

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, APRIL 16, 2020 BEGINNING AT
7:00 P.M. AT LOS ALTOS CITY HALL, ONE NORTH SAN ANTONIO ROAD,
LOS ALTOS, CALIFORNIA**

Please Note: Per California Executive Order N-29-20, the Commissions will meet via teleconference only. Members of the Public may call (773) 231-9226 to participate in the meeting by phone. Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Those wishing to comment on an agenda item are asked to text their name and which item they wish to speak on to 650-947-2633 to better organize the public comment period. An opportunity will be provided to those who do not text to speak on each item. Members of the public are also encouraged to submit written testimony prior to the meeting at PlanningCommission@losaltosca.gov or Planning@losaltosca.gov. Emails received prior to the meeting will be included in the public record.

ESTABLISH QUORUM

PRESENT: Chair Ahi, Commissioners Bressack, Lee, Marek and Meadows
ABSENT: Commissioner Samek and Vice-Chair Bodner
STAFF: Community Development Director Biggs, Planning Services Manager Persicone and City Attorney Houston

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

CONSENT CALENDAR

1. Planning Commission Minutes

Approve minutes of the regular meeting of March 5, 2020.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, the Commission approved the minutes from the March 5, 2020 Regular Meeting as written.

The motion was approved (5-0) by the following vote:

AYES: Ahi, Bressack, Lee, Marek and Meadows

NOES: None

ABSENT: Samek and Bodner

PUBLIC HEARING

2. Zoning Text Amendment ZTA 20-0001 (Accessory Dwelling Unit Ordinance)

Zoning Text Amendments (ZTA 20-0001) to Chapter 14.14 (Accessory Dwelling Unit Ordinance) of the Los Altos Municipal Code pursuant to recent modifications to state law.

Project Manager: Guido F. Persicone, Planning Services Manager

Planning Services Manager Persicone presented the staff report recommending that the Planning Commission recommend adoption of the proposed ordinance to the City Council.

City Attorney Houston provided information regarding the 12-foot setback regarding corner lots and the needed to check with the State on whether this was compliant with recent ADU legislation.

Commissioner Meadows asked if a JADU could have separate ownership, why there were an 800 square-foot and an 850 square-foot thresholds and clarification as to what the distinctions between them are, and why are there different limits on the square footage for 1 bedroom/2 bedroom units.

Commissioner Lee asked if there was a way to better demonstrate the square footage limitations of the various types of ADU's in the form of some chart.

Chair Ahi asked if the state legislation allowed for a daylight plane or if it is prohibited. He agreed that a chart demonstrating the square footages would be good and streamline the review and approval process.

City Attorney Houston responded by stating that a daylight plane provision could be included so long as it did not preclude the construction of an ADU.

Public Comment

Resident Dan Nordin asked about section 14.14.080 and if the public utility easements can be considered in the daylight plane and if an easement affected where the daylight plane should be measured.

Resident Gary Hedden stated concern with the daylight plane requirements stating they were too restrictive and would make ADU's approved in the past non-compliant.

Resident Greg Popovich stated his support for ADU's, but expressed concern with a daylight plane standard that negates ADU's, noted the proposed daylight plane sketch does not allow for adequate design, requires use of a slab on grade foundations but not a raised footing foundation.

Resident Lou Tinder stated his interest in building an ADU and concern over the daylight plane.

Commission discussion was arranged into three topics:

- Square footage:
- Daylight plane:
- Other sections of the ADU code.

Commission Discussion on Square Footage:

Commissioner Bressack:

- Noted one big issue is that 800 square feet is mentioned three times in the state law and 1,200 square feet is mentioned only one time, why and can the City's code be simplified;
- Stated the second issue is with the proposed plane, asked "what is the goal or what are we trying to achieve; and
- Noted she likes the idea of introducing a table style into the ordinance to indicate square footage thresholds

Commissioner Meadows

- Stated that she can support the 800 square foot threshold and the 1,200 square foot ADU limits, but felt the topic deserved some additional consideration and discussion as a limit of 850 square feet was imbedded in the code.

