

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 941, JANUARY 11, 2017

CALL TO ORDER AND ROLL CALL

Mayor Hughes called the Town Council's Regular meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Ms. Hanlon called the roll.

Present: Councilmembers Mary Ann Moise Derwin, Jeff Aalfs, Ann Wengert; Vice Mayor John Richards, Mayor Craig Hughes.

Absent: None

Others: Jeremy Dennis, Town Manager
Leigh Prince, Town Attorney
Brandi de Garneau, Sustainability & Special Projects Manager
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None.

CONSENT AGENDA [7:01 p.m.]

- (1) Approval of Minutes: Town Council Regular Meeting of December 14, 2016. [Removed from Consent Agenda]
- (2) Ratification of Warrant List: December 28, 2016, in the amount of \$75,188.03
- (3) Approval of Warrant List: January 11, 2017, in the amount of \$51,819.11.
- (4) Recommendation by Sustainability & Special Projects Manager – Second Reading of Amendments to the Green Building Ordinance and Related Finding.
 - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 15.10 [Green Building] of Title 15 [Buildings and Construction] of the Portola Valley Municipal Code (Ordinance 2017-414)

Councilmember Derwin moved to approve Items 2, 3, and 4, of the Consent Agenda as submitted, and Item 1 as amended. Seconded by Councilmember Wengert, the motion carried 5-0, by roll call vote.

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

- (5) Recommendation by Town Manager – Formation and Appointment of Members to the Ad-Hoc Housing on Town Owned Property Committee

Town Manager Dennis presented the staff report regarding the appointment of three residents to the Ad-Hoc Housing on Town Owned Property Committee.

Mayor Hughes said the original schedule has been changed due to some candidates' inability to attend and withdrawals. Mayor Hughes invited the candidates to speak.

Steve Toben. Mr. Toben said any right-thinking citizen of the County can't help but be concerned about the grotesque imbalance between housing generation and jobs. He said the 2003 Nathhorst rezoning process was an earnest, although unsuccessful attempt, to provide some diversity in the housing stock in Town. He said he was on the Planning Commission at the time and was also involved in the aftermath of the 900 Portola Road story, where he facilitated the first community meeting in which the Council was invited to describe that process. He said he subsequently facilitated the Housing Committee that produced a report for the Council's consideration in connection with the 2015 Housing Update. He said he has a specialty in community engagement. He said for the past 15 years he has functioned as a mediator in several major Town controversies, and he thinks he has a particular affinity for what communication works well and what doesn't in this community. He said that specialty has been honed and, although he hasn't always gotten it right, he has always been sincere in his desire to engage all points of view and to understand the ground level with commonality of purpose, all in the interest of the wellbeing of the Town citizens.

Councilmember Derwin said that, historically, factions of the community have not been supportive of building higher density housing developments in Portola Valley. She said times have changed and housing affordability is out of reach of everyone except high income earners. She asked Mr. Toben if higher density affordable housing can coexist with the Town's traditional values of preserving open space and conserving resources. Mr. Toben said density is a tripwire for a lot of folks concerned about altering the fundamental character of the community. He said he believes that this committee offers the opportunity for the Town residents to better understand how design can work well with the fundamental ethos of the community. He said there is enormous talent on the Council and the committee to find ways that smaller scale, appropriately-sized residences can fit very well on selected sites. He said the intent is not to build a four-story apartment building onto the Rossotti parking lot. He said the state of the art has advanced and there has been a lot of innovation in the last 15 years since he struggled with Nathhorst. He said there is also more receptivity with respect to small homes. He said there is some fatigue with the notion that things need to be built larger and larger in order to satisfy the community impulse. He said he is cautiously optimistic, but is also not naïve about the sensitivities, which is why he offers facilitation as an element of what he can bring to the committee.

Councilmember Aalfs asked Mr. Toben what he saw as a good outcome of the process. Mr. Toben said net gain in units that are in the pipeline. He said the bottom line is it is time to deploy and access the housing fund. He said he doesn't have a number of units in mind and he is aware of the Housing Element targets, but he thinks the Council needs to get to a clear conviction that there will be new homes constructed at the end of the pipeline and that the deployment of the resource will be put to that end.

Councilmember Wengert said Nathhorst was the catalyst for her involvement and communications was at the top of the list for why she thinks it became such a controversial issue. She said 900 Portola Road had similar aspects. She asked Mr. Toben to discuss his strategies for managing that part of the process, fast-forwarding to today, where there is even more complexity of levels and modes of communication. Mr. Toben said frequency of check-ins with the residents is enormously important. He said he is a huge fan of the PV Forum and he would insist that there be continuous updating. He said framing is critical and he wants to focus on design. He doesn't want people to get fixated on the notion of high density and he thinks they can properly avoid that this time.

Vice Mayor Richards said he also remembers the Nathhorst time and wants to avoid the mistakes that were made then. He said it seemed to him they did engage as much as possible, but obviously something fell through the cracks. He said, regarding the design issue, he agrees with Mr. Toben that it is a critical component. He said he does not think it was entered into the process at the right time with Nathhorst. He asked Mr. Toben at what point they should actually consider getting some sketches on paper. Mr. Toben said he hasn't thought that through but said visuals are enormously important in giving comfort to folks about what's in view. He said it should be integral to the process and the earlier the better. He said they tried unsuccessfully to do that with Nathhorst. He said he favored the idea, if the resources are available, to engage in some sketch work on some possibilities and that it be vetted with the committee. He said they should start to socialize some of those ideas in a fashion that would create comfort. He said it's not

just drawings – its words, outreach, shoe leather, talking to neighbors, and media that is important to the ultimate outcome.

