, regarding Section 2.B.5.a., that it be specified that the Planning or Building Director's designee be qualified with planning experience.

With regard to Section 2.B.5.b.iii.1., Commissioner Hasko said "published application materials" needs to be clarified. Planning & Building Director Russell agreed. She said they were trying to say that there would be notice to the adjacent neighbors and the details of that notice would be set by the Planning and Building Director and published in advance, such as on the website.

Commissioner Hasko said in Section 2.B.8.a. it should say Planning and Building Director instead of just Director. She also noted the word "of" should be deleted between "Council" and "held" in the Ordinance (Attachment 1, Exhibit A).

Chair Targ opened the public hearing and invited public comment.

Meg Abraham, 4536 Alpine Road. Ms. Abraham said her house was built by her father in 1962. She thanked the Planning Commission and Town staff for their work on this difficult task. She said she supported ADUs. She said she was there at the behest of a good number of her neighbors in the Corte Madera triangle. She said many of the requirements have been captured well, but she believes the plan approaches the size of new ADUs in a misguided fashion. She said she was specifically referring newly-built or added structure. She said the local HOAs are exempt from this regulation so most of the burden will fall on the older regions of Portola Valley, the most densely built areas and the areas with narrower routes. She said the only escape route for most of the Town is through these areas, specifically Corte Madera, Portola, and Nathhorst. She said because of the significantly larger population, they may all end up clogged at the Portola/Alpine intersection. She said she understands that the Town would like to approve larger ADUs only with special approval but she does not believe that approval would ever be denied. She said she can point to places where specific regulations have been ignored. She said there is no need for large ADUs, which can be as small as a couple hundred square feet. She said she has spoken with the State ADU Commission who advised her that it is incredibly unusual to have 1,700 square foot ADUs, with most being limited to 1,200 square feet. She said larger ADUs provide no benefit. She said a bill was put before the State last year to limit the minimum size for ADUs to 700 square feet and the Governor refused to sign it. She said another part of the Housing Element is the inclusion of Affordable Housing, of which Portola Valley is woefully short. She said the Governor said today that he will withdraw funding for local municipalities who lack affordable housing. She said he is making this a signature part of his administration and has vowed to wield a big stick regarding this issue. She said affordable housing in Portola Valley is approximately

\$3,000 per month. She a quick Zillow search today showed that equates to approximately 700 square feet of housing. She said there is a place for rent on Ramona right now that is 700 square feet at just over \$3,000 a month to rent. She said the Town should limit the size of ADUs to 700 square feet where the land is less than two acres. She said the Town should eliminate fees for improvements to smaller existing structures to increase affordable ADUs. She said failing that, she expects many sections of Town without HOAs will form them. She said her neighborhood is in active discussion and has solicited plans. She said if enough HOAs are created, the Planning Commission and ASCC can be disbanded as the HOAs will take over their functions. She urged the Planning Commission to amend the current proposal to limit the size of newly-built ADUs to 700 square feet and to impose street parking for each additional bedroom as a fire safety measure, which is also supported by the ADU regulations.

Helen Wolter, 4660 Alpine Road. Ms. Wolter said she has a 1.75 acre lot and her primary residence is 3,000 square feet with an extra approximate 3,000 of AMFA. She said she finds the current code restrictive and frustrating. She said she has been trying to build an ADU for the past 2-1/2 to 3 years. She said she has a son and she often works from home. She said she was trying to build a two-bedroom-plus study configuration within the 1,000 square foot constraints. She said she talked with more than seven architects, five of whom said 1,000 square feet was too small. She said 700 square feet may work for an on-site staff or nurse situation but will not work for families. She said she's looked into pre-fabs and 1,000 square feet are only two bedrooms. She said she lived happily in Mountain View in 1,100 square feet with three bedrooms and two baths but has found that incredibly difficult to build. She said cost-wise she would like to build a small ADU, but is frustrated by the constraints. She said she appreciates that because of the 3,000 square feet of AMFA she will not be limited to 1,000 square feet and will have the flexibility to utilize the entire square footage. She said for cost reasons she will not use it all, but to be limited to 700 or 1,000 square feet is incredibly discriminatory on private property. She said she supported separate addresses for mail reasons as well as her safety. She said she supports two driveways because they are on a wildlife corridor and don't have fencing around the properties and would like to use less impervious surface.

In response to Chair Targ's question, Planning & Building Director Russell confirmed that the Town was in compliance with the affordable housing numbers under the Housing Element and would not anticipate being in danger of losing funding per the Governor's proposal. She said the Housing Element laws have been changing for future cycles, but the Town has been able to demonstrate compliance in the past.

Edward Holland, Alpine Road. Mr. Holland said he is the Chair of the Bicycle, Pedestrian & Traffic Safety Committee. He said the Town is currently commissioning a traffic study and the traffic impact of ADUs might be something that can be brought to the attention of the consultant they have employed. He invited the Town and Commission to approach the Committee to take that onboard as they are able to do it in a timely fashion, perhaps before it goes to the Council. He said a tweeter on the Town Forum and an email from the former Neighborhood Watch coordinator, who now lives in Germany, was the first thing to alert him to this event and deliberation this evening. He said this is more the less the first several people have heard of this. He suggested that reaching out to the Committees and other volunteer staff in Town would be a great way to provide notice of these kinds of Town deliberations to find their way into the community.

Dick Ball, 240 Echo Lane. Mr. Ball said the 40% increase in square footage, from 1,200 square feet to 1,700 square feet, increases the attractiveness of the ADU to include small families, which will result in increased traffic. He said it will not be absorbed by grandparents and children moving in that are already residents of Portola Valley.

