



TOWN OF PORTOLA VALLEY

Page #1

6:00 PM – Special Meeting of the Town Council
Town Hall Conference Room at Town Center
765 Portola Road, Portola Valley 94028

7:00 PM – Regular Meeting of the Town Council
Wednesday, April 25, 2018
Historic Schoolhouse
765 Portola Road, Portola Valley 94028

SPECIAL MEETING AGENDA

6:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

1. PLANNING COMMISSIONER INTERVIEW AND APPOINTMENT

- (1) Bagrowski, Kori Anne (3)
- (2) Kopf-Sill, Anne (4)

ADJOURNMENT

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Minutes** – April 11, 2018 (5)
2. **Approval of Warrant List** – April 25, 2018 (12)
3. **Appointment by Mayor** – Member to the Historic Resources Committee (22)
4. **Recommendation by Town Attorney** – Second Reading of Ordinance adding Chapter 18.39 (23)
[Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)
 - (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____)
5. **Recommendation by Town Manager** – Budget Amendment to Support Upcoming Gun Buyback Events (42)
6. **Recommendation by Town Manager** – Opposition to AB 1912 (43)
7. **Recommendation by Assistant to the Town Manager** – Adoption of a Resolution Allowing a Rate Increase (50) under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials between the Town of Portola Valley and GreenWaste Recovery, Inc.

- (a) A Resolution of the Town Council of the Town of Portola Valley Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials Between the Town of Portola Valley and GreenWaste Recovery, Inc. (Resolution No. ____)

- 8. **Recommendation by Public Works Director** – Senate Bill 1 (SB1) Road Maintenance and Rehabilitation (59)
Account Funding and Submittal of a Project list
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting a Project List for Fiscal Year 2018-9 Funded by SB 1: the Road Repair and Accountability Act of 2017 (Resolution No. ____)

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

PUBLIC HEARING

- 9. **PUBLIC HEARING - Recommendation by Interim Planning & Building Director** – Introduction of Proposed (64)
Ordinance amending Section 18.12.040 [Accessory Uses Permitted] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act.
 - (a) First Reading, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Section 8.12.040 [Accessory Uses Permitted] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act (Ordinance No. ____)
- 10. **Report by Town Manager** – Council Priorities (94)
- 11. **Report by Town Manager** – Investment Update (97)

12. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** (98)

Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

- 13. **Town Manager Report** (99)

WRITTEN COMMUNICATIONS

- 14. **Town Council Digest** – April 13, 2018 (100)
- 15. **Town Council Digest** – April 20, 2018 (120)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

Letter of Interest for PV Planning Commission

To the Members of Town Council,

I am interested in volunteering for the Planning Commission.

As a former attorney and judicial clerk, I spent significant time analyzing statutes and policies, drafted rules for the court, and worked on federal legislation. I also gained experience in weighing evidence, considering arguments, and drafting unbiased opinions for the court. This work taught me to approach each situation with an open mind and develop solutions through careful consideration.

I also share Portola Valley's commitment to maintaining a bucolic setting for its residents. As I am happy to explain in greater detail, I believe I am well-suited for this role given my appreciation for our natural surroundings combined with my experience balancing competing views on important matters to reach optimal solutions.

I look forward to your consideration,

Kori Anne Bagrowski

██████████

April 9, 2018

Dear Portola Valley Town Council,

I am applying for the open position on the Planning Commission.

I have a long-standing interest in policy issues and instinctively investigate topics by thinking about their long-term consequences. Therefore, the Planning Commission work is appealing to me. The current problems facing the town are interesting to me. Many problems can be characterized as needing to find a balance between the rural character or “the way it used to be” and modern realities of increased traffic, increased crime and new technologies. I do not have any plans to remodel my house nor buy a new house so I have no personal agenda to promote. I would like to note that my husband currently serves on the Town’s ASCC.