Mayor Hughes said one of the Committee's tasks will be identifying if there are certain types of housing occupants to target – schoolteachers, firefighters, police, Town staff, etc. He said that giving the Townspeople an idea of who will be occupying these houses will provide some comfort and alleviate some potential concerns. Mr. Toben said he has not thought about that question in analytic terms, but has thought about it in narrative terms. He said that personalizing the story, making it tangible, will be helpful. For example, speculating on a modest development on the parcel adjacent to Corte Madera School where the fifth-grade teacher will live within walking distance of the school. He said there must also be serious analytic attention given to criteria. He said there has been previous work done in identifying criteria for eligibility for BMR housing.

Virginia Bacon – Unable to attend; however, she provided her written application.

Beth Bartlett – Unable to attend; however, she provided her written application.

Wanda Ginner. Ms. Ginner said she and her husband have been in Portola Valley for 35 years. She said in 1982 the State of California produced legislation mandating mobile homes. She said she had lost track of the fact that they had to get into their new house by a certain time limit and had brought a trailer onto their property, becoming Portola Valley's only low-income housing project. She said in the course of that, they dealt with the ASCC and the Town. She said a couple of years ago, she served on the ad-hoc committee to deal with the State's new mandate about putting low-income housing in every community. She said it's the only time she's been on a committee in Portola Valley due to time constraints prior to her semi-retirement. She said she has no preconceived notions; although she does have some ideas and recommendations that were developed by the previous ad-hoc committee.

Councilmember Derwin asked how Ms. Ginner proposed to balance the Town's historical values and the preservation of open space with the need for building affordable, denser housing. Ms. Ginner said a bit of that was done on the committee a few years ago. She said there are very strong feelings in Portola Valley on both sides. She said she loves it here and loves the way it looks, but she also thinks there are ways affordable housing can be provided without building a concrete block, Russian-style apartment building. She agrees that communication is absolutely critical because people stop listening when they hear high-density housing. She said there needs to be a way to figure out how to place something presentable and inexpensive on Town-owned property. She said she'll know it when she sees it.

Councilmember Aalfs asked what Ms. Ginner hoped to see come out of this committee's work and what she would like to see happen differently than with the 2010 committee. Ms. Ginner said she is not sure anything happened after the last committee made recommendations. She said she would like to see a plan come out of this committee – not just grand words that say, "Oh yeah, we ought to do this and wouldn't it be wonderful." She would like to see guidance and concrete recommendations provided to the Town Council. She said she does not necessarily see the committee providing a cost benefit analysis, but also does not want to see the Town spend a lot of money to create only a small amount of housing.

Councilmember Wengert said there was a big division of strong opinions in the last committee. She asked Ms. Ginner how she would recommend managing the communications part to get the two sides talking to each other in a productive way from the outset. Ms. Ginner said communication must be a two-way street and it needs to be a dialogue. She said those with strong opinions can be identified and brought into a discussion about the things important to them. She said some are concerned about traffic, some are concerned about what things look like. She said the people on both sides need to be involved in the dialogue early. She said you can't just work on something for a year and then say, "Here's what we came up with." She said that is what gets people divided and planted in their thinking. She said it does make it harder on the committee members in that they really have to get involved and talk to these people. She said she thinks the committee should be very careful to be sure they have one voice. She said individual

committee members should not be going out saying something that could be misinterpreted, adding to the division in Town.

Vice Mayor Richards asked Ms. Ginner if there was a particular recommendation from the last ad hoc committee that was the most important. Ms. Ginner said they were all important, but she particularly liked the recommendation about illegal granny units. She said they thought the Town needed to have someone who did not report to the Town who could come out and analyze if someone needed to spend \$20,000 or \$150,000 to bring something into code. She said there should be a way to let people get that information without getting sucked into something they weren't ready for. She said that recommendation struck her as a really simple thing to do. She said today the discussion is about a different concept – building something on Town-owned property, so there is not that same kind of problem. She said she does not know if there will be an issue with communication with the Council.

Mayor Hughes asked Ms. Ginner what restrictions, if any, should be set up regarding who might occupy these properties. Ms. Ginner said the concept was to make something available for the people who work here – at the Fire Department, the teachers, the Town staff, the corner strip mall. She said that's an easy selection because that doesn't offend anyone. She said she does not know what kind of restrictions would be legal. She said she thinks the Townspeople will have the most trouble with people who live here in low-income housing and commute somewhere else. She said they need to find out what the mandates, restrictions, and criteria are, and start focusing on people who work here and the new widow or widower who simply can't afford to live here anymore. She said she thinks they will find there are more people qualified than there will be housing.

Ms. Ginner said she's a CPA and she sees things in black and white and thinks things are either right or wrong.

Jill Horn – Withdrawn.

Kiran Kamboj – Withdrawn.

Arthur (Chip) McIntosh – Mr. McIntosh said he had a career in real estate and is interested in the affordable housing issue. He said he was on the Planning Commission for 14 years, involved in the Town Center, and appreciates and enjoys participating in this kind of thing. He said he is a big believer in affordable housing.