Aruna Gambhir, 395 Golden Hills Drive. Ms. Gambhir said she has lived in Portola Valley since 2003. She said she is very supportive of the increase in size of the ADUs, but her issue is she lives in the

Westridge HOA and does not know what affect the adoption of this ordinance will have on their HOA or the process to deliberate with them about it. Town Attorney Silver said the HOA properties must comply with the zoning ordinances that are in place. However, she said HOAs may adopt more restrictive requirements under their CC&Rs. She said it is therefore possible for the HOA to adopt a requirement that prohibits ADUs. She said there may be some legislation that will come out at the State level to address that issue because it has been identified as a concern. She said it is also not clear that HOAs will take that action because there will be some disagreements among the associations. She said the members will need to research the process for amending their CC&Rs.

Mark Wieland, 171 Degas. Mr. Wieland said he has lived in Portola Valley for 25 years. He thanked the Commission for their efforts with these difficult decisions. He said he served as the Chairman of the Westridge Committee for six years and was on the Committee for 10 years. He said that although ADUs are well intentioned, they are inherently problematic as far as considerations for size, traffic, noise, light, and the whole ambiance of Portola Valley. He strongly urged the size be limited. He said Westridge limits them to 750 square feet. He said a 1,700 square foot house is pretty big.

Bruce Roberts, 40 Hillbrook. Mr. Roberts thanked the Commission for their efforts. He said this is his third time addressing the Commission. He said an internal ADU definitely requires a second address for the same reasons needed for an external ADU – to have separate utilities, mail, and billing to the tenant.

Mr. Roberts asked staff to explain the rationale and basis for requiring an existing interior space to have been permitted and passed final inspection one year prior to an ADU application. Commissioner Kopf-Sill said she thought that in Mr. Roberts' situation the lower level had already existed and is already older than a year. Mr. Roberts said he got a permit to improve his downstairs into two bedrooms and two bathrooms for his father and his caregiver. He just got the occupancy permit in October of 2018. Associate Planner Cassidy said the intent of the section is meant to capture new changes to the exterior of a structure. She said Mr. Roberts' house envelope already existed so the space within that envelope already existed. Chair Targ said this one year waiting period would not apply to Mr. Robert's case because it only applies to exterior changes. Chair Targ suggested this may be a point of clarification that needs to be addressed.

Mr. Roberts pointed out that the sentence in Section 2.B.4.e.iii. regarding driveways was unclear. He said he wanted to be sure his driveway, which has been there for 42 years, would still be allowed. Chair Targ said it does not affect existing driveways.

Gene Banmannan, 15 Holden Court. Mr. Banmannan said he did not hear anything about this issue until three days ago; however, this has obviously been going on for quite some time. He said the Commission may feel like they've been discussing this and have done outreach, but he did a quick poll of seven neighbors and learned that three of the seven knew about it. He said two were in favor and one did not want to get involved but said he didn't want Mr. Banmannan to build a big house next to him. He said this is a very important issue and he questions if enough outreach had been conducted. He said he would hate to see the Town move forward with this and find out after the fact, as people start building the ADUs, that the plurality of the town is unhappy about it. He encouraged the Planning Commission to encourage the Town Council to conduct additional outreach to gather a true understanding of how the town feels about it. He said the detailed work is very impressive and he thanked the Commission for their amazing service.

Chair Targ noted that a member of the Town Council and the Town Manager are also present, have heard his comments, and he is sure outreach efforts will continue.

Virginia Bacon, 205 Golden Oak. Ms. Bacon said she would like to see the provision for second driveways not be limited by lot size. She suggested that where it states in the ordinance that a separate driveway for an ADU should provide less impervious surface than the extension of an existing driveway, it should also include “or cross a septic tank drain field” as a criteria for allowing it.

Planning & Building Director Russell said staff has planned to conduct additional outreach and they will be sending a mailer out broadly to the community prior to the Town Council review.

Judith Mendelsohn, Pinon Drive. Ms. Mendelsohn said in addition to the Town ordinance restrictions and the AMFA calculation for floor area, many people would also be restricted by their septic systems, which is governed by the County and not the Town. She recommended it be included in the process so people don't get too far down the road before they realize the County won't allow them to build anything at all. She said it should be understood whether or not just having the County come out to look at a septic system could trigger a requirement to upgrade the septic system even if they don't build an ADU. She expressed appreciation for the very clear presentation and suggested the PowerPoint be published to the Town website.

Chair Targ said staff will be developing materials pertaining to permitting. He asked that issues of septic tanks be included in application materials to alert residents.

Kiki Tidwell, 20 Holden Court. Ms. Tidwell said she is Virginia Bacon's neighbor. She said the Town Planner came out, but the Planning Commission chose not to visit her street and view her situation when she invited them. She said Ms. Bacon's house is one-half acre from hers, but Ms. Bacon wants to put an ADU 20 feet from Ms. Tidwell's property line, which greatly impacts her house with a separate new driveway but does not impact Ms. Bacon's house. She said the proposed ADU is not really an accessory dwelling to Mr. Bacon's house but is a whole new residence. She said it is quite divisive to the entire street. She said three people in the cul-de-sac do not support having a second driveway at that location. She said it will cause tremendous traffic problems for egress. She said the Fire Marshal came out and looked at their street and said it was fine. She shared a photograph showing what the street looked like with two vehicles parked on each edge of the street. She said one cannot get in between those vehicles. She said the Commission has provided no foundation, no basis, and no reasoning for expanding the ADU beyond the State maximum of 1,200 square feet or the new curb cuts and driveways. She said the Commission refused to answer Mr. Banmannan's continuing questions about that. She said the majority of people present tonight will leave at the break time. She said if the Commission had visited her street, they could see the impact this will have on the residents there.

