

REPORT TO PLANNING COMMISSION

Meeting Date: December 7, 2016
Prepared by: Jackie Young, AICP, Planning Director

Agenda Item: 5

Study Session: Maximum Allowable Main Residence Size, Town-wide. A resolution recommending that the Town Council amend Chapter 153, Zoning, to increase maximum residence size Town-wide, while keeping the allowable total floor area unchanged; and amend Chapter 151, Site Development, as needed, to keep the basement grading limitations adopted in May 2016 unchanged. The Planning Commission held four study sessions on this matter in July, September, October, and November 2016.

The first Planning Commission study session reviewed the Town Council direction, and specifically the East of Highway 280 Geographic Study Area. The second Planning Commission study session concentrated on reviewing the Central and Western Hills Geographic Study Areas. The third Planning Commission study session reviewed items requested by the Planning Commission during the second study session, including: potential increase to residence size, setbacks, recorded covenants for maintaining lot size, ASRB process and findings, and data on vacant lots. The fourth Planning Commission study session reviewed items requested by the Planning Commission during the third study session, including an alternate proposal received from Commissioner Fender. This fifth hearing considers a final resolution of recommendation to the Town Council.

EXECUTIVE SUMMARY

First Study Session

On July 20, 2016, the Planning Commission began its review of potential municipal code changes to increase maximum residence size Town-wide, while keeping the allowable total floor area unchanged; and specifically, the East of Highway 280 Geographic Study Area (**Attachment 2, Minutes**). The Planning Commission received one written public comment transmittal as a desk item. The Planning Commission was asked to make field visits to the remaining Geographic Study Areas (Central and Western Hills) during the summer recess to consider the impact of increased allowable residence size.

This report can be accessed on line at:

http://www.woodsides town.org/sites/default/files/fileattachments/agenda_item_no._3_-_study_session_for_maximum_allowable_main_residence_size.pdf

Hard copies of this report can be obtained from Jennifer Li by calling (650) 851-6790, or by email request to JLi@woodsides town.org.

Second Study Session

The second Planning Commission study session on September 7, 2016 (**Attachment 3, Minutes**), concentrated on reviewing the Central and Western Hills Geographic Study Areas. At this study session, the Planning Commission expressed general support for the Town Council proposal, and directed staff to return with the following items for a third study session to aid in developing a formal recommendation to the Town Council:

1. A choropleth (color-graded) map depicting the potential increase to residence size;
2. A proposal for setbacks graduated to residence size increases;
3. A proposal for the trigger to record covenants for maintaining lot size;

4. The ASRB process and findings (and trigger point) for increased residence size; and,
5. Data for vacant lots presented verbally at hearing.

This report can be accessed on line at:

http://www.woodsidesetown.org/sites/default/files/fileattachments/agenda_item_no._5_-_second_study_session_for_maximum_allowable_main_residence_size.pdf

Hard copies of this report can be obtained from Jennifer Li by calling (650) 851-6790, or by email request to JLi@woodsidesetown.org.

Third Study Session

The third Planning Commission study session on October 5, 2016 (**Attachment 4, Minutes**), reviewed the five items requested by the Planning Commission at the second Planning Commission study session.

This report can be accessed on line at:

http://www.woodsidesetown.org/sites/default/files/fileattachments/agenda_item_no._1_-_maximum_residence_size_exception_-_reduced_pdf.pdf

Hard copies of this report can be obtained from Jennifer Li by calling (650) 851-6790, or by email request to JLi@woodsidesetown.org.

At this study session, Commissioner Fender presented an alternative maximum residence size increase proposal.

The Planning Commission directed staff to return with the following:

1. Compare Commissioner Fender's Maximum Residence Size proposal to the Town Council proposal;
2. Further develop a lot-size driven proposal for the R-1 Zoning District; and,
3. Describe the impact of Commissioner Fender's proposal (e.g., housing stock diversity, environmental review).

Fourth Study Session

The fourth Planning Commission study session on November 16, 2016 (**Attachment 5, Minutes**), reviewed the three items requested by the Planning Commission at the third Planning Commission study session.

At the culmination of the fourth study session, the five remaining Planning Commissioners supported the following code changes:

1. Commissioner Voelke: Preferred the Town Council proposal, without the additional 10 percent increase above the existing maximum residence size with an exception;
2. Chair Huberty and Vice-Chair Hobson: Supported the Town Council proposal with the additional 10 percent increase above the existing maximum residence size with an exception; and,
3. Commissioners Fender and Kutay: Supported the Fender proposal.

In summary, the Fender proposal provided small increases (above the Town Council proposal) for the R-1 and SR zones, and the RR and all SCP zones with the Town Council proposal for the RR zone (which would result in substantial potential increases in the SCP zones).

Commissioner Calia was absent, and Commissioner Rosekrans left before the finish of the discussion due to the length of the meeting and a prior appointment.

This report can be accessed on line at:

http://www.woodsidesetown.org/sites/default/files/fileattachments/agenda_item_no._1_-_staff_report_-_reduced.pdf

Hard copies of this report can be obtained from Jennifer Li by calling (650) 851-6790, or by email request to JLi@woodsidesetown.org.

DISCUSSION

Final Resolution (Recommendation to the Town Council)

The draft Resolution for the final Planning Commission recommendation to the Town Council concerning a code change to increase the maximum residence size Town-wide, while keeping the allowable total floor area unchanged is **Attachment 1**. **Exhibit A** is strikeout/underline of the code amendment, and **Exhibit B** includes the maximum residence size exception graphs to be inserted into the final text.

Text Changes (Exhibit A)

The text changes include the follow:

- **WMC Section 153.047, Building Limitations, Table B:**
Table B has been amended to include the maximum residence size with an exception, and a cross reference to the sliding scale graphs (allowable residence size increases, according to lot size).
- **WMC Section 153.047.E, Maximum Residence Size Exception (SR, RR and SCP):**
The review procedure for a maximum residence size exception has been amended to review approval of the Planning Director, after review by the ASRB, rather than approval by the Planning Commission which is the current requirement.

Finding E.3 has been deleted as it calls for landscape screening as a mitigation, as this is inconsistent with the 2012 Residential Design Guidelines which do not accept landscaping as mitigation for shielding mass because vegetation can be removed or destroyed by fire or disease.

New Finding E.3 (caps for maximum residence size with an exception) has been added, as it currently incorrectly appears in WMC Section 153.047.F, which is a section addressing R-1 only. Finding E.3 also reflects the 10 percent increase to the maximum residence size exception.

- **WMC Section 153.047.F, Maximum Residence Size Exception (R-1):**
The review procedure for a maximum residence size exception has been amended to review approval of the Planning Director, after review by the ASRB, rather than approval by the Planning Commission which is the current requirement.

Finding F.5 has been amended to delete the existing reference to requirements for the OS, SR, RR and SCP zoning districts as this section addresses only R-1. As discussed above, this text has been appropriately relocated to WMC Section 153.047.E; and the exception process for OS zoning district has been eliminated. Finding F.5 also reflects a 5 percent increase to the maximum residence size exception (rather than the Town Council 10 percent increase), the reasoning for which is described further below.

Maximum Residence Size Graphs (Exhibit B)

The graphs in Exhibit B depict the proposed maximum residence size by zoning district. The purple line depicts the Town Council scenario sent down to the Planning Commission for its review.

R-1 Zoning

Maximum residence size and total floor area is calculated differently in the R-1 zoning district than any other zoning district in Town. Maximum residence size is calculated as 10 percent of the parcel size plus 1,000 square feet, up to a maximum of 3,000 square feet. Total floor area is calculated as 1.4 times the maximum residence size; therefore total floor area and maximum residence size are never the same.

The minimum lot size in the R-1 zoning district is 20,000 square feet (0.46 acres). Under the Town Council contemplated code amendment, maximum residence size with an exception would begin with anything over a 3,000 square foot residence on a 20,000 square foot parcel and increase incrementally with lot size to a capped maximum residence size of 4,400 square feet on a minimum 30,000 square foot (0.69 acre) parcel. This would, however, elevate the maximum residence size above the maximum total floor area allowed in R-1, which is 4,200 square feet. Staff therefore recommends that the maximum residence size for R-1 be capped at 4,200 square feet. This is also important for the CEQA evaluation, as increasing total floor area would increase the level of CEQA review required.

SR Zoning

The minimum lot size in the SR zoning district is 1 acre. The point at which total floor area and maximum residence size (4,000 square feet in SR) cross is 0.52 acres. Under the code amendment, maximum residence size with an exception would begin with anything over a 4,000 square foot residence on a 0.52 acre parcel and increase incrementally with lot size to a capped maximum residence size of 5,500 square feet on a minimum 1.5 acre parcel.

RR Zoning

The minimum lot size in the RR zoning district is 3 acres. The point at which total floor area and maximum residence size (6,000 square feet in RR) cross is 1.45 acres. Under the code amendment, maximum residence size with an exception would begin with anything over a 6,000 square foot residence on a 1.45 acre parcel and increase incrementally with lot size to a capped maximum residence size of 8,800 square feet on a minimum 4.5 acre parcel.

SCP-5 Zoning

The minimum lot size in the SCP-5 zoning district is 5 acres. The point at which total floor area and maximum residence size (6,000 square feet in SCP-5) cross is 1.51 acres. Under the code amendment, maximum residence size with an exception would begin with anything over a 6,000 square foot residence on a 1.51 acre parcel and increase incrementally with lot size to a capped maximum residence size of 8,800 square feet on a minimum 7.5 acre parcel.

SCP-7.5 Zoning

The minimum lot size in the SCP-7.5 zoning district is 7.5 acres. The point at which total floor area and maximum residence size (6,000 square feet in SCP-7.5) cross is 2.63 acres (note that the kink in the line for total floor area is the current code allowance for larger total floor area allowances for the smallest lots). Under the code amendment, maximum residence size with an exception would begin with anything over a 6,000 square foot residence on a 2.63 acre parcel and increase incrementally with lot size to a capped maximum residence size of 8,800 square feet on a minimum 11.25 acre parcel.

SCP-10 Zoning

The minimum lot size in the SCP-10 zoning district is 10 acres. The point at which total floor area and maximum residence size (6,000 square feet in SCP-10) cross is 3.63 acres (note that the kink in the line for total floor area is the current code allowance for larger total floor area allowances for the smallest lots). Under the code amendment, maximum residence size with an exception would begin with anything over a 6,000 square foot residence on a 3.63 acre parcel and increase incrementally with lot size to a capped maximum residence size of 8,800 square feet on a minimum 15 acre parcel.

Comparative Zoning District Graph

The graph in **Attachment 6** includes each zoning district's maximum residence size allowance. The Planning Commission had considerable discussion regarding the minimum prescribed lot sizes by zoning district, the actual lot sizes by zoning district (a majority of the lots in Town are nonconforming, i.e., smaller than the prescribed minimum), and equity between zoning districts for equally sized lots.

It may be helpful to consider minimum lot size and allowable development intensity separately, i.e., minimum lot sizes were developed to control subdivision, and allowances for maximum residence size and total floor area were set to decrease as the number of constraints increase. Woodside is an urban/wildland interface community.

The Western Hills (the vast majority of the SCP zoning districts), is allowed less development. This can be seen on the graph by the shallower maximum residence size line slope for the SCP zoning districts (**Attachment 6**). WMC Section 153.021, Classifications of Zoning Districts (**Attachment 7**), describes how the zoning districts were established. SCP-5 has 1-2 of the listed constraints, SCP-7.5 has 3, and SCP-10 has 4 or more. The zoning map (**Attachment 8**) shows the locations of the SCP zones. It is a basic planning principle to reduce density in environmentally constrained areas, particularly in areas where fire and emergency response times are hampered by accessibility and heavy vegetation.

Basement Grading

This code amendment does not increase the limits on basement grading prescribed in Chapter 151, Site Development, which were adopted by the Town Council on May 10, 2016; as the code amendment has been formatted to require no change to Chapter 151, Site Development. WMC Section 151.22.C, Basement and Daylighted Basement Grading, Table 1, Maximum Grading for Basements and Daylighted Basements (**Attachment 9**), ties the maximum grading to the maximum residence size without an exception. MWC Section 153.047 would continue to prescribe the same maximum residence size without an exception.

CEQA Review:

The Municipal Code changes were reviewed and analyzed pursuant to the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177). The Municipal Code change allows for an increase to maximum residence size only in accordance with increased lot size; no increase to allowable total floor area is included. Environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 153, Zoning, which address site constraints (e.g., development standards - e.g., setbacks and height; and Hillside, Geologically Hazardous Areas, Tree Protection, and Stream Corridor Protection ordinances). Additionally, environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 151, Site

Development, which address grading, drainage, erosion control, and geotechnical stability; and Woodside Municipal Code Chapter 51, regulations for adequate sewer and septic systems. Furthermore, the code amendment would allow for the smallest residence size increases in the R-1 zoning districts and continues to maintain house size limitations in all zones, as encouraged by Woodside Housing Element, Policy H2.3.b; the code amendment does not intensify housing density as all districts remain single family residential with the same level of customary accessory uses currently allowed; and Architectural and Site Review, in a noticed public hearing pursuant to WMC Section 153.047 and Section 153.220-153.231, in concert with the Town's Residential Design Guidelines, would continue to apply to uphold the community aesthetic and protect neighboring properties and the environment from undue impacts. Lastly, the code amendment would continue to limit basement grading to the quantities which were exhaustively studied by the Planning Commission and Town Council, and adopted on May 10, 2016. This action is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

PUBLIC COMMENT

As of the publication of this report, staff had received one public comment (**Attachment 10**). Any comments received after publication of this report will be transmitted as a desk item(s).

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution (**Attachment 1**) supporting the Town Council proposal forwarded to the Planning Commission (with the additional 10 percent increase above the existing maximum residence size with an exception, EXCEPT for the R-1 zoning district - which staff recommends receive a 5 percent increase), which would increase maximum residence size Town-wide, while keeping the allowable total floor area unchanged, to the Town Council.

ATTACHMENTS:

1. **Draft Resolution**
 - Exhibit A. **Draft Ordinance**
 - Exhibit B. **Draft Maximum Residence Size Graphs, with calculations**
2. Planning Commission Minutes, dated July 20, 2016
3. Planning Commission Minutes, dated September 7, 2016
4. Planning Commission Minutes, dated October 5, 2016
5. **Draft Planning Commission Minutes, dated November 16, 2016**
6. Comparative Zoning District Graph, Maximum Residence Size
7. WMC Section 153.021, Classifications of Zoning Districts
8. Town of Woodside Zoning Map
9. WMC Section 151.22.C, Basement and Daylighted Basement Grading, Table 1, Maximum Grading for Basements and Daylighted Basements
10. Public Comment, received from Commissioner Fender, dated December 1, 2016

RESOLUTION NO. 2016-00_

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF WOODSIDE RECOMMENDING APPROVAL TO THE TOWN COUNCIL OF A MUNICIPAL CODE AMENDMENT TO CHAPTER 153 TO INCREASE MAXIMUM RESIDENCE SIZE TOWN-WIDE, WHILE KEEPING TOTAL FLOOR AREA UNCHANGED (ZOAM2015-0005).

WHEREAS, the Town of Woodside established the existing maximum residence size ordinance in 1988;

WHEREAS, on October 13, 2015, October 27, 2015, and May 24, 2015, the Town Council, in response to resident inquiries to reexamine the existing maximum residence size ordinance, conducted duly noticed public hearings on the Ordinance at which oral and written comments and code amendment proposals were presented to the Town Council. The Town Council reviewed and considered the information in the administrative record; and directed staff to send a specific proposal to increase maximum residence size Town-wide, while keeping the allowable Total Floor Area unchanged, to the Planning Commission for its review, consideration, study and recommendation;

WHEREAS, on July 20, 2016, September 7, 2016, October 5, 2016, November 16, 2016, and December 7, 2016, the Planning Commission conducted duly noticed public hearings on the Ordinance at which oral and written comments and code amendment proposals were presented to the Commission. The Planning Commission reviewed and considered the information in the administrative record;

WHEREAS, the procedures for processing the code amendment have been followed as required by law;

WHEREAS, the Municipal Code changes were reviewed and analyzed pursuant to the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177). The Municipal Code change allows for an increase to maximum residence size only in accordance with increased lot size; no increase to allowable total floor area is included. Environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 153, Zoning, which address site constraints (e.g., development standards – e.g., setbacks and height; and Hillside, Geologically Hazardous Areas, Tree Protection, and Stream Corridor Protection ordinances). Additionally, environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 151, Site Development, which address grading, drainage, erosion control, and geotechnical stability; and Woodside Municipal Code Chapter 51, regulations for adequate sewer and septic systems. Furthermore, the code amendment would allow for the smallest residence size increases in the R-1 zoning districts and continues to maintain house size limitations in all zones, as encouraged by Woodside Housing Element, Policy H2.3.b; the code amendment does not intensify housing density as all districts remain single family residential with the same level of customary accessory uses currently allowed; and Architectural and Site Review, in a noticed public hearing pursuant to WMC Section 153.047 and Section 153.220-153.231, in concert with the Town's Residential Design

Guidelines, would continue to apply to uphold the community aesthetic and protect neighboring properties and the environment from undue impacts. Lastly, the code amendment would continue to limit basement grading to the quantities which were exhaustively studied by the Planning Commission and Town Council, and adopted on May 10, 2016. This action is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

WHEREAS, the Planning Commission finds that the project complies with the goals and policies of the General Plan, specifically:

Land Use Element, Policy LU1.2.4: *“Manage intensity of use of individual parcels and buildings by considering health and safety, impacts on adjoining properties from noise traffic, night lighting, or other disturbing conditions, and protection of natural resources.”*

The Municipal Code change allows for an increase to maximum residence size only in accordance with increased lot size; no increase to allowable total floor area is included. The code amendment does not intensify housing density, as all districts remain single family residential with the same level of customary accessory uses currently allowed. Architectural and Site Review, in a noticed public hearing pursuant to WMC Section 153.047 and Section 153.220-153.231, in concert with the Town’s Residential Design Guidelines, would continue to apply to uphold the community aesthetic and protect neighboring properties and the environment from undue impacts.

Conservation Element, Policy CV1.1: *“The natural features of a site proposed for development shall be the primary planning factor determining the scope and magnitude of development, and appropriateness of site use. Conservation of the natural landscape shall be the overriding consideration in the design of any land development or land division project, paying particular attention to its protection and the preservation of natural features and existing vegetation.”*

Environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 153, Zoning, which address site constraints (e.g., development standards – e.g., setbacks and height; and Hillside, Geologically Hazardous Areas, Tree Protection, and Stream Corridor Protection ordinances). Additionally, environmentally-sensitive parcels would continue to be protected by all other existing ordinances contained in the Woodside Municipal Code Chapter 151, Site Development, which address grading, drainage, erosion control, and geotechnical stability; and Woodside Municipal Code Chapter 51, regulations for adequate sewer and septic systems. Lastly, the code amendment would continue to limit basement grading to the quantities which were exhaustively studied by the Planning Commission and Town Council, and adopted on May 10, 2016.

Housing Element, Policy H2.3.b: *“Continue to maintain house size limitations in all zones to encourage the retention of existing smaller homes, where possible, especially in the R-1 zone.”*

The proposed Municipal Code changes allow for an increase to maximum residence size only in accordance with increased lot size; no increase to allowable total floor area is included. The code amendment would allow for the smallest residence size increases in the R-1 zone, and continues to maintain house size limitations in all zones.

THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends that the Town Council approve **ZOAM2015-0005**, pursuant to **Exhibits A and B**.

PASSED AND ADOPTED this 7th day of December 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Grant Huberty, Chair

ATTEST:

Planning Secretary

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant, and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the Planning Commission.

Property Owner or Authorized Agent

Date

Section 153.047, Building Limitations

<i>Table B - Lot Area and Building Limitations</i>							
<i>Zone District</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Average Lot Width in Feet</i>	<i>Required Minimum Setbacks</i>	<i>Height Limit in Feet²</i>	<i>Total Floor Area (TFA)</i>	<i>Maximum Paved Area and Surface Coverage⁶</i>	<i>Maximum Size of Main Residence</i>
R-1	20,000 square feet	80	See Table C	28	1.4 x Maximum Residence Size permitted without an exception, up to a maximum of 36% of the lot area	1.2 x Maximum Residence Size permitted without an exception	10% of lot area + 1,000 sq. ft., up to 3,000 sq. ft. (subject to TFA limit) <u>Maximum with exception: Sliding scale⁵ up to 4,200 sq. ft.</u>
SR	1 acre	100	See Table C	30	18.0% of lot area	15,000 square feet	4,000 sq. ft. <u>Maximum with exception: Sliding scale⁵ up to 5,500 sq. ft.</u>
RR	3 acres	175	See Table C	30	9.00% of lot area	15,000 square feet	6,000 sq. ft. <u>Maximum with exception: Sliding scale⁵ up to 8,800 sq.ft.</u>
SCP-5	5 acres	200	See Table C	30	5.50% of lot area	9,000 square feet	6,000 sq. ft. <u>Maximum with exception: Sliding</u>

Table B - Lot Area and Building Limitations

<i>Zone District</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Average Lot Width in Feet</i>	<i>Required Minimum Setbacks</i>	<i>Height Limit in Feet²</i>	<i>Total Floor Area (TFA)</i>	<i>Maximum Paved Area and Surface Coverage⁶</i>	<i>Maximum Size of Main Residence</i>
							<u>scale⁵ up to 8,800 sq. ft.</u>
SCP-7.5	7½ acres	200	See Table C	30	3.50% of lot area	9,000 square feet	6,000 sq. ft. <u>Maximum with exception: Sliding scale⁵ up to 8,800 sq. ft.</u>
SCP-10	10 acres	200	See Table C	30	2.75% of lot area	9,000 square feet	6,000 sq. ft. <u>Maximum with exception: Sliding scale⁵ up to 8,800 sq. ft.</u>
OSH ⁴	none	none	See Table C	24	2.75% of lot area	2.75%	1,500 square feet
OSRL ⁴	none	none	See Table C	24	2.75% of lot area	2.75%	1,500 square feet
OSRM ⁴	none	none	See Table C	24	2.75% of lot area	2.75%	1,500 square feet
OSN ⁴	none	none	See Table C	24	2.75% of lot area	2.75%	1,500 square feet
OSM ⁴	none	none	See Table	24	2.75% of lot	2.75%	

Table B - Lot Area and Building Limitations

Zone District	Minimum Lot Area¹	Minimum Average Lot Width in Feet	Required Minimum Setbacks	Height Limit in Feet²	Total Floor Area (TFA)	Maximum Paved Area and Surface Coverage⁶	Maximum Size of Main Residence
			C		area		1,500 square feet
CC	10,000 square feet	40	See Table C	25 ³	20% maximum building coverage	See § 153.056(C)	

¹ See § 153.021 of the Woodside Mun. Code

² See § 153.047(C) of the Woodside Mun. Code

³ See § 153.048 of the Woodside Mun. Code

⁴ The subject building limitations respecting the OSH, OSRL, OSRM, OSN, and OSM Districts shall be applied, and all uses therein be limited, in a manner that will reasonably restrict structures to those presently existing or to replacements thereof and will limit the number, size, and dispersion of all structures with the goal of optimum preservation of the open space and enhancement of the rural characteristics of the open space.

⁵ For exceptions to maximum residence size limitations, see § 153.047(E) and § 153.047(F) of the Woodside Mun. Code. **Exhibit B, Maximum Residence Size Graphs by Zoning District, with Calculation Formulas**

⁶ See § 153.047(G), § 153.056, and § 153.301(C) for additional paved area and surface coverage regulations. Some nonconforming lots will be permitted less paved area than shown in Table B

Maximum Residence Size Exception

(E) *In the SR, RR and SCP Residential Zoning Districts.* An exception may be granted to the maximum size of main residence, pursuant to **[Exhibit B]** of this Section, by the Planning Commission Director, upon recommendation by the Architectural and Site Review Board, at least 150% of the minimum lot area required in the SR, RR and SCP residential zoning districts. For purposes of such exceptions, conforming parcels shall consist of no more than one lot. In order for the Planning Commission Director to grant an exception in the SR, RR and SCP residential zoning districts, all of the following findings are required to be made:

- (1) The development must be consistent with the General Plan;
- (2) There are no significant physical constraints relating to the development, including lot configuration, topography, geology, sewage disposal, ground water, noise impact, scenic road impact, storm drainage, vehicular access, vegetation removal, creek impacts, cultural resource impacts, and obstruction of neighbors' views; and,
- (3) ~~The main residence shall be adequately screened from public or private roads by existing and/or proposed landscaping.~~

(3) The proposed structure will be compatible with the character of its surroundings. The maximum size of a main residence, with an exception granted, may not exceed the following limits:

<u>SR:</u>	<u>5,500 square feet</u>
<u>RR and SCP districts:</u>	<u>8,800 square feet</u>

Additionally, all exception approvals shall be subject to the following conditions:

- (a) A restrictive covenant shall be recorded on the property stating that the property shall not be subdivided to create a lot smaller than the acreage used to justify the exception; and,
- (b) The front, rear and side setbacks shall be increased from 50 feet to 100 feet for 10 to 15 acre parcels, to 150 feet for 20 acre parcels to 200 feet for 25 acre parcels and to 250 feet for 30+ acre parcels (allowing for interpolation between steps at the rate of 10 feet for every acre of lot size increase);

(F) In the R-1 Residential Zoning District. An exception may be granted to the maximum size of main residence by the Planning Commission Director, upon recommendation by the Architectural and Site Review Board, ~~for nonconforming lots or for lots 30,000 square feet~~ in the R-1 residential zoning district, provided all of the following findings are made:

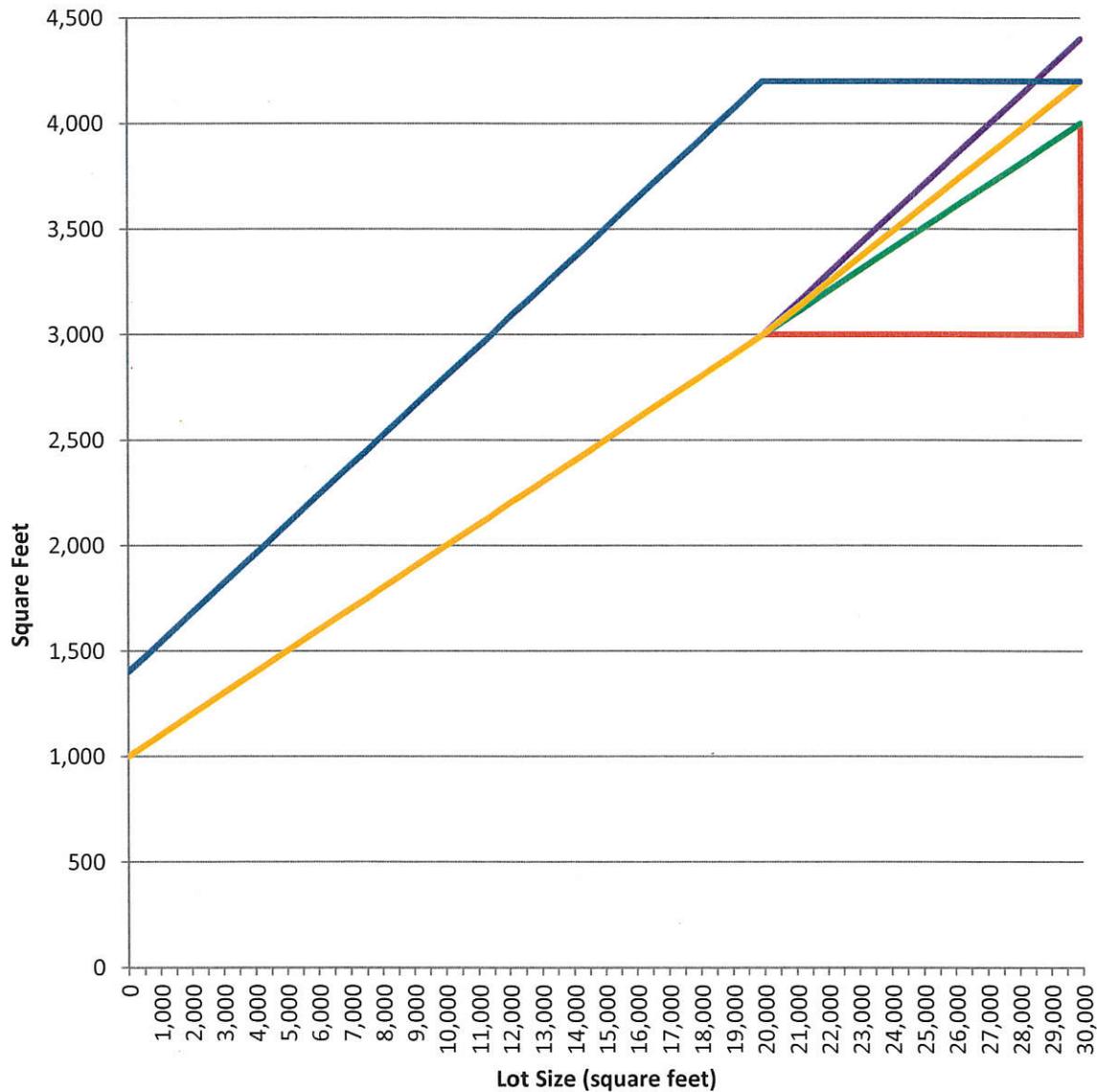
- (1) The development must be consistent with the General Plan and any applicable specific plans;
- (2) There are no significant physical constraints relating to the development, including lot configuration, topography, geology, sewage disposal, ground water, noise impact, scenic road impact, storm drainage, vehicular access, vegetation removal, creek impacts, cultural resource impacts, and obstruction of neighbors' views;
- (3) The building setbacks and building height limitations must be satisfied without any variances or setback exception;
- (4) The proposed structure will not appear bulky; and,
- (5) The proposed structure will be compatible with the character of its surroundings. The maximum size of a main residence, with an exception granted, may not exceed the following limits:

<u>OS, SCP and RR districts:</u>	<u>8,000 square feet</u>
<u>SR:</u>	<u>5,000 square feet</u>

R-1 district:

<u>for nonconforming lots:</u>	<u>TFA limit, up to 3,000 sq. ft.</u>
<u>for lots \geq 30,000 sq. ft.:</u>	<u>4,000 sq. ft.</u>
<u>for conforming lots:</u>	<u>4,200 sq. ft.</u>

R-1 Maximum Main Residence Size Considerations



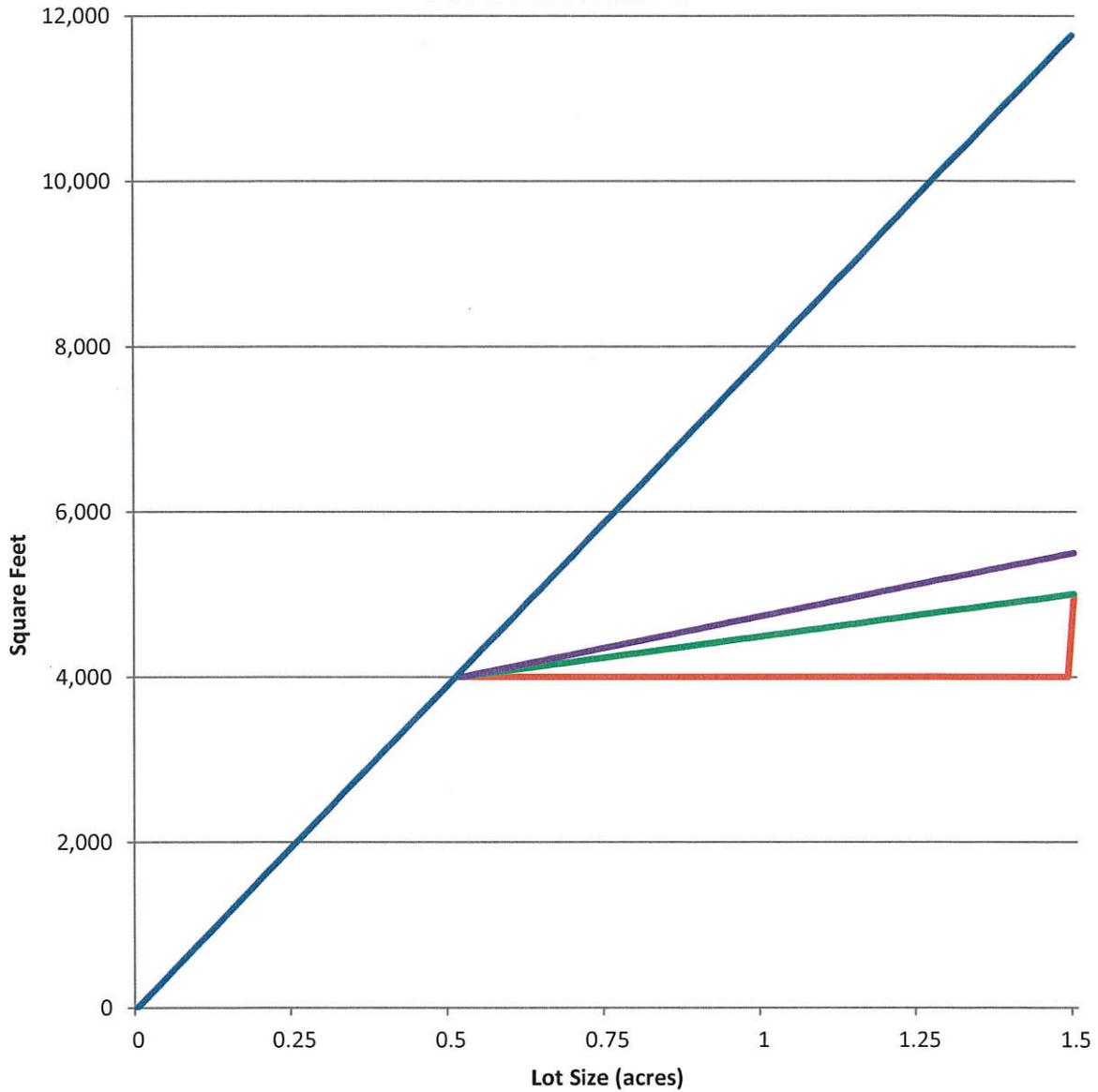
In the R-1 Zoning District, TFA is calculated as 1.4 X Maximum Residence Size; therefore, TFA and Maximum Residence size are never the same.

Max Res Size = 5,217(Lot Size in acres - 0.459) + 3,000

TFA will not increase

- Existing Max House Size
- Max at 4,400 - TC 10/27/15 direction
- Existing TFA
- Max at 4,000
- Max at 4,200 - Staff

SR Maximum Main Residence Size Considerations

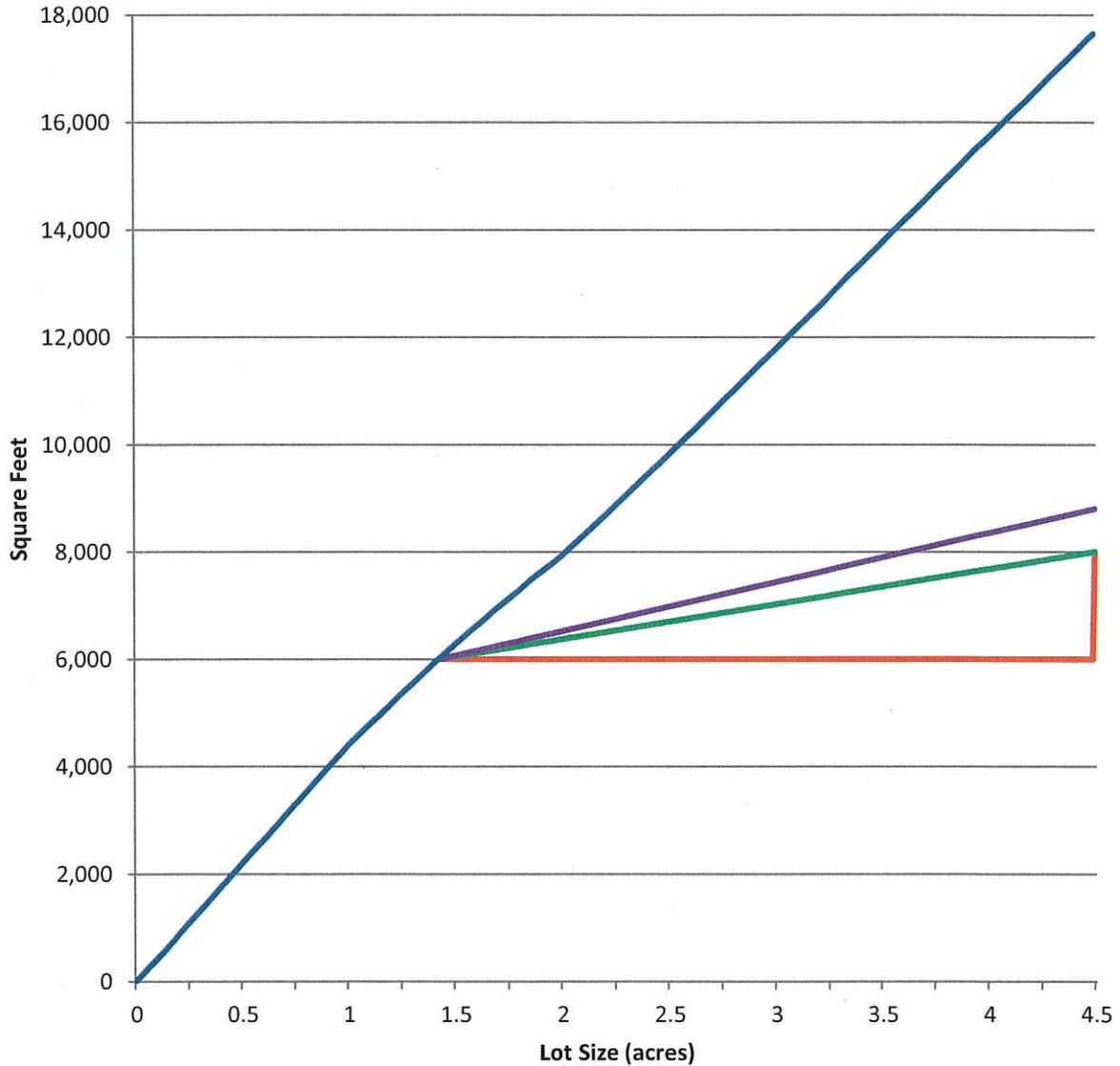


TFA = Max Main Residence Size at 0.51 acres
@ 0.51 acre lot : 4,000 sf max res
Max Res Size = 1,530(Lot Size in acres - 0.52) + 4,000

TFA will not increase

- Existing Max House Size
- Max at 5,000
- Max at 5,500 - TC 10/27/15 direction
- Existing TFA

RR Maximum Main residence Size Considerations



TFA = Max Main Residence Size at 1.44 acres

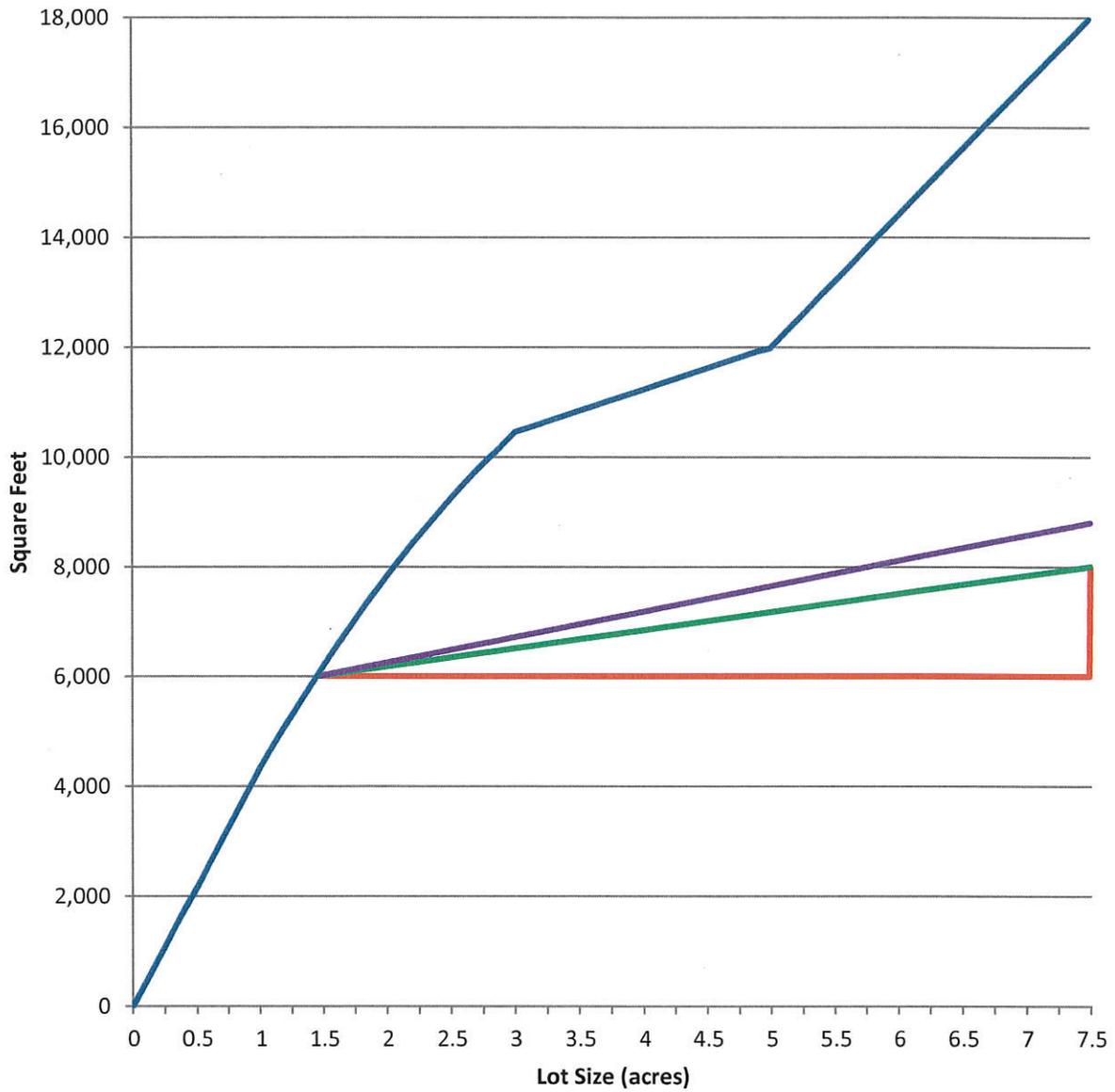
@ 1.44 acre lot : 6,000 sf max res

Max Res Size = 915.03(Lot Size in acres - 1.44) + 6,000

TFA will not increase

- Existing Max House Size
- Max at 8,000
- Max at 8,800 - TC 10/27/15 direction
- Existing TFA

SCP-5 Maximum Main residence Size Considerations



TFA = Max Main Residence Size at 1.45 acres

@ 1.45 acre lot : 6,000 sf max res

Max Res Size = 462.83(Lot Size in acres - 1.45) + 6,000

TFA will not increase

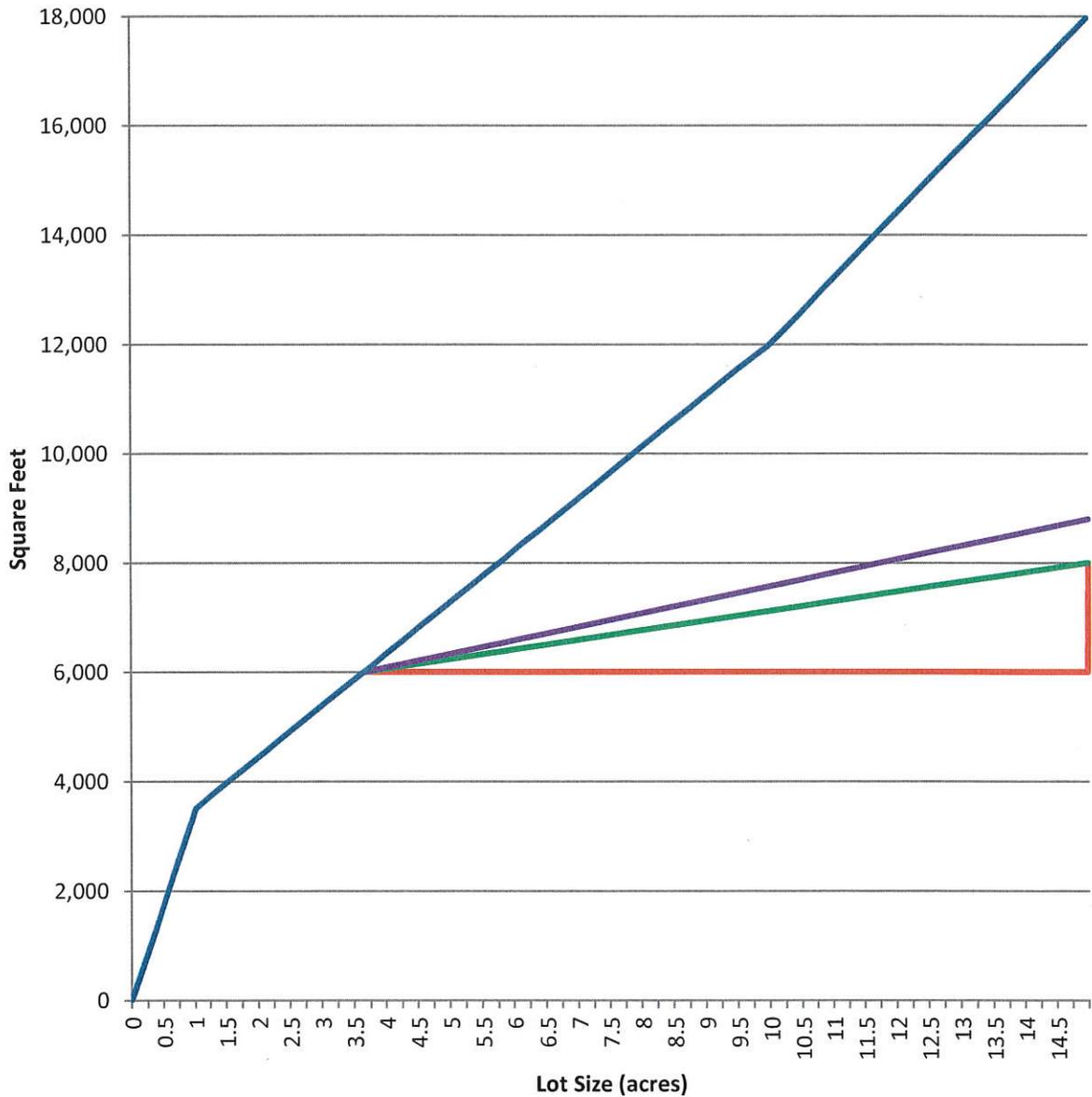
— Existing Max House Size

— Max at 8,000

— Max at 8,800 - TC 10/27/15 direction

— Existing TFA

SCP-10 Maximum Main Residence Size Considerations



TFA = Max Main Residence Size at 3.68 acres

@ 3.68 acre lot : 6,000 sf max res

Max Res Size = $247.35(\text{Lot Size in acres} - 3.68) + 6,000$

TFA will not increase

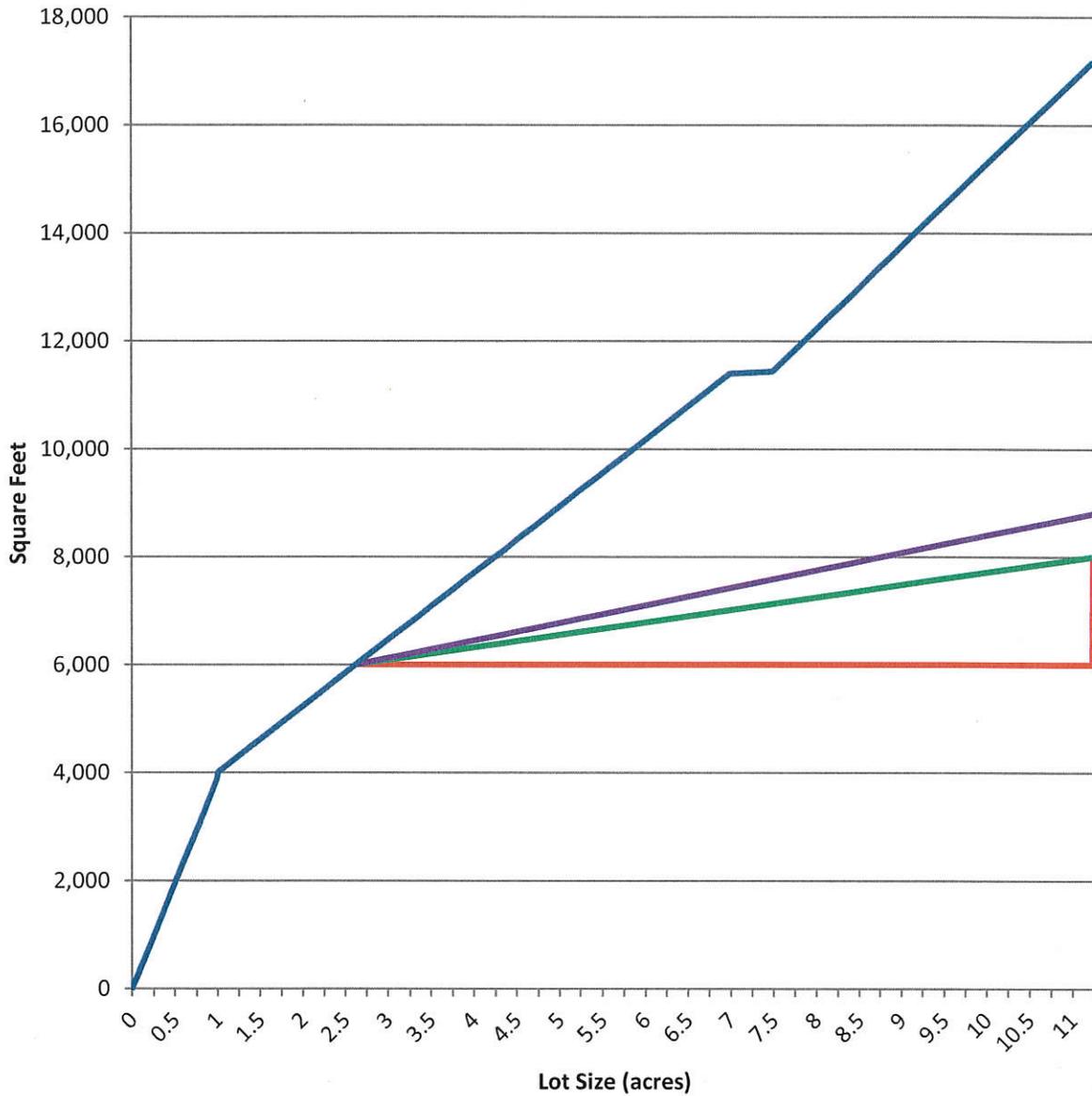
— Existing Max House Size

— Max at 8,000

— Max at 8,800 - ATC 10/27/15 direction

— Existing TFA

SCP-7.5 Maximum Main Residence Size Considerations



TFA = Max Main Residence Size at 2.67 acres

@ 2.67 acre lot : 6,000 sf max res

Max Res Size = 326.34(Lot Size in acres - 2.67) + 6,000

TFA will not increase

- Existing Max House Size
- Max at 8,000
- Max at 8,800 - TC 10/27/15 direction
- Existing TFA

- c. All landscaping shall be installed per the approved plan. The applicant shall submit a Certificate of Completion pursuant to Section 492.9 of the State’s Water Efficient Landscape Ordinance.
- d. All approved exterior light fixtures shall be installed. The bulb or light source shall be entirely located behind a non-translucent surface. No additional lights or alternate fixtures shall be installed without first being reviewed and approved by the Town.
- e. All graded or disturbed areas shall be properly compacted and planted with native grasses or approved planting to reduce potential erosion.
- f. All paved areas, including gravel/rock areas, shall be installed pursuant to the approved plans. No changes in size or location of paved areas shall be made without first obtaining review and approval by the Town.
- g. All exterior finishes, colors, and materials approved by the Planning Commission/Planning Director, and recommended by ASRB, shall be used. Any changes may require further review by ASRB as determined by the Planning Director.
- h. All waterline backflow preventers located within required setbacks shall be installed in accordance with Municipal Code Section 153.050(B). The device shall meet the required location, height, color, and screening requirements.
- i. All construction debris and trailers shall be removed from the site.

Motion: Commissioner Voelke/ Second: Commissioner Calia
 Ayes: Vice Chair Huberty; Commissioners Calia, Hobson, Rosekrans, and Voelke
 Noes: None
 Absent: Chair Kutay and Commissioner Fender
 Abstain: None

The motion carried.

3. Study Session: Maximum Allowable Main Residence Size

Town-wide

Planner: Jackie Young, Planning Director

This study session will consider the direction to staff received from the Town Council on May 24, 2016, during its third study session on maximum allowable residence size: to increase maximum residence size Town-wide, while keeping the allowable Total Floor Area unchanged.

DISCUSSION

Jackie Young, Planning Director, presented the staff report.

Vice Chair Huberty asked if the purpose of the State mandate in the General Plan Housing Element is to maintain affordable, smaller homes in the community.

Director Young said the Housing Element is updated approximately every seven years, and needs to be certified by the State in order for the General Plan to be considered in conformance. If it is not certified, it may affect the Town’s ability to issue Building Permits. The State policy is to maintain a variety of housing stock. They’re particularly interested in the R-1 zone having the opportunity for people to buy smaller houses. Just because there is a proposed new maximum, it doesn’t mean people would necessarily be able to develop to that new maximum. There may be other site constraints (e.g., topography, steep slopes, and stream corridors running through) that limit people from doing that.

Commissioner Rosekrans asked: if you were to review new building and addition projects over the past 10 years, what percentage of people generally builds to the limit?

Director Young said it varies. Not everyone develops to the maximum Total Floor Area. She doesn't have that information at the moment. Over the last several years, it has increased from 8 years ago. She cannot quantify what percentage push up against the Total Floor Area.

Commissioner Rosekrans said people keep pushing the limit of allowed square footage for the house. If that maximum size increases, people are going to continue pushing the limit.

Director Young said, typically, new residence proposals are built to the limit.

Commissioner Rosekrans said that's going to put pressure on people who may want to build accessory buildings because the change will take away the ability to build them. He is a proponent of accessory structures. He questions the idea of not changing the allowable Total Floor Area. In the packet, there were many negative comments towards accessory buildings, and he finds them unfounded in many cases.

Commissioner Calia asked regarding Table 3, Maximum Residence Size Exceptions Approved since Adoption (1988), are there details of the zones in which those Exceptions have taken place? He wonders if most of the houses granted Exceptions were in the R-1 zone or some other zone.

Director Young said staff can gather that data on which zoning districts these are occurring in. If Commissioner Rosekrans is interested, she can bring data on whether or not the Maximum House Size Exceptions granted are going to the maximum limit. She's confident that all of them are going to the maximum.

Commissioner Calia said it would be interesting to know if 90% of the Exceptions granted were all in one zone. As we're looking at different proposals, maybe a particular zone deserves greater attention than others if they have been the focus.