I am a 29-year resident of Portola Valley. I was initially attracted to the town by the rural feel and spacious lots. I often repeat the description relayed to me by one of the Town’s founders that “Atherton is show-and-tell and Portola Valley is hide-and-seek.” I love that description. Both my children attended the local public schools and played sports in town.

I have a Ph.D. in Chemical Engineering from Stanford. I have worked most of my career in biotech start-ups leading R&D groups and business development for new-to-the-world technologies. I currently am back at Stanford working in the Office of Technology Licensing where I evaluate the professors’ inventions, decide if they have commercial potential, hire patent attorneys to draft patents, market the inventions to find licensees and draft and execute licenses with the companies (10-15 per year). Some of the skills from my education and work positions that would be useful for the Commission’s work are the ability to absorb large amounts of data quickly and to assemble it in a cohesive, understandable package. I am experienced at drafting and editing contracts with an eye towards possible unintended interpretations by future readers and implementers.

My work colleagues would say that I am good at working with people and in groups. I have a strong ability to ask hard questions in a fair, neutral way and to say what needs to be said.

I have served for many years (8?) on the Town’s Emergency Preparedness Committee. In 2016, I served as Vice-Chair; in 2017 and 2018 I served and am serving as Chair. Two of my accomplishments on this committee are the initial assembling and organizing of information to go on the emergency preparedness section of the Town’s website and assembling the Quick Cards to help volunteers run the Emergency Operations Center should an emergency occur after-hours. My other volunteer successes are President of the Woodside High School Foundation for two years and a board member for 6 years. For many years, I ran the Seasons of Sharing Program at Woodside High in which we assembled custom holiday gift baskets for families-in-need; up to 70 families and 200 volunteers.

Sincerely,

Anne R. Kopf-Sill

PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 965, APRIL 11, 2018

CALL TO ORDER AND ROLL CALL

Mayor Richards 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 Jeff Aalfs and Craig Hughes; Vice Mayor Ann Wengert; Mayor John Richards

Absent: Councilmember Mary Ann Moise Derwin.

Others: Jeremy Dennis, Town Manager
Brandi de Garneau, Assistant to the Town Manager
Cara Silver, Town Attorney
Sharon Hanlon, Town Clerk

ORAL COMMUNICATIONS

None

CONSENT AGENDA

- (1) Approval of Minutes – Town Council Regular Meeting of March 28, 2018. *[Removed from Consent Agenda.]*
- (2) Approval of Warrant List – April 11, 2018, in the amount of \$113,345.73.
- (3) Recommendation by Town Attorney – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)
 - (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____). *[Removed from Consent Agenda.]*
- (4) Recommendation from Assistant to Town Manager – Letter of Interest to Join Peninsula Traffic Congestion Relief Alliance JPA

Councilmember Hughes moved to approve the Items 2 and 4 of the Consent Agenda. Seconded by Councilmember Aalfs, the motion carried 4-0, by roll call vote.

- (1) Approval of Minutes – Town Council Regular Meeting of March 28, 2018.

Councilmember Aalfs moved to approve the Item 1 of the Consent Agenda, as amended. Seconded by Councilmember Hughes, the motion carried 4-0, by roll call vote.

- (3) Recommendation by Town Attorney – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)

- (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____).

Councilmember Aalfs moved to approve the Item 3 of the Consent Agenda, as amended. Seconded by Councilmember Hughes, the motion failed 2-2, Councilmember Aalfs and Councilmember Hughes voted in favor and Vice Mayor Wengert and Mayor Richards voted opposed. This item will be re-agendized for the full Council vote.

REGULAR AGENDA

COMMITTEE REPORTS & REQUESTS

- (5) Presentation by the Conservation Committee – Comprehensive Plan for Town Owned Open Spaces

Judith Murphy, Chair of the Conservation Committee, said that a year ago the Conservation Committee decided to pay more attention and guiding Public Works more carefully regarding several Town properties. She said Town Manager Dennis recommended that process be done in the context of an overall comprehensive plan for all open spaces. Ms. Murphy said the entire Committee worked very hard on this project for the last six to eight months. Ms. Murphy presented the comprehensive plan, as detailed in the staff report.