Ms. Tidwell said at the last meeting the Commission said the size increase was to accommodate ADA requirements. Vice Chair Goulden said accessibility [for people with disabilities] was mentioned as one item among many. Ms. Tidwell said the Commission said they could not have smaller ADUs because they may not accommodate for ADA. She said those sizes can be accommodated. She said the retirement communities – the Sequoias and Vi – have units that start at under 1,000 square feet. She said she's stayed in 200 square foot hotel rooms that are wheelchair accessible. She said homes in Redwood City, including one that she owns, are 920 square feet or less with three bedrooms and accommodate families. She said there is no basis to say that families can't fit in a house of 1,200 square feet. She said she is opposed to the ordinance because she thinks it will be a divisive issue for those who bought their properties with the open space surrounding their homes. She said according to the CC&Rs in Alpine Hills, there is only one residence allowed on a piece of property. Chair Targ asked if that would take the care of the issue in her location, if the CC&Rs and HOA would have a preemptive effect. Ms. Tidwell said this will unfairly affect places that don't have HOAs. She said it may not have been canvassed as to where this is actually going to impact people and to notify those

people. She asked if the Town really wanted a slew of HOAs defending themselves against the Planning Commission rather than working together for an ADU ordinance that works for everybody.

Chair Targ asked the Commission if anyone had visited Ms. Tidwell's street. [Several Commissioners raised their hands.] Commissioner Kopf-Sill said she visited her street three times and Commissioner Hasko goes by there. Chair Targ said several Commissioners had accepted her offer to visit. He said the Fire Marshal also visited the street as requested. Planning & Building Director Russell said she also visited the street.

Bill Leckonby, 455 Golden Oak Drive. Mr. Leckonby thanked the Commission for all the work and effort. He wanted to reiterate that the community does not understand the reason to go beyond the State guidelines to increase the maximum size from 1,200 to 1,700 square feet. He said as it appears the Commission does not want to answer that question tonight, he suggested they help the community to understand that decision before it becomes fait accompli fact.

Chair Targ said the question is not being avoided but is not being addressed because typically one would address issues pertaining to policy and those sorts of issues during the discussion portion of the meeting, which is about to follow the public hearing. He said in the ordinary course of events of a public hearing, questions are asked, notes are taken, and no responses are given. He said the issue of size is probably going to result in a very robust conversation, which is appropriately held during the discussion session. He said there is no intent to avoid or obfuscate or delay but it is simply as a matter of the rules of process. He said there is a time for discussion, which should be coming shortly.

In response to a question from the public, Commissioner Kopf-Sill said the issue of size will be discussed tonight, adding that this has been a huge part of the deliberation. She said if someone has to leave, they can read the minutes. Vice Chair Goulden said there is tremendous discussion documented in the previous minutes as well.

Phillip Vincent, 165 Portola Road. Mr. Vincent said he is reminded of the Nathorst fight. He said he was on the Committee that got into that issue and the Town does not want to go through that again. He said it's been already mentioned that more places will get CC&Rs and HOAs. He said he was supportive of ADUs as being responsive to the earlier housing issues of the State. He said he appreciates all the work the staff has done with regard to ADUs. He said this is going far beyond what he thinks is the idea of living in Portola Valley. He said this is a small, low-density community that is being pressured by the State. He said in 2000 they were being pressured by the Town Council. He said the Town is setting up a kind of vote to stop further density in Portola Valley. He said those maps that were shown did not show the Valley Ranch or Westridge. He said there will be an impact on an area that has become sort of a dumping ground for certain kinds of ideas that in effect increase density and traffic for this area. He asked the Planning Commission, as a stepping stone toward the Town Council, to not go down this path. He said he would ultimately suggest resisting the State mandate.

Judy Murphy, 8 Portola Green Circle. Ms. Murphy said she's lived in Portola Valley since 1990. She was supportive of the ADUs and said the Town had an ethical and legal obligation to allow them. She said it is clear that the opposition to this goes up incrementally as the ADU size rises. She said the Town can meet their accomplishments by restraining size a bit. She said a lot of the opposition comes about the size and the Town may find itself fighting a battle they don't need to fight if they moderate the size a bit or a lot. She said the accessory idea has kind of gotten lost as the ADUs get bigger, as they get separate addresses, etc. She said it is important to keep them accessory. She said she has some concerns about the separate driveway. She said the Town has for some time been moving away from having more entrances onto the street every time there is a major remodel or new construction. She said circular driveways are no longer allowed precisely because that additional entrance onto the street represents an additional safety issue. She said allowing extra driveways, unless absolutely necessary,

is counter to the goal. She said additional driveways impact the sense of a rural area. She would like to see the language changed to make it clear that an additional driveway is a measure of last resort unless absolutely necessary.

Kori Anne Bagrowski, 1319 Westridge. Ms. Bagrowski said she's only lived in Portola Valley approximately 1-1/2 years. She said 9 of the 11 speakers had concerns about the ordinance itself. She encouraged the Commission to acknowledge that the residents are not yet ready. She said four speakers have expressed their concerns about the driveways. She said someone suggested a traffic study be conducted. She said people are concerned about septic, HOAs, and affordability. She said of those 11, there are 9 that are still concerned about the increase from 1,200 to 1,700 square feet replacing the current ADU maximum of 700 square feet. Associate Planner Cassidy noted that the current allowed size for ADUs ranges from 1,000 to 1,500 square feet, depending upon the size of the parcel. Ms. Bagrowski said the citizens are concerned about the currently allowed sizes. She said the mailer is a great idea, but there needs to be something where the citizens can mail comments and concerns back to the Town and have some sort of better interaction with the residents. She said this ordinance will change the rural character of the town. Ms. Bagrowski said she was supportive of ADUs but within a certain realm to make sure the Town is maintaining what she moved here for – to have great neighbors, a wonderful community, privacy, and a rural feel.

With no further comments, Chair Targ closed the public hearing and called for a 10-minute break.

Chair Targ noted that Commissioner Taylor had recused himself and was not present. Chair Targ introduced Section 2.B.3.a., Applicability, pertaining to fire safety issues and the scope of applicability. He referred to the revised resolution provided to the dais to be considered first by the Planning Commission.