Councilmember Derwin confirmed with Mr. McIntosh that he had dealt with Nathhorst, 900 Portola Road, and the Town Center. She asked him what he thought would make it successful this time. Mr. McIntosh said the attitude and feeling in the State has changed a lot in the last few years with respect to the need for affordable housing and there is more openness toward the concept. He said he understands that there can be a priority for people who work in the community, which is a palatable approach. He said it's important not to take an "in your face" approach and to deal with interested parties forthright and person-to-person. He said the biggest change is the willingness of people to accept the need for affordable housing.

Councilmember Aalfs asked how Mr. McIntosh would assess the Town's overall stock of possible properties suitable for affordable housing. Mr. McIntosh said he likes the approach and ideas provided by the last committee. He said the Town is blessed with \$3 million in the bank. He said he would like to explore the different options to leverage that. He said on the nursery site there were interesting options for getting outside assistance in building and perhaps 8 to 10 units could have gone there that would have served people that work in the community. He said the committee's task, in his mind, is to set priorities and be thoughtful about how this money might best be spent to create some real things. He said he's excited about the concept.

Councilmember Wengert said, given the history of 900 Portola and Nathhorst, clearly the challenge was communication. She asked Mr. McIntosh what he thought about this committee's role and what communication strategies it might put forward. Mr. McIntosh said he believes in the concept of assigning one or two people to address areas of concern or resistance, meeting with them and bringing them into the process, and actually having them participate in the idea and concept. He said you can assess impacts, for example, of what it really means to have a 1,600-square-foot unit here versus some other uses of the property, traffic, etc. He said those that might be resistant can be brought into the framework of understanding.

Vice Mayor Richards asked what Mr. McIntosh thought were the top two or three most important criteria for selecting a Town-owned site for affordable housing. Mr. McIntosh said with Nathhorst, for example, it was a delicate process. He said it might seem like a logical spot in some ways, but certainly the people that were so strongly against rezoning that 15 years ago would still feel that way. He said they would have to really be involved in the planning of that site. He said there may be less resistance on the piece near Rossotti's. He said he was intrigued by the idea of working with the Sequoias to see what they can do. He said certainly the Stanford site is one of the most promising, and even Stanford has seemingly embraced the concept of working with the community.

Mayor Hughes asked Mr. McIntosh how he would go about structuring the priorities on occupancy, for example the single parent versus the schoolteacher versus the firefighter. If the Town does not build a large number of units, how would Mr. McIntosh prioritize that and determine what kind of restrictions to implement in a way that would be flexible but also give the Townspeople an idea who will be occupying these units. Mr. McIntosh said the natural restriction is income. He said he would more look toward a lottery approach. He said the concept of people that work in the community being able to live here needs to be explored further and publicized. Mayor Hughes said they were also looking at potential people who currently live in the community but are being forced out for economic reasons, trying to give them an opportunity to stay. He said that is more nebulous in terms of the criteria. He asked Mr. McIntosh if he had any thoughts about how that would be designed. Mr. McIntosh said you can't do the selection before the product is available. He said once something is concrete, that would encourage people that are negative about the prospects of living around here maybe staying for a while and seeing what their chances are. He said the ratio between the available units and the people who want them is a tough one. Mr. McIntosh said one issue to be worked out is if someone works here, gets an affordable unit, but then changes jobs.

Mr. McIntosh said this will be an interesting, comprehensive, large group and he wants to be straightforward and let the Council know that he is out of town fairly often and most of the summer.

In response to Councilmember Wengert's question, Mr. McIntosh said he would be willing to participate remotely by telephone.

Jerry Secrest. Mr. Secrest said he's lived on Willowbrook for 45 years. He said his background was a techie in the semiconductor industry, then property management and business ownership. He said he presently does property management with some of his own property and is part-owner of a grocery store. He said he is interested in challenges and innovative approaches.

Councilmember Derwin asked how Mr. Secrest thought the historical values of preserving open space and low density housing could be reconciled with the need to provide affordable housing. Mr. Secrest said the objective needs to be to concentrate on low-cost housing and get it built, come up with a model that would demonstrate it can be done. He said it is not a given to him that it can actually be achieved. He said the State has said we need to do it, it's the law. Councilmember Derwin said the State requirement is only to plan to do it, but the Council actually wants to see it done. Mr. Secrest said he understands that objective, but he is still not clear that it's achievable.

Councilmember Aalfs asked Mr. Secrest what he saw as the unique challenges of building in Portola Valley, mainly the cost, and what could be done to alleviate that. Mr. Secrest said all options need to be

left open. He said the target is to achieve the cost of housing that meets the requirements and is available to people, and not to go in with a set of conditions that restrict that. He said the eye needs to be kept on the target.

Councilmember Wengert asked Mr. Secrest, with reference to his comment that he's not sure the Town can achieve the goal of providing affordable housing, if he was focusing on the pricing and cost associated with it or if it was a broader statement that included resistance from the community or other issues. Mr. Secrest said the costs of set up, engineering, land acquisition, construction, and sales costs all add up. He said the challenge will be squeezing that to get the costs down. He said the committee needs to look at all options available to achieve those things.

Vice Mayor Richards said there is a list of potential sites the committee will look at. He asked Mr. Secrest what would be the first thing he would look for as far as suitability. Mr. Secrest said he would first like to see a civil engineer or geologist go through the list and determine what sites are actually buildable. He said he did not know what the next criteria would be.