Ms. Murphy said the breakdown of the requested budget includes estimates of \$41,000 for Spring Down, \$1,500 for tree work, \$2,500 to limb up the large Live Oak remaining in the center of the meadow, \$13,000 for trapping instead of using rodenticides, \$20,000 to \$25,000 to thin the vegetation between Portola Road and Spring Down Open Space, \$500 to replace the metal stake fencing with old wood, \$1,500 plus \$50 a month for cell service to install a live trail camera focused on the pond, for a total of approximately \$80,000.

Councilmember Hughes asked why Triangle Park was classified as an intermediate parcel. Ms. Murphy said it was partly because Triangle Park does well and does not require much attention except for occasional tidying. She said they will look at it again next year, but the five most important parcels will require significant capital resources to bring up to a satisfactory condition.

Vice Mayor Wengert asked why Parcels #28, #34, and #25 (upper Blue Oaks Trail along seasonal creek) were being kept. Ms. Murphy said there is a Town trail there and they require no major work. She said the Blue Oaks people are responsible for the fire mitigation.

Vice Mayor Wengert thanked the Committee for the unbelievable amount of work they have done on this project. She asked Town Manager Dennis regarding the staff capacity to tackle these tasks. Ms. Murphy said these specific requests are for next year. Town Manager Dennis said Public Works Director Young feels comfortable with the tasks. Town Manager Dennis said staff would also utilize additional resources as needed, for example having Go Native perform some of the very invasive weeding. Ms. Murphy said the budget is higher because it is anticipated that much of the work will be outsourced and Go Native would do it rather than the Public Works staff. She said the majority of the expense is arborist work.

Vice Mayor Wengert asked staff if this proposed effort, a major renovation of the parcel, is categorized as Capital Improvements in the Open Space Fund. Ms. Murphy said they have discussed this specific issue with Open Space. She said Open Space's understanding is they purchase a parcel and spend whatever capital expense necessary to get it ready, but that they don't have responsibility past that. She said Open Space felt strongly that the Committee should not be asking them for help. She said this request is for General Fund appropriation. Town Manager Dennis said there is a fairly clear delineation between Open

Space getting the property up to some sort of use and then it becomes the responsibility of a different fund. Vice Mayor Wengert asked if this renovation could still be considered part of the initial capital expense. Town Manager Dennis said he could have further conversation with the Chair of Open Space if Council directs as such. He said it is a somewhat sensitive issue because of Open Space's efforts to preserve their Acquisition Fund for the purchase of properties which are getting more expensive. He said Open Space has been fairly generous in the last couple of years with Vernal Pond expenditures.

Councilmember Hughes asked if there were any grants that might be used for this project. He said, for example, the Town received money from PG&E for cleaning up the eucalyptus trees. He wondered if there was a fire prevention aspect or other places they could get money to offset some of the expense. Town Manager Dennis said there may be funds that could help with some aspects. He said a lot of this work may be viewed more as more maintenance to those who would offer grants. Town Manager Dennis said the Town does not typically go out to try to secure grants for different projects and said staff will look into that possibility.

Ms. Murphy said the Council has in the past approved removing some of the eucalyptus, but it was never a high enough priority that it got done. She said some of these tasks are not outside the realm of what the Council might have approved in another year. She said, for example, it would have been less expensive to remove the sprouting eucalyptus than removing them as they grow larger. She said that is why they feel it's important to get these things done when they're small before they get bigger and more expensive.

Town Manager Dennis said staff is looking to the Council for a general sense of comfort, any outstanding issues that jump out, or different ideas. He said the Conservation Committee is to be commended for the extensive time spent preparing this comprehensive plan.

Mayor Richards said the comprehensive report was the best Committee report he's seen since he's been on the Council.

STAFF REPORTS AND RECOMMENDATIONS

(6) Study Session – Green Infrastructure in Setbacks

Town Manager Dennis provided the background regarding the comprehensive effort of the entire managers team to bring forward this study session item concerning green infrastructure in setbacks, as detailed in the staff report.