Commissioner Hasko said the resolution does not specifically reference applicability so she is making the assumption that the discussion is with regard to the revised 2.B.3.a., which also covers the CEQA finding. Planning & Building Director Russell said there were also some whereas clauses to this effect on the second page of the resolution that covers Section 18.36.040.B.3. – all applicability and its exception. Planning & Building Director Russell said they broke out the applicability section, considering it to be the general rule applied and then the exception to that. She said all of 3. and 3.a. is part of this resolution.

Commissioner Hasko confirmed with Planning & Building Director Russell that this applicability section would not apply to undeveloped land. Commissioner Hasko said that is consistent with what has been discussed and the newly revised exception is a clearer statement of the exception. She said she will defer to the Fire Marshal with regard to the 18 feet. She noted the speaker's optic of the two cars parking near each other, but trusts the Fire Marshal to know what she needs to get in there. Commissioner Hasko it is worth thinking about on-street parking as a safety issue separate and apart from the ADU discussions. She said for purposes of the ADU discussion she supports the resolution.

Commissioner Kopf-Sill said she supported providing ADUs on all parcels. She said there were a lot of support at one of the early Saturday Town Hall meetings she attended for ADUs being allowed on lots smaller than one acre. She said she was nervous about adding houses to certain roads that feel too small. She said she supported the decision for staff and the Fire Marshall to describe which roads this applies. She is supportive of the language and said it's a good compromise between adding some ADUs but not exacerbating a fire safety problem. She supported the resolution.

Vice Chair Goulden said he is generally supportive of the resolution. He said having the AMFAs apply across the board is what makes it acceptable to move it to all parcels, given that people could build anything today and not call it an ADU and there would be the same amount of square footage on that

lot. He was in total agreement with the ingress/egress clarifications and said he also did not want to exacerbate an issue. He said he agreed with the suggestion that the Town Council take an overall look at this from a fire perspective. He said parking a car on both sides of most roads in Portola Valley would not leave space for a fire truck to pass through. He said it is an overall parking and safety issue. He supported the resolution.

Commissioner Hasko asked if the Commissioners should comment on CEQA at this point. Planning & Building Director Russell said the Commission needs to make the finding that it is exempt from CEQA in order to pass the resolution. She said this is one of the awkward things about segmenting it. She said if the Commission feels they cannot pass the resolution due to CEQA, then that should be discussed now.

Chair Targ said there are two bases on which the resolutions are exempted – one is the statutory and the other is categorical under the guidelines. He asked whether need to make the finding that they are exempted because it either is or is not. Town Attorney Silver said the Commission should make a finding that it is exempt. Planning & Building Director Russell noted that the finding is included in the resolution language.

Commissioner Hasko said if it is a statutory exemption, she trusts the Town Attorney that it is eligible. She said there is concern if they have to rely on the alternative because, as previously discussed, she is personally not supportive of going up to 1,700 square feet. She has some concerns about the assumptions that feed into the idea that there won't be material increases, given all the other changes proposed, and burdens on the infrastructure. She said staff has extrapolated using 10-year-old data, but if they were to go to 1,700 square feet maximum, they've never done a 40% increase in any one year and are moving a lot of different pieces all at once. She said there may be case law she is unaware of, but on a gut level she cannot not say with a certainty this will not become a problem. She said if, in order to approve the resolution, she would have to be comfortable with both, she's not there.

Chair Targ said there would be coverage under the statutory exemption. He said it is worth having a more robust conversation about the analysis under the secondary exemption. He said there is case law on the nature of the assumptions and the evidence upon which you're allowed to rely, especially on basically a program level analysis such as this rather than an individual project put forward. He said, respectfully, one could move forward relying on the statutory exemption.

Commissioner Hasko asked if she could approve on Basis 1 but not Basis 2 or if she should not approve. Chair Targ said she could do what she would like. He said one could move forward and one could preface that one is supportive, which, for the record, she has just done, that she is accepting as identified by the Town Attorney that the statutory exemption applies and they can move forward. Planning & Building Director Russell said they checked with Woodside and Hillsborough, who also have ADUs permitted above 1,200 square feet, and they relied upon the statutory exemption.

Vice Chair Goulden said he had no issues with CEQA. He said he attended the discussion with the Fire Marshal, who raised the point that if Council was being asked to look at other things, fire resistant materials overall should be added to the list.

Planning & Building Director Russell said staff had another conversation with the Fire Chief in addition to the conversations with the Fire Marshal because of the heightened interest in the criteria. She said they talked about cul-de-sacs and parking in general and ADUs. She said the Fire Chief expressed that cul-de-sacs and the Town's general parking conditions present some challenges but they are not insurmountable and the 18-foot access is very important to them. He has reviewed the criteria and thinks it is good and appropriate. Like the Planning Commission had mentioned, she said that if there is a feeling that parking, as a separate issue from ADUs, is important, then that should be raised

outside of the ADU discussion. The Fire Chief did not see a connection to the ADU discussion, so was very consistent with what the Planning Commission has said.

Chair Targ asked if the Fire Marshal has a role in reviewing and approving an ADU through the building process. Planning & Building Director Russell said it may not be the Fire Marshal directly and may be the Deputy Fire Marshal or the Fire Inspector that reviews it. She said they review for all of the Fire Code requirements including things like access to the fire hydrant, the distance from the ADU to the fire truck access point (within 150 feet), whether there's an appropriate fire truck turnaround on-site or immediately adjacent, the required exterior building materials, and any other normal building code and fire code requirements. She said they are actively involved in all of the plan checks of the new buildings.

Chair Targ noted there is a reference in the resolution that talks about recusal in the plural. Chair Targ confirmed with the Town Attorney that he is not recusing himself and that is acceptable. Town Attorney Silver agreed and said there is no reason for Chair Targ to recuse himself. Chair Targ requested the references in the resolution be corrected to indicate only one singular recusal.

