

Town of Los Altos Hills
Planning Commission Regular Meeting
August 3, 2023 Minutes

Zoom Meeting and Town Hall, 26379 Fremont Road, Los Altos Hills, California

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Chair Bredo called the August 3, 2023 Planning Commission Regular meeting to order at 6:00 p.m.

Present: Commissioner Waschura, Commissioner Couperus, Commissioner Indaco, Vice-Chair Patel, Chair Bredo

Absent: None

Staff: Interim Community Development Director Ling, Assistant Planner Fox, Assistant City Attorney Lai, Administrative Clerk/Technician Brunner

2. PRESENTATIONS FROM THE FLOOR

Chair Bredo opened PRESENTATIONS FROM THE FLOOR.

Michael Grady, a Los Altos Hills resident, expressed his dissatisfaction with the City Manager and other staff regarding planning decisions.

Chair Bredo closed PRESENTATIONS FROM THE FLOOR.

3. CONSENT CALENDAR

3.1 Approval of July 27, 2023 Special Meeting Minutes

Chair Bredo announced the consent calendar item would be postponed until the next Planning Commission meeting.

4. PUBLIC HEARINGS

Ex Parte

Commissioner Indaco had communications with **Commissioner Couperus** on Item 4.2.

Commissioner Couperus had communications with **Commissioner Indaco** on Item 4.2.

Commissioner Waschura and **Vice-Chair Patel** had no ex parte communications.

4.1 11511 Summit Wood Road – File #APL23-0002 – Lands of Zbrozek

Appeal of administrative determination of Preliminary Application submittal dates for two housing development proposals (5-unit and 20-unit development projects).

CEQA review: Consideration of the appeal for Preliminary Application submittal issues is not considered a project and is therefore exempt from CEQA.

Staff: *Suzanne Avila*

Consultant Planner Avila presented the staff report.

Chair Bredo advised the public that this hearing would not discuss the past project, but the merits of the appeal.

City Attorney La advised the commissioners to have the appellant make his presentation before asking questions.

Chair Bredo opened the PUBLIC HEARING.

Sasha Zbrosek, the appellant, introduced himself and spoke on behalf of his appeal.

Commissioner Waschura directed a question to **City Attorney Lai**, who responded with the Town's adoption of the state statute, and use of their form.

Sasha Zbrosek, the appellant, provided rebuttal responses to the City Attorney Lai's comments.

Public Comment

No comments.

Chair Bredo closed the PUBLIC HEARING.

Commission Discussion

Commissioner Indaco provided comments relative to the documented communications between the appellant and staff.

Commissioner Waschura agreed with Commissioner Indaco's comments and added his own perspective regarding some of the language in the documentation.

Commissioner Couperus provided comments regarding the completion of the application and the date it was completed.

Vice-Chair Patel provided comments regarding how important details can be for certain planning items and shared a past issue that caused a hearing postponement.

Chair Bredo provided comments regarding the use of the form and signatures and supported denial.

MOTION MADE AND SECONDED: Commissioner Indaco moved to DENY the appeal (APL23-0002) of an administrative determination of the preliminary application submittal dates for two development proposals at 11511 Summitwood Road.

The motion was seconded by **Commissioner Waschura**.

MOTION PASSED: 5-0

AYES: Commissioner Couperus, Commissioner Waschura,
Commissioner Indaco, Vice-Chair Patel, Chair Bredo

NOES: None

ABSTAIN: None

RECUSE: None

ABSENT: None

- 4.2 Review and make recommendation to the City Council regarding a Zoning Ordinance and Subdivision Ordinance Amendments of the Municipal Code to ministerially review and approve residential development and subdivision projects pursuant to California Senate Bill 9 (SB 9).

Staff: Elaine Ling

Interim Community Development Director Ling presented the staff report.

She began by thanking everyone for their contributions to this topic, then made her presentation.

Vice-Chair Patel asked staff questions pertaining to the default SB9 unit and incentives.

Commissioner Couperus commented on the "SB9" language and the recommendations for screening plantings that were presented in the staff report.

A question-and-answer session between the commissioners, staff, and City Attorney Lai ensued.

Chair Bredo opened the PUBLIC HEARING.

Public Comment

Sasha Zbrozek provided public comment regarding housing element items.

Martha Bowden, participating through zoom, offered comments in support of another resident's comments, which were submitted as a supplemental to the packet, and made other suggestions.

Hari Sankar, participating through zoom, offered comments in support of another resident's comments, which were submitted as a supplemental to the packet and made other comments.

John OConnell, shared a presentation and offered comments, referencing the government documents and codes.

Commissioner Indaco motioned to allow Mr. OConnell extra time to speak, and **Commissioner Couperus** seconded. **Mr. OConnell** was given 3 more minutes to complete his presentation.