Councilmember Hughes asked how many inquiries are received in a typical year. Town Manager Dennis said only a couple maximum, usually for solar panels.

Councilmember Hughes asked what is currently allowed in setbacks, besides landscaping paths, retaining walls, and parking surfaces. He pointed out that utility access is also allowed, which is sometimes poles above ground. Councilmember Hughes asked if someone wanted to connect to the utilities with a large battery as part of the conduit, for example, what are the rules on what is allowed with regard to utility connections. Town Manager Dennis said his understanding is that it is somewhat limited, but he has not fully explored that yet.

Mayor Richards said structures are limited in the setback, but a utility connection with a meter sticking up on a post does not count as a structure. Councilmember Hughes asked when something becomes a structure, for example, a big complicated panel looks a lot like a structure. Town Manager Dennis said it is subjective, but he would say they would most likely call that a structure. In response to Councilmember Hughes question, Mayor Richards said a leach field is allowed in a setback and does not count as a structure. Mayor Richards said there is also a garden structure exception.

Vice Mayor Wengert asked if there had been any complaints from a visual standpoint about the items listed being installed in setbacks. Town Manager Dennis said they occasionally get complaints regarding

reflections from solar panels, but nothing related to the setbacks that he is aware of. He said they have received complaints about devices that make noise, such as high frequency animal repellent devices.

Councilmember Aalfs said he recalls when he was on the ASCC there were projects where solar panels were proposed in setbacks with discussions between neighbors. He said some of these items have been worked out in the ASCC and Planning processes. Town Manager Dennis said there are certainly items deemed green infrastructure that have been put in setbacks in the past. He said the current interpretations by staff would not allow them. He said they would like to lessen the subjective aspect.

In response to Vice Mayor Wengert's comment, Town Manager Dennis agreed that today staff enforces nothing within the setbacks; however, he said there are not a lot of requests so there is no particular pressing issue about it. He said in reviewing previous decisions by previous administrations, they saw there were interpretations that they would have difficulty applying now.

Vice Mayor Wengert asked if all applications for green infrastructure in setbacks had to go to the ASCC or if there were some that would be small enough to not require ASCC approval. Town Manager Dennis agreed that smaller projects may not have even sought permission. He said they also do not receive many requests that are only for a green infrastructure. He said they may see more requests as graywater or other technologies evolve. Mayor Richards said most of the items would require a permit some would require some kind of review.

In response to Councilmember Hughes' question, Mayor Richards said drainage systems are allowed in setbacks.

Town Manager Dennis said one of the reasons staff wanted to bring this forward was to possibly encourage sustainability activity. He said staff would not suggest giving the opportunity to do this without a significant reason. He said there are also properties where it would pose no visual impact.

Councilmember Aalfs is it would basically be a variance. Mayor Richards said it could be an exception. Town Manager Dennis said they would recommend it be something less than a variance.

Councilmember Hughes said other benefits, beyond the purely visual aspect, is possible future ambiguity of ownership because of mis-measuring or erroneous surveys. He would suggest surveys be done prior to any installation to ensure it is located on the correct property. Town Manager Dennis said this issue did come up and they identified that a certified survey would be required, which has ancillary benefits for the Town and residents.

Councilmember Hughes said there are other design issues around impervious surfaces and runoff and drainage issues. Town Manager Dennis said water storage tanks are a good example of detail that would need to be worked out. He said a water tank would require a pad of a certain size.

Councilmember Hughes said most of the systems could potentially be located underground which would mitigate most if not all of the concerns. Town Manager Dennis said they have had requests to bury equipment such as water tanks and staff will allow it in the setback if it is not visible.

Vice Mayor Wengert said no setbacks are the same, so there is a strong basis for supporting staff review with some discretion, assuming all the impacts have been included – visual, offsite, runoff, etc.