Associate Planner Cassidy responded to Commissioner Taylor's earlier question regarding the Findings of General Plan Consistency, Safety Element, Policies Concerning Fire Hazards, "Where higher fire risk exists, the ADU ordinance prohibits development of external ADUs in certain instances." Associate Planner Cassidy said this is meant to be external as internal ADUs must be allowed per State law through the ministerial process.

Commissioner Kopf-Sill moved to adopt the 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 as amended to change plural to singular references. Seconded by Commissioner Goulden; the motion carried 4-0. Commissioner Taylor recused from this matter.

Chair Targ adjourned the meeting briefly to await Commissioner Taylor's return.

Chair Targ suggested moving out of order in the agenda to address the Commission Reports and the News Digest items while waiting for Commissioner Taylor's return.

[A resident made comments from the audience which were not audible in the recording. She then went on to comment that when everyone spends \$800,000 to \$1,200,000 to \$1,500,000 their property taxes go up. She asked who would rent to the poor teacher. She said these ADUs would not be for low income. She said going down Alpine Road and Westridge in the morning the traffic is unbelievable and this will make it worse.]

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(3) Commission Reports

None.

(4) Staff Reports

None.

(5) News Digest: Planning Issues of the Day

Director Russell shared an article of interest with the Commissioners – "10 challenges that will define cities in 2019."

[A woman spoke up from the audience and asked where in the previous meeting minutes will she find how the Commission arrived at their decisions. She said she did not think the Commission was going to get to it tonight because of how late it is. Associate Planner Cassidy said the minutes of October 17, November 7, and December 5, 2018, will include that discussion. Planning & Building Director Russell said there was also a lot of discussion in the December 19 meeting and those minutes are included in tonight's packet. Staff also pointed out the location of the links to the previous minutes.]

Commissioner Taylor returned to the meeting. Chair Targ returned to item 1 on the agenda.

Chair Targ recapped that the Applicability section was adopted with extremely minor clarifying items in the resolution.

Chair Targ suggested addressing the concerns around the size and accessory nature of the ADU, specifically Section 2.B.4.b., because there are members of the public who have voiced concern and have been waiting for this discussion specifically, and due to the late hour. He said this is a departure from the usual practice of handling the resolution in a more methodical manner. The Commission agreed.

Chair Targ asked staff to recap previous discussions on ADU size.

Planning & Building Director Russell said the initial feedback on this issue came early in the initial town-wide convenings when larger ADUs were being requested. She said the numbers at that time varied greatly were up to 2,000 square feet. When staff began to present numbers to the Planning Commission, the discussion started at 2,000 square feet as a placeholder, not a staff recommendation nor a specific recommendation by any of the Planning Commissioners. She said that is why some of the earlier materials reflect 2,000 square feet. She said as the conversation moved forward, staff heard testimony from residents and at least one architect regarding their needs are and what they're trying to achieve with larger ADUs. She said there was a significant amount of testimony around intergenerational housing and the desire of older people to, for example, downside into an ADU and have the next generation move into the main house. She said they heard testimony from people interested in building ADUs that were wheelchair accessible and what size that might be. She said there was considerable discussion around what is accessory in nature and whether the ADU really needed to be physically smaller in massing or square footage. She said Planning Commissioners felt strongly on both sides of the spectrum, suggesting that smaller ADUs were more appropriate, as well as Planning Commission feedback that said larger ADUs were appropriate and even equal size to the house would be appropriate. She said there was also a lot of consideration of accommodating a family and what size family might live in an ADU. She said the conversation also circled back periodically to the Town Council's overall goals, which were related to having housing for seniors, housing for young people returning to the community, as well as employees. She said it was recognized that the small units may better serve employees and the larger units may better serve intergenerational housing, the older residents, and the younger residents. She said that through that there was some consensus building and some support for 1,700 square feet but also some concern expressed around that number.

Chair Targ asked for clarification of what the present ordinance provides.

Associate Planner Cassidy said the present ordinance restricts ADU size based on the size of the parcel. Based on the parcel size, she said there are three categories. She said for 1 to 1.99 acres an applicant is allowed a 1,000 square foot ADU; 2 to 3.4 acres are allowed a 1,200 square foot ADU; and 3.5 acres is allowed a 1,500 square foot ADU or two 1,200 square feet ADUs if one is a conversion or if both were existing detached structures. She said the review trigger is 1,000 square feet for ASCC review. Chair Targ added that in no case may the allowable maximum floor area (AMFA) be exceeded.

Associate Planner Cassidy said although the AMFA is not directly mentioned in the ADU ordinance, it continues to exist as a maximum hard restriction. Vice Chair Goulden said the one exception to that is the garage conversion. Associate Planner Cassidy said all of an attached garage counts toward AMFA but the 85% rule is governed by how it splits up. Vice Chair Goulden said the State requirement to allow garage conversions might let someone go beyond the AMFA.

Associate Planner Cassidy said the AMFA would continue to govern; however, in the ordinance, Amendment 3 to the Code (which has not yet been discussed) is to bring an existing provision up to speed with the current size proposals. She said the provision already stated: "Any single-family residential building or related accessory building existing on October 25, 1995, may be increased one time up to a total of five percent (5%) of the existing floor area or one hundred and fifty (150) square feet, whichever is smaller, regardless of whether such increase exceeds the floor area limit that applies to the property." The section was amended to add: "This provision shall not be applied to Accessory Dwelling Unit maximums as described in subsections i. and ii. of Section 18.36.040.A.4.b."

Chair Targ said his recollection is that the architect who came in and spoke about designing for people in wheelchairs did not address the Americans with Disability Act but rather was talking about what is practically necessary. Commissioner Kopf-Sill said her understanding is the speaker was not trying to design legally to ADA but had clients wanted more space in the event they were in a wheelchair.

