

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE
CITY OF LOS ALTOS, HELD ON THURSDAY, MAY 7, 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 conference call (Meeting ID: 148 902 2429 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, Vice-Chair Bodner, Commissioners Bressack, Lee, Marek and Meadows

ABSENT: Commissioner Samek

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 April 16, 2020.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, to approve the minutes from the April 16, 2020 Regular Meeting with the changes mentioned by both. At the direction of Community Development Director Biggs, Commissioner Bressack withdrew her motion.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, the Commission continued the minutes from the April 16, 2020 Regular Meeting to allow edits and changes.

The motion was approved (6-0) by the following vote:

AYES: Ahi, Bodner, Bressack, Lee, Marek and Meadows

NOES: None

ABSENT: Samek

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.

This item was continued from the April 16, 2020 PC meeting. *Project Manager: Guido F. Persicone, Planning Services Manager*

Planning Services Manager Persicone gave an overview of edits to the ordinance made since the last Planning Commission meeting.

Public Comment

Resident and local architect Walter Chapman brought up an alternative JADU proposal to allow for additions greater than 150 square feet for a JADU.

Questions of staff:

Commissioner Bressack to City Attorney Houston:

- Can we recommend being more proactive and not just complying with the state's law, but do a code amendment that is more lenient and encourages ADUs? Also, can the City propose a new category that the state has not looked at yet? Are we allowed to go further as long as we are compliant?

Answer: The City can always do more to allow ADU's than required by the State, just not less. The City can allow for the expansion of the dwelling unit to allow for JADUs.

- Can the fee schedule be amended to provide a different (lesser) fee for a project with greater side yard setbacks – in an effort to encourage this?

Answer: The issue with prevailing wage is the concern with public money being used for a private project. While there is an ADU permit fee, we would have to amend our fee schedule to change it.

Commissioner Meadows to City Attorney Houston:

- Asked if everyone is entitled to a lesser setback - how is it an incentive to be a good neighbor and provide a greater setback?

Answer: The City is incentivizing ADUs generally, not just good neighbor behavior. So, it would be across the board and noted a concern with trying to incentivize some ADUs, but not all.

Vice-Chair Bodner to staff:

- There sought confirmation that there were 24 ADU applications approved in 2019, but, wondered how many ADU applications were submitted this year, before the Covid-19 quarantine?

Answer: We will probably receive more ADU applications than the 24 approved last year, as this year we have been telling people to hold off until the City creates our new regulations.

- What percentage involve JADUs and the larger ADUs?

Answer: We have seen a handful of JADUs, but the bulk have been the larger detached ADUs. A lot of them are new and under the 750 square feet.

- What level of oversight will the City have on who can develop an ADUs?

Answer: The State took away the City's ability to require the property owner occupancy deed restriction, but kept the short-term rentals prohibition in the state law.

Chair Ahi to staff:

- Asked why the school impacts fees do not go up to 800 square feet?

Answer: It is the way the state law was written so that a 750 square-foot or less ADU would not trigger school impact fees.

- If the ADU is 850 square feet or below, what type of review would it trigger?

Answer: An over-the-counter administrative review.

Commissioner Lee to staff:

- Asked for clarification on the 800 square-foot ADU vs. 850 square-foot in the chart on the fourth slide?

Answer: The State says you get a minimum of 800 square feet for an ADU regardless of the 50 percent square footage rule of the main house.

Commissioner Bressack stated a more comprehensive chart of ADU's would clarify what Commissioner Lee is asking.

Chair Ahi and Commissioner Meadows agreed with Bressack's chart suggestions. Commissioner Meadows further mentioned that a basement ADU is not limited to 1,200 square feet.

Public Comment:

Walter Chapman stated that if more ADUs were integrated into the primary structure, then you will end up with less detached ADUs in the rear yard. He encouraged building integrated ADUs either partially or completely into an existing house and then expand the primary residence to its allowable square footage, what you will get is a series of larger homes and open yards. He then asked if the Commission could consider an additional option to the state if we allowed them to be integrated but clearly separated within the structure from the primary residence.

Resident Greg Popovich said an ADU with an 8-foot plate and a 6/12 pitch for the daylight plane works for the majority of the units while still meeting our goal of not having 16-foot tall units on a property that are four feet away.

Al said the daylight plane strikes a good balance. He stated that integrating ADUs into the main structure might not be in the spirit of things and serve affordable housing requirements and mentioned an 8-foot plate and a 6/12 pitch for the daylight plane was a good compromise.

Resident Chris Kolstad stated that he is not for larger homes in Los Altos, but needs a larger home and in his case, it is for an additional family. He supports Walter's concept and does not like that the state does not allow for a remodel to an existing house to build an ADU.