Councilmember Aalfs asked if any of the items should go to ASCC for review. Vice Mayor Wengert said it would depend on size.

Assistant to the Town Manager de Garmeaux said there may be more requests as more water catchment and gray water systems are installed.

Town Manager Dennis asked the Council for their thoughts about a theoretical situation where there is a fairly visible setback but good rationale for someone to put equipment there. He asked if the requirement would be to minimize the visual impact at a significant additional cost, or if there would be more discretion as it relates to promoting and allowing green infrastructure.

Town Manager Dennis said his intent is to bring the feedback he receives tonight to the bodies and have some discussion with them within the parameters determined by the Council.

Councilmember Aalfs agreed with Vice Mayor Wengert that no two setbacks are alike, and no two pairs of neighbors are alike. Councilmember Hughes said the tanks are big and ugly. Mayor Richards said if a large system was invisible from anywhere, then it would be fine. He said, however, that situation would be the exception and most of them would have some kind of visibility. Mayor Richards said a big tank would probably require an ASCC review.

Town Manager Dennis said he would imagine the ASCC would want to minimize the visual impact through conditions. He said another issue would be if the only place to put a piece of equipment was where a nice tree was located. Mayor Richards said that would have to also go to the Conservation Committee. Vice Mayor Wengert said, except for heritage trees, they could probably be flexible.

Councilmember Hughes said it irritates him to see utility boxes at the side of the road in the scenic corridor. He said visual mitigation can go a long way to screening some of that kind of thing if done thoughtfully. Vice Mayor Wengert said if an applicant has a clear need or rationale for having their equipment within the setback, staff can also provide them with input regarding visual mitigation.

Town Manager Dennis summarized that the goal is to find some balance, perhaps erring on the side of encouraging green infrastructure, but making sure visual screening is encouraged, particularly in the public rights of way and thresholds. He said there did not appear to be any issue if something was not visible or audible. He said he will bring this discussion to the ASCC and Planning Commission in the next couple of months to consider noise, screening, public right-of-way, and threshold matters and then bring recommendations back to Council.

(7) Recommendation by Town Manager – Budget Amendments to the Fiscal Year 2017-18 Capital Improvement Program

Town Manager Dennis provided the background regarding the need for two budget amendments, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Vice Mayor Wengert asked Town Manager Dennis if all of the needed adjustments have been identified. Town Manager Dennis said the confusion and the overlapping fiscal year expenses for the road project item appeared to have occurred due to using an encumbering system that hadn't been fully developed. He said that should not happen again this year and will not impact the audit. He said it is difficult to work with the cutoff date. He said most municipalities will re-appropriate unspent capital project budgets as part of their budget for the next year to eliminate that issue. He said that is a potential option, instead of hustling to get all the bills in before the books are closed.

Councilmember Hughes moved to approve Budget Amendments to the Fiscal Year 2017-18 Capital Improvement Program. Seconded by Councilmember Aalfs, the motion carried 4-0, by roll call vote.

(8) Recommendation by Town Manager – Proposed Letter of Support for Cal Water's AMI Smart Meter Pilot Project

Assistant to the Town Manager de Garmeaux requested the Council's permission for Mayor Richards to sign a letter of support for Cal Water's upcoming Smart Meter pilot project, as detailed in the staff report.

Mayor Richards invited questions from the Council.

Vice Mayor Wengert asked regarding the incremental costs the residents could expect to incur as these Smart Meters come out. Assistant to the Town Manager de Garneau said Cal Water has not released those figures yet but said it should be a small monthly cost. She said the proposed letter specifies "Assuming the costs are reasonable." She said based on Cal Water's initial estimates, it should be very reasonable.

Vice Mayor Wengert asked if it was known what percentage of Portola Valley's water use is due to leaks. Assistant to the Town Manager de Garneau said she had asked Cal Water to put a monetary figure on the leaks that they are aware of through the program that refunds half the expense. She said that would not include the leaks that were not reported or slow leaks that are not noticed. She said there are also a percentage of leaks that Cal Water has as part of their system that they account for.