Commissioner Hobson asked what the zoning designation "OS" stand for.

Director Young said Open Space. We don't really deal with development in that zone. It exists in the chart if it ever came up.

Vice Chair Huberty asked what the expectations are for going through the Study Session.

Director Young said this evening is the review of the properties on the East Side of Hwy 280. Would the Commission like staff to continue with that presentation?

Vice Chair Huberty suggested having a public hearing prior to staff continuing the presentation.

Commissioner Calia said he was shocked by the number of non-conforming lots in Town, as shown in Table 4. There are some zones where 90% are non-conforming. Has the Town Council discussed rezoning? These non-conforming parcels seem to pair with non-conforming structures, which leads to many transactional costs for people who want to pursue various projects and need to work through the ASRB and the Planning Commission.

Director Young said that discussion has come up. The next issue that the Town Council wishes to work on is setbacks for non-conforming lots. That situation frequently occurs with small lots in the Western

Hills where setbacks sometimes overlap to the degree they don't have a building envelope. Under these circumstances, any construction or addition requires consideration of a Variance. The Town Council has not discussed a rezoning process.

Commissioner Calia asked: when was the last time these zones were evaluated?

Commissioner Voelke said the current zoning was put in place in 1988. Portions were reviewed in 1995. Regarding maximum residence size, people tend to maximize the sizes of their garages as well. Are they allowed 10%?

Director Young said the development standard Commissioner Voelke is referring to is the allowance (i.e., not calculated into the main house total) of approximately 10% for a garage. That policy was to encourage people to enclose their automobiles on site. The tendency to do that varies because it depends on what the site can accommodate.

Commissioner Voelke said that is the potential.

Director Young said it still counts towards Total Floor Area.

Commissioner Voelke said, someone with an 8,000 square foot house could end up with an 8,800 square foot structure because of the approximate 10% allowance for a garage.

Planner Schaan said WMC doesn't give a 10% allowance. It's based on square footage. It's actually about 12%. The R-1 and SR zoning districts are allowed 440 square feet. The SCP and RR districts are allowed up to 660 square feet. If that specific code section is not changed, it would continue to be flat limits.

Commissioner Hobson asked if we're talking about detached garages.

Planner Schaan said this consideration is for attached or detached garages within 15' of the main house because that counts towards the maximum residence size calculations. The WMC gives some allowance to the maximum residence size; however, there is no exception to the Total Floor Area.

Commissioner Voelke said that fact is useful to think about because it's common. It's good to know what those limits are. They can add a chunk to the main residence.

Dick Brown, Northgate Drive, said the Woodside Heights Homeowners Association initially brought this issue up to the Town Council in March 2014. It has been almost 30 years since zoning for the maximum allowable main residence size has been reviewed. Many changes have occurred in the way people live. More families have adult children living at home. Aging parents are living at home. Many people are working from home now. There is a demand for recreation rooms, home theatres, and wine cellars. He represents a group that supports the original proposal put together by Peter Mason. It's a very modest reallocation of existing Total Floor Area. They are not talking about big houses towering over neighbors. They want modest increases that represent approximately 10% of the size of a house. There has been some discussion about impacts regarding Accessory Living Quarters. It won't have an impact on the Regional Housing Needs Allocation (i.e., the number of homes required to be allocated for low-income housing). The Town is already well ahead in what they need to do to meet the State requirement for Accessory Living Quarters. For example, 59 housing units were created between the years 2007 through 2014. The requirement was only 41 housing units. Main houses can still have Accessory Living Quarters built into them. Accessory Living Quarters do not have to be a separate structure. Concentrating more

square footage would reduce construction disruption. That was discussed during changes to the basement ordinance. Homeowners can benefit from lower costs for construction, less landscape maintenance, and low energy costs. In summary, properties will be more useful and valuable, and property tax revenues will increase.

Commissioner Voelke noted comments that were paradoxical. On the one hand, Mr. Brown stated that increasing the maximum house size would not affect building Accessory Living Quarters, but then on the other hand, increasing house size might decrease the need for Accessory Living Quarters and site disturbance.

Mr. Brown said there are two different issues. In one case, if you build a separate Accessory Living Quarters as opposed to adding on to the main residence, that is potentially more disruptive because that would be two structures rather than one.

Commissioner Voelke asked if people are permitted to add Accessory Living Quarters inside the house.

Planner Mullin said the current limitation is in the R-1 zone. People can only have an attached Accessory Living Quarters. In the other zones, it can be attached or detached. The maximum number is two, based on lot size.

Commissioner Rosekrans said people cannot add 1,500 square feet to the total house.

Planner Mullin said no. The attached Accessory Living Quarters is limited to 25% of the Total Floor Area of the house. If a house with an Exception allows a 6,000 square foot house, including the Accessory Living Quarters, the Accessory Living Quarters could be up to 1,500 square feet of that. With the proposed increase for the maximum allowable main residence size of 8,800 square feet, and 25% remained, that would increase the Total Floor Area to 2,200 square feet without addressing that portion of the WMC.

Commissioner Calia asked if there was any discussion about the R-1 graph, Attachment 1A, that instead of having two angles, it would be more proportionate the entire length with a line that goes from 1,000 square feet to 4,400 square feet.

Director Young said that wasn't discussed, but we can.

Commissioner Calia said he can see why that wouldn't be done for larger lot sizes because it would be very difficult. It's such a shallow curve that for a larger lot size, it ends up having a disproportionate impact.

Commissioner Voelke said that is a problem because that would increase the Total Floor Area on those lots, and the direction is not to increase Total Floor Area.

Director Young said she can bring back examples/data of what this would do. She can bring back another graph showing that proposed line, and discussing what the impact would be. R-1 is calculated differently from all the other zoning districts. It wasn't the Town Council's direction; however, if it's something that the Commission wishes to explore, she can bring back data on the impacts of that.

Commissioner Voelke asked if that would increase Total Floor Area.

Director Young said yes. The Total Floor Area is a percent of the lot area. There is a set number for the maximum residence size. Zone R-1 is different from the other zones. It's kind of in reverse where the maximum residence size is calculated before calculating the Total Floor area.

Commissioner Calia said that's part of the reason why he wondered whether anyone thought of flattening that out because it's already proportional to the size of lot unlike the other limitations for the other zones. Whether you would then flatten it out and have proportion to size of the lot for everything.

Commissioner Hobson said simplification is better.

Director Young summarized that she can bring in an exhibit that shows a line beginning at a 0 lot size at 1,000 square feet going up to a 30,000 square foot lot.

Commissioner Calia said it seems that would be a relatively small change.

Director Young said the more significant changes would be seen in the center of the line. The lots between 17,000 – 21,000 square feet would have the largest gain. Proportionately, how many square feet would that really represent? It's always better to make a regulation simpler if it is not going to be that impactful.

Commissioner Calia said staff had stated that this would be something people wouldn't have to eyeball. That there would be a calculation based on slope of the line. That seems to be the simpler solution.

Dave Burow, Sheridan Way, said he has no personal interest in this. He does not plan on making any changes to his home. He thanked the Planning Commission for their time. When the Town Council reviewed this issue in May 2016, staff had prepared really nice graphs for each zoning districts. When those graphs are overlaid, we've observed that the way maximum house size is calculated is not necessarily fair to all property owners. The formulas penalize smaller lots in large minimum lot size zoning districts. An SCP lot could be right across the street from an RR lot of the same size, and one could build a different size house than the other. That's not right. While we're looking at maximum house size overall, why don't we see if we can simplify it even further and make it fair for everybody. He had e-mailed out his discussion to everybody, and projected it on the screen. The concept is that the maximum house size should only be a function of lot size and not zoning district. The Total Floor Area formula limits development. We're not proposing to change it. Minimum lot size limits for the zoning districts limits subdivisions. We're not suggesting a change with that either. The staff report underplays the role of minimum lot size. It was set to limit subdivisions. That's why we ended up with so many non-conforming lots. The ASRB and the Residential Design Guidelines ensure that houses are not situated inappropriately on a lot, and don't appear massive. One of the big concerns about increasing maximum house size is that we end up with massive houses. The WMC already has height limits and various processes in place to control that. He's confident that people can increase their houses by 10% and still not appear more massive. The idea is to use the same formula for all zoning districts and have an automatic Exception process, as the Town Council proposed. Staff has identified the possibility of ending up with anomalies where someone may have a very large lot in the R-1 and SR zones and small setback requirements. Those can be adjusted. We're open to trying to make sure people don't have a 20' setback next to someone with a 50' setback. The idea is to take all of those graphs, and draw a line around the outside of it to calculate maximum house size. It is very simple. It's all based on lot size. There are many processes in place that deal with lot constraints that would limit development. This doesn't give people a free pass to build in all cases. It's only the formula we use in all the other districts today.

Commissioner Hobson asked for a clarification about Mr. Burow's graph where it says: "single maximum size for all Woodside." Does that mean no matter what size the lot is, people could, if they could fit in the Total Floor Area, build up to 8,800 square feet?

Mr. Burow said no. Someone with a one-acre lot is very constrained. It's a single max size *formula* for all of Woodside; a formula that is a function of lot size.

Commissioner Voelke asked if there are different maximum lot sizes. What is the maximum house size?

Mr. Burow said 8,800 square feet, as the Town Council proposed. It's just for house size. If there is a 5-acre lot, people should be able to build a maximum house size on that 5-acre lot no matter what zone they are in. Other towns do not have this convoluted maximum house size calculation. They have only one or two types of categories. Some are just slope-based, where the lot size is adjusted based on slope. He showed some unintended consequences this creates. For someone with a 0.25- or 0.5-acre lot, they are allowed a smaller house in RR zone than in SR. That doesn't make sense (i.e., 2,000 vs. 1,000 square feet). Was that the intent to limit the size of houses in those zoning districts? Similarly, for a 1.0-acre lot, people can build a larger house in RR than in the SCP-5 zone. Is that because of the constraints? It appears to be an anomaly based on the formula, and it wasn't really thought through. We can make that much simpler by creating a uniform formula. For the larger lots, nothing stays the same. You get to 8,800 square feet, and it stays there for everything. We're not giving people a lot more square footage allowance. Director Young has provided data. We can go through how many people would be affected by this. On the Zoning Map, there were zoning districts created for different reasons. Some were created just to inhibit subdivisions. The zoning continued to evolve. As seen in the Zoning by Lot Size Map, while zoning districts were somewhat grouped into contiguous areas, most of the lot sizes greatly vary; especially Central Woodside and some of the areas that were developed earlier on. This is why a 5-acre lot in SCP-5 next to a 5-acre lot in RR have different house size limitations. Why is that? There is no logical reason for that. In summary, for every size lot, people would have the same maximum allowable house size subject to all the other constraints in the Building Codes and the WMC. Let's be fair to everyone in Woodside.

Greg Raleigh, Fox Hollow Road, said he wanted to share the results/discussions from the Zoning Subcommittee. A small percentage of discussions has gone into the record. During those discussions, he kept asking why we don't have one ordinance now that we are fixing things. This is an opportunity to help the community. People do need larger houses. A high percentage of the community agreed to that. The Town Council and staff think it's time to make a change, and we have the opportunity to make it simpler as well. He hasn't strongly publicly advocated for this yet because he has been asking staff many questions. What's wrong with this uniform proposal? The Town Council has put forward something positive; however, it is still inequitable. Most of what we're talking about is going to benefit the larger parcel owners. He is in RR zone, and will not personally benefit from this discussion. He does not intend to alter his house in any way. The proposed changes would benefit mostly the smaller parcels. There was a suggestion made at the Town Council meeting by Alan Rappaport. Mr. Rappaport was told we couldn't do what Commissioner Calia suggested because it would increase Total Floor Area. Yes, it would be a small increase in Total Floor Area; however, Peter Mason's proposal increases Total Floor Area at the higher end because the slope kicks up. Big lots in the R-1 zone benefit while smaller lots don't. It's not fair for the smaller lots. All of the concerns Director Young suggested were brought up in the Zoning Sub-committee meetings. Director Young has separated the Town into three areas. It's a good idea and makes sense; however, it would require re-zoning. Zoning is pretty hodge-podge today. Massing, especially in the Western Hills, was a concern 30 years ago; however, we've come a long way with the Residential Design Guidelines and the ASRB process. There is a lot of scrutiny given to how houses are built. In a worse case scenario, if the house size is doubled, that's a 40% increase on any one side. If a

reduction of massing is tastefully done on a big lot with proper setbacks, it's not necessarily going to have the same impact a "McMansion" had back in the 1980's. On the Accessory Living Quarters issue, people build Accessory Living Quarters because they want one. There won't be a direct reduction of Accessory Living Quarters due to the increase of the maximum allowable residence size. If someone is at the point where the Total Floor Area is equal to maximum house size, they're not building an Accessory Living Quarters anyway. The property has to be above that until there is enough head room to build an Accessory Living Quarters. The only thing that changes is the size of the parcel. Before someone can build that same size Accessory Living Quarters, it gets a little bit bigger. There is a gray area. The uniform house size would allow more people to build Accessory Living Quarters. We want to preserve the neighborhood character. Staff is concerned about that. We're focusing on situations where people can do one thing on one side of the street and not on the other side. There are some cases where someone has a giant parcel in a small parcel district. If they have a 20' setback, suddenly they can build a much bigger house under a unified house size ordinance. You might say: in that case, we're going to increase the setback. You can write that into the ordinance. If someone can build a 4,500 square foot house under what the Town Council proposed with a 20' setback, and all of a sudden they have the right to build a 6,000 square foot house, then maybe that means they need to have a bigger setback. Whatever that is, it can be a formula. That can be addressed. The geotechnical constraints involved in the Western Hills kind of take care of themselves. There are slope issues. What ends up happening is someone may be allowed to build a big house; however, they cannot find a pad on the property to accommodate that house due to natural site constraints (e.g., slopes, fault areas, and creeks). There are properties that are flat and do not have any of those limitations. Those properties are limited not because they have those constraints, but because of where they are in Town. The WMC limits the house size allowed in constrained areas. The subdivision covenant can go from the Exception process to being a part of the WMC. If a lot is able to be subdivided, and suddenly the new maximum house size ordinance allows someone to build a bigger house, if they do it under the Exception process, they have to attach a covenant to the property that says it won't subdivide now because their house is too big for what the subdivided lot size would be. It should basically say: "once you do that and go over the maximum house size, that lot is no longer able to be subdivided." The Planning Commission can mandate that, or force them to sign a covenant to get a house that big. It doesn't have to be a part of the Exception process. In summary, the current regulations don't make it fair to many people, and it's the smaller parcels that are negatively affected.

Richard Draeger, Skywood Way, expressed support for Mr. Burow's and Mr. Raleigh's proposal. It's a fairer way to approach lot sizes and maximum house sizes. There are many instances where people are right across the street from each other with different regulations applied. Given the age of the WMC, it provides an opportunity to update the WMC, and allow development current with today's lifestyles. This is an opportunity to eliminate these Variance and Exception requests. He knows there is no history of these Exception requests being denied; however, any time an applicant asks for an Exception, there is still an opportunity to be denied. The uniformity of the rule gives everybody a much better guideline, fairness, and a simpler process for everybody involved (i.e., architects, staff, applicants, and residents). At the end of the day, it costs a lot when getting into interpretations of the Code.

Vice Chair Huberty noted that no one else in the public wished to speak.

Director Young asked if the Planning Commission wants staff to present the study areas.

Commissioner Hobson suggested that staff present on the three different areas. It's an organized way.

Commissioner Rosekrans asked what the Planning Commission is expected to conclude at the end of the Study Session. Is it all going to be condensed into one meeting and presented back to the Town Council?

Director Young suggested the Planning Commission study the three geographical areas. If the Commission does not wish to proceed that way, and wants to send a recommendation back to the Town Council based on the information that they have, we could do that. The Commission may also request additional information that staff can bring back to further analyze some of the other proposals.

Commissioner Voelke suggested following through with the staff report. There's a lot of work that went into this.

Commissioner Hobson said it's good to have real-life examples of the discussion.

Vice Chair Huberty announced a 10-minute break.

Vice Chair Huberty reconvened the meeting at 8:20 p.m.

Director Young projected a map of the Town divided into three geographic study areas: East of Hwy 280, Central, and the Western Hills. She included neighborhood character as part of the study. She suggested focusing tonight on the properties East of Hwy 280. At the next Study Session, we can talk about Central Woodside, and the Western Hills. Within the 3 geographic areas, these have been further divided into 30 neighborhoods. She thanked Planner Mullin for creating the maps. He created a template, and was able to generate each neighborhood map automatically. There are a variety of zoning districts. As discussed by Mr. Burow, some zoning districts were created with the intent of limiting subdivision. The Woodside Country Club parcel, for example, is a larger parcel of land zoned SCP-10. Other zones that exist on the east side of Hwy 280 are R-1, SR, and SCP-5 zones. Staff drove each neighborhood, and took one photo in each neighborhood that was representative of the homes in the area. She discussed the areas that were loosely based on original subdivisions:

- Emerald Lake (R-1), Zoning Map, runs primarily on the northern side of Jefferson Avenue. Many of the homes are smaller, single-story, and older. She projected a picture taken on Glencrag Way.
- Emerald Lake (R-1), Zoning by Lot Size Map, shows the patchwork if zoning was applied based on lot size only. There are three lots within this neighborhood that are large enough to be SR lots. The majority of these lots are much smaller. One thing to consider, if the Planning Commission entertained maximum residence size by lot size rather than zone district, is how neighborhood character could be impacted if the house on this lot was different than the house next to it. One suggestion was to have some kind of a finding about maintaining neighborhood character within the development. Also in the packet, staff has included much finer data by parcel, which includes parcel number, year built, lot sizes, existing maximum house size, proposed maximum house size stepped to lot size, and the delta between the last two columns.
- Within the Emerald Lake (SR) neighborhood, Zoning Map, there is a mix of architectural styles. There are mixes of one- and two-story homes. Solar access increases. There is a variety of vegetation and more exotic species. As one approaches the top portion of the area, there are views of Crystal Springs. She projected a picture taken on West Maple Way. There is fairly frequent use of stucco and tile roofs.
- Emerald Lake (SR), Zoning by Lot Size Map, shows that within the SR neighborhood, there are a number of smaller lots which are akin to the R-1 zone lots. There are four lots that would be large enough to be RR lots. This is a neighborhood that varies quite a bit. How is neighborhood character maintained with this variety of zoning? She again suggested having some specific finding of keeping neighborhood character consistent.
- Greenways (R-1), Zoning Map, is an area that was annexed into Woodside.
- Greenways (R-1), Zoning by Lot Size Map, shows how the lots are all consistently sized to be R-1 lots. Nothing would change. She projected a picture of a typical home in the Ward Way and

Greenways area. They are mostly all single-story ranch homes. This neighborhood probably would not be problematic given that it's consistent lot size. There are differing conditions between different neighborhoods.

- Las Pulgas Estates (RR), Zoning Map, has a mix of lot sizes. This is the Town's one gated neighborhood, and has larger estate-type homes.
- Moore Road (SCP-5), Zoning Map, runs along Hwy 280. It is more rural, and has larger estate-type homes with a mix of architectural styles. The road is narrow, and has no dividing line.
- Moore Road (SCP-5), Zoning by Lot Size Map, shows a patch work of lot sizes within the area. The lower portion is only accessed through the Town of Atherton. The area is predominately oak woodland, and heavily-wooded. The neighborhood character is more open (greater solar access) down on Valley Court.
- Toyon Knolls (SR), Zoning by Lot Size Map, shows four lots that are larger. Godetia Drive has many equestrian uses. Many of the properties have barns on slopes and rural coral fencing. There is a variety of homes. The homes are predominately farm/rural-style.
- Woodside Country Club (SCP-10) is a large area/single use. Although zoned residential, it is recreational use.
- Woodside Heights (SR) is accessed from Woodside Road (southeast side). It's a fairly consistent neighborhood. There are a few outliers that are smaller than SR that would be akin to a R-1 lot.
- Woodside Hills (SR) is a heavily wooded neighborhood. There is a mix of architectural styles and age of housing stock. There is more mature vegetation and green walls (i.e., hedges). It is more suburban, and has wider streets. There are just a couple of lots that are larger than the SR zoning. There are views to the valley floor, and the structures are not highly visible from the roadway. The neighborhood character is predominately ranch style homes.

Director Young asked if the Commission would like staff to bring back an analysis of the alternate proposal that some of the residents have put forward this evening; and if so, would the Commission want staff to suggest any particular findings to protect neighborhood character?

Commissioner Rosekrans said when talking about neighborhood character, do you know all of the undeveloped parcels in Woodside? That comes into play for new construction, remodels, and demolitions. Isn't neighborhood character mostly established?

Director Young said yes. If the Planning Commission wishes to have staff examine maximum house size by lot size, would the Commission want there to be more scrutiny about the massing of a larger home, for example, so it is consistent with neighborhood character if the character was smaller ranch-style homes?

Commissioner Hobson said that she can see how a downhill neighbor with a mansion that blocks the view of the bay would not be desirable; however, if the mansion was next door and not blocking any views, that would be different. Neighborhood character is great; however, taken too far, is the concept cookie cutter? Houses shouldn't all look the same.

Director Young said when the Town Council reviewed and adopted the revised Residential Design Guidelines, that question was addressed. The Town Council didn't want to prescribe architectural style. One of the old parameters in the previous Residential Design Guidelines, for example, stated that the Town discourages flat roofs. That eliminated the possibility of doing modern architecture that is desirable today. Having consistent neighborhood character is not to try to limit someone's breadth and taste of architectural design; it's looking at appropriate massing for the neighborhood. It is tricky because neighborhood character can change over time. Commissioner Voelke has brought this up when discussing Setback Exceptions and neighborhood patterns. As more Setback Exceptions are approved, it

eventually becomes the neighborhood pattern. Some neighborhoods are very homogenous, and there are few outliers. Other neighborhoods are a patchwork. Part of the purpose of zoning is to maintain consistent neighborhood character. There are other ways to handle it if the Commission wishes to look at an approach to allow square footage in homes rather than in out-buildings. It's possible to build a large house such that a smaller elevation is viewed from the street. On a rear, downward sloping lot, people can step some of the mass down the hill. There are ways of addressing it.

Commissioner Hobson said she would like to see case studies regarding negative impacts on neighbors when there is a large home next to a smaller home. She doesn't want to prescribe architectural style either. She is concerned about privacy and shading.

Commissioner Voelke said it's confusing how we're not studying the proposal in the staff report. The Study Session is presented as keeping the existing zoning, and keeping the existing maximum house size with the possibility of increasing 10% at the top end. In other words, we keep working with our existing system, making it better/more responsive, and make more sense. The development standard code reviews coming up after this discussion are going to make development easier in Town, which is working with setbacks by lot size. For instance, she lives in a 7.5-acre zone where everyone has 1.5 – 2 acres. They are living with 50' setbacks when they should really have 25' setbacks. It's confusing to not discuss the staff report that they read, and jump to a new proposal in advance of that. The Planning Commission should study the virtues of keeping the existing system, and making it more flexible and sensible. Then, we can fill it in with the alternative proposal at the end. She suggested going through the proposal in the staff report, and then deciding if we like that or if we want to compare it against the proposal that has been presented.

Commissioner Calia said he has a slightly different take. The proposal that was presented to us was presented with the request to make recommendations to the Town Council in terms of what we think. If there are other proposals that might help inform those recommendations, maybe we can meld them. He would rather have more data than less. Regarding neighborhood character, there are Residential Design Guidelines that speak to that. The size of the house and potential negative impacts could be one of the factors that are considered. We follow those Guidelines when there are proposals before the Commission. He would like to think that would not change. He doesn't think any proposals that have been discussed so far would change any of the aspects of the Residential Design Guidelines.

Director Young agreed that there are a number of concepts in the Residential Design Guidelines. The current process for reviewing the Maximum Residence Size Exception is in the WMC, and includes specific findings. Many are covered by Residential Design Guidelines; however, there is still the question of who should process these, and at what point of the process. Is this going to become a part of the regular Architectural and Site Review Process, and not come to the Planning Commission for review? How does the Planning Commission feel about proposals for larger homes coming solely before the ASRB, which was the suggestion of the Town Council? One of the reasons the Town is conducting customer surveys is because these ordinances have been in place for a long time. The questions are:

- What is the value added to certain Exceptions or an additional review of the Planning Commission?
- When should the Planning Commission be involved?
- When would Design Review by the ASRB be sufficient so there aren't too many layers for the customer?
- If the ASRB is solely reviewing a new proposal, what type of criteria should we be judging a project on?

Commissioner Calia thanked staff for the clarification. One point is the question about the size of home and neighborhood character. He lives on a 0.5-acre lot. The property across the street is a 5-acre lot. He would not prohibit them from having a larger house than he has, within reason. Proportionality is a part of the modified proposals. The Residential Design Guidelines have a number of regulations. The question is whether it is the ASRB's responsibility to evaluate a particular part of a project. At what point does it come before the Planning Commission? He has come to appreciate how few guidelines there are. It allows for some flexibility both in terms of what comes before the Commission and what we think makes sense and is consistent with the General Plan. It sounds like from some of the feedback the question about the size of homes and changes to the existing limits for that is viewed as a very significant potential impact on the character of the neighborhoods. These diagrams showing Zoning by Lot Size are really helpful in showing disparities. For some neighborhoods, it's a much more significant disparity than others. In the course of evaluating a project, it would be good to know about those disparities. We're almost always looking at what's going on in the neighborhood and the immediate surrounding properties.

Vice Chair Huberty invited Mr. Raleigh to ask his question.

Mr. Raleigh said he became familiar with the Residential Design Guidelines when he applied for a position on the ASRB. He came to respect all the work that staff and many people have put in to creating the Residential Design Guidelines. He would like to see every house in Woodside conform to the Residential Design Guidelines. Isn't it a good thing if a proposed house follows the Residential Design Guidelines, even if it is out of character with the neighborhood? Some of these neighborhoods don't conform to the Residential Design Guidelines today because they were built so long ago. Much of this might be a gradual process trending towards the Residential Design Guidelines. As generations change, neighborhoods evolve. It is one thing to put a big house, no matter how good it looks, 20' from another parcel. In the larger zoned lots, people have to move that house back up to 50'. Doesn't that already mitigate the problem, especially if they are planting vegetation and doing other things people are encouraged to do in the Residential Design Guidelines?

Director Young said increasing front and rear setbacks is one of the current conditions of the Maximum Residence Size Exception. One of the questions for the Planning Commission to consider would be: at what point, given this gradual increase, would you want to see increased setbacks? The Town currently has regulations with two plateaus: one for the regular house size; and another at a certain lot size, typically 1.5 times. The Town Council has asked for a proposal for a gradual increase according to lot size, and at what point would increased setbacks apply? Right now, it would be at the current maximum residence size. It would be better to have a stop point. We don't want to make regulations more complicated for people to follow.

Commissioner Calia asked if the charge to the Planning Commission is to respond in both substance and process. To provide recommendations in terms of maximum house size in sensible limits, evaluating these proposals; however, exercising our own collective judgment about what recommendations we think make sense. As well as to talk about the process by which house size, in maintaining neighborhood character, will be evaluated. He's trying to understand what the deliverable is for the Planning Commission. It sounds like a combination of both of those things.

Director Young said yes. The Town Council has forwarded the proposal they have discussed, which consists of those graphs specific to zoning districts. The Town Council also discussed making this graph the standard, not having it come to the Planning Commission, and carrying forward Conditions of Approvals, such as recordation of covenants and increased setbacks. The discussion tonight should cover where that point is on that line, or when those apply. Maybe the stop point is where it exists, or maybe it

is somewhere else. She asked if it was helpful for the Planning Commission to go through the study area, talk about the character of the area, and see an actual photograph.