Carol Gottlieb, a resident of Los Altos Hills, posed questions to the staff regarding trees and sewers, and commented on the light well proposal and other items.

Commissioner Waschura asked **City Attorney Lai** to answer one of the questions posed by Carol Gottlieb and City Attorney Lai provided an answer.

Commissioner Couperus commented on adding SB9 and ADU units.

Commission discussion ensued regarding the definition of a "SB9 unit."

City Attorney Lai made a recommendation to the Planning Commission to consider moving forward to the City Council with one of the two presented options.

A question-and-answer session between the **Commissioners, City Attorney Lai, and staff** ensued.

Commissioner Waschura offered comments regarding the commission's focus for a motion for this item.

City Attorney Lai recommended that **Chair Bredo** close the PUBLIC HEARING to continue with Commission Discussion.

Chair Bredo closed the PUBLIC HEARING.

Commission Discussion

Commissioner Indaco walked through scenarios regarding baseline development and incentive development with the Commissioners.

Commissioner Waschura asked Commissioner Indaco about how many small parcels would benefit by this ordinance. He noted that the intent would be to prevent overdevelopment of the average-sized lots and to protect the semi-rural character of the Town.

Commissioner Waschura and **Vice-Chair Patel** noted that if property owners are not incentivized enough, then there would be more motivation towards SB9 development in the setbacks.

Commissioner Indaco commented on the potential for development of dwellings in setbacks with this new ordinance. She wanted to establish a baseline for development.

Vice-Chair Patel offered a perspective regarding SB9 and ADU developments regarding MFA and finding a peaceful solution.

Chair Bredo noted that other jurisdictions would offer less MFA.

Commissioner Indaco noted she was not in favor of supporting basement development.

Commissioner Waschura asked the commission for a compromise that would allow a larger ADU development, that included basements.

Chair Bredo noted that six other jurisdictions had a permanent ordinance that did not allow more MFA than the state-mandated number. She agreed with not supporting the development of basements.

Vice-Chair Patel asked if that was their permanent ordinance or urgency ordinance.

Commissioner Indaco asked **City Attorney Lai** to comment on the development constraints and she responded.

Commissioner Indaco restated her preference for lower MFA.

Chair Bredo's wish list: revert to 800sqft if it does not meet the objective design standards, lower the maximum size to 850sqft if it is in the setback, lower the maximum SB9 MFA from 3,000sqft to 2,000sqft; do not add 900sqft to total square footage for SB9 development; restrict the maximum height of unit to 16ft., and not in support of allowing basement development.

Commissioner Waschura asked **City Attorney Lai** about the possibility of lowering the MFA.

Vice-Chair Patel provided a scenario prior to **City Attorney Lai's** response.

City Attorney Lai advised the Commission that HCD would be influenced by how jurisdictions adopted the new state regulations into their permanent ordinances and noted that incentives were allowed.

Interim Community Development Director Ling proposed a compromise of separating out the lot sizes with LUF less than .5 to allow MFA of 2,000sqft and for lots with a LUF greater than .5 to allow MFA of 3,000sqft for SB9 units.

Vice-Chair Patel and Commissioner Indaco were in support of that compromise.

Commissioner Waschura asked the commissioners about their height preference and most of the commissioners responded they were in favor of a cap of 16ft.

Commissioner Couperus provided an explanation for his preference, noting the elimination of story poles as a requirement.

The commissioners approved the parking chart and staff's recommendation of a maximum of seven (7) parking spaces for parking in the draft proposal.

Commissioner Indaco noted that the current building code did not require stairs in light wells for basements and she would like to adhere to the building code standards. She argued against incentivizing basements in SB9 units.

Commissioner Waschura proposed a light well size of 6ft by 10ft.

Vice-Chair Patel was in favor of allowing basements but not large light wells.

Commissioner Couperus commented he preferred no daylighting to basement incentives.

Commissioner Waschura asked about the definition of basements and **Interim Community Development Director Ling** provided a response and shared an image from the basement handout illustrating the concept.

Commission discussion ensued regarding incentivizing development outside of setbacks.

Vice-Chair Patel had a question regarding page 13, item "p" for hedge language. He asked that the language, "shall be maintained" be substituted for "shall be added."

Chair Breido recessed the hearing at 9:27pm.

Chair Breido reconvened the hearing at 9:35pm.

Commissioner Waschura shared his notes on the commission discussion at that point: basement incentive continues, but daylighted basements would count towards MFA; 6ft hedges "shall be maintained", the parking table persists, adding the 7 maximum parking spots requirement, restricting the height to 16ft, allowing 2,000sqft for lots with LUFs of 0.5 or less; allowing 3,000sqft for lots with LUFs greater than 0.5, if a basement has light wells, one for each basement room, for a maximum of 2 and each may not exceed 6ft by 10ft or 60sqft, add "shall be maintained" language to the shrub item, and to discuss 800sqft vs 900sqft incentive.