Commission Discussion on Square Footage:

Commissioner Meadows

- Does not know if it is correct to say that we do not allow integrated ADUs as they are allowed as a JADU and a regular ADU;
- With regards to the table, it was a great first step and the Commission has made comments around how to add some clarity to it;
- Went over various types of ADUs and categories starting with the 751 square-foot or more ADU school impact fees can be charged but must be proportionate to the size of the main house;
- Next was the category of an 800 square-foot ADU that shall not be more than 50 percent of the floor area, but noted the different rules in some of them;
- Asked if the basement area counts towards the ADU square footage and does it count towards the 50 percent rule of the main house; and
- Talked about the integration of a JADU as proposed by Walter Chapman and why it could not be done.

Commissioner Bressack explained Walter Chapman's suggestion for JADU integration and noted if you are going to use up some of your existing house square footage for a JADU you should get that back to use elsewhere. An advantage of this would be if the ADU is part of the main building and within the main building envelope, which is subject to our setbacks; thus, allowing greater control over the unit.

Commissioner Meadows said that this might be the incentive we have been looking for and the reason that they are precluded is because they are already at their allowed floor area ratio on the lot; aside of course from the other ADU rules.

Commissioner Bressack:

- Is in support of the concept of the integrated ADU as long as there is an 800 square-foot ADU limit.; and
- Asked if it is allowable to have an attached ADU and a JADU in the same property, to which Planning Services Manager Persicone answered “No.”
- She reiterated that the first thing on the chart should be that 850 square feet is the largest allowed studio/one-bedroom unit and 1,200 square feet is the largest allowed two-bedroom unit so we start at a place where folks will understand the various restrictions.

Vice-Chair Bodner:

- In support of the recommended changes that Commissioner Bressack suggested to the categories;
- Making it clear that you do not have to build the largest ADU possible; but should scale it to be smaller, as it would better integrate into the neighborhood.;
- In support of the concept of integrated ADUs and Mr. Chapman’s request; and
- Supports waiving fees because the intention of these rules is to encourage ADUs;
- With respect to the integrated ADUs, she is a little skeptical that they accomplish the intended purpose of actually providing more housing. It feels as though it is making some houses bigger; and
- Agrees that we would have greater design control with these integrated ADUs and they really become less obvious within the neighborhood.

Commissioner Marek:

- Asked about a change to subsection M that changed “tolled” to “suspended”, in which Commissioner Bressack explained that she suggested the change because she did not think the public would know what “tolled” meant;
- The proposed changes to the chart are good and helpful;
- Admits he is somewhat skeptical about this entire approach as a way to truly address the housing crisis; and
- On a much larger level, are all these changes addressing the housing crisis? Do we go forward as if everything will remain the same or is there any thought given to what effect might the current crisis have on the pre-existing housing crisis?

Commissioner Lee

- At the end of the day we are talking about a range of square footages from the minimum to the maximum; and
- Wondered how do we make the square footage limitations crystal clear? Why not try to make the chart as useful as possible?
- You could even add another column for square footage pertaining to attached ADUs vs. detached ADUs;
- He does not have any objections to an integrated ADU; however, he is a bit torn because the massing of the existing house could change significantly with the addition of an ADU;
- Noted it may be better to have an ADU in the rear yard setback so it will have less impact from a street perspective; and
- Seems fair to regain some square footage for an area of a main house converted to an ADU.

Chair Ahi:

- Agrees with comments;
- The table needs to be a little bit clearer;
- Likes Commissioner Bressack's suggestion of breaking down the 850 square-foot and 1,200 square-foot ADUs by itself and then having the other numbers as separate as to what the state is allowing and what our requirements are;
- Not opposed to the concept of integrated units, but there needs to be some type of cap so that people will not take advantage of the provision; and
- The concept does make sense that if you're taking away some of the square footage of the main house, you should be able to reclaim some of it somewhere else.

Commissioner Meadows

- Asked if all specifications for an ADU could be put into a table; and
- Noted basement square footage inclusion and exclusions need to be addressed and are missing from the table.

Commissioner Bressack:

- Clarify if references to ADUs are for attached, detached, or both when we are talking about the regulations; and
- Reiterated that since 800 square feet is the lowest mandatory threshold for what we must grant, it is a good number to use when phrasing the integrated hybrid model ADU because then people cannot take advantage of the provision in a bad way, but use it to their benefit; and
- 800 square feet feels like a good threshold because it is the state's minimum mandate.