Commissioner Calia said yes, it was helpful.

Commissioner Voelke said it helps to focus in.

Commissioner Rosekrans said looking at one house doesn't give a great idea.

Director Young said she tried to take one general representation photo. She suggested that the Commissioners drive around those areas to get a flavor for each neighborhood. Going in person gives a more personal experience of each neighborhood. They may see interesting things down Greenways Drive. The last property is in the Town of Atherton.

Commissioner Voelke said when she moved to Woodside, she would take different routes when running errands. She thinks that's a good suggestion while we're going through this process because neighborhood character is an issue. You cannot really know it until you drive it. Some roads are really narrow. Some are really bad. She cannot believe some areas where people are improving houses because of the fire risk.

Director Young suggested they look at the data as they drive through the neighborhoods, and consider how under this proposal, people would be allowed another 1,500 square feet in addition to what's on the ground now. As one of the speakers said this evening, it may be that site constraints are self-constraining to the development anyway. Even though there are maximums in development standards, it doesn't mean people can always utilize them.

Commissioner Voelke said having attended many public hearings as a citizen in 1987 and 1988, there were many assumptions made when the WMC was put into effect. The plan didn't actually work out when working through the numbers. We have to be careful when saying the constraints and the Residential Design Guidelines will control development for the Town. It's really the numbers that drive it. If we think numbers need to be worked out, we need to either do them ourselves or ask for some math on various different lots to ensure our assumptions are based on fact.

Commissioner Calia asked for examples of assumptions made that didn't pan out.

Commissioner Voelke said she can have a separate conversation with him about her experience.

Commissioner Rosekrans said his earlier request for additional information was to substantiate the proposal. If we increase the size, people are going to build to it. He wanted to see how it affects the ability to build accessory buildings. It's not to evaluate whether or not free standing Accessory Living Quarters should be built or whether they should be incorporated into the main structure. He can easily create a chart assuming people are going to build to the maximum, what's left over on the Total Floor Area, and how much can be built. It's not necessary for staff to study.

Commissioner Voelke said if people maximize development and are no longer able to build an accessory structure, isn't that their choice?

Commissioner Rosekrans said a statement was made that if granted more square footage, people would not ask for more Floor Area. He's challenging that statement. The Commission would be taking something away by doing that.

Commissioner Voelke said the Commission is not taking something away. People are choosing to build a bigger house. They don't have to.

Commissioner Rosekrans said there are many accessory uses that people cannot put in a house, or some people have site constraints that prohibit development. There's more to it than just a house on the lot. He wants to see what the impact is. There may be none at all. He doesn't know. He's just telling staff that it's not necessary to do a study of whether over the past 10 years people have built 99% of their potential square footage or not. He assumes that it probably comes close, more than 90%.

Commissioner Voelke said one time we talked about having a graph showing the Total Floor Area line.

Commissioner Rosekrans said there were two graphs: a before and after.

Commissioner Hobson said she is interested in including increased setbacks and the covenants preventing subdivisions with new regulations. We can do away with Exceptions.

Commissioner Voelke said we need to talk about them.

Director Young said we're now entering the August recess, so you will have plenty of time to drive the neighborhoods and ponder a bit. It may be a great idea to pair up. Just keep it at a couple of people in the car (to avoid a Brown Act violation).

Mr. Raleigh said the Total Floor Area line would be very steep. Very few parcels use their complete Total Floor Area. When you are at 4,000 square feet, you cannot build an Accessory Living Quarters. You can at 0.6 acres. It would be a small percentage of properties that would not be able to build an Accessory Living Quarters that could now.

Commissioner Rosekrans said there are other accessory structures such as barns, stables, and green houses as well. The Planning Commission has reviewed proposals that had all sorts of outbuildings.

Vice Chair Huberty asked if this Study Session is getting re-noticed for September 2016.

Director Young asked the Planning Commission to keep their packets, and drive through the neighborhoods during the August recess. If they pair up, someone can take notes. They're welcome to send her e-mails. This is a Study Session. The Town Council is looking to the Planning Commission for recommendations.

Commissioner Calia appreciated the huge amount of work, thought, and care went into compiling the packet and Study Session together.

Director Young thanked the Commission for their input. This will be placed on the first September meeting.

REPORTS:

- a. Staff Communications

Director Young wished everyone a great summer.

III. Prior to final inspection/occupancy:

- a. If the project is subject to WELO, submit a Soil Management Report pursuant to Section 492.5 of the State's Water Efficient Landscape Ordinance. The Soil Management Report shall include an analysis of laboratory tested samples related to:
 - i. Soil texture
 - ii. Infiltration rate
 - iii. pH
 - iv. Total soluble salt
 - v. Sodium
 - vi. Percent organic matter
- b. All landscaping shall be installed per the approved plan. The applicant shall submit a Certificate of Completion pursuant to Section 492.9 of the State's Water Efficient Landscape Ordinance if the project is subject to WELO.
- c. All approved exterior light fixtures shall be installed. The bulb or light source shall be located entirely behind a non-translucent surface. No additional lights or alternate fixtures shall be installed without first being reviewed and approved by the Town.
- d. All graded or disturbed areas shall be properly compacted and planted with native grasses or approved planting to reduce potential erosion.
- e. All paved areas, including gravel/rock areas, shall be installed pursuant to the approved plans. No changes in the size or location of paved areas shall be made without first obtaining review and approval by the Town.
- f. All exterior finishes, colors, and materials approved by the Planning Commission/Planning Director as recommended by ASRB shall be used. Any changes may require further review by ASRB as determined by the Planning Director.
- g. All waterline backflow preventers located within required setbacks shall be installed in accordance with Municipal Code §153.050.B. The device shall meet the required location, height, color, and screening requirements.
- h. All construction debris and trailers shall be removed from the site.

Motion: Commissioner Voelke/ Second: Chair Kutay
Ayes: Chair Kutay, Vice Chair Huberty; Commissioners Fender, Rosekrans, and Voelke
Noes: None
Absent: Commissioner Calia and Hobson
Abstain: None

The motion carried.

5. Second Study Session: Maximum Allowable Main Residence Size

Town-wide

Planner: Jackie Young, Planning Director

This second study session will consider the direction to staff received from the Town Council on May 24, 2016, during its third study session on maximum allowable residence size: to increase maximum residence size Town-wide, while keeping the allowable Total Floor Area unchanged.

The first Planning Commission study session reviewed the Town Council direction, and specifically the East of Highway 280 Geographic Study Area. This second study session will concentrate on reviewing the Central and Western Hills Geographic Study Areas.

DISCUSSION

Jackie Young, Planning Director, presented the staff report. One of the questions received was how many Maximum Residence Size Exceptions are processed in Town. There were about 27 in the past 8 years. There were questions about the setback issues associated with non-conforming lots.

Commissioner Fender said regarding the 27 Exceptions processed in the last 8 years, he recalls the question was also about what particular zones/areas they occurred in.

Director Young said the question about where those occurred was related to Setback Exceptions, not Maximum Residence Size Exceptions. Between the years 2009 – 2016, the Town has processed 32 Setback Exceptions. Those frequently occurred almost exclusively in the Woodside Glens and the Western Hills.

Commissioner Fender asked what percentage was in the Glens and in the Western Hills.

Director Young said about 50/50. There were a few outliers (i.e., not in one of those areas). Those mainly had to do with awkward lot shapes. As the Planning Commission has seen, the Setback Exceptions could be minor (i.e., just a few feet). She reviewed the public comments received at the July 20, 2016, Planning Commission meeting. She summarized the Commissioners' comments. Staff had asked the Commission to drive around Town, and try to visualize what some of these changes would look like on the ground. The Commission may have noticed that some areas of the Town are more visible than others. Today, the discussion will focus on the Central and Western Hills Geographic Study Areas.

Director Young said the Central area is broken down into 14 study neighborhoods. These are not official neighborhoods.

- Cañada Road (RR), Zoning Map, there is a variety of lot sizes.
- Cañada Road (RR), Zoning by Lot Size Map, shows a patchwork. There is a mix of housing style and ages. There are many larger residences. The topography is relatively level. It's mixed oak woodland with areas of open grassland and trees along the roadway as well as riparian areas, and has good access. Staff didn't go onto properties to take photos. The photos presented tonight are as representational as possible the road and taken from without encroaching on privacy.
- Family Farm and Farm Road (SCP-5), Zoning Map, is very dense woodland. There are narrow private roadways, and the roads are unmarked. There are several craftsman-style homes. It's fairly overgrown.
- Family Farm and Farm Road (SCP-5), Zoning by Lot Size Map, is a patchwork and mix of architectural styles.
- Jane Drive/Lindenbrook (SCP-5), Zoning Map, is partially along the western frontage of Highway 280. There are some very steep properties, and a number of white rail fences along the roadway. Houses are a considerable distance from the roadway.
- Jane Drive/Lindenbrook (SCP-5), Zoning by Lot Size Map, shows a little more consistency, but still a patchwork of lot sizes. There is varied topography.
- Lawler Ranch Road (SCP-7.5), Zoning Map, is characterized by grassland and savannah with seasonally wet ponds and other water features. Highway 280 is along its eastern edge. It's accessed from Sand Hill Road.
- Lawler Ranch Road (SCP-7.5), Zoning by Lot Sizes Map, shows consistently large parcels. The Sand Hill Estates site is currently undeveloped.

- Mountain Home Road (RR), Zoning Map, has large estates on gently rolling hills. Most properties have gates, and almost all residences are not visible from the road. It's mature oak woodland with some open grassland.
- Mountain Home Road (RR), Zoning by Lot Size Map, shows a bit more consistency in lot sizes than some of the previous areas.
- North of Woodside Road (SCP-5), Zoning Map, further away from valley floor, the lots begin to have more site constraints. Zoning in this area is dependent on the number of constraints that apply to the lot. This area extends from large equestrian properties along Runnymede Road that are grassland areas, to smaller properties along Greer Road north of Kings Mountain Road along a densely vegetated creek corridor.
- North of Woodside Road (SCP-5), Zoning by Lot Size Map, there are larger parcels to the north, and smaller parcels to the south. Again, somewhat of a patchwork.
- Raymundo Drive (RR), Zoning Map, has large open equestrian properties and steep topography with some vineyards. There are views to west and east. The area consists of mixed oak forest and grassland.
- Raymundo Drive (RR), Zoning by Lot Size Map, shows consistency of lot sizes.
- South of The Glens (SR), Zoning Map, is more open, and has mixed forests of oak, pine, maple, and other tree species. They are equestrian properties. The homes are varied in size, style, and age. Along La Questa Way, vegetation consists of oak woodland, and the topography is varied.
- South of The Glens (SR), Zoning by Lot Size Map, has pretty consistent lot sizes, and a variety of architectural styles.
- South of Woodside Road (SCP-5), Zoning Map, consists of a tall canopy of mature oaks and eucalyptus trees. Most properties have gates. The residences are difficult to see from the road.
- South of Woodside Road (SCP-5), Zoning by Lot Size Map, shows a patchwork of lot sizes.
- The Glens (R-1), Zoning Map, has small lots. Housing varies in size, age, and style. Many of the homes were originally vacation homes. It's mostly oak-woodland with narrow roads, difficult access, and very difficult on-street parking.
- The Glens (R-1), Zoning by Lot Size Map, shows consistency in lot size.
- Whiskey Hill Road (RR), Zoning Map, has large properties. Most properties have gates. Residences are difficult to see. The setting is mixed woodland.
- Woodside Knolls (SR), Zoning Map, has improved ranch homes, and a mix of older and newer dwellings. It is an oak woodland setting with some eucalyptus trees. There are a number of equestrian uses. There are some larger, newer homes along Eucalyptus Court, and many improved ranch style homes along Laning Drive.
- Woodside Knolls (SR), Zoning by Lot Size Map, has consistent lot sizes.
- Woodside Village (R-1), Zoning Map, has small craftsman style homes along Woodside Road. The setting is mixed oak woodland with many mature trees. The lot sizes are fairly consistent. There are many charming older homes.
- Woodside Village (SR), Zoning Map, has slightly larger lots on the south side of Woodside Road, and much older homes, with oak-woodland canopy.

Director Young discussed the seven neighborhoods in the Western Hills:

- Northern Western Hills (SCP-7.5), Zoning Map, the Commission may have noticed that the topography becomes more extreme the deeper they go into the area. Road access becomes more limited, and the vegetation becomes denser. They may have noticed this gradual shift from SCP-5 to 7.5 to 10. The area has a mix of housing styles, ages, and sizes, and is oak-woodland with redwoods.

- Northern Western Hills (SCP-10), Zoning Map, has steeper topography, and is generally undeveloped.
- Portola Hills/Country Club (SCP-7.5), Zoning Map, has very steep properties that extend down into the stream canyons. It's a redwood forest. The area is mostly along Grandview Drive, and most of Old La Honda Road.
- Portola Hills/Country Club (SCP-7.5), Zoning by Lot Size Map, shows a patchwork of zone sizes.
- Skylonda (RR), Zoning Map, is a very steep property that drops off dramatically into redwood forest. The property cannot be seen from the road; however, some of it can be seen from behind Mountain Terrace.
- Skywood Acres (SCP-5), Zoning Map, has mixed housing styles. The top of a ridge that drops off to the southeast and north has dramatic views in three directions. Vegetation is somewhat drier than most of the Western Hills. It is vegetated with oaks and firs rather than redwoods.
- Skywood Acres (SCP-5), Zoning by Lot Size Map, has fairly consistent lot patterns with larger lots.
- Southern Western Hills (SCP-10), Zoning Map, is deeper into the forest. There are redwoods with some openings within the canopies. The area has very steep lots and a mix of housing types. There is some terracing of steep slopes (e.g., on the end of Grandview Drive).
- West of Woodside Road (RR), Zoning Map, has gated properties. Generally, residences are not visible from the roadway. The area consists of oak-woodland with some Douglas fir.
- West of Woodside Road (RR), Zoning by Lot Size Map, shows variable lot sizes.

Director Young said many of these areas, with the exception of the Village Homes along Woodside Road, are not highly visible from the road. Now that all the study areas have been reviewed, she requested that the Planning Commission comment on: their perceptions from their field trips, thoughts on the potential impacts of increasing the maximum residence size on different areas throughout Town, and the Town Council's initial proposal for increasing maximum residence size. Do they support the green or purple lines for an increase, if any, and then from an implementation standpoint, would they feel comfortable having the ASRB review maximum residence size exception applications? Or should a maximum residence size exception still be reviewed by the Planning Commission? Does the Commissioners support the continued application of conditions for larger homes (i.e., increased setbacks and the recordation of covenants to disallow further subdivision beyond 1.5 x the lot size) should this be granted? If the Commission feels they need more information to make a decision, please specify what information would help in crafting a recommendation.

Commissioner Rosekrans asked how many vacant parcels there are in Woodside.

Director Young said that information is in the Housing Element. Many of them are questionably developable. Planner Mullin left the room to retrieve the General Plan.

Commissioner Rosekrans said the number in the report represents the total parcels, not necessarily developed.

Director Young said that's correct.

Commissioner Fender asked if the vacant parcels are shown at the zero x axis on the nice distribution map prepared for each area.

Director Young said no, the scattered diagrams represent the distribution of existing house sizes within those zoning districts.

Commissioner Fender said there are zeros there. Does that mean there are no house sizes because it's vacant?

Director Young said it is assessor data. A point on the zero axis means there is no residence recorded by the assessor's office.

Commissioner Fender said: the lot could have a structure, but it may not be recorded.

Director Young said it's not that there definitely is a structure. It's just not recorded for that particular lot.

Commissioner Fender noted that there are many zeros.

Director Young said some lots are nearly vertical and may not be developable. Some lots are adjacent to existing development even though it underlies as a different parcel number. There is also the question of whether that exists as a separate parcel number or a separate legal lot. Having a parcel number doesn't necessarily mean it's a legal lot of record.

Commissioner Rosekrans said in many areas, it was difficult to evaluate the mass of the house because it was difficult to see where the property line was. Cañada Road is easier to navigate because there are rectangular lots with fences. It's more difficult in the winding hills.

Commissioner Voelke commented:

- About the Suburban Residential (SR) Maximum Main Residence Size Considerations graph. When she was a part of the zoning sub-committee, the proposal was just the wedge. It seems to have morphed into larger and larger increments of additions. It made sense to be able to do the green line (i.e., fill in the wedge). It's important to think about how that is going to function on the ground. These aren't perfect lots. There is a lot of development allowed in the SR zone. The Town has had a maximum house size of 4,000 square feet for many years. At 1.5 acres, a property owner could have a 5,000 square foot house. It would be a larger building on a lot that isn't considered that big.
- She's also concerned about an additional 10% wedge because that really benefits people who are already allowed quite a lot of building. She doesn't understand what the reasoning is besides that it hits that magic spot of maximum size, which is 5,500 square feet. Are we favoring that one district who wanted that particular amount? She's asking for the reasoning and method behind the increase.
- She's concerned about areas where the maximum residence size of 6,000 square feet can rise to 8,000 square feet. Are there really many people clamoring for larger houses at the top end? She doesn't think the Town is clamoring for it. That's not how it came to the Planning Commission.
- She's concerned about piling up incremental changes into a larger whole before we have an incremental change and see how it works or changes the face of the Town. As she drove around Town, she noticed how there was a variety of zones for the maximum number of lots that were that size. Whoever determined the zones erred in creating smaller ones among them and a few bigger ones. She was struck by what was more consistent than what she thought. In other words, most zones, if they were 3 or 5 acres, they were mostly that or smaller with a few larger outliers. Having been involved with this WMC on and off for 30 years, the idea of having a zone that has

a process that allows more building on larger lots that will occur is still a good idea. Maybe our process was not good enough. She knows we want to reduce the necessity for applicants to come before volunteer bodies for approval. We try to be as clear as we can.

- The alternate proposal reminded her of events that occurred in 1988. They were putting in this plan, and they said they don't want there to be less development in the neighborhoods that were 7.5 acres. Nobody had 7.5 acres. They wanted to ensure non-conforming lots didn't have their development further reduced. Their math didn't work. As a result, there were adjustments made in the adjusted Total Floor Area (TFA) for legal non-conforming lots tables. Math is important. She pointed out two examples:
 - If you applied the percentage to her non-conforming lot, her TFA is 2,400 square feet; however, if you go to the table, it's 4,600 square feet. If someone did have 7.5 acres in her zone, which is the minimum lot size required, the maximum house size would go from 6,000 square feet to 8,800 square feet. That's an outrageous increase, and not something that is contemplated by this alternate proposal discussion. She would hate to see that because she lives up there with that slope.
 - Regarding the previous discussion on Bardet Road, under the current system, they were granted a maximum house size of 5,000 square feet, which is nicely sited on the property. If the alternate proposal of allowing everybody's maximum house size to be the same, that maximum house size could go to 8,800 square feet. That would be inappropriate for that particular lot on Bardet Road. It's a neighborhood of smaller homes. She thought the proposal was to use the existing system and tweak it. If we're not going to do that, we should have the whole thing opened up for study. Making a simplification is actually a big deal. We require a lot of math on individual areas and parcels.

Commissioner Rosekrans asked if we're removing the red line in the graph.

Director Young said the red line represents the existing ordinance.

Commissioner Rosekrans said in the SR zoning district, when you have about 0.5 acres, you get some incremental increases to the allowable maximum house size. You didn't mention the review of why not increasing total floor area. People just thought they'd buy the other idea if we cap that. He's not sure what the impact of not increasing total floor area and increasing the house size would really be. You get more interesting development on lots with more than one building. He's not sure why accessory living quarters are sinful.

Vice Chair Huberty said nothing has been mentioned about adjusting setbacks. That's one of the criteria of any change. Whether it is increasing size by 10%, or saying the sky's the limit, as Mr. Burow's presentation said, there is one maximum house size for every zone. There should be an incremental increase on the setback requirements depending on how much you are allowed above the existing zoning limit.

Director Young said that was supported by the Town Council, and is in the WMC now.

Vice Chair Huberty said, however, based on what's being proposed with even greater increases, would that apply?

Director Young said currently, there are two plateaus. There is a plateau of 4,000 square feet until you get the amount with an Exception if your lot is 1.5 times (in this case, it is 1 acre). Then you plateau

again at 5,000 square feet. The WMC requires, if you get to 5,000 square feet, you have to do two things. For lots over 10 acres, you must increase setbacks and record a covenant saying you will not reduce your lot to less than 1.5 times. There is an incremental increase in the maximum allowable house size. Whereas, previously, we would require additional requirements based on lot size at the top point, there is all the area in between now. One of the questions would be: at what point would you want to see an increased setback?

Vice Chair Huberty said that's what he's asking. It should be proportional to the increase in house size. If the setback is supposed to be 50' at 4,000 square feet, then there should be some graduated increase in the setback going up to 5,000 square feet. It's about the appearance of mass. The further it is away from the street, the more it starts looking like the Town of Atherton. He doesn't have a problem with big houses. He just doesn't want to see them. If the house is buried away in a 10-acre parcel, it's up to the homeowner what they're going to do with it.

Commissioner Rosekrans said many of these lots benefit, and let's say the side setbacks were cumulative rather than a fixed number. The current WMC states that if you have 50 foot setbacks, you cannot add them together for 25' on one side and 75' on another side. It's currently a fixed number.

Director Young said correct. For increased setbacks, the WMC says (On Page 8 of July 20th report): *"front, rear and side setbacks would be increased from 50 feet to 100 feet for 10 – 15 acre parcels, to 150 feet or 20 acre parcels to 200 feet for 25 acre parcels and 250 feet for 30+ acre parcels"* but what Planner Schaan and I were discussing that it's interesting to require increasing the setbacks on large lots when there is more of an impact on a smaller lot.

Commissioner Voelke said we don't increase the setbacks for projects we see, do we? I mean, it only increases if you have a huge lot.

Director Young said the current WMC only kicks in when you're 10 acres or more.

Commissioner Rosekrans said he would favor a far more flexible use of the setbacks, but that is a big thing, and it complicates this. Maybe we can say it's a part of bigger problem and doesn't solve anything.

Vice Chair Huberty said it gives an opportunity to lift the threshold. In his neighborhood, he can build a bigger house, but there is a point where you hit the setbacks. The buildable footprint shrinks. You hit a point where you hit critical mass and you have to build a basement. We need to look at the setback issue. In the Glens and other neighborhoods, setbacks are the governing factor on changing the character of the neighborhood. Another thing we talked about is how this impacts basements. Basements are currently based on maximum house size. Will the proposal stay that way?

Director Young said yes, staff recommends that this not change the Basement ordinance from the review of the maximum residence size, and not increase the allowable basement grading amount. Rather than tying it to maximum house size, it can be tied to that specific number which is the existing maximum residence size without an exception.

Commissioner Voelke said she has two other observations. During her field visits, in Woodside Heights, there are several arguments they're making which she finds a bit overboard. She observed that most of the lots are built out. Many houses already have accessory structures. One of the arguments is they want a bigger house rather than an ALQ. Most lots are built out anyway. We have to also navigate our way through the arguments that are being made to justify the larger house size as it fits the site in Woodside. The other observation is we live in the land of almost limitless money. Another thing that occurred to her

was in her 7.5 zone, really steep stuff, mostly small lots (1.5 acre). People may do what Bardet did which she thought was appropriate, which was merging two lots. If someone came into her district and bought three lots, and combined them in a neighborhood of smaller houses, you could get that 8,800 SF house down at the end of the road. There is a function to our system of maximum house sizes in neighborhoods. If we don't think about that carefully when we're looking at the proposal, we will get aberrations like this. It will get ugly, and put a stress on the neighbors.

Commissioner Fender said are we designing a system for the exceptions. Are those exceptions rare? Then we're penalizing everybody for those exceptions. He doesn't know if that's the case or not. In the minutes last time, Director Young said new residential proposals are built to the limit. Did you just mean new construction of a new house on a vacant lot, or any new construction/remodel?

Director Young said the question was when new development proposals come in, do they max out? We were discussing when someone buys a lot and scrapes it; in this case, the new houses and additional accessory structures are typically at the maximum allowed. It's usually 1-3 1,500 SF accessory structures. That is what staff is seeing.

Commissioner Rosekrans said after the Berkley/Oakland fire, everyone built to the maximum. And there was no vegetation, so every house stood out like a sore thumb.

Commissioner Fender said that's one of the concerns - if you raise the house size, then everybody is going to build to that size. He's trying to understand whether that's really the case or not. There is another part to this, which is, if people are incrementally improving their property, adding onto it versus scraping, what percentage of those folks... you know... what is the nature of the problem?

Director Young said she's not saying everyone who comes in has a proposal to scrape the lot and start over; it is an interesting question because there are remodels and small addition projects that don't trigger a Planning Entitlement. Those are Building Permit only. There are large redevelopment projects where they scrape existing structures. Then there are folks that come in for a modest remodel. There is a variety. One thing you have noticed driving through Town is Woodside has a variety of housing stock. There are small, older, ranch style homes, small homes in the village area, and very large estates on Mountain Home Road, both old and new. One of the interesting things is when people compare housing values and sales between Woodside and Atherton. The housing stock in Woodside is older. The Planning Commission sees larger developments, but it doesn't mean that's what's consistently on the ground.

Commissioner Fender asked: of the various proposals we're considering, what would be the impact on the majority of the housing stock, and people who are living there? He's trying to get a sense of... are we talking about 5% of people would buy a lot and scrape it and build a maximum size, or are we talking about 50%.

Director Young said sometimes people come in wanting a 10,000 square foot house. They look at the rules and realize they don't want to buy property here. They would go somewhere else. Asking what percentage that would be, that would be conjecture. If someone wants a nearly 9,000 square foot house, they currently cannot build that here. Would that open up to people trying to build a larger house? I don't know. There are people that come in and are looking to build much larger homes. They're going to other communities to do that.

Commissioner Rosekrans said if you look at the tables, for example Emerald Lake (R-1), smaller lots would not be eligible for the increase. You have to go through to see how many are eligible for either the purple or green line.

Commissioner Fender said he wonders if there is data, and would there substantive change in the neighborhood character by the actions we're taking. If there are a few percentages here or there, we are giving people more ability to develop their property with respect for the other neighbors. The things that come up are: for constrained lots for any of these proposals, what is a substantive change that might take place in the neighborhood?

Director Young said these data charts are in the packet, and referred to east of I280, Emerald Lakes, last column, which shows the additional proposed maximum square footage data.

Commissioner Fender asked if that addresses the question of community character of the neighborhood, and the concern he hears is whether a large home is proposed to be built on a small parcel. They're going to be across the street from small residential dwellings, and that changes the character of the neighborhood a lot. Or, is it going to be occasionally, and we're going to have one of these large-scale developments slip through. Commissioner Fender expressed concern with the overall impact on the character of the neighborhood.

Director Young referred to the data, and the zoning maps for neighborhood and by lot size. Director Young suggested using different shades of color on the map, with palest representing no increase. In order to really understand what that might mean on the ground, you have to physically be in the neighborhood. A great example is the property located at 168 Bardet Road, which is not visible from the street. We look at the intensity of development, massing on the site, and how the project relates to the Residential Design Guidelines. There is a qualitative aspect.

Commissioner Fender asked if that is addressed through the ASRB process.

Director Young said yes, and Commissioner Voelke did stress at the previous meeting that when a number is increased, there is more pressure to have the maximum. We have Design Review where massing and site constraints are reviewed. Director Young discussed the specific findings in the WMC, and addressing proposals for a large development through the Design Review process.

Commissioner Voelke expressed concern with not being able to stop people from building to the maximum allowable square footage, and said there have been huge complaints from residents having to go before ASRB review. Commissioner Voelke said setting aside the fact that our process could be better, maybe there are developments that are not as good as others. Commissioner Voelke said it is not realistic to be able to stop the development of huge homes if the maximum allowable is 8,000 square feet. Commissioner Voelke referred to the development located at Bardet Road. Expecting us to be able to control it with such a huge increase is unreasonable.