Councilmember Aalfs asked if Cal Water spreads the full cost of the new meters over the three-year rate case or if they were amortized over a longer period. Assistant to the Town Manager de Garneau said she was not sure but knew it included the cost of the physical equipment, the deployment, and the monitoring. She said each time the data is pinged, there is a data cost.

Councilmember Aalfs moved to authorize the Mayor to sign the Letter of Support for Cal Water's AMI Smart Meter Pilot Project. Seconded by Vice Mayor Wengert; the motion carried 4-0.

Town Manager Dennis commended Assistant to the Town Manager de Garneau for her extraordinary efforts in working with Cal Water on this issue.

(9) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Hughes – Councilmember Hughes and Town Manager Dennis passed out Portola Valley Citizenship awards for second graders at Ormendale for sharing ideas and participating in Town government. He said the children were very enthusiastic and engaged. He attended the Finance Committee meeting on April 9 with Vice Mayor Wengert.

Councilmember Aalfs – None.

Vice Mayor Wengert – Attended a Home for All meeting on March 29, where they discussed next steps and planned a second meeting to coincide with Neighborhood Clean-Up Day. She also attended the Finance Committee meeting on April 9 with Councilmember Hughes. She said much of the discussion focused on the issues that will be faced in the coming budget. She said they discussed the utility tax changes, non-reoccurring capital expenses, and reserves. She said that are ready to begin the urban investment fund. Town Manager Dennis said they sat with LAIF yesterday to start the movement of money.

Mayor Richards – Attended the Planning Commission meeting where they heard the Alpine Hills annual review, a presentation on outdoor lighting, a proposed amendment to the ADU ordinance, and a proposed amendment regarding front setbacks on flag lots, which was denied.

(10) Town Manager Report – Town Manager Dennis reported that he has been in contact with the non-profit organization working with the Sheriff's Office on gun buyback. He said he learned the money goes directly to the non-profit, not the Sheriff, and Town Manager Dennis is working on an agreement related to that. He met with the Friends of the Library and discussed the Town's approach to allocations for donor funds, potential uses, and the responsibilities of the County system, the Town, and the Friends of the Library. He met with the Fire Chief and hopes to soon begin discussing Jasper Ridge as an evacuation route in case of an emergency. Town Manager Dennis said there should be a website up tomorrow about the housing issues being discussed, including the report of the March 3 event. He met with the Deputy Library Director and Town Historian Nancy Lund regarding the contract the library has

with a consultant to do scanning of historical documents and how to present that information. He said the County is willing to buy software to host all of Ms. Lund's materials, which will be made available to the public. He met with the Priory Building and Grounds Committee who are responsible for housing issues. He shared with them what happened at the housing event and they were very excited. He will meet with Tim Molak and Eric Hartwig April 12 to discuss the crossing guard at Brookside and the Priory entrance to try to identify a short-term solution they can all contribute to, anticipating longer term solutions may come out of the pedestrian study. He and Vice Mayor Wengert will attend the Progress Seminar this weekend put on by the Redwood City Chamber of Commerce for the entire County.

WRITTEN COMMUNICATIONS

(10) Town Council Digest – March 30, 2018

None.

(11) Town Council Digest –April 6, 2018

#7 – Invitation to the C-SPAN StudentCam Documentary Competition Awards – Woodside Priory, Tuesday, April 17, 2018. Councilmember Aalfs met with one of the awarded students.

ADJOURNMENT [8:50 p.m.]

Mayor Richards adjourned the meeting.