Mayor Hughes asked Mr. Secrest if he could describe his interactions historically with the Town as far as volunteering, committees, or anything else. Mr. Secrest said he has not been a volunteer. He said he built a guest house/grandma unit 12 years ago and had very good dialogue with the Town during that process. He said the Town was very thorough in laying out the rules and conditions. He said he has not been highly involved with the Town operation or committees. Mayor Hughes asked Mr. Secrest if he was familiar with some of the things discussed, such as learning lessons from previous communications mistakes. Mr. Secrest said he knows that the triangle at Portola and Alpine did not go well. He said if it can't be sold as an asset to the Town, it will be a tough sell.

Carter Warr. Mr. Warr said the committee needs to find the low-hanging fruit to establish what is possible. He said he's the only designer and only architect, probably the only member in Town who has actually built below market rate housing in Town. He said he's done it at the Priory, where they see housing as a significant impediment to securing and maintaining qualified teachers, and where they are in the process of designing and bringing forth another six to nine units. He said there are some issues associated with whether or not it's an advantage to the employee or the resident or whether it tends to hold them back. Because of the way the Bay Area works, for most people who own their residences, it becomes their most important asset and one of their biggest sources of future wealth. He said the committee needs to think about not only who is going to live there, but how it operates and what the intentions are. He said this housing project will be different when its design and development process is seen as an asset for the Town. He said although he's reticent to design things by committee, one of the greatest successes in the Town Center design process was that it was developed out of and responsive to community input. He said the processes associated with the Nathhorst Triangle and 900 Portola Road showed that without broad-based community support and discussion of the pros, the cons, the economics, and the aesthetics, this doesn't have a chance of getting off the mark. He said communication about the visual effects, the design, who is likely to be living there, and how the economics work is going to be more important for this than any other project in Town. He said Portola Valley is advantaged to have an enormous brain trust within the Town, with more skeptics per capita than any other community around. He said the committee must understand how to leverage that skepticism so that answers can be developed. He said there will be some low-hanging fruit sites that have sewer, have stable geology, aren't subject to landslides, are relatively easy to build on, and relatively well screened, versus a lot of sites that are just nonsensical to even consider. He said he really thinks a significant part of this is going to be strategic in an open way so that people understand that if we're doing a survey it really is to gather real information in such a way that it becomes a part of the design process, a part of the approval process, a part of what's going on, so that it isn't in the background or pre-negotiated, and that the conjecture is completely taken out of it. He said it's an opportunity to establish the framework for some broader design issues. He said it is a significant responsibility and he understands that isn't the charge of this committee. He said the housing issues are somewhat created by the haves protecting what they have and not being concerned about those that don't have it yet. He said there is a way of creating a Town that is a sustainable organism where you don't have to worry about who is going to live there or how the

economics work, because the best way to create affordable housing is to have too much. He said that's not likely to ever happen here, but if you plan affordable housing it will get built. He said you don't have to incentivize it and you don't have to fund it, it can happen by itself if you plan it. He said Redwood City is a good example in the amount of housing that they've planned for, and it will get built. He said there are some issues there that he doesn't think are sustainable because they haven't provided the infrastructure associated with what that new housing is likely to do to their Town. Councilmember Derwin said a lot of it isn't affordable. Mr. Warr said it could be if they built enough.

Councilmember Derwin said she knows Mr. Warr is supportive of affordable housing and believes Portola Valley can do it and still retain their character. She asked him what he realistically thought the committee could accomplish, especially with him on it. Mr. Warr said he's actually thinks he's not as good a committee member as a committee supporter. He said agreed with Mr. McIntosh and Mr. Secrest about the value of having a support mechanism in talent and design skills. He said he applied hoping to carry on the legacy of the original housing committee work. He said he knows where the bodies are buried and knows almost every property in Town. He said the assessment of lands to improve, which are the easy ones and which are the hard ones, will require a few hours of mulling some things over. He said support of the design efforts and some of the communication efforts are something he can easily help with. He said whether or not there's a position for him on a committee like this, he's happy to volunteer, and it's something that he could strongly support. He said they're talented and they know how to develop these sites better than anybody in Town.

Councilmember Aalfs said the Town will ideally be donating land and money to this cause. He asked Mr. Warr what other things the Council should think about that will be necessary to make this happen, for example amending the General Plan, changing ordinances, setbacks, etc. Mr. Warr said there is a lot of leeway in the Town Ordinances and General Plan that doesn't necessarily need amending. He said some things in the General Plan cannot be avoided without some gymnastics. He said the Planned Unit Development is a very flexible tool that gives the Town the opportunity to provide dispensation as compensation for public benefit. He said it's a slope that you want to have crossed with the public long before you ever get to a finished design. He said explaining "We're doing this because ..." and then doing that with broad based support is critical. He said this brings to the larger question of whether or not there is any support at all. He said he's discussed with others if broader questions should be asked – "Do you want to be a bedroom community that doesn't support this? If you support it, how big is your support? Do you want to create a sustainable organism?"