Vice Chair Goulden said the 1,200 square feet is kind of a break point, because of conformity with State law and having it all be clean and lining up. He said his recollection of the discussion around 1,500 square feet was that in order to make a 1,200 square foot ADU wheelchair accessible, it should be 1,500 square feet. Chair Targ said the intent was to create an equal usable space for a person in a wheelchair. Vice Chair Goulden said he has heard the comments regarding the Sequoias or Vi, but it leaves out the whole concept of shared space (kitchens, libraries, meeting spaces). He said the next jump to 1,700 was making the unit available for a small family instead of just a couple. He said the next jump would be no restrictions other than the AMFA. He said the rationale behind that is that it affects very few people – it's the older home situated on a large lot that has never been upgraded that might be able to do that. He said the rationale for not limiting it is for maximum flexibility. He said people are concerned about where this is going. He said he is against trying to subdivide and if he thought that was going to happen, he wouldn't support this. He said it could also be pulled all the way back to being conservative, which is a valid point of view that has been expressed. Vice Chair Goulden said this evolved from low income housing and the evolution has been that people want a lot more than low income housing, which is what fundamentally pushes to the larger units. He said the question is if the Town wants to accommodate that. He said it's an excellent question to take to the Council – the tradeoff of the clearly expressed desire of the people and the General Plan saying the Town should try to provide for their needs versus wanting to retain rural character and not increase density.

Chair Targ thanked Vice Chair Goulden for the excellent summary. He said it is important to establish how the Commission got to where they presently are and why they did so. He said Vice Chair Goulden looking at different break points and responding to different needs is valid and has explanatory use. He said the start-off is the State platform of 1,200 square feet. He said the Commission then looks to be able to allow people to age in place, which may require, based upon testimony from an architect, larger space, 1,500 square feet, to provide equal dignity for a person in a wheelchair. Chair Targ said the larger space would provide better accessibility for small families who may wish to also live in town and also allow for intergenerational living. He said his general view is that people in Portola Valley generally exercise excellent reason and have a shared aesthetic sense. He said, as a matter of general policy, one of his principles is to allow people to make the use of their property, both in terms of construction and in terms of their activities, to the extent that it does not adversely affect the nature or character of the town. He said he generally tends to be on a more liberal side of decision making. He said he found support on that approach in that over the last three years people have typically not exercised the

maximum allowable space in an ADU. He said the 1,200 square feet is a trigger from ministerial to design review so there is a break on the types of structures beyond what's required as an enforceable design criteria that's called out in the ADU ordinance itself.

Commissioner Taylor said although there may not be many people who could build to the larger size, for everyone that does, it could impact three or four people so there is a multiplier in that, which was expressed by the people here tonight. He said it was expressed that someone putting an ADU on their half-acre lot, far from their own house, impacts three neighbors. He said the language about minimizing impact is not strong.

Commissioner Taylor said very fundamentally they were given direction by the Council to figure out broad subjects. He said the people who spoke tonight indicated it was too much. He said perhaps this just needs to be sent back to the Council saying that if they want to provide housing for intergenerational families, they need to have larger ADUs, but if the goal is to provide low-income housing, then 700 square feet is adequate. He said the Council has to fundamentally decide which of the issues to solve. He said if the goal is not to address all of the issues, then the concerns that people have raised are legitimate. If, however, the Commission is trying to stay within the mandate the Council gave, it is harder to solve it with the smaller sizes. He suggested it be presented to the Council with ranges of sizes for each issue.

Commissioner Hasko said if the goal is a solution for the intergenerational approach, it is quite a different ancillary impact with the multiplier effect and quite a different range of considerations.

Chair Targ asked if having the ASCC review at a lower cut point would be meaningful to address that concern. He said they could have smaller ADUs or a more potentially challenging review process.

Commissioner Taylor said the ASCC is a design body. He said the philosophical question is if the Town is willing to have the impacts of larger homes, almost virtual subdivisions on the larger sizes. He said the Council can make the decision that the tradeoff for providing for intergenerational families is doing virtual subdivisions. He said he does not see the ASCC finely parsing that out.

Commissioner Kopf-Sill said the size of the ADU is still restricted by the AMFA. She said the other alternative is the existing house is replaced by a very big house, which is also an impact on the neighbors. Commissioner Taylor said the ancillary impact is the issue. Commissioner Kopf-Sill said the size is the same. Commissioner Taylor said one family living in a big house is a different impact than adding a second family to the property. He said it's not the size of the infrastructure but the number of independent people living there.

Commissioner Hasko said one architect mentioned what kind of space wheelchairs need, which is not analytical. She said more support and analytics would be necessary to decide to go larger. She said maybe the Town Council decides that's where it needs to go, but she can't get comfortable that the Commission knows enough without more analytics because that wasn't what they embarked upon but was something that evolved once they got feedback. She questioned what experts think is the square footage range necessary for accessibility and the ancillary effects. She said there has never been a leap in size of this magnitude. She said if it's adopted now, it's being done more on a leap of faith than analytics.

Vice Chair Goulden said he agreed with Commissioner Hasko regarding the ADA part of it. He said he is pretty comfortable saying that 1,700 or 1,800 square feet works for a small family. Commissioner Hasko said that is also a judgment call. Commissioner Taylor said families with two kids live in Redwood City homes with 1,200 square feet. Vice Chair Goulden said this is Portola Valley and the people here want Portola Valley.

Commissioner Taylor said if it is an intergenerational living situation, of course the parents would want to give their family something larger. However, if considering affordability, it does not take very long, with the cost of construction and return on investment, before the monthly rent is more like \$5,000 to \$10,000 just to cover costs.

Vice Chair Goulden said one of the ideas was to make it easy for people to be honest instead of claiming to be building a guest house in order to get around some of the different rules between guest houses and ADUs. Commissioner Taylor said he and Vice Chair Goulden were on the same page in that they were very careful to make sure there are not two different paths through the system and trying to thwart ways to game the system. Vice Chair Goulden said if you have a small house on a big lot, you cannot build a big ADU but you could build a big guesthouse. Commissioner Taylor said you can't put a kitchen in a guest house. Associate Planner Cassidy said you cannot legally put a full installation kitchen but you could have plug-in appliances. Vice Chair Goulden said part of the thinking was how to simplify it so people are upfront and honest.