Chair Breido advised she would be happier with lower MFA incentives.

Vice-Chair Patel appreciated the 850sqft proposed by Commissioner Waschura, as that was 10% increase.

City Attorney Lai recommended to the Commission that incentivizing 900sqft would signal to HCD that the Town was committed to following the spirit of the law.

Commissioner Couperus provided comments.

Interim Community Development Director Ling shared with the Commission the illustration for the basement handout that defined the basement, daylighting, and how MFA is calculated.

The commissioners went line by line, making notes on their requested changes, with staff and the City Attorney noting the specific adjustments.

Vice-Chair Patel advised the commission to approve a document that could be quickly reviewed and approved.

Commission discussion ensued regarding incentivizing basements, aligning the ordinance with the Housing Element requirements, and the possibility of reconvening to update the SB9 ordinance in the future.

Commission discussion and a question-and-answer session with the city attorney ensued after a motion was made and prior to the vote.

The Commissioners requested the record reflect the dissent of the basement allowance in SB9 units and that nine (9) months of thoughtful work by the ad hoc committee were spent to arrive at the document being discussed, voted upon, and forwarded to the City Council.

MOTION MADE AND SECONDED: Commissioner Waschura moved to receive the staff report, consider public comments, determine that the proposed action is exempt from the California Environmental Quality Act, and recommend to the City Council to introduce an ordinance amending Title 9 (Subdivisions and Plan Lines) and Title 10 (Zoning and Site Development) to adopt regulations pertaining to the ministerial review and adopt the planning commission resolution included as attachment 1 and Errata Sheets of residential development and subdivision projects pursuant to California Senate Bill 9 (SB9) with the following changes:

- restrict the height to a maximum of 16ft;
- the basement area shall count towards MFA if any part is daylighted;
- for LUFs greater than or equal to .5 receive a 3,000sqft MFA and
- for LUFs less than .5 receive a 2,000sqft MFA;
- strike the language on page 4 of the errata sheet, Item 10-1.1506 (w) "excluding any outdoor stair and associated landing";
- "Landscape plantings shall be planted" should instead read, "shall be planted and maintained;"
- the default size of the unit is 900sqft;
- in addition to the table outlining the parking requirements, add "with a maximum of 7 required parking spaces";
- tree lights should be on the prohibited list;
- on page 11, there was a typo, where section 6 should be labeled as section r;
- in the planting guidelines, add the language "avoid planting in easements other than open space easements";

- if the units are in the setbacks, then they are restricted to the default 900sqft;
- correct a typo in section B, which states "units shall be 1900", by eliminating the "1" to read "units shall be 900"; and
- make all clerical and grammatical corrections.

The motion was seconded by **Vice-Chair Patel**.

MOTION PASSED: 3-2

AYES: Commissioner Waschura, Commissioner Couperus, Vice-Chair Patel
 NOES: Commissioner Indaco, Chair Bredo
 ABSTAIN: None
 RECUSE: None
 ABSENT: None

5. REPORTS FROM THE COMMISSIONERS

5.1 Past Meeting Assignments

- June 15, 2023 – Commissioner Couperus
- No July 2023 City Council Meeting

5.2 Upcoming Meeting Assignments

- August 17, 2023 – Commissioner Patel
- September 28, 2023 – Commissioner Indaco
- October 19, 2023 – Commissioner Waschura

Chair Bredo noted that there were no past City Council meetings in July and confirmed all meeting assignments.

6. REPORT ON PAST FAST TRACK/SITE DEVELOPMENT MEETINGS

6.1 AUGUST 1, 2023

26023 Alicante Lane – File # SD23-0011 – Lands of Ryan

Site Development Permit for a new 4,232 square-foot two-story residence with a 2,562 square-foot basement, attached garage, and associated hardscape; existing 1,196 square-foot detached ADU and existing 879 square-foot garage accessory structure.

Interim Community Development Director Ling updated the Commission the 26023 Alicante Lane project was approved.

7. PLANNING DEPARTMENT REPORT

Interim Community Development Director Ling noted the new director, Bradley Evanson will begin Monday, he is from Carmel Valley and lives in Fresno.

Commissioner Couperus asked about the "community development" term. The department's name was changed in February, after **Planning Director Mangalam's** departure, because that role encompasses more than just planning responsibilities.

Commissioner Couperus noted that the weekly City Manager's report does not report on older stuff, which seems to get lost.

Commission discussion about having to follow links in the City Manager's report to read up on reports from other departments, as they are not part of the City Manager's weekly. This decision was to make the report shorter to view, but still provide the information.

8. ADJOURNMENT

The public meeting was adjourned at 10:57pm by **Chair Bredo**.

Respectfully submitted,

Keren Brunner

Keren Brunner
Administrative Clerk/Technician