Commissioner Rosekrans asked if he is correct that the tables represent the purple line.

Director Young said that's correct.

Tom Livermore, Woodside Drive resident, said that Bardet Road is in the SR zoning district, and new development would be limited to 5,500 square foot maximum residence size.

Commissioner Voelke said she's addressing the Burow/Raleigh proposal that every lot is the same and the maximum house size should be 8,800 square feet on every single lot, not this proposal.

Mr. Livermore thanked Commissioner Voelke for her clarification.

Commissioner Fender too appreciated the clarification.

Commissioner Voelke said the Town Council proposal is very different from the alternate proposal, as there are many problems with the alternate proposal because it differs very much in expectations.

Chair Kutay said she supports the Town Council proposal because there is a question of destroying neighborhood character by increasing house sizes. The proposal that came from the Town Council is taking care of that problem, more than the alternative proposal-that would increase house size by 10 percent everywhere regardless of neighborhood zoning. That type of proposal would run the risk of hurting neighborhood characteristics. The way the proposal came to us, she doesn't have any problem with it. Chair Kutay said setbacks should go along with the increase in maximum house size proposal. Chair Kutay said she did drive around these neighborhoods quickly, and there is still room for discussion.

Commissioner Voelke referred to Page 9 of the staff report and said there is some conflict with the statement: "Municipal Code changes must be consistent with the General Plan, and the current Housing Element says "Limit House Sizes. Continue to maintain house size limitations in all zones to encourage the retention of existing smaller homes, where possible, especially in the R-1 zone." Commissioner Voelke said one of the points Commissioner Fender brought up is how much would increasing maximum house size on lots actually encourage people who want a large home to go somewhere else because we don't have that capability? And how would a potential policy encourage more people to scrape existing houses in order to construct a new larger home? How does this affect our inability to retain existing housing stock that is not 8,800 square feet?

Commissioner Rosekrans asked if Commissioner Voelke is concerned that people will demolish existing housing stock in order to build larger homes.

Commissioner Voelke said she is concerned, and the General Plan encourages retention of a variety of housing stock. We have a vibrant Town because of that, and we have an obligation to consider that.

Chair Kutay asked if a historical review would take care of that.

Commissioner Voelke said no, there's nothing historic about her 2,200 square foot ranch house.

Commissioner Fender said when he was asking Director Young about the people who come in and (almost always) propose new construction that is built to the maximum allowable square footage. Commissioner Fender said the question is why? At least one possible scenario he can come up with is it costs nearly as much to do a small incremental change to your property as it does to build it out to the maximum in Woodside, and anyone who understands that will surely scrape their existing home and start over by building a larger home that increases their property value. Their incremental cost to accomplish that is proportionately much less, and it is one strategy. Commissioner Fender asked why residents scrape their existing homes, and is there a way to mitigate that? Some people are just going to do it anyway, but are we creating a situation where that alternative is the more desirable choice? Maybe scraping the existing home is the more attractive choice. Commissioner Fender suggested rethinking that strategy; that when looking at maximum house size, are we trying to address a problem that may not be as big of a problem as we think it is?

Director Young said she can address what has happened in the last six months:

- There have been 34 proposals reviewed by the ASRB between January through July 2016; and,

- Of the 34 proposals, 15 involved scraping and constructing brand new residences.

Director Young referred to the Director's Report, second page, and said the type of permits issued are broken down by type, and the first half of the year (through July 2016) shows a variety of permits issued. The 34 proposals do not capture the entirety of development occurring in Town, and not everyone who buys a lot is scraping it.

Commissioner Fender said whatever the maximum square footage limit is, those 15 projects are building to the maximum allowable.

Director Young concurred.

Commissioner Voelke said whenever anybody comes before us to merge lots, we're always happy because usually they're merging five tiny lots that a house is built across, and that is kind of a cleanup. But, can we deny a Lot Merger if it is for the purpose of building the maximum development?

Director Young said no, and referred to the project on Bardet Road, that was a Lot Line Adjustment. Director Young said Lot Line Adjustments and Lot Mergers cannot be conditioned pursuant to the Subdivision Map Act.

Dick Brown, Northgate Drive resident, said he is representing Woodside Heights tonight. Mr. Brown said this discussion is about scraping houses, but we are talking about existing residents who want the opportunity to change their homes to better fit their lifestyles, in many cases over the last 30 years since these homes were first zoned. Mr. Brown said he would like to see the Planning Commission focus on the remodeling requirement as opposed to the scraping requirement. The current residents in Woodside Heights are more concerned about remodeling requirements versus scraping their existing home in order to build a new home.

Commissioner Rosekrans said he just happened to turn to that page because he knew the initial request came from Woodside Heights; it describes how many square feet can be added to each house, and their limits are 4,000 square feet and some are 5,000 square feet.

Mr. Brown clarified that the maximum allowable square footage in Woodside Heights is 5,500 square feet.

Director Young asked for a straw poll on how the Commission feels about the Town Council proposal.

Chair Kutay said she is okay with it, but her biggest concern would be loss of neighborhood character. She is not concerned about the proposal.

Vice Chair Huberty said he is generally in favor of the proposal, with a few caveats:

- Ramifications of ALQ (i.e., building bigger homes, and not building accessory living units);
- The impacts to the General Plan Housing Element as it relates to affordable housing units and not satisfying the State requirement; and,
- There was some talk about a tradeoff, i.e., a larger house not having an ALQ; but he does not favor that idea, as ALQ construction should continue.

Chair Kutay said that Total Floor Area should be a consideration, so people don't stop building accessory living units.

Vice Chair Huberty said with neighborhood character, house size is not a predominant issue, but rather a visual impact. Neighborhood character is older homes versus newer homes, family friendly versus not. Vice Chair Huberty said he would like to see setbacks impacted by house size, and there should be some sort of concession. Vice Chair Huberty said he does not want to see an 8,800 square foot house set back 50 feet from the street.

Commissioner Rosekrans suggested having flexibility to setback requirements due to the existing terrain and natural features, and increasing the setbacks.

Vice Chair Huberty said given the terrain of Woodside, you cannot stick a formula that fits every parcel.

Commissioner Rosekrans said he doesn't think there would be a huge influx of people proposing to demolish their existing home and build a new home, but he does not know.

Vice Chair Huberty recalled in Woodside Hills a few years ago, a couple bought the house, and now the parcel is vacant. This couple is in the process of constructing a maximum sized house, and decided it was more sensible to scrape it, start over and build a basement. This is the trend.

Commissioner Rosekrans said as Director Young said, out of 34 applications, 15 of them were demolished. Commissioner Rosekrans said he did not know there was a scraping industry around, and it is another word for demolition.

Vice Chair Huberty said it is not uncommon that the traditional ranch style central floor plan is not what residents want anymore. Residents want large floor plans that require structurally reengineering the entire house, and eventually people decide it's cheaper to tear it down and start over. We have many older homes in Woodside that people don't want.

Principal Planner Sage Schaan said in regards to scraping versus remodeling, it is important to understand what the final regulations would allow. On the flip side, we need to consider impacts to the neighbors. Whatever the development, it is up to an individual's preferences. Mr. Schaan said it would be hard to focus a code amendment on remodel/additions versus scraping the home. It is important to look at the final regulation and how that applies, and how it affects the neighborhood and its residents.

Vice Chair Huberty said the older homes get, the more likely they're going to get replaced.

Commissioner Fender said the Town Council proposal is favorable, and he likes the idea of one curve for all, but after listening to the discussion, he wants more information as to the impacts. When the setback issue comes forward, it potentially has a bigger impact on areas he is familiar with than the house size. Commissioner Fender said people come to Woodside for privacy, and if you change the setbacks to increase impacts closer to the streets, with homes closer together, that would really make a difference. Commissioner Fender said we need to consider the potential impacts when making a decision, and how they might affect us. Commissioner Fender said he does not have a good grasp of this issue at this stage, and said the Town Council proposal seems more modest and not excessive. It seems to make a lot of sense.

Commissioner Voelke recalled when she was on the sub-committee and the idea of the original wedge as a way to alleviate people's desires; that people who cannot build an ALQ because there's not enough FAR to do it. Commissioner Voelke said she does not understand why the extra 10% is there, because it changes things. It adds onto the largest houses, and she is concerned about the 8,000 square foot and

8,800 square foot house because there is a bigger impact. She is concerned about encouraging the scraping of houses that before may have been preserved and remodeled. Commissioner Voelke said we are not talking about crappy old houses, and although she understands people's desire to upgrade their home, but she is concerned about adding on at the highest level. Commissioner Voelke said she does not understand why that is necessary or what the argument is. Commissioner Voelke said she is opposed to the Burow/Raleigh proposition because if we're going to do the Town Council proposal, whether it's with or without 10%, it fits into our existing system, and preserves the existing neighborhoods at least in relationship to each other the way they have been. Commissioner Voelke said if we need to provide relief in another way, we need to work on making setback regulations more realistic, especially where they are the least realistic, as well as other planning and building procedures that make the process simpler so that other people are happier when addressing a project in Town. If for some reason the Burow/Raleigh proposal was to be discussed, we'd need to start all over with the zoning scheme. Commissioner Voelke said she does not think that is what we want; rather, we should want to tweak what we have and make it better.

Commissioner Fender said in terms of non-conforming lots, there are some areas that have a hugely disproportionate number of non-conforming lots, and it seems like that's a real artifact. Commissioner Fender said at some point, we need to spend some time on that. Commissioner Fender said hopefully that will come up, as well as setbacks. Commissioner Fender said it is not just about setback requirements; it is the actual size for the zoning. Commissioner Fender suggested addressing the non-conforming lots at some point.

Commissioner Voelke said her neighborhood consists of mostly non-conforming lots, which was a big deal in 1988 when 300 people showed up to the church to express their anger about their non-conforming lots. At that time, residents thought it was going to mean that they couldn't sell their lots because somehow it may be considered substandard. Commissioner Voelke said in all those years, she hasn't heard anybody talk about it, and now we are revisiting some issues. Commissioner Voelke said a non-conforming lot doesn't really affect you; it just means that you're smaller than the maximum, but you're absolutely legal, and you have all the rights as anybody else, and you have the right to develop it according to the standards that everybody else has. Commissioner Voelke said it does not make sense to change the WMC unless we start all over and have another 18 people sit here for 14 months like we did before and change all these things because they all lean up against each other. Commissioner Voelke said with the issue of non-conforming lots, if it is not a problem, then don't fix it. As long as there is no misunderstanding that your lot is legal and you can develop it to the same standards as everybody else based on what's allowed for your lot and everybody else's lot, there is not a problem. To make a lot conforming, you would need to change the size of the lot in the neighborhood, which means you need to amend the WMC.

Commissioner Fender said there are only a few areas where 80-90% are non-conforming.

Commissioner Voelke said that does nothing with your ability to develop.

Planner Schaan said the total floor area changes are the primary difference. Mr. Schaan referred to the SCP-5 zoning district, which is at 5.5% total floor area, and said as lots get smaller, that percentage increases.

Commissioner Fender said if you have a lot zoned SCP - 7.5, with a 3-acre lot, all of the other lots in the area are 3-4 acres, and changed to 3-4, the floor area would change too.

Planner Schaan said right.

Commissioner Voelke said you'd have to create a new district with its own standards; you would have to start over.

Commissioner Fender concurred, and said that 80-90% are non-conforming, and you move that down to 30-50% like the rest of the community, that changes floor area so that it's the same as everyone else. That makes sense.

Director Young said she is hearing general support for the Town Council proposal with some requests, looking specifically at what the findings would be; when those findings would apply; and looking at setbacks and when those would kick in. Director Young said she is hearing general support for recording the covenant so you wouldn't be able to reduce lot size to less than 1.5 times. Director Young discussed Commissioner Fender's idea about showing the actual impacts. Director Young said we have the capability to produce a map with a gradation of color to show how much additional square footage each lot could get. It would be an interesting exercise if you feel it would be helpful.

Commissioner Voelke said she's confused about the comments on setbacks and recordation of deeds.

Director Young proposed that staff return with a suggestion on how we would marry those existing findings in the WMC, where there are not two plateaus.

Commissioner Rosekrans said since we have so many irregular lots and setbacks, he suggested a flexible formula for standard setbacks, especially on side yards. It could be a cumulative side yard setback.

Director Young said that can be added as a suggestion to the Town Council, and asked if that sounds reasonable to return to the Planning Commission so they can craft their final recommendation to the Town Council.

Commissioner Voelke asked if the Town Council is suggesting we do away with house size exceptions.

Director Young said we're trying to reduce the complexity for applicants. Currently there is Design Review before the ASRB, and Maximum Residence Size Exception (XMAX) that is reviewed before the Planning Commission. It is a two-step process. The Town Council is looking not to abandon the increase setbacks or restricted covenants for lot size or findings, but rather to have it be part of normal Design Review before the ASRB.

Commissioner Rosekrans said he's not sure what the maps show for Jane Drive; the amount of potential increases is all over the map. Commissioner Rosekrans said it varies from someone adding 87 square feet to someone adding 2,400 square feet. He's not sure what the gradation map would show.

Director Young said the map would show potential increases per lot along certain streets. Regarding Bardet Road, having a 5,000 square foot house and accessory living quarters, when going into the bowl where neighbors don't see development, and there is considerable breadth around the development is one thing. If that proposed development was switched, however, and it was an upslope lot looking down on the whole street that might feel very different. Director Young said there is no way to consider this other than to actually look on the ground at what it could be.

Commissioner Rosekrans said that's right.

Vice Chair Huberty said it's important to go out again and look at specific examples of particular lots.

Director Young said a few neighborhoods could be picked.

Planner Schaan said the map would be intended to give a visual representation of the intensity of increase that might happen in certain areas, and that goes back to neighborhood character.

Commissioner Voelke said that could be useful.

Planner Mullin said you'll see patterns related to the zoning districts:

- For the R-1 zoning district, such as the Glens, the tabular data shows the increases;
- There are very few parcels that would get increase because the lot sizes are so small throughout that area; and
- In the Mountain Home Road area you would see more intense increases.

Commissioner Voelke said it would help with this whole statement about limiting house sizes. If we have a map where we're looking at where this occurs and how much it is, it might heighten or alleviate concern over this the apparent conflict in the General Plan and Housing Element.

Director Young said the policy in the General Plan Housing Element that you have expressed concern about speaks to the R-1 zones, and this zone is very limited.

Commissioner Voelke asked if it is only applicable to R-1 zoning district.

Director Young said yes.

Commissioner Voelke said it doesn't read that way.

Director Young said they are most concerned with R-1 zoning district because that is where the smaller homes are in Town. Director Young said she met with the State, and it would be important in the case of environmental review for the Code change to specifically address the potential incremental change in the R-1 zone. Director Young said some other zones can already increase, and that is why we have included the existing square footage development, in the tables. All of that would be supported in the Environmental Review.

Commissioner Rosekrans said some neighbors had irregular roads and lots, and it was difficult to identify specific addresses. Even if you re-color it, it still will be difficult going out there without knowing what address you're looking for.

Planner Mullin said if we want to focus on certain neighborhoods, maybe there would be obvious patterns. Maybe the suggestion is to have the Commissioners go back out to two or three neighborhoods. We can produce maps easily that put the parcel addresses on the map themselves so that you know when you're on Jane Drive for example, you know where 145 is on the map.

Commissioner Rosekrans said okay if it is easy to do.

Planner Mullin said yes it is very easy to do, but difficult to fit the entire Town on one sheet of paper.

Commissioner Voelke said she's not going to be here next time. She asked how staff sees this moving.

Director Young said the next agenda is full, with two study sessions items:

- The Geologic Hazards Map, which has been redone by the Town Geologist:
 - 125 properties are being removed from the fault zone setback, and 40 properties going into it;
 - Staff has mailed out specific notices to each of those property owners; and, Planner Mullin has been fielding those questions at the counter since he has done those maps.
- We're taking a report on the ASRB streamlining ordinance and ASRA to Town Council on September 13, 2016:
 - We have tagged on a discussion of continuous improvement projects that go on within development staff; and,
 - We also met as a group several times to specifically go over the survey results and concerns primarily with time and cost of development review.

Commissioner Rosekrans said the issue on the new earthquake map is a suspected trace fault trace going through one of his buildings. Commissioner Rosekrans said he has already had discussions with staff on whether he stays home next week, and as it is an interesting subject, he is not for or against it. He does hope people understand the repercussions.

Commissioner Fender asked if it changes his insurance rates.

Commissioner Rosekrans said he's not sure.

Director Young said that is on the agenda for next time. We will continue discussion for a future meeting, and do a color-graded map to express additional potential square footage under the Town Council proposal. Director Young said staff will be providing some concrete suggestions on how to deal with setbacks with the wedge, and review the recordation of covenant and where in the wedge that applies to, and findings. Director Young said that should help wrap up all their recommendation to the Town Council.

Commissioner Fender asked if the Planning Commission is supposed to come with a list of recommendations and then vote on them.

Director Young summarized the comments made by the Planning Commission:

The Planning Commission expressed general support for the Town Council proposal, and directed staff to return with the following for a third study session to aid in developing a final formal recommendation to the Town Council:

1. A color-graded map depicting the potential increase to residence size spreadsheets;
2. A proposal for setbacks graduated to residence size increases;
3. A proposal for the trigger to record covenants for maintaining lot size;
4. The ASRB process and findings (and trigger point) for increased residence size; and,
5. Data for vacant lots presented verbally at hearing.

Chair Kutay adjourned the meeting at 9:00 p.m.

CALLS FOR CHANGES TO THE AGENDA

Director Young stated that there were three desk items before the Commission:

- An email from Commissioner Rosekrans pertaining to Agenda Item No. 1;
- A 24-page Discussion Outline from Commissioner Fender pertaining to Agenda Item No. 1; and,
- The September 2016 Director's Report.

PUBLIC COMMUNICATION

None.

PUBLIC HEARING

1. Third Study Session: Maximum Allowable Main Residence Size

Town-wide

Planner: Jackie Young, Planning Director

This third study session will consider the direction to staff received from the Town Council on May 24, 2016, during its third study session on maximum allowable residence size: to increase maximum residence size Town-wide, while keeping the allowable Total Floor Area unchanged.

DISCUSSION

Director Young presented the staff report. Director Young clarified a question posed from the audience by Mr. Burow and said that updates to the Housing Element need to show vacant lots; and the Western Hills are extremely challenging to develop.

Chair Huberty asked Mr. Burow to refrain from asking questions until the public hearing is opened.

Commissioner Voelke referred to the colored map (Attachment 5) and asked what the square footage ranges mean.

Director Young said the ranges signify the amount of square footage proposed minus what is currently allowed.

Sean Mullin, Associate Planner, explained how the data in the Choropleth Maps was put into graphs.

Commissioner Voelke said those lots could have an increase in that range and could be the maximum square footage under the proposal that includes ten percent over the current maximum residence size with an exception.

Director Young said not necessarily; it is the proposed square footage minus currently allowed. Director Young reviewed the graph range found on the maps in Attachment 5.

Director Young completed her presentation of the staff report, and said that Commissioner Fender has a power point presentation of an alternate Maximum House Size Proposal (desk item).

Chair Huberty asked his fellow Commissioners if they had questions of staff before Commissioner Fender makes his presentation.

Commissioner Calia asked if the trigger point for design review would change if the residence house size changes.

Director Young referred to Page 3, No. 4, in the Staff Report, Staff Recommendation, and said that staff recommends that residences (including the current maximum residence size) be reviewed by the ASRB only, unless a specific Planning Commission entitlement is required (e.g., a Variance). The code would need to be revised to note the trigger for requiring that the maximum residence size exception findings be made.

Chair Huberty asked how attached Accessory Living Quarters (ALQ) would impact the General Plan and projections on affordable housing.

Director Young said that attached ALQ's qualify as affordable units, just as detached.

Chair Huberty asked Commissioner Fender to present his Discussion Outline.

Commissioner Fender said he worked from the data obtained by Planner Mullin from the San Mateo Assessor, and his purpose was to work with this data and hopefully be insightful.

Commissioner Fender went through his power point presentation:

- Is the zoning district (R-1, SR, RR, SCP-5, SCP-7.5, and SCP-10) a primary factor influencing maximum house size or lot size in Woodside?
- What does the data tell us that may be helpful as we consider the issue of maximum house size?
- Discussed correlation, variables, factors and primary factors.
- Possible primary factors that affect house size in a given zone are lot value, lot size, and lot characteristics (slope, easements).
- Discussed the data for house size and lot size (average and standard deviation) for the RR, SCP-5 and SCP-7.5 zoning districts.
- Another way to show the data is through his colored graphs.
- Bimodal distribution equates to a lot of larger houses, and is not what we want.
- Actual lot size versus allowable zoning lot size and other factors are affecting this inverse relationship.
- Primary factors (lot value; bigger houses); SCP-7.5 – SCP-10 have more constraints; and, zoning law has minimum influence with this group particularly.
- Observed that the existing system, which relies on zoning design for determination of maximum residence size square footage, is not helpful; the actual lot size versus allowable zoning lot size data sets for lots under 1.5 acres and the inverse relationship of larger lots in larger acre zones; and, zoning designation does not appear to be a direct factor influencing house size in the RR, SCP-5, SCP-7.5 and SCP-10 zones.
- The average lot size of RR, SCP-5, SCP-7.5 is 3.3 acres, making their grouping logical.
- Data compared (several graphs) on the SR zone actual house size versus lot size, Total Floor Area (TFA) and the Town Council proposed Maximum House Size.

- Observed that zoning designation may be a direct factor influencing house size in the SR and R-1 zones; but does not appear to be a direct factor influencing house size in the RR, SCP-5, SCP-7.5 and SCP-10 zones. The average lot size of RR, SCP-5 and SCP-7.5 is 3.3 acres, making their grouping logical.
- Observed that the areas requiring minimum lot size of 7.5 acres have the smallest lots and house sizes of these four groups, but have an unrepresentative large minimum lot size. The R-1 and SR zones show different characteristics, which suggest a different maximum house formula. Statistically speaking, the actual data from zones RR, SCP-5, SCP-7.5 and SCP-10 are similar enough that a single maximum house size formula seems reasonable.
- A project located on Bardet Road is an example of why the uniform maximum house size proposal will not work. The Bardet project is located in the SR zone; 1-acre minimum, actual lot size 3.747 acres; the current residence is 4,062 square feet and a 5,000 square foot maximum was approved. According to the Town Council proposed maximum house size, the maximum would be 5,500 square feet for a 1.5-acre lot. Is this a policy or the exception?
- His recommendations to the Town Council:
 - A single maximum house size curve for zones RR, SCP-5, SCP-7.5 and SCP-10 seems appropriate based on the actual data statistics. Including SR zone in this group may be possible;
 - The R-1 zone appears to be a special case;
 - We should consider abandoning the connection to zoning designation for regulation of maximum house size and TFA calculations; and,
 - The TFA curve for RR, SCP-5, SCP-7.5 and SCP-10 zones should be changed to a single curve now, or when TFA simplifications are considered. The residents in higher minimum lot size zones are unreasonably penalized using the current methodology.

Commissioner Voelke said we are advocating for single-family residences.

Commissioner Fender said the data is speaking to him and he is not trying to be biased. He is a proponent of smaller houses. Consider a policy-level decision.

Commissioner Calia provided his thoughts on simplifying this process by including TFA in the discussions of Maximum Allowable Main Residence Size. They are not unrelated.

Commissioner Fender said yes, that would be wonderful, but could accept what our scope of work is, which is piecemeal, a slow process, and an incremental approach.

Chair Huberty called for a motion to open the public hearing.

Motion: Commissioner Voelke

The public hearing was opened.

Dave Burow, Sheridan Way, said he has several points to make:

- More useful to take out the zero lots from the staff analysis;
- Reconcile the number of vacant lots (per the staff report) and the Housing Element; and,

- Applauded Commissioner Fender for taking on this work, and said he makes a good case and reasons for uniformity. It would be simply for residents and better service.

Anne Kasten identified herself as a resident of Woodside Heights, said the green colored map (Attachment 5) indicates a number of undeveloped lots. One of the areas is Menlo County Club, not an undeveloped lot and that skews thing. Ms. Kasten asked what else could be an anomaly.

Director Young said that this map is solely based on County Assessor data. The County Assessor does not report a residence on properties such as Cañada College and Menlo Country Club.

Ms. Kasten thanked Commissioner Fender for his time and effort that went into his Maximum House Size Discussion, and that he made his point. We have two clumps of zoning and a larger number of parcels in the SR zoning district, and is troubled that this does not fit across the board. There are so many different types of lots. She thanked Commissioner Fender for his data that she said puts a different spin on it.

Chair Huberty said as there were no other comments, asked for a motion to close the public hearing.

Motion: Vice Chair Hobson

The public hearing was closed.

COMMISSIONER DISCUSSION

Commissioner Calia expressed his thanks to Commissioner Fender for his tremendous work. His reaction is a better understanding that the data suggests grouping by zones; and asked what we should do with regards to the R-1 zoning district. Commissioner Calia referred back to the charts presented by Commissioner Fender, and where the lines should be drawn.

Commissioner Fender conceded he did not spend a lot of time analyzing the R-1 and SR zoning districts, and suggested if pursued, he could do more work on it.

Commissioner Calia asked Commissioner Fender if he has a sense of whether or not the current Town Council proposal for the R-1 zoning district would replicate the single line for the rest of the combined lines.

Commissioner Fender said he sat through the Town Council meetings and he would suggest a single line, not several steps for the R-1 zoning district. He conceded that he did not put a lot of thought into it.

Commissioner Calia referred to the last presentation graph depicting a single line.

Commissioner Fender said he wished he had used different colors for that.

Commissioner Calia noted there is a lot of data in Commissioner Fender's presentation.

Commissioner Fender said the data deals with what is on ground and decide what to regulate.

Vice Chair Hobson referred to Commissioner Fender's presentation and said it seems the plots of actual parcels defines his line; and asked how "outliers" that fall outside the delineated line should be handled. What is our driver?

Commissioner Fender said there is no driver in establishing the lines. With both the Town Council proposal, and the single line, there are not many outlier parcels.

Vice Chair Hobson noted that Commissioner Fender boosted the graph from 4,000 square feet up to 4,500 square feet.

Commissioner Fender said there is merit to use a single line; and we would need to work further on this. The data is driving to simplify.

Vice Chair Hobson said there are other things concerning zoning and how it was derived. There were many homes there when the zone was defined, and an attempt to put more non-conforming homes in the same zone leads to outlier properties.

Commissioner Fender said zoning overall was done with the primary intent to prevent subdivisions.

Commissioner Voelke stated it was to bring zoning order, to define zoning, and to establish zoning codes.

Commissioner Fender said the average parcel size is 2.3-acres in the SCP-7.5 zoning district, and it seems the logical explanation was not to subdivide.

Vice Chair Hobson asked staff for their perspective.

Sage Schaan, Principal Planner, said each zoning classification has different constraints. The SCP zoning districts have different issues/constraints, such as unstable land (slides, steep slopes), to name a few.

Director Young said one of the presentation graphs goes over that, and said the SCP zones graphs fade out to zero before hitting two times the lot size. A very slim part of this can be subdivided.

Mr. Schaan read from the WMC, Section 153, classification of zones, and the number of constraints that relate to minimum lot sizes found in the SCP-10, SCP-7.5 and SCP-5 zoning districts.

Commissioner Fender asked why pick a minimum lot size of 7.5 acres instead of 3-acres.

Director Young said it's really about constraints. When we all drove around Town in August, you noticed as you got deeper into forested areas, slopes increase and roads narrow. The lot size seems meaningless when you look at the ground conditions. You can see the changes from zoning district to another.