Vice Chair Goulden said when they looked at the other ways to limit it there was a lot of discussion about how many corner cases there are. He said there was the resident who split his interior space and it happens to be set in a hillside so the top half is one home and the bottom half is the other, and it's 1,700 square feet and a logical place to split the house. He said there was also the donut issue related to percentage sizing, and incentivizing people to increase the size of the small house just so they can build a larger ADU.

Commissioner Kopf-Sill said getting here was a compromise between the people wanting the ADUs to be smaller and those wanting them to be larger. She said she was more supportive of larger ADUs. She said there was the example of the gentleman who lives on Sausal and Hillbrook who wants to make the bottom floor of his house the ADU, but it's 1,600 square feet. She said there was the family on Alpine Hills with a 2,000 square foot house on one acre, with AMFA of 5,000 square feet. She wants to build a second house that's 2,000 square feet so her adult children and grandchildren can live in it. Commissioner Kopf-Sill said she knows people who want to downsize but don't want to pay the property tax that would be triggered by purchasing a new property so they want to build an ADU but it is too restrictive to downsize from 4,000 square feet to 1,000 square feet. She said she was supportive of providing flexibility, always capped at the AMFA. She said in 50 years the amount of building that can occur is the same under the new rules as with the older rules. She said the reason people don't build to their AMFA limits is that there are still a lot of other limitations with setbacks, fire truck turnarounds, driveways, etc. She said she prefers two 2,000 square foot houses on a lot versus one 4,000 square foot house and one 1,000 square foot house on a lot. She said she lives in a smaller house and the neighborhood is older. She said when the new houses come in, they get built pretty much to the max. She said there is a 10,000 square foot house in their neighborhood referred to as the hotel.

Vice Chair Goulden said there is a tradeoff to be made depending on which objectives are trying to be achieved. He said he would be comfortable presenting a range to Town Council.

Commissioner Kopf-Sill said after a lot of discussion and talking it out, the Commission came to agreement on most of the elements of the ordinance, even though it may not be where they started. She said the 1,700 square feet and 70 percent was a compromise and there is something to be said for sending it back to the Council with 13 elements agreed on and only one that has a large deviation of opinion.

Commissioner Hasko said she shared the sensibility on the mega-mansion type concern; however, she said ADUs are supposed to be accessory. She said if this is used as a way to normalize a different zoning or policy issue, it's backdooring it and avoiding a conversation that frankly needs to happen.

She said two 2,000 square foot units is not accessory. She said since the basement area doesn't count, an ADU can go over the AMFA in terms of density depending on who builds a basement. She said there are some density issues presented and the Commission should not ignore the fact that by allowing basements to not count toward AMFA, density may increase or people may find they have more flexibility in a 1,200 square foot ADU because they can now have a basement. She said it's an example of the number of moving pieces being dealt with all at once. She said the Commission has done a lot of great work and reached resolution on a lot of workable solutions. She said a lot of these things will make a difference. She said the benefit of going from 1,200 to 1,700 square feet is speculative with no analytics. She said larger does not equal affordable and is not necessarily accessory. She said it is moving too quickly to increase it by that much percentage. She said there is a lot of ripple effect. She supported keeping the maximums to 1,200 square feet and 50 percent. She said the impacts of larger numbers are hard to envision. She said with that big of an increase, she'd want to be better at predicting the outcome before she could support it.

Chair Targ said this is a challenging issue. He said everyone's experience, expertise, wisdom, and sensibilities need to be at the table. He said the idea of presenting a range of sizes is interesting and has some explanatory value. He said that 1,700 square feet may be appropriate for trying to resolve for intergenerational families. He said if the goal was trying to create smaller, less expensive units, space where people may be able to comfortably age in place, given equal dignity regarding their physical ability, probably something larger than 1,200 square feet would be appropriate. He said perhaps a range could be created, identifying these factors, and submit that to the Council. He said the fact that the Commission has reached consensus on probably 90 percent of the issues should be reflected in a resolution that moves forward to Council. He asked if that can be done reflecting a range identifying the basis for that range, and simply not affix to a specific number, but move it forward.

Commissioner Kopf-Sill was supportive of Chair Targ's suggestion. She said this is at least the third meeting where they've discussed this and the Commissioners' positions will not likely change.

Vice Chair Goulden said the public was looking for answers to how the Commission got to this point and that will be in the staff report that accompanies the draft document presented to the Town Council. He said that gets presented at Council and that is how it gets moved forward.

Chair Targ said if the Commission wants to move forward on this issue, to earmarking it as an amendment to the resolution, which the Commission will not likely vote on tonight. He said he would like to close in on the percentage issue. Commissioner Taylor asked if they could present a range of percentages, i.e., 50 to 70 percent. Chair Targ said he is not sure that is amenable because the issue regarding size has to do with what issue is being solved, in the context for the potential for impacting neighbors, for example, He said the percent of the existing structure is as amenable or has the same kind of break points as square footage. Commissioner Taylor said it's about being subordinate and whether the Council feels 70 percent is subordinate or it should be 50 percent.

Commissioner Hasko said she is getting confused in terms of process. Chair Targ said to bookmark this, the Commissioners can take a straw poll on the range and have that noted. Then, when moving forward to move the resolution, the various straw poll items can be reincorporated. Town Attorney Silver confirmed straw polls could be taken and then consolidated in a final resolution.