Councilmember Wengert said Mr. Warr has positioned himself in two ways and she is trying to determine if they are mutually exclusive – being part of and supportive of the committee or not being part of the committee but being supportive. She said he clearly has huge history, experience, and background in projects he's worked with that have bridged some of the gaps. She asked Mr. Warr how he would go about, from what he knows and all he's seen, really building that base of support, for whatever project. She asked if he picks the low hanging fruit, the property that is the most logical place that he'll be able to sell to the community, how he would go about building his base. Mr. Warr said it would be through a series of larger invited and informed roundtables that bring obvious skeptics and obvious supporters together, encouraging them to bring their friends with their questions, getting to why. He said in the practice of architecture and construction, it is very easy to just do what your clients tell you and then justify to yourself that you're doing it because they told you to. In deference to that, he said if he listens to the whats, but really understands the why, then the whats become very clear. He said it is easier to build consensus around why than it is about what. He said if you create a consensus about "Why should we do this?" someone will say "You're doing it because you've got three million bucks." He said that is one of the reasons, but there are a lot of other reasons. He said maybe your daughter and your son-in-law can't afford a house and your property is too small to build something – so the why is about that. He said you start to build a set of stories with characters and use that organic process to say "How are we going to express that? Is it a collage of people? Is it about your gardener and your housekeeper and the 2,000 people that drive into Town every day? Is it about the 5,000 car trips out of Town to go to ballet class and piano lessons?" Mr. Warr said there is a product and it needs to be about that, but more importantly, even

if the committee is not successful in finding a way to improve those properties, they must be successful in creating a consensus about why we should.

Vice Mayor Richards asked if Mr. Warr would prefer to be on the committee or prefer to be a support person. Mr. Warr said he would prefer to be a support person, because he thinks his presence eliminates a seat for somebody else who potentially has more contacts and more friendships and provides a different perspective. He said his perspective is definitely about the Town and the understanding he has of the Town. He said his other perspective is 40 years of dealing with an ever-decreasing number of people who will come work for him because they can't afford to live here and the pressure on salaries and benefits. He said the Town Council is dealing with the ever-increasing number of staff, more and more needs of a more and more demanding public. He said when he came to Town 30 years ago, the majority of jobs in Town, including sweeping streets and cleaning ditches, were volunteers. He said at that time there were 2-1/2 people that worked for the Town out of a classroom at the old school. He said it's a different world now and he brings significant experience and understanding of what to do with that. He said whether he serves as a volunteer and talks with the committee or gets hired as a consultant to assess the viability of some of those ideas, he thinks in some way he's better off doing that, particularly when they've got talented people with big brains.

Mayor Hughes said all of his questions have been answered.

Mr. Warr said he's pleased that the Town is doing this. He said he's displeased that it's limited. He understands how gun shy the Council can be because of the previous missteps. He said he hopes they understand what he said about public outreach and are willing to guide the committee to dealing with the whys. He said he firmly believes that if a consensus is built about why, then the whats will happen without problems. He said if they jump to judgment and say, "We're going to build on this site and it's going to be eight units and it's going to be 23 feet tall and brown," there will be people fighting it on one side and supporting it on the other, with the majority not even caring. He said if a consensus is built around why, even the silent majority could be supportive.

Commissioner Wengert asked Mr. Warr if he would serve if selected. Mr. Warr said he would.

Mr. Secrest said his wife reminded him of some other experience he's had with the Town. He said he subdivided some property in Woodside, which was challenging, and built an industrial building in Fremont, and was also involved in the remodel of a shopping center and a market.

The Council voted for three candidates by paper ballot, which were tallied by Town Clerk Hanlon. Steve Toben received five votes, Chip McIntosh received four votes, and there was a tie for Carter Warr and Beth Bartlett. The Council voted again to break the tie between Mr. Warr and Ms. Bartlett. Mr. Warr received 3 votes and Ms. Bartlett received 2 votes.

The Town Council appointed Steve Toben, Chip McIntosh, and Carter Warr to the Ad-Hoc Committee for Housing on Town-Owned Property.

- (6) Recommendation by Sustainability & Special Projects Manager – Adopt an Amendment to Chapter 8.09 [Recycling and Diversion of Construction and Demolition Debris]
 - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 8.09 [Recycling and Diversion of Construction and Demolition Debris] of Title 8 [Health and Safety] of the Portola Valley Municipal Code (Ordinance No. __)

Sustainability & Special Projects Manager Brandi de Garneau presented staff's recommendations for the proposed amendment to Chapter 8.09 as detailed in the staff report.

Chair Ross called for questions from the Council.

Councilmember Derwin asked if there was any cost to the homeowner due to increasing the diversion rate to 75%. Ms. de Garmeaux said they already have to comply with 65% and increasing it to 75% should not add any additional costs because of the high diversion rates at the suggested facilities. Councilmember Derwin asked if this was applicable to second units. Ms. de Garmeaux said it is a CALGreen requirement and is applicable for any new construction.

Vice Mayor Richards asked if the Town has been enforcing the 55% requirement on the smaller residential additions. Ms. de Garmeaux said they have and the requirement is actually 60%.

Vice Mayor Richards asked if, in the case of an owner-builder, there is the capacity to give them some assistance because this kind of thing could dissuade do-it-yourself projects. Ms. de Garmeaux said the software is very user friendly but staff can also help at the counter. She said they have recently implemented a lot of other software at Town Hall and wondered if it was the right time to implement this particular software. She said they decided to do it now because it will reduce staff time significantly, especially in light of the requirement to prove compliance for every project.