Mayor

Town Clerk

INVOICE APPROVAL LIST REPORT - DETAIL WITH GL DIST

04/25/2018

Date: 04/18/2018

Time: 2:28 pm

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TOWN OF PORTOLA VALLEY

Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

ALMANAC	March Legal Advertising	19638	04/25/2018	
			04/25/2018	
450 CAMBRIDGE AVE	0048		04/25/2018	0.00
PALO ALTO	BOA	52603	04/25/2018	0.00
CA 94306				1,518.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4320	Advertising	1,518.00	0.00

Check No.	52603	Total:	1,518.00
Total for	ALMANAC		1,518.00

AMERICAN LEAK DETECTION	Consultation-Ford Field	19651	04/25/2018	
			04/25/2018	
1201 ANDERSEN DRIVE	2149		04/25/2018	0.00
SAN RAFAEL	BOA	52604	04/25/2018	0.00
CA 94901	15233A			250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4240	Parks & Fields Maintenance	250.00	0.00

Check No.	52604	Total:	250.00
Total for	AMERICAN LEAK DETECTION		250.00

ARC	Spec Books for PV Annual Resur	19652	04/25/2018	
	facing 2017/2018	00006529	04/25/2018	
P.O. BOX 192224	0112		04/25/2018	0.00
SAN FRANCISCO	BOA	52605	04/25/2018	0.00
CA 94119-2224	1895859			559.08

GL Number	Description	Invoice Amount	Amount Relieved
05-68-4582	CIP17/18 Street Resurface	559.08	559.08

Check No.	52605	Total:	559.08
Total for	ARC		559.08

AT&T	March Statement	19653	04/25/2018	
			04/25/2018	
P.O. BOX 9011	441		04/25/2018	0.00
CAROL STREAM	BOA	52606	04/25/2018	0.00
IL 60197-9011	11167911			303.40

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4318	Telephones	303.40	0.00

Check No.	52606	Total:	303.40
Total for	AT&T		303.40

BANK OF AMERICA	March Statement	19654	04/25/2018	
Bank Card Center			04/25/2018	
P.O. BOX 53155	0022		04/25/2018	0.00
PHOENIX	BOA	52607	04/25/2018	0.00
AZ 85072-3155				4,155.43

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province	Zip/Postal	Invoice Number		Check Amount

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4165	Sustainability Committee	120.54	0.00
05-64-4308	Office Supplies	10.86	0.00
05-64-4311	Software & Licensng	642.07	0.00
05-64-4312	Office Equipment	370.23	0.00
05-64-4320	Advertising	275.00	0.00
05-64-4322	Dues	55.00	0.00
05-64-4326	Education & Training	1,224.82	0.00
05-64-4327	Educ/Train: Council & Commissn	725.00	0.00
05-64-4335	Sustainability	387.79	0.00
05-64-4336	Miscellaneous	322.14	0.00
05-66-4341	Community Hall	21.98	0.00

Check No.	52607	Total:	4,155.43
Total for	BANK OF AMERICA		4,155.43

JUSTIN BIXBY	Reimbursement-Work Boots	19655	04/25/2018	
			04/25/2018	
	2150		04/25/2018	0.00
	BOA	52608	04/25/2018	0.00
				168.54

GL Number	Description	Invoice Amount	Amount Relieved
05-60-4267	Tools & Equipment	168.54	0.00

Check No.	52608	Total:	168.54
Total for	JUSTIN BIXBY		168.54

CALIFORNIA WATER SERVICE CO	Water Service - 3/9/18-4/8/18	19656	04/25/2018	
			04/25/2018	
3525 ALAMEDA DE LAS PULGAS	0011		04/25/2018	0.00
MENLO PARK	BOA	52609	04/25/2018	0.00
CA 94025844				1,496.74

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	1,496.74	0.00

Check No.	52609	Total:	1,496.74
Total for	CALIFORNIA WATER SERVICE CO		1,496.74

CALPERS	April Unfunded Liability	19668	04/25/2018	
FISCAL SERVICES DIVISION			04/25/2018	
ATTN: RETIREMENT PROG ACCTG	0107		04/25/2018	0.00
SACRAMENTO	BOA	52610	04/25/2018	0.00
CA 94229-2703				1,577.88

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4080	Retirement - PERS	1,577.88	0.00