Commissioner Fender said that based on our TFA and zoning districts, they did not base minimum lot size on what is on the ground.

Mr. Schaan said problem areas were realized. Mr. Schaan explained that the code includes a chart allowing increased percentage as lots get smaller.

Commissioner Voelke said she was part of the Zoning Ad Hoc Committee in 1988, and the system they picked worked on the ground. The development of large homes, or “McMansions” was stopped. Constraints were a big deal. Residents had to develop in a certain way, and they made it work. She recalled the attempted subdivision of Teague Hill Open Space. No one figured how to develop it given the constraints, and there was a great effort not to change TFA. Minimum lot size changed and this angered residents. Legal non-conforming lots are a part of Woodside. There was not a maximum house size issue at that time. She said there is a neighborhood flavor when you drive around Town.

Commissioner Fender said there is a difference based on the charts.

Commissioner Voelke said it is outlined what you can and cannot do by zoning district.

Commissioner Fender referred to his presentation charts to explain.

Commissioner Voelke said she is a word person and statistical charts and graphs don't mean a lot to her. We have had a system in place for the past 30 years, and this is not the way to go about it. We should have done an Ad Hoc Committee that includes a citizen group representing all zoning districts, but we are not doing this.

Commissioner Kutay said that this study session is open to the public.

Commissioner Voelke talked about public meetings and how to get residents involved. There was a reason the 1988 Ad Hoc Committee was done that way it was. We made a special chart on what we could develop at the time it was enacted. They made the chart work. There was a lot of discussion and effort to curb what was allowed in the SR zoning district. There was resistance to keeping development to a minimum.

Commissioner Kutay asked what she would suggest.

Commissioner Voelke said if we are going to change this, we have to change the whole thing in conjunction with the system we have now. The main objection in having the same lot size for everyone is it makes the penalty glaring. We have set the maximum residence house size, and there may be unintended differences on the ground in neighborhoods where there is an overly large home that may employ day workers. Her last point to make was when this originally came to us; it came out of Woodside Heights and their desire to up the maximum house size. That morphed into a proposal to allow an increase in maximum house size according to lot size, up to the current maximum. She is confused about the 10 percent bump proposal, and she has a difficult time applying that across the board. She still believes we should not encourage big, bulky buildings.

Commissioner Kutay thanked Commissioner Voelke for her explanation of how the zoning changes came about in 1988. Commissioner Kutay said this entire proposal will cause things to change. The Woodside Heights proposal came about because they wanted to increase the maximum residence size because of changes in how we live and work. Commissioner Kutay thanked Commissioner Fender for his statistical analysis, and said she is a numbers person and was impressed with what the numbers show

her. She likes a more simple approach and the data supports making things simple for a uniform increase in maximum house size based on lot size. We need to look into the RR zoning district and if the analysis supports this. She spoke of the SCP-7.5 zoning district, and the constraints that penalize development. She would prefer to have a simpler approach and not penalize anyone in any zone.

Commissioner Fender said he has taken a fair amount of air time, and had nothing else to add.

Chair Huberty said the overall expectations for rules and building homes are economically driven, and he is not sure changing one way or the other way will drastically change the way things look. We should simplify for those that live and want to develop in Woodside. Chair Huberty said he'd like to do a straw poll on adopting the resolution.

Director Young said this is a study session; you cannot adopt tonight.

Chair Huberty asked for a straw poll if the Commissioners are favorable to have another study session, and if so, what other information is needed.

The Commissioners discussed what they would like to be included in the next study session.

Chair Huberty asked if the Commission is clear on what we want back.

Director Young summarized the items to be brought back to the Commission for a fourth study session:

- Compare Commissioner Fender proposal to the Town Council proposal;
- Further develop a lot-size driven proposal for R-1; and,
- Describe the impact of Commissioner Fender's proposal (e.g., housing stock diversity, environmental review, ...)

Commissioner Fender suggested looking at TFA and to make a recommendation to the Town Council. He said to take the minimum or maximum into our scope of work.

Director Young said staff can get the data for residence size from the County Assessor, but we do not have the TFA data.

Commissioner Voelke asked for clarification on whether Commissioner Fender wants to change TFA calculations.

Commissioner Fender said he would like see the TFA calculations simplified; and to get a consensus and make our recommendation to the Town Council when they do take up the TFA issue.

Jean Savaree, Town Attorney, said that if the majority of the Commissioners want to look at TFA, and have a sense that it is important, it could be moved up and prioritized by the Town Council, but tonight that is not what you have been asked to do.

Chair Huberty said we have discussed this Item for two hours and suggested a short break before moving on to Agenda Item No. 2.

Ms. Kasten clarified the original Woodside Heights proposal to increase the size of the house and diminish the ALQ. We will give up ALQ's if we could add to the house size.

Commissioner Fender said he had not heard this before.

Ms. Kasten said this started 3 years ago.

Commissioner Fender asked if there is a way to do that without affecting the TFA.

Ms. Kasten said if the house was larger.

Commissioner Fender asked if that is unique to that zone.

Ms. Kasten said the Town Council interest is to have it applied to more than one zoning district, and we would have six more conversations. Ms. Kasten expressed her thanks to Commissioner Fender for his statistical analysis.

Commissioner Fender asked about TFA and square footage.

Director Young explained that the TFA simplification work plan item is to simplify the way in which the calculation is done, not to change the allowable TFA.

Chair Huberty called for a short recess at 8:10 pm

The meeting resumed at 8:20 p.m.

2. Development Review Process Improvements

Town-wide

Planner: Jackie Young, Planning Director

Review of the September 13, 2016, staff report to the Town Council reporting on: (1) a six-month review of adopted Ordinance 2015-566, which amended the Woodside Municipal Code Chapter 153, Zoning, Section 153.220-153.231, Architectural and Site Review, and related Municipal Code sections, to stream line the process and procedures for architectural and site review; and (2) staff-recommended development review (Planning, Building and Engineering) process improvements which are on-going, underway, and in response to the feedback received from the recent customer satisfaction survey. **This item was continued from the meeting of September 21, 2016.**

DISCUSSION

Director Young presented the staff report, and noted that input from the Planning Commission regarding the various entitlements they process is desired. Director Young added that she has received comments from the Planning Commissioner on the minor nature of some entitlements that have come before them.

Commissioner Kutay asked for an explanation of projects the ASRB referred to Formal Design Review (FDR) with staff.

Director Young said in the case of Conceptual Design Review (CDR), projects were forwarded to FDR with staff when story poles were erected and the project was highly reflected of the Residential Design Guidelines (RDG). Staff then worked on all the details in-house that come with FDR.

Commissioner Fender asked about clarifying and simplifying how floor area calculations are done.

Director Young said the Town's floor area calculation is of mass and bulk (horizontal and vertical and plate height). Floor plans are broken down into blocks and this takes a lot of counter time to explain and is difficult for applicants.

Commissioner Fender suggested simplifying the TFA by adopting just one table or curve.

Mr. Schaan said it is not about differences by zoning district; it is about how you count floor area, i.e., breaking it up into sections for a volume calculation. The Town Council should decide if we should do this calculation by volume or something closer to how real estate footage is calculated.

Commissioner Fender asked if there is merit to modifying the TFA tables (by zones).

Mr. Schaan said we need to look the implications of any TFA and square footage calculations.

Commissioner Fender said not just look at the way calculations are made, but what would happen in the different tables with TFA. It seems they are linked.

Mr. Schaan said implications would need to be examined.

Commissioner Kutay said a year ago, the Town Council looked at the ASRB process and considered giving projects to the Zoning Administrator with greater square footage. Commissioner Kutay asked if the Council is still looking at that, and would that make a lot of difference in the ASRB load.

Director Young said increasing from 1,000 to 1,500 square feet would have meant one more project would have moved from the ASRB to the ASRA.

Vice Chair Hobson said she read the staff report and her impression was that things are much more streamlined. Part of that is the ASRA is taking on a lot of that. Vice Chair Hobson asked about the impact on staff of the ASRA work load.

Director Young said the work load has decreased by:

- Shorter reports;
- Less time spent reviewing/editing staff reports; and,
- Shorter meetings, minutes and agendas.

Vice Chair Hobson said this sounds like a real good deal, and asked who reviews these small projects if someone complains about your approval. Vice Chair Hobson said she is confident Director Young is upholding the standards.

Director Young said anyone can come to the meetings. The meetings are recorded, the meeting setup is more intimate, and the standards are the same. Staff understands the expectations and RDG.

Mr. Schaan said the big difference is the load on the ASRA and ASRB agendas is balanced.

Commissioner Fender said with all of these changes there can be concern for quality of time and cost. A way around that is to do a spot audit to ensure there is quality of output.

Vice Chair Hobson said the changes are really great and everyone is pleased.

Commissioner Voelke asked if the ASRA meetings are noticed in same way.

Director Young said yes.

Chair Huberty asked if the Town Council looked at the fiscal impact on fees.

Director Young said the fees have not changed.

Chair Huberty said its revenue neutral.

Director Young said the fees are not commiserating with cost. The Town Council reviewed fees a bit ago, and our fees are much lower than other municipalities and are subsidized to a certain percentage.

Chair Huberty said in Woodside its half as expensive and the process takes twice as long.

Commissioner Voelke asked if the Planning Commission reviews Lot Mergers.

Director Young said that Lot Mergers do not require Planning Commission review. Staff typically does Lot Mergers in conjunction with another entitlement that does require Planning Commission review.

Vice Chair Hobson congratulated Director Young and staff on the thorough way this process has been dealt with.

Chair Huberty said he was very pleased that the work load has been lessened. We were worried that you would be overloaded and then you'd quit.

Director Young said the ASRA meeting starts at 2:00 pm., and it is very efficient.

Commissioner Fender commended staff for all they do to improve efficiency and said residents are satisfied.

Commissioner Kutay said she has spoken to her neighbors and they are much happier because the process is easier working with the staff. She said she attended several ASRB meetings, and said the meetings were long with seven Board Members.

Director Young said she appreciates the feedback.

Chair Huberty asked if there were more questions or comments.

Commissioner Kutay announced that she will be absent for the next Planning Commission meeting.

Chair Huberty asked if this Item will be on the next agenda.

Director Young said no. There is not sufficient time to do the desired analysis in one week.

The Commission then began discussing entitlements they review.

Commissioner Voelke said that minor lot mergers and lot line adjustments clean up lot lines, and a few are owned by the same person.

Commissioner Voelke said with wireless communication projects, some people afraid of getting zapped.

Director Young asked the Commission if they are supportive of ASRB review of maximum residence size exceptions.

Commissioner Voelke said we should have a discussion whether/when we would have an objection, and why it would come to the Planning Commission.

Director Young asked about the threshold for making maximum residence size findings.

Commissioner Voelke said we need to have some discretion as a catch all.

Director Young asked about second driveway exceptions.

The Commissioners were unanimous that second driveway exceptions should stay under Planning Commission purview.

Commissioner Voelke said with use permits, some may be carved out.

There were no further questions.

Chair Huberty moved discussion to the Director's Report for September 2016.

Commissioner Kutay asked about the Mounted Patrol conditions of approval.

Director Young said the conditions of approval are not specific for individual rodeo events, they are limited to the number of events.

Commissioner Kutay asked if the Mounted Patrol conditions of approval are reviewed every year.

Director Young said only if they propose a change to their operating conditions.

Commissioner Kutay asked if the Town has a say in the Mounted Patrol Pig Scramble event.

Director Young said if the Commission is interested in the Mounted Patrol conditions of approval, she will forward the conditions to them.

TOWN OF WOODSIDE
Planning Commission Meeting

November 16, 2016
Minutes

The meeting of the Woodside Planning Commission was called to order on November 16, 2016, at 6:00 P.M. in Independence Hall. The Pledge of Allegiance was recited.

ROLL CALL

Present: Chair Huberty; Vice Chair Hobson (arrived at 6:03 PM); Commissioners Fender, Kutay, Rosekrans, and Voelke

Absent: Commissioner Calia

Staff: Jackie Young, Planning Director
Jean Savaree, Town Attorney
Sage Schaan, Principal Planner
Sean Mullin, Associate Planner
Corinne Jones, Assistant Planner
Jennifer Li, Deputy Town Clerk

CALLS FOR CHANGES TO THE AGENDA

Director Young noted three desk items:

- An e-mail from Chair Huberty regarding recent State Laws concerning accessory dwelling units.
- A WMC section on current Accessory Living Quarters regulations.
- A WMC section regarding when the square footage of a garage could be subtracted from the total residence size.

PUBLIC COMMUNICATION

None.

PUBLIC HEARING

1. Fourth Study Session: Maximum Allowable Main Residence Size

Town-wide

Planner: Jackie Young, Planning Director

This fourth study session will consider the direction to staff received from the Town Council on May 24, 2016, during its third study session on maximum allowable residence size: to increase maximum residence size Town-wide, while keeping the allowable Total Floor Area unchanged.

DISCUSSION

Jackie Young, Planning Director, presented the staff report. She noted corrections in the staff report on Page 4. There were ~~six~~ **five** projects submitted for Planning entitlements in the R-1 zoning district. Southdale should not be in the list. 128 Glenwood is the house that was completed. 439 Glenwood is

currently under construction. 439 Glenwood is not a flat lot. The part of her work that was not saved during creation of the staff report was a compare and contrast between 128 Glenwood and 439 Glenwood. The house on 128 Glenwood is nearly 3,000 square feet. They took advantage of the 440 square foot garage credit, so the actual square footage is closer to 3,400 square feet. That is a conforming lot at 20,000 square feet. The house on 439 Glenwood is similarly sized; however, it is on a lot that is about 15,000 square feet. The topography is different.

Commissioner Rosekrans asked if Table 3 on Page 5 shows the number of actual lots in Town.

Director Young said yes.

Commissioner Rosekrans asked: didn't we review at a previous meeting that there is a small percentage of undeveloped lots?

Director Young said yes, that was reviewed last time.

Commissioner Rosekrans said: if you divide the delta by the number of lots, then that number is an incremental increase.

Director Young said yes, the last column represents the delta increase (i.e., between the Fender and Town Council proposals).

Commissioner Rosekrans said in the SR district, which is very similar, that would be about 100 square feet more. The 10-acre parcels would be a little over 1,000 square feet more.

Director Young said yes.

Commissioner Fender asked if the floor area is a net or gross calculation, i.e., taking the existing residence size minus the maximum residence size.

Director Young said it is gross calculation based on lot size.

Commissioner Fender said then it won't take the delta in between.

Director Young said no. That was presented in the material last time. This was just a way to compare the two proposals. There are different ways to compare. She presented the "Actual House Size versus Lot Size Data SCP-5" chart from Commissioner Fender's November 2, 2016, proposal. The maximum square footage one could build under each scenario is everything above the dashed line. The maximum that could be built under the alternate proposal is the red line. The delta is the space in between these two lines.

Commissioner Fender said if there's an existing house, that's assuming an impossible case.

Director Young said it really speaks more to the ratio of change. As she mentioned earlier, we had a conversation about the potential square footage development versus the probable square footage development.

Commissioner Fender said it isn't even the potential because we need to subtract the existing residence.

Director Young said she measured to the line in the chart. We prepared other information in previous Study Sessions that dealt with the delta between existing and proposed. That's not what is in Table 3.

Commissioner Fender said basically, it's not a point by point calculation. It's basically taking all the various lot sizes and subtracting.

Commissioner Rosekrans said that Table 3 helps him understand the difference between the Town Council proposal and Commissioner Fender's alternate proposal.

Commissioner Fender said he would like to explore that a bit more. The problem he has is it doesn't take into account the existing house size, and it isn't what he would consider a worst-case scenario. It's an impossible-case scenario. There is no way that all the houses will be building up to the maximum on every single lot.

Director Young said right. The paragraph underneath the chart states that exactly.

Commissioner Kutay said that's what she understood as well.

Director Young said it's not saying everyone would build to the maximum. It's a measure of the differential, which is what she was asked to do. She was asked to look at what's possible under the Town Council proposal and what's possible under the alternate proposal. She agreed that not everyone would build to the maximum. The paragraph underneath says there is a difference between the development potential (which is just a strict calculation of what maximum residence size would be) and what the probability of that development would be.

Commissioner Fender said that's his problem. We're giving measures and comparisons that are not likely to occur. For example SCP-7.5 has 388,000 square feet. He doesn't want 388,000 square feet more building in that area.

Director Young said it's good to discuss that point. Looking at the SCP-7.5 chart, would we really want to increase that line when the data shows that there are very few outliers beyond the Town Council proposal?

Commissioner Fender said that's true; however, he's asking to go a step further. There's nobody in their right mind who will want 388,000 square feet more development.

Commissioner Voelke said she's lost in the intricacies of Fender's discussion. Hypothetically, let's assume there is a flat, unconstrained, 3-acre lot. The Town Council proposal says the maximum allowable residence size is 6,000 square feet. Commissioner Fender's proposal is saying the maximum allowable residence size is 7,000 square feet. Commissioner Fender is increasing the maximum by a huge proportion over the maximum house size allowance.

Commissioner Fender said that's assuming there are no constraints. Why do we have such a big number for SCP-7.5? He did some additional analysis with a point by point calculation of the next level of what one could do. The reason why he picked that red line is because the average lot size of the RR, SCP-5, and SCP-7.5 zones are about three acres. The SCP-7.5 zone has the smallest average at 2.3 acres. There should be parity between the RR zone and the SCP-7.5 zone. Strictly from a numerical standpoint, there should be no reason for the RR through SCP-7.5 zones to have different numbers because the average lot size is the same. Why would we think about regulating?

Commissioner Voelke said it's because the Town picked a system (i.e., the zoning districts), and worked with it.

Commissioner Fender said he's saying the system is in error. As a Planning Commissioner, we're trying to give it a fresh look after 20 years. We're using new tools and data to give the issue a new examination.

Chair Huberty asked for a motion to open the public hearing. Commissioner Voelke moved.

Chair Huberty invited anyone from the public to speak.

Dick Brown, Woodside Heights, thanked the Commission for all of their work. Ultimately, there are two proposals that are similar to each other and parallel to the Town Council's suggestion. He just wants to see action taken.

Dave Burow, Sheridan Way, thanked the Commission for all of their hard work. He echoed Mr. Brown's comments that we would like to see this issue moved forward. Commissioner Fender's proposal is similar to the one he submitted several months ago. The difference between the Town Council and Commissioner Fender's proposal is that Commissioner Fender's proposal illuminates the unfairness of people in the SCP zones compared to the RR zone. The Commission may say there are a small number of people in those zones; however, he hasn't heard any strong arguments for why those zones were constrained other than the historical situation at the time. Similar communities on the Peninsula have much simpler zoning regulations. He encouraged moving to a more fair and simple approach. Commissioner Fender's proposal achieves that without really causing any great impact on the overall square footage that could be built in Town. Chair Huberty's desk item about accessory dwelling units is another thing to think about that may decrease square footage on Town lots. That may mitigate whatever effects of the decision will be made for maximum house size. He urged the Commission to take action.

Commissioner Voelke moved to close the public hearing.

Director Young discussed recent accessory dwelling units information included in the Town Manager's Report to the Town Council last night. AB2299 and SB1069 will become law on January 1, 2017. They are new State laws related to accessory dwelling units. Primarily, they strongly encourage accessory dwelling units. One of the significant impacts it would have in Woodside is the maximum size of 1,200 square feet. Currently, the WMC allows 1,500 square feet for accessory living quarters (ALQ). It also sets time limits for processing these units. There is a good summation on the second page of the e-mail from Chair Huberty. From the State's perspective, the square footage limitation is to make these units smaller and more affordable. The limitation on the size and percentage to the main dwelling of an attached ALQ is intended to subordinate the ALQ to the main residence. It also has allowances for foregoing parking requirements. There was a question from Chair Huberty about the following statement: "accessory dwelling units may not count against the maximum density of the site." The way she reads this is for communities that have more variety in their zoning. Woodside only has single-family residential zoning. Larger-sized communities have zoning for single-family, duplexes, apartment buildings, and high-density housing. This statement means a municipality may not prohibit an ALQ to go into a single-family neighborhood. It is regarding density and the number of units on a lot. It is not saying that square footage is not counted.

Jean Savaree, Town Attorney, said that's what we think it means. These two pieces of legislation are a bit of a mess. There are conflicting provisions in both of them. Most cities are wondering if there might be some clean-up legislation. In the mean time, there is a very short time frame for coming into effect.

All the San Mateo County cities have joined together to try to understand the legislation so that we can bring something forward for consideration quickly.

Commissioner Voelke asked if this ordinance would allow a 1,200 square foot basement under a 1,200 square foot ALQ.

Town Attorney Savaree said it doesn't address basements. There is also a third piece of legislation that allows "junior accessory structures" be constructed in a garage (this legislation, unlike AB 2299 and SB1069, is not mandatory, but elective).

Chair Huberty said he knows there are limits on the number of accessory structures allowed per zone. Does the statement about accessory dwelling units not counting against the maximum density of sites conflict with the WMC?

Director Young said that's a good question. Staff had a conference call with a number of attorneys, all 20 cities, and the County. The WMC allows a maximum of two ALQs. In the R-1 district, which is the most restrictive zone, ALQs can only be attached. The State limits the square footage and the percentage of the unit that it can occupy. It cannot be more than 25% of the main residence size. It's something every municipality is struggling with; however, it does go into effect January 1, 2017. There wasn't enough time for cities to react because a code change needs to go to the Planning Commission and the Town Council for two hearings; then it takes 30 days to go into effect. Staff will work with the Town Attorney to interpret the new State laws to the best of our abilities, potentially without much further direction or clarification from the State. The Department of Housing and Community Development was also involved in the conference call.

Chair Huberty asked how it might impact the discussion tonight.

Director Young said it doesn't say that this square footage is "free" and doesn't count towards regulations. It may affect what portion of a house could be used for an ALQ; however, it would not affect the overall size. For example, if the maximum size of the main residence is 6,000 square feet, it doesn't mean someone can add a 1,200 square foot ALQ to get 7,200 square feet total. It still has to be within the allowed floor area. We still have the control of total floor area.

Vice Chair Hobson asked where it talks about the garage ("junior accessory units").

Town Attorney Savaree said that is a separate companion bill, which we have a bit more time to look at.

Director Young said junior accessory structures (i.e., converting a garage to an ALQ) are not mandated. They're elective.

COMMISSIONER DISCUSSION

Commissioner Rosekrans said that after the Berkeley/Oakland Hills fire, everyone who had to rebuild their homes built to the maximum. He also noticed that every house that has required review by the Planning Commission decided to build to the maximum. Over time, property owners will. This is not an unrealistic scenario, as Commissioner Fender has indicated.

Commissioner Fender disagreed. We can look at the probability of occurrence in the Western Hills. Those lots are topographically constrained. Even without regulatory constraints (e.g., maximum house size), people cannot build those big houses up there because of the topography. It's environmentally

constrained. This discussion is missing the consideration of the big picture, which are actual environmental constraints, existing house sizes, and the average lot size. Someone arbitrarily decided to connect the line to the 7.5 acre point, not thinking about actual average lot size. A maximum of 7,000 square feet is illogical. The lots are so small.

Commissioner Rosekrans asked what the main point of Commissioner Fender's proposal is.

Commissioner Fender said looking at the numbers, there's no basis of logic to see a difference between a SCP-7.5 acre zone and an RR zone.

Chair Huberty said Commissioner Fender is saying the limit should be the same on an RR zone and up due to lot size (i.e., 3 acre range). They're all the same size.

Commissioner Rosekrans said: so, a one size fits all.

Commissioner Voelke said she appreciated Commissioner Fender's work. She understood Commissioner Fender doesn't want big houses in Town. She echoed Rosekrans' comments that when one house is gone, the rebuilt house is built to the maximum. Engineering will allow things to be built. The thing that strikes her is that Commissioner Fender says there's no reason mathematically why they should be different, but he also says it would never happen up there because of all the constraints. That's why the original framers of this ordinance set it as such because they recognized differences in Town. The WMC still makes sense. She finds Commissioner Fender's proposed maximum residence size line in her neighborhood terrifying. She doesn't trust that the constraints will prohibit building because one actually cannot know what might happen in the future. She would like things to be as simple as possible. The Planning Commission was charged with a task by the Town Council to choose a scheme between two lines; whether to make that triangle go from existing maximum residence size at 1.5 x lot size to where you hit the maximum house size, or increase that by 10%. She's prepared to vote on those two proposals. If we wanted to explore an entirely different proposal, there would need to be more discussions. The compiled history of the Ad Hoc Zoning Committee staff did is only a portion selected out of 14 months of meetings. We only discussed five issues in that Committee. The proposal before us tonight came out half cooked already starting with the Zoning Subcommittee, to the Town Council, and finally to the Planning Commission. Commissioner Fender's proposal is interesting to discuss, and it might be in another time in conjunction with discussions regarding other ordinances. It is time for the Planning Commission to vote. She's prepared to vote on the Town Council proposal. She's prepared to look with interest at Commissioner Fender's proposal at a future time when we have the ability to propose them in conjunction with other things such as zoning. She sees it as a vote between the green line and the purple line. She's conservative. She might be in the minority opinion of voting for simply connecting the triangle to allow for increasing maximum house size in all zones for lots as they go from the minimum point of maximum house size to the 1.5 x maximum house size where you would normally get an exception. There should not be an Exception process. It should be granted by the Planning Director. It shouldn't have to come to the Planning Commission.

Commissioner Rosekrans left the meeting at 7:03 PM.

Commissioner Voelke said, among the many proposals reviewed in the 1990s, one of them was looking at maximum house size on extra large lots. That could be something to suggest to the Town Council. It wouldn't take as much study. For lots that are 10 acres or more, the maximum house size could be bigger with larger setbacks and maybe some restriction on total floor area. She's ready to vote on the Town Council proposal. She doesn't prefer the 10% increase. She didn't hear a great outcry around Town for people who can already build up to 8,000 square feet wanting 10% more. It's a reasonable proposition.

Commissioner Fender said he found the compiled history really interesting. The discussions today are the same 20 years ago. It's unbelievable. There were some gems he pulled out there to highlight. One was regarding difficult processes. Mr. Putnam had said that Woodside has a reputation for being the biggest nightmare for getting anything done. The permit process is arduous, nearly impossible, and encourages people to try to do things without permits. We have the same thing today, 20 years later.

Commissioner Voelke said it's actually better now.

Commissioner Fender said there is one regarding floor area calculations. Mr. Foley said "everyone seems to agree that our floor area calculations needed to be clarified and simplified." Regarding non-conforming lots, Mr. Wolper said, "A high percentage of residential parcels were non-conforming, particularly in the SCP zones." It was not indicative of the actual way lots were set up. Mr. Wolper further to said, "The Committee needs to discuss whether these non-conforming situations should be eliminated by rezoning to more accurately reflect what's really there." We obviously need to look at it. His assumes that 20 years from now, this issue will be revisited again.

Commissioner Voelke said we don't need to look at it. That's what came out of that discussion 20 years ago.

Commissioner Fender said there is a huge disparity. There is a strategy to separate zoning from maximum residence size. Every time he tries to have that discussion, it gets shut down to avoid opening up a big mess. Part II of the report assumes no changes in zoning for purposes of studying just this one issue. Even though there are disparities, it was decided to do some minor patchwork regardless whether changes are made in zoning. There were people back then who had the same thoughts as he does. There is something wrong here. Mr. Foley had said that in most towns, usually smaller buildings are considered more rural. Mr. Vartanian said the basic premise was having fewer structures on more environmentally fragile zone. This has been the basis of zoning in the Town since day one. Mr. Beaubois, an architectural consultant, said, "Development would occur in the weakest communities on the Peninsula where it was easiest to get projects approved." Finally, someone has come forward to say the process is difficult in order to prohibit development. There are a number of underlying assumptions. It reminded him of a number of quotes having to do with the past:

- "We have to do with the past only as we can make useful to the present and the future."
- "One must also maintain ones connection to the past, and yet ceaselessly pull away from it." He's been trying to do that a bit, and look at it with a different perspective; however, the past has a strong pull in the sense that people think that since it was done back then, it must be right, so they're going to continue doing it that way.
- "To design the future effectively, you must first let go of your past."
- "I try to learn from the past, but I plan for the future by focusing exclusively on the present."