Councilmember Wengert asked how broad the category was for accessory structures. Ms. de Garmeaux said it applies to anything that needs a permit. Councilmember Wengert asked if the compliance requirement will create a greater burden for someone tearing down, for example, a relatively small accessory structure on a do-it-yourself basis. Ms. de Garmeaux said those projects are currently required to achieve a 60% diversion rate. She said this is just increasing it slightly. She said it will be important to choose a facility that meets the required diversion rate. She said this basically encourages people to go to one of the five facilities suggested instead of going, for example, to Ox Mountain where it goes straight into the landfill.

Mayor Hughes asked Ms. de Garmeaux if there were any recent projects that have not met the 75% requirement. Ms. de Garmeaux said in the absence of staff providing recommendations for facilities for folks to use, there are a few projects that have gone to facilities that are landfilling. She said this program will enable staff to calculate the diversion rate for each material. She said the Priory used the Green Halo software and had a 97% diversion rate. She said it depends on what the contractor decides to do, but if they choose a facility that is diverting, they can easily achieve it. She said if they source-separate concrete, the diversion rate can be even higher.

Town Attorney Prince said upon re-reading the draft ordinance today, staff caught a couple of typographical and other errors that have been corrected. She said the on Page 3, Subsection D, the referenced to subsection (J) should be (K). She said page 5 referenced "town administrator," which should be "town manager."

Mayor Hughes pointed out at the bottom of page 5 it should read "...more than 25 percent (25%) of project ..." instead of 40 percent. He said in the second paragraph of page 6 it should say "reuse" instead of "refuse." Mayor Hughes suggested rewording the explanation of whether ADC does or does not work toward reaching the required diversion percentage.

Mayor Hughes asked if the cost of the software would be recouped through the administrative fee. Ms. de Garmeaux said it would be paid out of the Sustainability Program's budget. She said they will determine where it will go in the budget for the next fiscal year.

Hearing no more questions, Mayor Hughes invited public comment.

Carter Warr said he's been in construction for 40 years. He said this is symptomatic of the continual government overreach that is causing an extraordinary impact on the collective cost of construction that has made housing unaffordable. He said increasing from 65% to 75% does not improve anything. He said

adoption of CALGreen is all the Town needs, they don't need their own ordinance, processing system, and software. He said it baffles the minds of old contractors and old architects that every time they turn around there's new rules and new mandates, and it's not cheap. He said it's hours of time collecting paperwork, mostly from people who are not very sophisticated. He said it feels like the contractors are the problem child of the State and they think that all the sustainability issues will be solved by having government overreach and somebody else checking on them.

With no further public comment, Mayor Hughes brought the issue to the Council for discussion.

Councilmember Derwin said because she's building something right now, what Mr. Warr says resonates with her. She said a shovel has not gone into her ground yet and she has already spent a lot of money on all the layers of requirements. She said she understands what staff is trying to do and thinks it is the right thing, but she's not sure.

Mayor Hughes asked Ms. de Garmeaux what body was requiring action. Ms. de Garmeaux said there is an ordinance that has been in existence since 2000 and has provisions above and beyond what the 2016 CALGreen Code is requiring. She said when the Town became aware that CALGreen had a mandatory requirement that was above the Town's ordinance, and the Town needed to check for compliance. Ms. de Garmeaux said that on all new construction projects, there is still the requirement to meet the 65% diversion rate, have all the load tags, and indicate how the diversion rate was met. She said there are requirements by the State, and the Town saw the opportunity to do even better. She said the roofing and demolition only has been part of the ordinance since 2000 and they believe that pointing people to certain facilities will make sure that waste is being diverted.

Mayor Hughes asked if the Town requiring a little bit more work for roofing and demo, which is not required by the State, would be balanced out by providing the software to make the tracking, which has always been required, easier. Ms. de Garmeaux said they've already had to track it for roofing and demolition for 16 years and this software would make it easier. Town Manager Dennis said much of what currently presents a challenge is already on the books and is part of CALGreen anyway and the primary change is the number. He said because this Council and previous Councils have made sustainability such a priority, the Town has tried to stay ahead of the curve. He said as staff discussed it, they felt it was entirely appropriate to propose continuing to do that.

Councilmember Derwin asked if increasing to the 75% requirement created more work than if they were just required to be in compliance with CALGreen. Ms. de Garmeaux said the contractor has to make a waste management plan for CALGreen and this software makes that easy for them. They have to provide the load tags per CALGreen, but with this software, staff is able to point them to the facilities that have higher diversion rates. She said they will be able to see the diversion rates, which is almost impossible to know without the software. She said the fact that contractors are using it voluntarily shows they are seeing it as a need. She said the only thing staff is proposing above CALGreen for new construction projects is increasing the diversion rate a little bit. She said every year staff is required to do an annual report with the State Department of Recycling to exemplify how they are trying to make sure they are meeting the waste diversion goals. She said because staff saw this as an easy opportunity to assist with that, they recommended it to the Council. She said it also has other implications beyond CALGreen, such as trying to meet state requirements from other avenues.