Chair Targ said it would be great to get through the entire resolution this evening; however, he was doubtful that could happen. Commissioner Kopf-Sill said she would like to try. Chair Targ suggested a straw poll. Commissioner Hasko said she would have difficulty going much longer. She said there are relatively minor points of clarification or points to note but they have to be gone through. Chair Targ said the Commission has made good progress this evening, with important and meaningful extensive public comment, passed the first issue of applicability, moving it forward, and they are going to be able

to dispatch one or two of the hot button issues, which will be useful to have reflected in the minutes going forward.

Chair Targ called for a motion to conduct a straw poll vote recommending a size range as previously discussed.

Vice Chair Goulden moved to present to Council a range for maximum size between 1,200 and 1,700 square feet, reflecting various breakpoints as identified. Commissioner Kopf-Sill proposed a friendly amendment to reflect the range of maximum size between 1,200 and 1,800 square feet.

Vice Chair Goulden accepted the friendly amendment and moved to present to Council a range of maximum size between 1,200 and 1,800 square feet. Seconded by Commissioner Kopf-Sill.

Chair Targ said that range is too broad a scope and not a helpful recommendation. He said that given the breakpoints and items looking to solve, the scope should be narrowed to reflect something of a convergence.

Commissioner Kopf-Sill asked why Chair Targ thought it was too broad. She said it captures the low and not quite the high she would prefer, but Commissioner Hasko would not support 1,500 to 1,700 square feet. Commissioner Taylor said the majority of the comments were that 1,700 square feet was too big.

Commissioner Hasko said it seems the Commission is stuck because they don't know what they're solving for. She said it's a lot of work to refine where they're going. She said it will be hard to give the Council useful information in a straw poll unless they also provide language around the parameters. She said it's all in the record and asked if a straw poll was actually helpful at this point.

Chair Targ said he would like to dispatch the motion. He asked for Commissioners to signify with aye if they were in favor of the straw poll on the table. Four Commissioners voted aye and Commissioner Hasko opposed.

Commissioner Taylor said if the motion of having a range and submitting it to Council is a good idea, he's okay with that motion. He said they should present the range and the set points, including things like giving rights to people. He said one of the discussions was why things were allowed at one acre versus below once acre. He said once rights are given, they are not taken back. He said there is a whole package of discussion that needs to go to Council around that.

Chair Targ said he had hoped the discussion that was had tonight provided that guidance to Council. Commissioner Kopf-Sill agreed. Commissioner Taylor said it's close but before he would agree to send it to Council, he'd like to see it written down and solidified more.

Planning & Building Director Russell said staff is trying to determine how to move forward given the divergence of opinions. She said if the Commission is going to go with the broader range, staff can try to provide a summary document with tonight's comments, with references to the minutes so that all of the comments would be reflected and it would be easier for someone to track this conversation. She said they could provide that, possibly as an attachment to the resolution, and forward it on to the Council for their consideration, which might create more comfort with a broader range.

Chair Targ said that would be useful. Commissioner Kopf-Sill agreed. Commissioner Hasko said she is not convinced. She said she trusts staff to summarize it, but she feels uncomfortable approving a resolution with information that's not in front of her. Chair Targ said they are not approving a resolution at this point but are doing a straw poll as a marker that can be incorporated into the resolution.

Commissioner Kopf-Sill said Planning & Building Director Russell and Associate Planner Cassidy would write it up with the references so the comments can be quickly identified. Commissioner Hasko asked if they were trying to approve a resolution tonight. The Commissioners said no. Commissioner Taylor said they are trying to approve the concept of a range and that staff will write up the set points as they understand tonight's discussion, bringing that range and discussion back to the Commission, and then the Commission will vote whether to incorporate that into the resolution at a future meeting.

Planning & Building Director Russell said they have received a number of specific comments from the Commission tonight and they know there are others. She said they can take tonight's comments, redlining the actual ordinance from the existing code into what is being proposed, and then take the other document and do a redline strikeout on that to make the changes from tonight so the Commission knows what has been changed for the next meeting. She said they can prepare the resolution in order to be supportive of the range idea. She said they can then try to prepare the summary. She said they will reference the minutes, capture the discussion tonight, and together as a package they will have the best possible chance to have a resolution adopted at the next meeting.

The Commission was in agreement and directed staff to proceed as described by Planning & Building Director Russell.

Chair Targ asked about the range being put forward to staff. He said he wanted something in the redlined resolution from which they work on at the next meeting rather than revisiting it.

Vice Chair Goulden said if it is going to be referenced to the comments and discussion, perhaps the range should cover the full range discussed. Chair Targ said he didn't think so. He said the range of 1,200 to 1,700 square feet is adoptable through a straw poll right now which will give staff something to include in a draft resolution.

Vice Chair Goulden moved to present a range of 1,200 to 1,700 square feet. Seconded by Commissioner Kopf-Sill.

Commissioner Hasko asked for clarification of this straw poll. Chair Targ said staff will prepare a draft resolution and the Commission is now providing instruction for staff to include in the draft resolution a range that they can move forward with, to have staff include the range of 1,200 to 1,700 square feet in the draft resolution. He said there will also be supplementary material included in the record prepared by staff explaining how we go to those numbers and what the ranges are.

Chair Targ called for a vote on the motion. Four Commissioners voted aye, Commissioner Hasko opposed.

Commissioner Hasko said she did not want there to be any ambiguity that she is supporting larger units and she is not comfortable with approving this range. Commissioner Kopf-Sill noted that she will be quite unhappy if they select 1,200 square feet, but she was looking at it as reflective of what the Planning Commission was happy with overall and not necessarily that every Planning Commissioner is happy with every number in that range.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(2) Annual Election of Planning Commission Chair and Vice Chair

The Commission postponed the election to a future meeting.

APPROVAL OF MINUTES: December 19, 2018.

(6) Planning Commission Meeting of December 19, 2018

Commissioner Kopf-Sill moved to approve the minutes of the December 19, 2018, meeting, with corrections to pages 1, 4, 5, and 11. Seconded by Commissioner Taylor, the motion carried 5-0.

ADJOURNMENT [11:30 p.m.]