Commissioner Marek:

- Supported the Comments of Commissioners Bressack and Meadows and added that an appropriate threshold should be arrived at 800 square feet or 850 square feet

Commissioner Lee

- Commented that the square footage discussion should consider the relationship between the size of a site and buildings that occupy the site – they are tied together ;
- He noted that 800 or 850 square feet is not a big material difference; and Stated he is comfortable with 800 square feet as well as 1,200 square feet.

Chair Ahi:

- Stated that using an 800 square foot limit makes more sense.

Commission Discussion on daylight plane:

Commissioner Bressack:

- Stated she can support the Palo Alto example for the daylight plane; and
- Noted artificial limits equate to a squashed design.
- Asked aloud if there should be a graduated scale for the daylight plane.

Commissioner Meadows

- Agreed with the Palo Alto example preliminarily and asked about other incentives that could get better results.

Commissioner Lee

- Noted the proposed daylight plane diagram does not result in favorable space inside the dwelling unit;
- Said he champions additional height because it helps support better designs;
- Suggested heights of Seven to eight feet are a plus; and
- Added a slope 1 to 1 is not in keeping with the ranch style homes in Los Altos and incentives builders and homeowners to attempt an aggressive roof design .

Public Comment Insert:

Chris Kolstad and Walter Chapman proposed an alternative ADU type that allows a JADU to be treated in a similar manner to an ADU.

City Attorney Houston stated that a JADU must be created from existing space within a structure and square footage cannot be added except for 150 square feet to allow for egress.

Chair Ahi:

- Suggested with regards to the daylight plane, an eight-foot h with a 1 to 1 slope makes a lot of sense. Even a A seven-foot height with a 1 to 1 slope would be good..

In response to comments about offering a potential financial incentive to achieve desirable site design, City Attorney Houston carefully explained that financial incentives by a City, including reducing or waiving permit fees, could require compliance with prevailing wage laws.

Commissioner Marek:

- Agreed with Chair Ahi's comments; and
- Noted a conversion requirement is based on 50 percent and can't be less than 800 square feet.

Commission Discussion on other amendments:

Commissioner Bressack:

- Stated she is okay with the language of subsection 14.14.040 (b);
- Need to evaluate subsection 14.14.040 (e) a little closer because it seems to be in reverse; and
- Concluded that subsection 14.14.040 (m) should read as follows:

(m) If the applicant requests a delay in processing, the 60-day time period shall be suspended for the period of the delay.

Commissioner Meadows

- Had questions about subsection 14.14.050 2(i).; and
- Raised a question regarding how basements should be excluded or included in the area of ADU's, whether they be detached or attached. She noted the current regulations treat the inclusion of the basement square footage differently.

Commissioner Lee

- Recommended evaluating and tweaking the daylight plane to get the affect the Commission wants; and
- Requested that sketches of the various daylight plane scenarios be provided so that different affects could be evaluated.

Chair Ahi:

- Recommended bringing back a revised ADU ordinance that includes a chart reflecting the size standards for the various types of ADU's.
- Look into other incentives and language regarding over-the-counter process approval; and
- Asked for ways to streamline the approval process be evaluated further.

City Attorney Houston explained the difference and standards for the 1,200, 850, and 800 square-ADU's.

Commissioner Bressack noted as a points to ponder:

- If you have a daylight plane, people will fill it up; and
- For parking spaces, covered or uncovered, one additional parking space should be required.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, the Commission continued the Zoning Text Amendment and ADU Ordinance to the May 7, 2020 Planning Commission meeting.

The motion was approved (5-0) by the following vote:

AYES: Ahi, Bressack, Lee, Marek and Meadows

NOES: None

ABSENT: Samek and Bodner

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Bressack reported on the April 14, 2020 City Council meeting.

POTENTIAL FUTURE AGENDA ITEMS

Planning Services Manager Persicone provided an overview of upcoming projects on the Commission's meeting agendas.

ADJOURNMENT

Chair Ahi adjourned the meeting at 9:45 P.M.

Jon Biggs
Community Development Director

DRAFT