Commission Discussion on daylight plane:

Commissioner Bressack:

- Before the City got into this revision, the daylight plane law for a detached accessory building had a low pitch, then when you got 10 feet away from the property line it went to the maximum of 12 feet. What that meant was if you wanted to have a design that was not compact, you pulled the structure back 10 feet because that allowed you the greatest leeway;
- Suggested that whatever we do for the slope, the way to make it more enticing is to pick a number like 10 feet which could either be the rear or side or both and say at that point you can go to 16 feet in height;
- Because from 10 feet away it would be unusual for someone to do a 16-foot high cube, we are still more likely to get a rising pitch, but it still allows for a cross gable;

Commissioner Lee

- Asked what are we trying to achieve here with the diagrams as they seem to be missing key information;
- Are we trying to encourage homeowners to move their structure away from the property line in order to create a more favorable total distancing between the neighboring structures;?
- If that is the goal, then the diagrams need to talk about that a little more directly;
- The incentive is that if you pull back a little bit further, you can build higher or create a different style of architecture; and
- That is the story that these diagrams should tell a homeowner.

Vice-Chair Bodner:

- Agrees with both Commissioner Bressack and Lee's comments in terms of first focusing on what are we trying to achieve and then making sure we are achieving it;
- We are trying to ensure that neighbors construct ADUs that are less obstructive/intrusive to their neighbors and if we need to be consistent with what our best practices are; and
- Wondered where are we landing compared to other agencies?

Chair Ahi:

- In looking back on the different daylight planes and possibilities he felt that eight feet at an 8/12 slope is a reasonable number;
- Allows for slightly more height closer to the property line;
- If you voluntarily go below and 8/12 slope, then you could qualify for reductions in fees or other type of incentives;
- Talked about an 8/12 slope with a maximum height of 16 feet at 12 feet away, and a 6/12 slope with a maximum height of 16 feet at 16 feet away and the logistics of them on a lot.

Commissioner Bressack:

- Having two daylight planes is a tough to navigate;
- Some will not be happy with anything near a property line because it is change;
- We have more control on the integrated hybrid solution because that may not be the best aesthetic solution, but at least we can control that because if it is a two-story house or even a one-story that is unusual it has to go through design review before the Design Review Commission as a house where an ADU does not;
- Differences are relatively small between the different slope pitches;
- Look at how close a 16-foot wall could be to a property line; and

Commissioner Meadows

- Agreed with comments made and noted that the diagrams show the pitch change, but the house was exactly the same in all of those scenarios and did not help visualize what those differences would mean.

Commission Discussion on other miscellaneous amendments:

Commissioner Bressack:

- Clarified and provided some text edits on page 5 of the Draft Ordinance to Planning Services Manager Persicone;
- Make it clear in the code that you cannot have an attached ADU and a JADU;
- The total floor area for an attached ADU or detached ADU (should say both) shall not exceed 1,200 square feet, excluding the basement for the main house;
- Under the Heights section, remove the reference to the "street side yard" and just use "side yard"; and

Commissioner Meadows

- Provided some text edits to the Draft Ordinance starting on page 7;
- Noted it is important to provide the note text about HCD being okay with the daylight plane in the ordinance because the daylight plane becomes unenforceable the moment it prohibits the construction of an 850 square-foot ADU; and
- At the bottom of the page 8 in design standards, it talks about ADUs over 851 square feet and what you are really intending to say is either over 850 square feet or 851 square feet or greater; and

- On page 9, the portion that says 851 square feet or greater, has some text missing.

Commission Discussion on incentives:

Commissioner Meadows:

- Talked about the integrated ADUs where if you allowed that as an option, that could be an incentive.

Commissioner Bodner:

- Is supportive of reduced fees.

Commissioner Lee:

- The integrated option is a good incentive in its own right; and
- Not having an ADU taking up room in the side yard or rear yard is a good incentive already.

Chair Ahi:

- Agrees with Commissioner Bressack and Meadows' comments;
- Thinks the integration of an ADU could definitely be a good incentive; and
- Established a consensus on the daylight plane that it will have a 6/12 slope for 10 feet from the property line and then the ADU can go up to 16 feet in height.

Action: Upon motion by Commissioner Bressack, seconded by Commissioner Meadows, the Commission continued the Zoning Text Amendment and ADU Ordinance to the May 21, 2020 Planning Commission meeting to work on the table and make other edits noted by the Commission. The motion was approved (6-0) by the following vote:
AYES: Ahi, Bodner, Bressack, Lee, Marek and Meadows
NOES: None
ABSENT: Samek

City Attorney Houston said she would take another look at the incentives.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Meadows reported on the April 28, 2020 City Council meeting.

POTENTIAL FUTURE AGENDA ITEMS

Community Development Director Biggs provided an overview of upcoming projects on the Commission's meeting agendas.

ADJOURNMENT

Chair Ahi adjourned the meeting at 9:27 P.M.

Jon Biggs
Community Development Director