Commissioner Fender said he is bothered by the entire issue of constraints. There are two kinds of constraints, which are environmental (what's actually happening out there) and regulatory (what we as a regulating body has created to prevent certain actions). We have to look at both of those. It appears that the past philosophy is to create regulatory constraints whenever there were environmental constraints (e.g., The Western Hills are environmentally sensitive and constrained). The lines are different slopes as lot size increases. That was the prevalent thinking. We can look at this differently. Why does the SCP-7.5 zone have the largest minimum lot size if it has the smallest lots and smallest houses of any zones around (excluding the R-1 zone)?

Commissioner Voelke said part of the reason was to prevent subdivision.

Commissioner Fender said yes, the reason was for subdivision reasons, not what was stated here in terms of: if it's in an environmentally sensitive area, we need to regulate more. The nature of what he sees is we created this scheme to prevent subdivision. But then, over the years, we've extended it, reused it, massaged it, but stayed with the basic philosophy. It's broken. If environmental constraints to building exist, then there is less reason for regulatory constraints. Why do you need them if they take care of themselves? Areas with steep slopes cannot have 8,800 square foot houses built on them; especially with other regulations such as larger setbacks. Regarding the project on Stadler Drive that the Planning Commission recently reviewed, it was a one acre lot in a 7.5 acre minimum zone. We allowed them to build a 4,500 square foot house. Other lots in the area are bigger than that. There's another example of a $\frac{3}{4}$ acre lot, and the applicant tried to put the biggest house possible on an incredibly constrained lot. The lots up there are small. We're not worried about maximum house size. In creating a line on the graph, he's trying to get at the likelihood versus comparing numbers. Comparing numbers doesn't help understand what's happening. We need to take into account that these areas are environmentally constrained. If we can do a comparison of the two proposals on a likely scenario, then it would allow us to make better decisions.

Commissioner Voelke said she's confused by why Commissioner Fender is proposing something he doesn't want to happen and saying is impossible. Her position is, you legislate for your worst-case scenario and assume it's not impossible. Commissioner Rosekrans has a lot of experience living in the Oakland Hills. All of those quaint houses burned down, and people rebuilt their homes to the maximum. The area is nothing like it used to be. She's persuaded by what existing neighborhoods are like. She can appreciate the clarity of Commissioner Fender's scientific thinking; however, it doesn't matter if you call it A or B. It's what you define to be in your system. It is what it is now, and people work with it.

Commissioner Fender said you don't see the inequities. Those are arbitrary lines that extend out to 5 acres, 7.5 acres, and 10 acres. There are no minimum lot sizes of 7.5 acres.

Vice Chair Hobson said this discussion is overly complicated in terms of what possibly needs to happen. Commissioner Fender's alternative proposal is trying to relate the maximum house size to lot size regardless of zone.

Commissioner Voelke said she understood that. She is adamantly opposed to increasing the maximum allowed house size for her area from 4,500 square feet to 6,000 square feet, and that's what Commissioner Fender's proposal does.

Vice Chair Hobson said that she has a 4 acre lot in the RR zone. She can build an 8,000 square foot house. Commissioner Voelke's neighbor has a 4 acre lot in the SCP-7.5 zone, and they can only build a 4,500 square foot house. How do you sell that inequity?

Commissioner Voelke said, due to steep slopes and its location in a forested area.

Commissioner Fender said we don't need to regulate it because the environment already constrains it.

Commissioner Voelke said that's your assumption, except you just cited two cases in which large houses were allowed to be built on very constrained lots.

Commissioner Fender said they're not at the maximum allowed house size.

Vice Chair Hobson said she feels it's unfair.

Commissioner Voelke said another reason is because in the SCP zones, there are not only constraints, but there are view corridors and forests to consider.

Vice Chair Hobson said, then it's not all about the numbers.

Commissioner Voelke said no.

Vice Chair Hobson said we haven't discussed that. We've talked about constraints that occur in the SCP zones. Her question is: how do these constraints, or do they even, limit house size? In some cases, they must limit house size.

Commissioner Voelke said they limit the building envelope. If you're allowed a 4,000 square foot house, maybe you have the amount of land to do it, but maybe you can't do it because you don't have a building envelope that would permit it because there is an earthquake fault nearby, steep slopes, recent landslide, etc. that would limit development. This discussion doesn't take into consideration all the other things we have talked about before. The General Plan states why there are specific designations.

Director Young said this was reviewed previously. In the WMC, the way that the SCP zones were developed was based on a specific list of constraints. Those include: unstable lands, Alquist-Priolo zones, low permeability soil, high ground water, steep slopes, fire hazard, noise, scenic corridors, and flood zones. This was how it was developed. The framers of the ordinance said that if a lot has one or two of those constraints, it's designated as SCP-5. If the lot has three constraints, it's SCP-7.5. If the lot has four or more constraints, it's SCP-10. That's one of the reasons we all drove through these areas during the summer recess. You may have noticed that the number of constraints increased as you go deeper into the SCP-10 zone. The land becomes more remote, more sloped, and more environmentally constrained. A basic planning premise is to decrease intensity of development within constrained and challenging areas. One reason is because fire response time is increased. Scenic corridors were considered when the WMC was developed. She agreed that there aren't many properties that are 7.5-10 acres. There are very few outliers on that side of the graph. She understood that was to control subdivision at that time; however, the other thing it does is shallow out that line. As that line becomes shallower, the intensity of development decreases. When Commissioner Fender asks what the relationship between the shallowness or the steepness of this line is, the answer is: as a lot becomes more constrained, that line becomes shallower because the intent was to have less potential development as lots become more constrained. She agreed that by saying this is a minimum 7.5- or 10-acre lot district, those are the vast outliers. It was to control the handful of lots they didn't want subdivided. It frustrates people because their lots are called "legal non-conforming," and they think that will affect potential development and the value of their homes.

Commissioner Voelke asked if "legal non-conforming" is an issue that comes up in the office.

Director Young said people do ask. They tend to be familiar with cookie-cutter lots. In Woodside, a property owner could completely rebuild a non-conforming structure as long as they do not increase the non-conformity of that structure. There are improvements that the Town Council wants to make, such as dealing with lots that are so constrained that the setbacks overlap. There is no potential building envelope. Should they really have to come to the Planning Commission? Those people probably have the most financial impacts, as the Variance process can be expensive.

Commissioner Voelke asked if people are generally satisfied after staff explains what legal non-conforming means.

Director Young said yes. Having a legal non-conforming lot doesn't mean they cannot build. The system is imperfect. The reason the line shallows out is just a basic planning premise. She knows it doesn't relate to math. With respect to areas that are more constrained, or up in the Western Hills that are more visible, that's one of the reasons they originally came up with scenic corridor regulations in order to control what could be seen from the valley floor. Also, the Residential Design Guidelines, adopted in 2000, was an outcome of the Ad Hoc Zoning Committee discussions.

Mr. Burow said he recollects the total floor area curves are all of the same for the SCP zones. Wouldn't that contradict Director Young's argument?

Commissioner Fender said they're not the same. People arbitrarily picked 5, 7.5, and 10 to end the lines at. They picked them because that's the minimum lot size, by regulation. There is no other reason. It's not good logic. It has nothing to do with the size or constraints of lots.

Director Young said the ultimate impact of it is it shallows out the line. She agreed that creating the SCP-10 zone really confuses people. Woodside is an Urban Wildland Interface community. There is a large area of Town that is in the high fire severity zone. Do you want to increase intensity of development in areas that are difficult to respond to from an emergency response standpoint? That was one of the questions discussed in the late 1990s.

Commissioner Fender said the likelihood of development increasing due to topography is impossible.

Commissioner Kutay said she appreciated the work Commissioner Fender has done. Keeping things simpler and fairer is better for Woodside residents. She supports his proposal.

Commissioner Voelke asked if Commissioner Kutay is worried that it would increase the maximum house size by 50% in a high-fire severity zone.

Commissioner Kutay asked if there will be such a large increase.

Commissioner Fender said the reason he brought it up is when somebody designed the maximum floor area charts, they followed the exact same logic. That is not right. He urged the Town Council to consider simplifying the total floor area calculations.

Commissioner Voelke said that her lot is 1.5 acres in the SCP-7.5 zone. Her maximum house size is her total floor area. Commissioner Fender's proposal would increase her total floor area if she's allowed a maximum residence size of 6,000 square feet from 4,500 square feet.

Commissioner Fender said no, her floor area is about 12,000 square feet. She would have to overlay the two curves.

Commissioner Voelke said that her maximum house size is 4,500 square feet.

Commissioner Fender asked if her lot is constrained, or would she be able to build another 2,000 square feet.

Commissioner Voelke said the question is not speculating whether she could. The question is whether we want to allow it, and she doesn't.

Commissioner Fender asked why we would regulate something that is taking care of itself.

Commissioner Voelke said because he cannot assure her that it will be taken care of.

Commissioner Fender said the Commission should ask staff to come up with a likely scenario that they think would happen, not a scenario they know is not going to happen.

Vice Chair Hobson asked how staff would figure that out.

Commissioner Fender said that is the challenge. He has some ideas.

Commissioner Voelke said that would require studying lot by lot.

Commissioner Fender said if we pass that comparison on, it's terribly biased and misleading. It's not even based in reality. The number would be huge.

Commissioner Voelke said she doesn't understand why Commissioner Fender wants to create a line not based on reality. If his line is improbable or almost impossible to achieve, then why would we have it. He's saying it's better to tell someone their maximum house is 6,600 square feet (when that's impossible) than it is to tell them it is 4,500 square feet when that is possible. It's equity in abstract, not in reality.

Commissioner Fender said this issue has come to us 20 years later, and we're not doing anything to change what was there 20 years ago. 20 years from now, the same thing will probably happen again. That's okay. This isn't an important issue to him. He's just trying to point out that we need to think differently about things if we are going to make changes.

Chair Huberty said the current and future demographics of Woodside consist of people with home offices and multi-generational families. Those are arguments of why houses need to have additional facilities to accommodate all of those uses. The idea of open floor plans tends to make the need for a house to be bigger because the central hall plan of the 1950's is passé. At the end of the day, the economics and need drive whether a house gets enlarged or not. He's not going to add 500 square feet onto his house just because he legally can. He would only do it if he had or needed to. People tend to develop for need rather than ability. There are homeowners in Town who could build large houses and haven't chosen to do so and probably would never choose to do so. Additions of wine cellars and gymnasiums are a few reasons why people want to build basements. That has not been a trend in the past and now is. He is in favor of having greater flexibility of homes getting bigger in Woodside. He is more inclined to go with the Town Council proposal that is a bit less ambitious. We can always go further. He was close to the East Bay fires, managing a real estate office there at the time. He saw many lot mergers after homes were burned down. The lots were originally substandard, and then suddenly, what was a 1/8 acre lot turned into a 3 or 4 acre lot so someone could build a mansion on it. They can be seen all over the East Bay Hills. Hopefully we never have a major fire in the Western Hills. Otherwise, we would see a lot of that insanity going on. People just took their insurance, sold their lot, and left. New people came in, bought multiple lots, and built a large house. That's a concern and the reason to keep the 7.5- and 10-acre lot minimums. He appreciated Commissioner Fender's work. It is okay to add a moderate amount to the size of homes as people might want or need them. We're not going to end up in the past "Mc Mansion" days.

Vice Chair Hobson asked if staff could estimate the number of times someone in the correct zone to build a 6,000 square foot house was told that due to site constraints, they could only build a 4,000 square foot house. She's wondering how often those constraints actually limit the size of the home.

Director Young said Commissioner Fender gave an example of an application we're currently processing. The project is in the SCP-7.5 zone where the total floor area and the maximum residence size lines are crossed. The proposal is to build a 2,860 square foot home, which is 9% of a $\frac{3}{4}$ acre lot. We've held a neighborhood meeting regarding that project, and the neighbors filled Independence Hall. A few neighbors attended the Town Council meeting last night, and spoke during the public comment period to dispute a component of the project (road width). Her point is that, typically, when a homeowner is developing from the ground up, or demolishing existing structures and building anew, they propose to the maximum. This particular project is difficult. It has gone to the ASRB several times trying to get the house to adequately step down the slope and be compatible with the neighborhood. She gave two other examples earlier in the Woodside Glens neighborhood. One on a flat lot that was 20,000 square feet, and one with the same size house further up the street on a much more constrained lot. The Town receives a real variety of applications. What the ASRB and the Planning Commission sees are only the projects that meet the threshold for Design Review. There are other projects that come in for Building Permits, which don't trigger Design Review.

Vice Chair Hobson asked how often an applicant is discouraged from designing the maximum during the review process.

Sage Schaan, Principal Planner, said it doesn't happen too often. Suppose there is a 6,000 square foot, two-story structure proposed on a 3 acre lot and a 3,000 square foot footprint. Even though the lot may be significantly constrained, siting 3,000 square feet is generally not too difficult. It may restrict them from further accessory structures. It's difficult to tell how often because most designers, architects, and engineers generally find a way to squeeze in the desired square footage. As Director Young has mentioned, when a lot is so constrained by regulatory standards, the only way to build is to get a Variance or a Setback Exception. There's not a physical constraint to construction because many different types of engineering methods could be employed. For this particular project, they will move forward with a proposal to go into the setbacks because there are no other options. If they are granted a Variance to encroach into the setbacks, they have somewhat opened the opportunity to have a maximum house size.

Commissioner Voelke said it's more expensive to build. They may need Variances to do it; however, generally people find a way.

Planner Schaan said in the last several years, most of the houses get close to the maximum. Most properties, given the current maximums, don't necessarily have the constraints that prohibit constructing the maximum.

Commissioner Voelke said another constraint is money. We don't live in an area where money is much of a constraint. If you can engineer it, you can build it. Maybe you won't be able to have a pool or a tennis court, or you have to have Natural State because of steep slopes. Projects will just cost more money. The projects with more issues come to the Planning Commission because they need a Variance. We do whatever we can to help people achieve it by slightly moving a structure or saving a certain tree.

Commissioner Fender said the problem is because there are smaller lots in these zones, people are trying to make those work on a $\frac{3}{4}$ acre. That's a small lot in a 7.5 acre zone. The trend is to try to put the biggest

house they can on a $\frac{3}{4}$ acre lot. The maximum house size would not do anything for that. It doesn't make a difference there. The lot won't take it.

Vice Chair Hobson said she's leaning towards the Town Council plan.

Commissioner Voelke said she is more comfortable with an incremental increase, and the Planning Commission has other issues to review in the near future. She likes the Town Council proposal with the triangle filled in, and without the additional 10% increase in maximum house size. The triangle is from the point at which any given lot reaches maximum house size, to the point at which it reaches maximum house with an Exception. There shouldn't be an exception process. It should just be granted.

Chair Huberty said there are two Commissioners that are for the Town Council proposal, and two that are for alternate proposal.

Commissioner Voelke said there are three Commissioners (if you count Commissioner Rosekrans, who is absent) for the Town Council proposal. It can be termed either way as one with the 10% increase, and one without.

Vice Chair Hobson asked for clarification about the triangle.

Commissioner Voelke said there's a wedge that is the green line. There is a wedge with a purple line, which is what came out of the Town Council with an increase of 10%. Her preference would be the green line. Is that right?

Mr. Brown said 10% over existing zoning.

Commissioner Voelke said a 10% increase would be 4,400 square feet. You came to the Town Council with 5,500 square feet.

Mr. Brown said it started with the Woodside Heights proposal for a 10% increase for Woodside Heights. At the time, we weren't even talking about extending it to other zones. He's talking about increasing maximum house size from 4,000 to 4,500 square feet and from 5,000 to 5,500 square feet.

Director Young said the Town Council proposal is the purple line. The current line flattens out at 4,000 square feet. At 1.5 x the minimum lot size, it jumps up to 5,000 square feet. One of the discussions was to go from the point, which is about $\frac{1}{2}$ acre where that line would connect up to 5,000 square feet. The Town Council raised the maximum residence size by 10%, so that would be 5,500 square feet. Commissioner Voelke is talking about the difference (i.e., wedge), between the green line and the purple line. The Town Council proposal is 10% across all zoning districts. For a 8,000 square foot maximum residence, it would be 8,800 square feet. For 6,000 square feet, it would be 6,600 square feet etc.

Commissioner Voelke said the original proposal was the green line. She is for the Town Council proposal. Her preference would be the green line.

Commissioner Hobson said the Commission is not passing a Resolution anyway.

Commissioner Kutay said this is a Study Session, so the Planning Commission is not voting tonight.

Director Young said staff would bring the Resolution for Planning Commission action to the next meeting on December 7, 2016. The Resolution is a recommendation to the Town Council. The current Resolution supports the Town Council proposal.

Commissioner Voelke said in the spirit of fairness, however the recommendation is sent to the Town Council, the majority vote is elevated, and the minority opinion is noted. That's appropriate.

Chair Huberty agreed. The Town Council will review the materials, and make their decision. It's not the Planning Commission's decision to make.

Director Young said the Planning Commission makes a recommendation to the Town Council on what they feel would be the appropriate WMC change.

Chair Huberty directed attention to the draft Resolution. There is Exhibit A and B.

Commissioner Kutay left the meeting at 8:04 PM.

Director Young noted a change to the finding that speaks to the Housing Element policy on Page 3 of 3 of Attachment 1. It states: *"The proposed Municipal Code changes allow for an increase to maximum residence size only in accordance with increased lot size; no increase to allowable total floor area is included. The code amendment would allow for the smallest residence size increases in the R-1 zone, and continues to maintain house size limitations in all zones."*

Commissioner Voelke asked where it states that there will not be an Exception process.

Director Young said in Exhibit A, Section E, Maximum Residence Size Exception, we have struck "Planning Commission" in the sentences, and that will be a part of the ASRB review. It wouldn't require review by the Planning Commission. We have kept the threshold size of the house.

Commissioner Voelke asked what threshold size of maximum residence is.

Director Young said the threshold is the existing maximum size. It also allows us to keep basement grading consistent.

Chair Huberty noted two typos. On Page 2 of the Resolution, Conservation Element Policy CV1.1, states: "The natural features of a site.". Another is after the chart, last page of Exhibit A, under paragraph F, R-1 residential Zone District, the third line says "for non conforming lots or for lots **greater than** 30,000 square feet."

Commissioner Voelke said the exception language doesn't make sense when it states: "An exception may be granted to the threshold size of main residence... for lots that are at least 150% of the minimum."

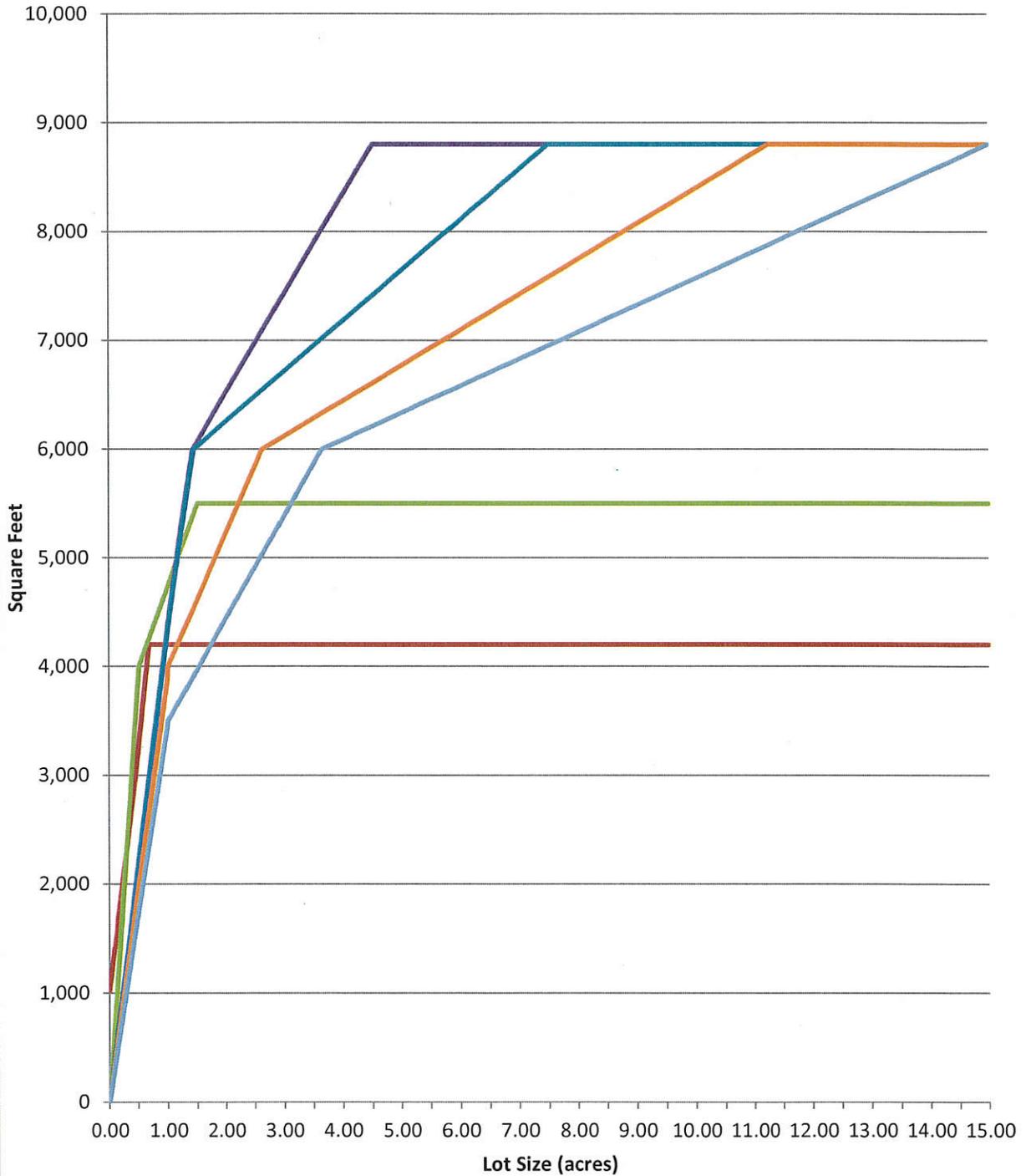
Director Young said you're right. That's existing language that needs to be updated.

2. Minutes of September 21, 2016 (Continued from the Meeting of November 2, 2016)

The Planning Commission continued the Minutes of September 21, 2016, due to a lack of quorum.

REPORTS:

Maximum Main Residence Size Considerations - All Zones



TFA will not increase

R-1 SR RR SCP-5 SCP-7.5 SCP-10

Zoning

high degree of environmental quality for all economic segments of the community and are designated as follows:

SCP	Special Conservation Planning
RR	Rural Residential
SR	Suburban Residential
R-1	Residential
CC	Community Commercial
PCCD	Planned Community Commercial
OSH	Open Space for Health and Safety
OSRL	Open Space for Low Intensity Outdoor Recreation
OSRM	Open Space for Medium Intensity Outdoor Recreation
OSN	Open Space for Preservation of Natural Resources
OSM	Open Space for Managed Production of Natural Resources
MFRD	Multi-family Residential Development Overlay Zoning

('75 Code, § 9-2.106) (Ord. 1980-291, effective 9-11-80; Am. Ord. 1988-376, effective 12-8-88; Am. Ord. 1989-394, effective 10-12-89; Am. Ord. 1999-494, effective 3-25-99; Am. Ord. 2015-565, effective 2-26-15)

§ 153.021 CLASSIFICATION OF ZONING DISTRICTS.

(A) The SCP District applies to certain lands designated in the General Plan diagram and text as "problem areas" and other land with similar characteristics as designated by the Planning Commission where more than one significant problem exists. The Special Conservation Planning (SCP) Districts are special rural residential classifications where the minimum lot size is either five acres, 7½ acres, or ten acres, and where minimum lot size for newly created lots shall increase as the average slope of the lot increases for lots over 15% average slope where the provisions of § 153.138 of this chapter apply. The purpose of the SCP District is to provide for reduced human densities for lands containing characteristics such as, but not limited to, steep hillsides, geological hazards, difficult road access, or soil or water problems, and to implement the policies

of the General Plan. Below are guidelines for SCP District classification.

(1) Findings.

(a) In 1988, the Town Council adopted a revised Woodside General Plan. Said General Plan set forth certain policies for evaluating lot densities, goals for development, defining environmentally sensitive areas and the constraints found therein.

(b) Also in 1988 and 1989, the Town staff did a detailed study of the various constraints as identified in General Plan Policy 2111. A constraints map of the Town was prepared (herein the "Map"). The most constrained areas were compared with other zoning districts to determine whether their zoning designation reflected the level of constraints shown for the property. It was determined that areas with greater constraints were zoned with a similar density to areas less constrained.

(c) A broader range of districts for environmentally sensitive areas were created for the SCP Zoning District as set forth in division (A)(1) above, which districts were created to allow residential density to be varied in the SCP District according to environmental constraints.

(d) In order to provide greater consistency with the General Plan, and to provide guidelines for application of the SCP Zoning classifications the following regulations shall apply:

(2) *Constraints/definitions.* Environmental constraints have been identified in the Town. The Town's Constraints Map, dated April, 1988, on file with the Town Clerk, is incorporated herein by reference. The constraints which have been identified are relevant to the public health, safety and welfare of the residents of the Town. The constraints and their definitions are as follows:

Woodside - Land Usage

<i>Constraints</i>	<i>Definition</i>
Unstable lands	Lands identified on Town's official geological hazards map
Alquist-Priolo zones	660 feet in either side of faults
Low soil permeability	Soils above butano formation
High ground water	San Mateo County Department of Environmental Health
Steep slopes	Slopes > 35%
Fire hazard	High and Moderate High Hazard (GP)
Noise	> =60dba
Scenic corridor	Viewshed from Skyline and 280 scenic corridors
Flood zones	100-year flood zones

(3) *Application of constraints.* In order to control the density of development on more constrained property, and protect the health, safety and welfare of persons and property, the following zoning classifications shall be applied in the SCP District consistent with the greater number of identified constraints:

SCP - 10	4+ constraints
SCP - 7.5	3 constraints
SCP - 5	1 or 2 constraints

(4) *Further reduction of lot density.* In addition to the minimum lot sizes in the SCP Zoning District, lot density may be further reduced at the time of any subdivision of such property pursuant to the applicable rules and regulations of the Town in effect at the time of subdivision.

(5) *Identification of constraints.*

Identification of constraints affecting a parcel shall be determined by the Planning Director, with the assistance of Town staff. The Planning Director shall make such determination in accordance with the following procedure:

(a) Ascertain the constraints affecting the parcel;

(b) Ascertain the percentage of the parcel subject to one constraint, then two constraints, and then to each respective multiple of constraints thereafter, up to a maximum of six constraints.

(c) A parcel shall be identified as having a total number of constraints, for classification purposes, equal to the number of constraints shown for 50% or more of the parcel's area, counting backwards from the areas subject to the greatest number of constraints.

For example: A parcel of 600 acres is identified as having 15% (90 acres) with constraints, 20% (120 acres) with constraints, 60% (360 acres) with constraints, 5% (30 acres) with constraints and 0% with (five or six) constraints. Counting backwards from the higher number of constraints 50% of the property is reached with three constraints. This property would be assigned to the SCP 7.5 District Classification.