Councilmember Derwin asked staff if they felt upping the diversion requirement and using the software would make the process more complicated or expensive. Ms. de Garmeaux said they did not. Councilmember Aalfs said, as a GreenPoint rater and someone who has to hunt down the haul tags in the field, Green Halo is a godsend. He said it's complicated, but people adapt. He said he's seen builders can be kind of technophobe, but it's designed to ultimately make it easier for these projects. Ms. de Garmeaux said Palo Alto is requiring an 80% diversion rate and they are also using Green Halo. She said Pleasanton is requiring a 75% diversion rate. She said Palo Alto is achieving their rate with basically the same pool of disposal facilities as Portola Valley's. Mr. Warr said there are a lot of small projects that get lumped into this, with less sophisticated contractors with smaller budgets. He said the amount of work

associated with a \$100,000 project versus a \$10 million project is not 100 times easier. He said the software is fine but there isn't any reason for the Town to have a separate ordinance except for demolition and roofing. He said at 65% the rest of the ordinance is unnecessary because CALGreen collects all of it.

Councilmember Wengert said the efficiency appears to be particularly on the software side of it and, while the less sophisticated contractors may be less likely to use it on the smaller projects, over time it will be an incremental improvement for everything. She said she does not worry about the payback period for the Town's cost because it will very clearly be there. She said that given the primary legislation is already mandated and this helps achieve some slightly higher sustainability goals, she can support it. She said Ms. de Garneau did a great job in presenting the case for how and why the Town should do it. She said she is sympathetic to all of the projects on an aggregate and macro basis in that it is getting more difficult to do a major or minor project, recognizing the much larger financial burden, which exacerbates the housing inventory problem. She said if owners of older homes start to hesitate to make the kind of improvements they would otherwise make because of the overall costs, that's not good. She said that is a different set of problems that will not be solved tonight, but on this subject, given there is already the requirement for the roofing materials and accessory structures outside of this, it makes sense.

Vice Mayor Richards said he also finds it frustrating. He said, however, he sees this recommendation as a minor change that is symbolic. He said the ordinance won't cost the Town a lot and he's not worried about that. He said the Town's entire approach to sustainability has been to hit it with the biggest hammer we can find and it's more making a statement than anything else, which he thinks the Town needs to do. He said it's such a big problem worldwide, the fact that the Town has grabbed it by the horns and taken it on is really worth something. He said he supports it even though it drives him crazy.

Mayor Hughes said he is very aware of how the extra regulations and extra effort that contractors have to deal with slows down projects and increases costs. He said he does not feel like this actually adds anything more to the already existing State requirements, other than having the project planner or manager having to read it to make sure they understand there isn't really anything different from CALGreen other than the numbers. He said having the software available will reduce that burden and the rest of the work has to be done anyway. He said he was supportive and it will help more than it will hurt.

Councilmember Wengert moved to adopt the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council, the Town of Portola Valley, Amending Chapter 8.09 of Title 8 of the Portola Valley Municipal Code, as amended. Seconded by Vice Mayor Richards, the motion carried 5-0.

Councilmember Wengert thanked Ms. de Garneau for an excellent presentation. Town Manager Dennis said one of staff's major considerations was how to make this easier on the people who have to go through the Town's ordinances. He said he appreciates that Ms. de Garneau used her own budget instead of asking for additional money from somewhere else.

- (7) Recommendation by Sustainability & Special Projects Manager – Adopt an Amendment to Chapter 2.24 [Emergency Organization and Protection], a Resolution Adopting the 2017 Emergency Operations Plan and a Resolution Relative to Disaster Service Worker Volunteers
 - (a) First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 2.24 [Emergency Organization and Protection] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code (Ordinance __)

Ms. de Garneau presented staff's recommendations regarding the amendments needed for the Emergency Preparedness Program, as detailed in the staff report.

Mayor Hughes called for questions from the Council.

Mayor Hughes referred to Section 2.24.490. He said some of the sections talk about the Director of Emergency Services but only Section C says the Director or Acting Director (if the Director is unavailable). After some discussion, the Council suggested there be the definition that the Director shall refer to Acting Director if the Director is not available. Town Manager Dennis said they will add the Acting Director to Section 2.24.050(1).

Mayor Hughes asked regarding the Section 2.24.090(C)(1) requirement for Council to ratify a proclamation within seven days after a proclamation of a local emergency. Staff advised that is a State requirement.

Mr. Warr said he did not see anything in the operation plan that coordinates with Woodside Fire Protection District. He it doesn't appear they were consulted and they are not listed in the communications decision tree. Ms. de Garneau said the Woodside Fire Protection District participated as part of the Emergency Preparedness Committee and attended all of their meetings the operation plan was discussed at length. Town Manager Dennis said this is the Town's operation plan but they would consult with all the Town's partners in an emergency. Mayor Hughes said he recalls a conversation with the Fire Department and the Sheriff where the desire was to route everything through the Sheriff and Office of Emergency Services (OES). Ms. de Garneau said the Woodside Fire District has a seat in the Emergency Operations Center. She said staff was directed that emergency management should flow through the Sheriff's Department and County OES. Mr. Warr said Woodside Fire has facilities and manpower in Town and the Sheriff does not. Town Manager Dennis said the Sheriff has a substation here. Mr. Warr said the substation is not continuous manned, but Woodside Stations 6 and 8 are manned 24 hours a day. Mayor Hughes said they will reconfirm with Woodside Fire District that they feel this is adequate but can move ahead with approving this amendment tonight. Town Attorney Prince said the Council could approve the document as presented with the option to add the Woodside Fire Protection District's number to the decision tree if they have no objection.

Councilmember Wengert and Vice Mayor Richards said the Woodside Fire Protection District number should be included in the decision tree. Town Manager Dennis noted that not every emergency faced will involve fire.

With no further questions or comments, Mayor Hughes called for a motion.

Vice Mayor Richards moved to approve the First Reading of Title, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Chapter 2.24 of Title 2 of the Portola Valley Municipal Code, as amended. Seconded by Councilmember Aalfs; the motion carried 5-0.

- (b) Adopt a Resolution of the Town Council of the Town of Portola Valley Adopting the 2017 Emergency Operations Plan (Resolution No. 2714-2017)

Vice Mayor Richards moved to Adopt a Resolution of the Town Council of the Town of Portola Valley Adopting the 2017 Emergency Operations Plan. Seconded by Councilmember Wengert; the motion carried 5-0.

- (c) Adopt a Resolution of the Town Council of the Town of Portola Valley Relative to Workers' Compensation Benefits for Registered Disaster Service Worker Volunteers (Resolution No. 2715-2017)

Vice Mayor Richards moved to Adopt a Resolution of the Town Council of the Town of Portola Valley Relative to Workers' Compensation Benefits for Registered Disaster Service Worker Volunteers. Seconded by Councilmember Aalfs; the motion carried 5-0.

The Council thanked Ms. de Garneau and staff for their hard work on this project. Town Manager Dennis said it is exciting that all of the disparate pieces floating around related to Emergency Operations are now in one place in a readable document that makes sense.

(8) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Derwin – Attended the December Council of Cities dinner meeting where Wayne Lee was selected for the ABAG seat; Maureen Freschet and Emily Beach for the Transportation Authority; Doug Kim for the Bay Area Air Quality Management District; and Diane Papan as Vice Chair of Council of Cities. She attended the December 19 Water Conservation Committee meeting where they discussed the status of committees and a shift from hands-on to making policy and making the committees link to Council priorities. She said they also heard an interesting report from Judy Murphy on Town fields saying that a knowledgeable and attentive field manager is the most important ingredient of good fields. She said the Town fields are rye grass and blue grass mix which use a lot of water and require lavish daily attention and Towns should not have those kinds of fields. She said there was discussion about subservice irrigation. She said the chloramine-treated water is having an effect on the grass and it can't be filtered. Councilmember Derwin said the Conservation Committee continues to work on their goals including the endpoint and/or smart meters, getting the Department of Water's special landscape district designation, rigs for graywater, a rainwater capture demonstration, education, low-water use landscaping, the graywater manual, refreshing the website, and the spring native garden tour. Councilmember Derwin said she will be participating with Vice Mayor Richards in the "Homeless Count," scheduled for 5:30 a.m. on January 26. She will also attend the "Standing Together" event being held on January 18 at Devil's Canyon.

Councilmember Aalfs – None to report.

Councilmember Wengert – Met with Town Manager Dennis, Vic Schachter and Tina Nguyen on the aircraft noise issue to strategize next steps with the Congressional Offices. She said the expectation is that the FAA will be commenting soon on both the Select Committee and San Francisco Airport Roundtable comments.

Vice Mayor Richards – None to report.

Mayor Hughes – Attended the December 15 Planning Commission meeting which was Nate McKitterick's final meeting. He said they discussed three projects – the Hallett store, 45 Granada Court, and the Alpine Inn Beer Garden. He and Town Manager Dennis met with representatives from Ladera Community Association on January 9 and this morning with Sheriff Carlos Bolanos and Supervisor Don Horsley to discuss ALPR deployment, moving the ALPR that was planned for the Ladera end of Portola Valley to the other side of Ladera to cover them as well. He said they are working on coordinating that with the County, who may be willing to contribute something toward the cost to cover that unincorporated area. He said everyone is positive and receptive. He said it will not slow down the Town's process and the cost may be defrayed somewhat. He said he passed around the Council Liaison appointments list today.

(9) Town Manager Report – Town Manager Dennis reported the Town weathered the storm well. He said three staff members will also be participating in the "Homeless Count" on January 26. He said blankets have been placed on the soccer field at Town Center to help with seed germination. He said staff is having great success with the rollout of a new recreation software that allows people to purchase classes, with 150 people registering for more than \$46,000 of classes so far. He said Lorrie Duval delivered her first public communications under her new title of Neighborhood Watch Coordinator. She wanted to thank the Council for creating the position. He said he is pleased with the work she has done so far. He said he attended a few of the Neighborhood Watch meetings which have been positive. He said there are approximately a dozen Neighborhood Watch programs in some state of activation. He met with Craig Taylor, the Open Space Committee Chair, to discuss the committee looking into strategic planning with regard to the kinds of lands the Town is interested in acquiring.

WRITTEN COMMUNICATIONS [9:28 p.m.]

(10) Town Council Digest – December 15, 2016

None

(11) Town Council Digest – December 22, 2016

Mayor Hughes plans to attend the January 30 ABAG Special General Assembly. If he cannot attend, the alternate, Councilmember Wengert will attend. Town Manager Dennis will also attend.

(12) Town Council Digest – January 6, 2017

Mayor Hughes is unable to attend the Council of Cities Dinner Meeting on January 27. Councilmember Derwin said if no one else can go, she will go to vote.

ADJOURNMENT [9:33 p.m.]

Mayor Hughes adjourned the meeting.

Mayor

Town Clerk