(d) In addition, a parcel shall be classified as if 50% of its property were subject to one additional constraint where the total parcel is subject to four or more constraints.

For example: In the 600-acre parcel above, there are constraints applicable to the property. Instead of being classified with constraints, as are applicable to 50% of its area, it would be classified with constituents due to the greater number (four or more) of constraints that apply overall to the property. It would be classified therefore in the SCP-10 District Classification.

Zoning

(B) The RR District is a rural residential classification where the minimum three-acre lot size requirement, for newly created lots, shall increase as the average slope of the ground increases where the provisions of § 153.138 apply. The purpose of the RR District is to preserve the Town's primarily rural single-family character.

(C) The SR District is a suburban residential classification where the minimum one-acre lot size requirement, for newly created lots, shall increase as the average slope of a lot increases where the provisions of § 153.138 of this chapter apply. The purpose of the SR District is to provide suburban residential opportunities within the Town's predominately rural setting.

(D) The R-1 District is a residential classification where the minimum 20,000 square feet lot size requirements, for newly created lots, shall increase as the average slope of a lot increases where the provisions of § 153.138 of this chapter apply. Note: Newly created lots in the R-1 District shall comply with the slope density requirements for the SR District in § 153.138.

(E) The CC District is a commercial classification designating uses which have the probability of primarily serving the frequent recurring day-to-day needs of the local community.

(F) The open space zone districts, OSH, OSN, OSRL, OSRM and OSM, have no minimum lot size. The purpose of the OSH, OSN, OSRL, OSRM and OSM Districts are to implement the policies of the Open Space Element of the General Plan, principally to conserve open space for the preservation of natural resources, outdoor recreation and the public health and safety. The provisions of § 153.138 of this chapter shall not apply to lots in the OSH, OSN, OSRL, OSRM and OSM Districts.

(G) (1) *Definition of Planned Community Commercial District.* A Planned Community Commercial District is intended to govern and accommodate various types of commercial development, as may be allowed in a Community Commercial District ("CCD"), while allowing greater

flexibility in design and planning consistent with the General Plan. Any commercial development that is a subject of an application for enactment of a PCCD under the ordinance codified in this section is hereinafter referred to as a "Project." A PCCD is further intended to obtain substantial public benefit and to provide for maximum review of any proposed project by the Town Council and the agencies of the Town.

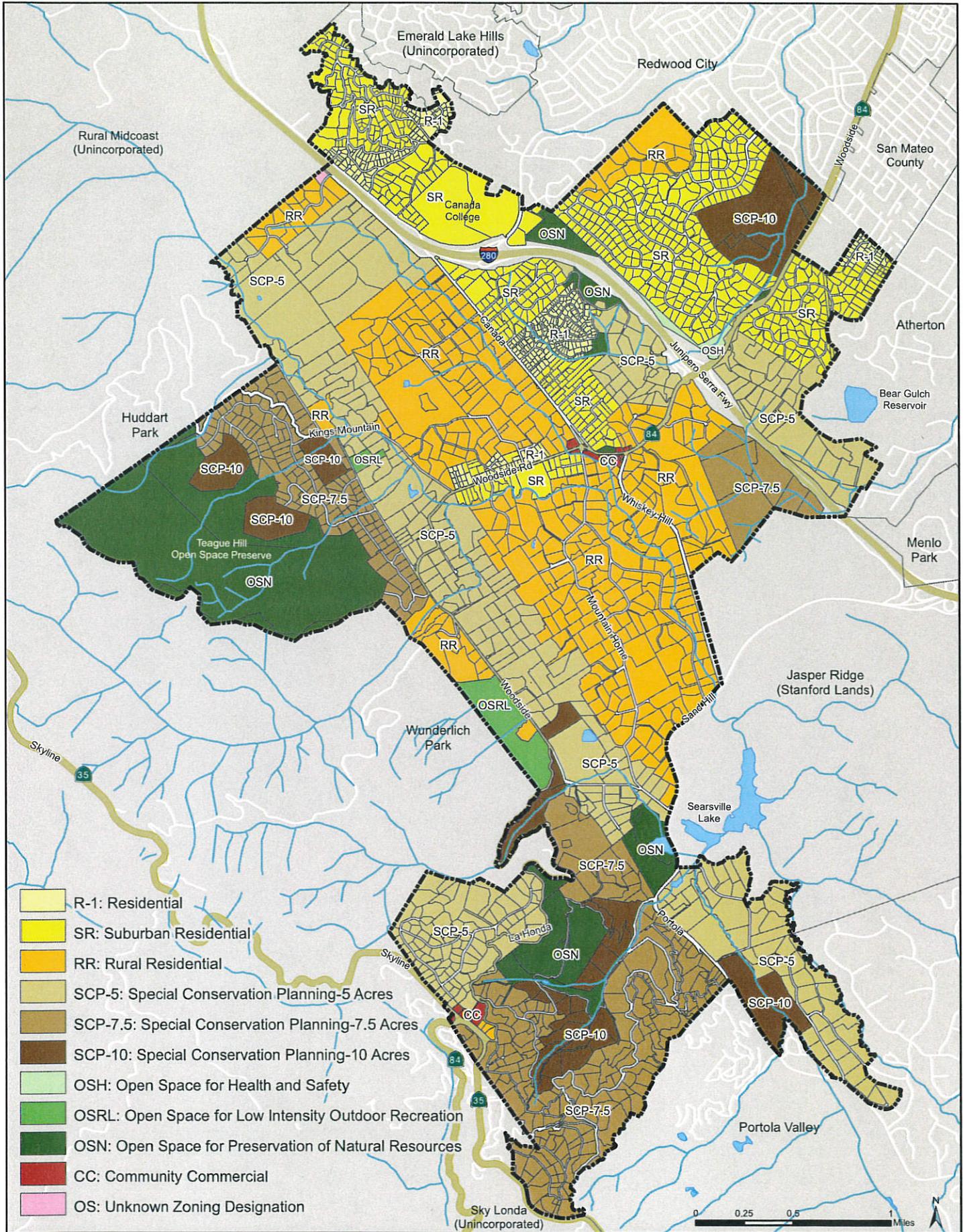
(2) *Relationship of Planned Community Commercial District to Community Commercial District.* All or any part of a CCD may be designated under the provisions of this chapter as a PCCD. One or more PCCD's may exist within a CCD.

(3) *Alternative Rules for Governing a PCCD.* A PCCD may be governed solely under existing zoning ordinances, applicable to a CCD ("CCD Rules") or under rules that may be established specifically for the purposes of the PCCD as provided in this chapter ("PCCD Rules"). The PCCD Rules may incorporate all or part of the CCD Rules under the terms and conditions established in division (G)(2) above.

(H) *Definition of Multi-family Residential Development Overlay Zoning.* Multi-family Residential Overlay Zoning (MFRD) is intended to accommodate the development of multi-family housing opportunities in areas of few constraints and sufficient infrastructure. MFRD is further intended to obtain substantial public benefit and to provide for maximum review of any proposed development project by the Planning Commission and the agencies of the town. One or more MFRD's may exist on a single parcel. ('75 Code, § 9-2.107) (Ord. 1980-291, effective 9-11-80; Am. Ord. 1989-385, effective 4-13-89; Am. Ord. 1989-389, effective 9-1-89; Am. Ord. 1989-393, effective 10-12-89; Am. Ord. 1999-494, effective 3-25-99; Am. Ord. 2012-553, effective 8-23-12; Am. Ord. 2015-565, effective 2-26-15)

§ 153.022 ZONING MAP.

A map entitled "Zoning Map, Town of Woodside" is incorporated by reference, made a part



Zoning Map

Town of Woodside

Woodside - Land Usage

(6) *Findings.* A Grading Exception may be granted by the Planning Commission. In order for the Planning Commission to grant a Grading Exception, all of the following findings are required to be made:

(a) *Constraints.* There are no significant physical constraints relating to Grading, including lot configuration, topography, geology, sewage disposal, ground water, Scenic Road impact, storm drainage, vehicular access, vegetation removal, significant trees, creek impacts, and cultural resource impacts;

(b) *Design.* All Site Grading shall be properly contoured, result in natural appearing land forms specific to the site, and minimize abrupt grade changes; and

(c) *Natural State Restoration.* Natural State Restoration shall be accomplished to the maximum extent practicable.

(7) *Entitlement Expiration.* Any approval by the Town Engineer, Planning Director or Planning Commission, given pursuant to the provisions of this Chapter 151 shall lapse and shall become null and void two years following the date on which the approval became effective, unless, prior to the expiration of two years, a site development permit has been issued. Approvals may be extended for an additional period of one year provided that, prior to the expiration of the initial two year approval period, an application for the renewal of the approval is filed with the Planning Director. The Planning Director may grant an extension for a period not exceeding one year where no change in conditions or requirements has occurred, but an application involving a change deemed to be significant by the Planning Director shall be treated as a new application, subject to all the provisions of this chapter.

(8) *Application Inactivity.* Any Planning application which has been incomplete for six or more months shall be considered inactive. The Planning Director shall notify applicants of such status by letter and provide 60 days to bring the application to complete status. If the application has not achieved

complete status to the satisfaction of the Planning Director within this 60 day period, the applicant shall be refunded fees as specified by the Town's fee schedule and the application shall be closed.

(C) *Basement and Daylighted Basement Grading.* Grading quantities for Basements and Daylighted Basements shall be calculated as the exterior of the Basement structural walls. The maximum permitted Grading for a Basement shall be as follows in Table 1 below (no Grading Exceptions are permitted to Table 1).

Zoning District	Maximum Cubic Yards of Grading
R-1, SR, RR, and all SCP	The maximum residence size allowed for the property without an exception multiplied by 12 and divided by 27.
CC	The maximum building coverage allowed for the property multiplied by 12 and divided by 27.
All OS	The Total Floor Area allowed for the property or 6,000 square feet, whichever is less, multiplied by 12 and divided by 27.

* The maximum cubic yards of grading for basements is calculated as the square footage (the footprint) times 12 (a depth), divided by 27 (to convert cubic feet to cubic yards). This is a volume calculation, therefore basements with greater depths have smaller footprints.

(1) *Calculation of Basement and Daylighted Basement Grading.* Basement and Daylighted Basement Grading shall be calculated to the exterior structural walls located below Existing Grade or Finished Grade, whichever is lower. When

Site Development

calculations of an existing Basement(s) and Daylighted Basement(s) Grading is needed to determine the remaining allowable Basement(s) and Daylighted Basement(s), or when Grading for a site and construction plans are not available, the existing Basement and Daylighted Basement Grading shall be calculated as the interior finished dimensions, plus an assumed factor of 12 inches for all structural walls.

(2) *Means and Methods for Basement and Daylighted Basement Grading.* Over-excavation for Basement and Daylighted Basement Grading shall be minimized to the greatest extent practicable. The means and methods for over-excavation for Basement and Daylighted Basement Grading exceeding eight feet shall require the review and approval of the Town Engineer and Planning Director. ('75 Code, § 7-4.10) (Ord. 1984-317, effective 4-12-84; Am. Ord. 2014-564, effective 12-1-14; Am. Ord. 2016-575, effective 6-9-16)

§ 151.23 REVIEW CRITERIA.

The following factors shall be considered by the Town in its review of any application for a Site Development Permit, as indicated in § 151.20:

(A) The degree of saturation of the Fill and unsupported Cuts by water, both natural and domestic;

(B) The runoff of surface waters which have a potential to produce Erosion, siltation, and other adverse impacts on stream corridors or flood plains;

(C) The subsurface conditions, such as the rock strata and faults;

(D) The nature and type of the soil or rock;

(E) The effect upon the potential for future subdivision design;

(F) The visual relationships with other development in the vicinity of the Site;

(G) The relationship of the proposed Site Development to the character of the surrounding community;

(H) The capability of proposed slopes to be landscaped;

(I) Unnecessary scarring of the natural landscape through the proposed Grading or removal of vegetation;

(J) Proper contouring of Grading to result in natural appearing land forms specific to the Site and minimize abrupt grade changes;

(K) The impact of Basement construction on groundwater and drainage patterns, significant trees, and geotechnical stability; and

(L) Any other measures contained within any environmental report which will eliminate or mitigate environmental damage.

('75 Code, § 7-4.11) (Ord. 1984-317, effective 4-12-84; Am. Ord. 2016-575, effective 6-9-16)

§ 151.24 PERMIT FEES AND DEPOSITS.

(A) *Permit fees and deposits.* Before reviewing any Site Development Permit, the Town shall collect a permit fee in the amount established by the Council. In addition to the collection of a Site Development Permit fee, the Town shall collect a deposit for services in the amount established by the Council to cover the estimated costs of checking and inspections necessitated by the Grading operation. Any unused portion of the deposit shall be returned when the work authorized by the permit has been completed. In the event the actual costs of checking and inspections exceeds the amount of the deposit, the Permittee shall pay such excess prior to continuing with the unfinished work. ('75 Code, § 7-4.12)

(B) *Deposit refunds.* Where no work has been done under a permit issued in accordance with the terms of this chapter, the Town Manager, upon a

Jackie Young

From: William Fender <wfender@gmail.com>
Sent: Thursday, December 01, 2016 1:35 PM
To: Jackie Young
Subject: Max House Size Alternative Comparison Method
Attachments: JackieMaxHouseDec1_16.docx; MaxHouseWorstCaseScenario.xlsx

Jackie,

I have been thinking about the last PC meeting where we considered maximum house size. As I expressed during the meeting the Staff comparison method between the TC and Fender proposals was oversimplified and had the potential to lead to erroneous conclusions. I have developed an alternative method which I believe is more realistic and uses available data sets. Attached is a Word file containing my comments in detail as well as and Excel file containing the actual model.

After you have reviewed the material, please let me know of your thoughts and planned actions. I offer this additional work with the sincere interest in doing the best job possible in my role as Planning Commissioner. Respectively William

MEMO TO: Jackie Young, Planning Director
MEMO FROM: William Fender, Planning Commissioner
DATE: 12/1/16
SUBJECT: Maximum House Size Consideration, Planning Commission Meeting 11/16/16

SUMMARY

Staff presented a comparison model/method to the Planning Commission to assist in the decision process between the Town Council maximum house size proposal and an alternative proposal advanced by Fender. The Staff comparison model was based on a geometric comparison and resulted in a significant difference between the two proposals. The comparison did not take into account the actual available distribution data. In my opinion the comparison method was an oversimplification that leads to erroneous conclusions. The Planning Commissioners voted to advance the TC proposal by a 3 to 2 vote. An alternative comparison model/method has been developed which takes into account actual building project data and residence size/lot size distribution data. The results obtained by the two models is significantly different. The Staff comparison method resulted in a difference of 388,862 square feet additional building development “potential” for the SCP-7.5 zone. The alternative method, considered to be a “Worst Case Scenario”, summarized in this memo resulted in an average increase of 6717 square feet per year between the TC and Fender proposals. Clearly a reasonable person might draw different conclusions based upon the results of the two comparison methods. The alternative comparison method has been developed in the interest of fairness and to bring balance to the Town’s propensity for over regulation.

REQUESTS

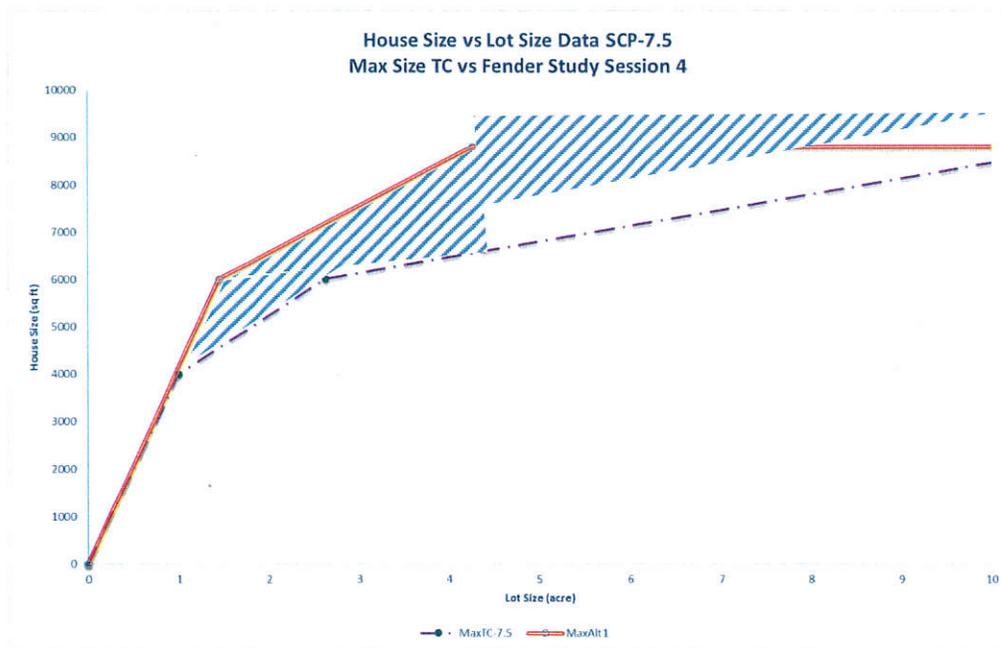
1. Staff review the alternative comparison method presented and provide comments as to validity and conclusions
2. Present the alternative comparison to Planning Commission for consideration
3. Include examination of floor area calculation method in recommendations and resolution to Town Council

DETAILS

During the Planning Commission Meeting, we considered the maximum house size proposals for the 4th time. During that meeting you presented a comparison developed by Staff of the Town Council Proposal (TC) and an alternate developed by me (FEN). In your report to the Planning Commission Agenda Item:1 dated 11/16/17, on page 5, Table 3 was presented to evaluate the “Impact of Commissioner Fender’s Proposal” as compared to the TC proposal. For convenience the table is reproduced below:

<i>Zoning District:</i>	<i>No. of Lots:</i>	<i>Max. Res. SF Allowed Under Existing Regulation:</i>	<i>Max. Res. SF Allowed Under TC Proposal:</i>	<i>Max. Res. SF Allowed Under Fender Proposal:</i>	<i>Difference</i>
R1	382	977,425.4	1,020,296.1	1,084,558.4	
SR	755	3,010,741.4	3,534,384.3	3,608,809.9	
RR	394	2,417,738.8	2,942,197.4	2,973,989.3	
SCP-5	409	2,305,360.6	2,611,584.1	2,840,560.3	
SCP-7.5	383	1,790,635.2	1,848,890.5	2,237,753.1	
SCP-10	40	213,237.2	236,822.0	282,429.0	

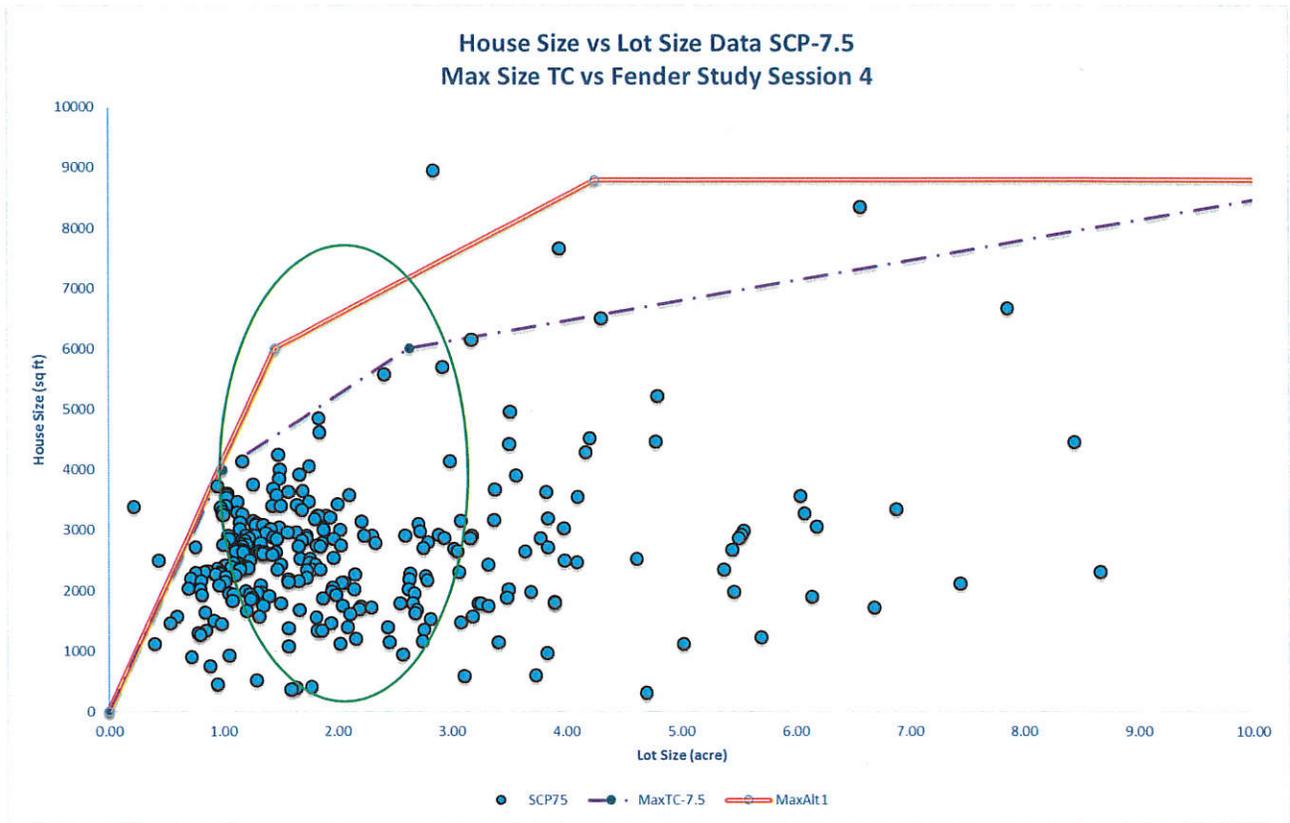
When I asked how the table was developed you indicated that the derivation was based upon the graphical differences between the two proposals.



I interpret this to mean the geometrical difference between the two curves as shown in the hatched section above. We can obtain this difference by calculating the ratio of area under the FEN curve versus the area under the TC curve.

During the meeting I expressed my concern regarding this method in that it did not consider the available actual lot or house size data. As you mentioned, this represents the “development potential”. The table says there is a “potential” of 388,862 square feet difference in house development of the FEN vs TC proposal. This is a very large number and was a factor in the Commission deliberations. I feel

that this comparison method is very misleading, biased and not helpful in evaluating the merits of the two proposals. The comparison was of limited usefulness because it represents a series of events that will likely not happen. All residents in a given zone build a house that is the maximum allowable under the ordinance. The time frame for such action is not expressed.



If we include the actual data on the chart, it is readily apparent that the majority of the residences are centered around the average lot size in the SCP-7.5 zone of 2.3 acres. Therefore the geometrical approach significantly overestimates the actual impact.

One of the Commissioners asked me a great question during our discussions at the PC meeting, regarding how to obtain a more realistic estimate of the difference between the TC proposal and the approach I was offering. I was not able to answer very well on the spot. I am not that good at immediate answers to such analytical questions and usually take a bit of time to reflect. I have been thinking about the problem and wanted to share with you an answer and what I consider to be a much more realistic approach.

One more realistic approach I might suggest is to use the actual data regarding main residence projects (new and remodel) over some recent years for a given zone. The following table was taken from one of your reports on building permit activity for the years 2009 to 2016. A summary of the data is shown below:

		2016	2015	2014	2013	2012	2011	2010	2009	Dist Avg
New Building	New main residence	3	1	1	4	0	6	12	13	
	NMR with demo of existing	6	9	3	10	3	0	0	0	3
Addition/Remodel	Main Residence	21	32	34	13	15	19	46	49	28
		30	42	38	27	18	25	58	62	

As seen in the table, the average number of projects over these 8 years is 37.5 and if we assume that each of the 7 districts was equal, the average per district is 5.4 which I have rounded up to 6. I do not have a breakdown of the individual projects by zone district, but this would be even more useful. For example, I would guess that the SCP 7.5 zone had less activity than R1, SR or even RR. However, the number 6 represents a likely worst case for the SCP-7.5 zone.

If we take the 383 lots in your Table 3 for the SCP7.5 zone and divide by the average of 6 projects per year, we wind up with a total of around 64 years for all residences to be built or remodeled in this zone, assuming the rate established of the last eight years does not increase appreciably. The rate question was mentioned by another Commissioner citing the Oakland fire that caused an unprecedented number of rebuilds in that community. Are we to consider such catastrophic events as fire or earthquake when evaluating a maximum house size ordinance? In such an eventuality, would it not be better to address at the time with an appropriate emergency ordinance?

Taking the analysis a bit further, we can randomly select 6 residences from say the SCP7.5 zone and use these records to compare the TC with FEN proposals for a number of years. I used 10 years for this example.

Worst Case Comparison of TC vs FEN proposals by year										
For SCP 7.5 zone,										
Year	1	2	3	4	5	6	7	8	9	10
Area (sq feet)	7175	6828	7681	5586	6522	6635	5584	7358	7439	6635

So assuming that every year, all the main residence projects in the SCP 7.5 zone (six projects) are built either to the TC max or the FEN max, the resultant increase of the FEN proposal over the TC will be an average of 6717 square feet of additional main residence building space per year. The actual number is likely smaller because of smaller building activity in this zone. This is a considerably different number than the 388, 862 square feet difference presented by Staff in Table 3 using a geometric comparison methodology. I have sent an email containing the Excel file used to develop these numbers to your attention.

I see my role as a Planning Commissioner to examine the issues, question, provide alternative viewpoints, make recommendations. The Town Council has requested that the Commission offer a recommendation regarding Maximum House Size changes. My review of the documentation and facts revealed the development of both maximum house size as well as floor area calculation curves 20 years ago that were connected to a zoning system with minimum lot size requirements. However, the actual lot sizes within these zones were inconsistent with the imposed minimums and the curves were connected to the lot size minimums. The difficulty with these processes was discussed 20 years ago:

Complaints regarding floor area calculations

Tab 3, p1 Foley: *"Everyone seems to agree that our calculation of floor area needs to be clarified and simplified."*

I am not the first person to notice and comment on "nonconforming and actual way lots were set up and suggest changes"

Tab 7, p3 Wolper – *"high percentage of residential parcels were non-conforming, particularly in the SCP zones. ..were not indicative of the actual way the lots were set up... The committee needs to discuss whether some of these non-conforming situations should be eliminated by re-zoning or up-zoning to more accurately reflect what was there."* This obviously did not result in any change.

I spent considerable time and effort presenting my statistical analysis and findings to the Commission on several of the recent meetings. The TC proposal is a step forward to improve the numbers but is still tied to a legacy system that is inherently flawed. The FEN proposal is a simplification to one curve for RR to SCP-10 zones and a recognition that the zoning minimum lot sizes were implemented at the time to prevent subdivision but serve no purpose in evaluating maximum house size of floor area calculations. Are we going to continue to pass on and perpetuate this flawed system for the next 20 years?

The term **constraints** has been used a number of times in the Report to the Commission. We might think of two kinds of constraints: environmental and regulatory.

In the past it appeared that environmental constraints in an area was a good reason for additional regulatory constraints.

One could also look at the issue differently. If environmental constraints to building exist, then there is less reason for regulatory constraints. The data seems to support this approach. For example in the SCP 7.5 zone, the average lot size is 2.3 acres, not even close to 7.5 acres. The average house size is the smallest of all zones except R-1 at 2630 sq ft . The constraints such as slope etc. make it more difficult to build large houses on these small sloped lots.

On several occasions I have suggested that we at least recommend to the Town Council that the floor area calculation method be considered for change and improvement. This recommendation has essentially been ignored. I would like to see this recommendation as part of our resolution to the Council.