CALPERS	February Retirement	19669	04/25/2018	
FISCAL SERVICES DIVISION			04/25/2018	
ATTN: RETIREMENT PROG ACCTG	0107		04/25/2018	0.00
SACRAMENTO	BOA	52610	04/25/2018	0.00
CA 94229-2703				17,661.26

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-00-2522	PERS Payroll	1,777.04	0.00	
05-00-2556	Arrears Svc Cr	107.38	0.00	
05-50-4080	Retirement - PERS	15,776.84	0.00	

CALPERS	March Retirement	19670	04/25/2018	
FISCAL SERVICES DIVISION			04/25/2018	
ATTN: RETIREMENT PROG ACCTG	0107		04/25/2018	0.00
SACRAMENTO	BOA	52610	04/25/2018	0.00
CA 94229-2703				17,678.10

GL Number	Description	Invoice Amount	Amount Relieved	
05-00-2522	PERS Payroll	1,777.05	0.00	
05-00-2556	Arrears Svc Cr	107.38	0.00	
05-50-4080	Retirement - PERS	15,793.67	0.00	

Check No.	52610	Total:	36,917.24
Total for	CALPERS		36,917.24

JAMES CHEN	Refund Deposit, 80 Golden Oak	19639	04/25/2018	
1435 SOUTHDOWN ROAD	0206		04/25/2018	0.00
HILLSBOROUGH	BOA	52611	04/25/2018	0.00
CA 94010				1,912.89

GL Number	Description	Invoice Amount	Amount Relieved	
96-54-4207	Deposit Refunds, Other Charges	1,912.89	0.00	

Check No.	52611	Total:	1,912.89
Total for	JAMES CHEN		1,912.89

CITY OF HALF MOON BAY	Dinner/Mtg.-Derwin 4/27/18	19650	04/25/2018	
ATTN: Jonathan Roisman			04/25/2018	
501 MAIN STREET	0257		04/25/2018	0.00
HALF MOON BAY	BOA	52612	04/25/2018	0.00
CA 94019				50.00

GL Number	Description	Invoice Amount	Amount Relieved	
05-64-4327	Educ/Train: Council & Commissn	50.00	0.00	

Check No.	52612	Total:	50.00
Total for	CITY OF HALF MOON BAY		50.00

CITY OF REDWOOD CITY (IT)	March IT Support	19657	04/25/2018	
P.O. BOX 3629	586		04/25/2018	0.00
REDWOOD CITY	BOA	52613	04/25/2018	0.00
CA 94064	BR47592			2,250.30

GL Number	Description	Invoice Amount	Amount Relieved	
05-54-4216	IT & Website Consultants	2,250.30	0.00	

Check No.	52613	Total:	2,250.30
Total for	CITY OF REDWOOD CITY (IT)		2,250.30

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

CLEANSTREET	Qtrly & Mar Litter/St Cleaning	19658	04/25/2018	
			04/25/2018	
1937 W. 169TH STREET	0034		04/25/2018	0.00
GARDENA	BOA	52614	04/25/2018	0.00
CA 90247-5254	89840			4,711.25

GL Number	Description	Invoice Amount	Amount Relieved
05-66-4342	Landscape Supplies & Services	74.00	0.00
20-60-4266	Litter Clean Up Program	3,739.31	0.00
22-60-4266	Litter Clean Up Program	897.94	0.00

Check No.	52614	Total:	4,711.25
Total for	CLEANSTREET		4,711.25

COTTON SHIRES & ASSOC. INC.	February Applicant Charges	19640	04/25/2018	
			04/25/2018	
330 VILLAGE LANE	0047		04/25/2018	0.00
LOS GATOS	BOA	52615	04/25/2018	0.00
CA 95030-7218				194.90

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4190	Geologist - Charges to Appls	194.90	0.00

Check No.	52615	Total:	194.90
Total for	COTTON SHIRES & ASSOC. INC.		194.90

COUNTY OF SAN MATEO	FY 17-18 Annual Contribution	19641	04/25/2018	
Airport Comm Roundtable Fund			04/25/2018	
JENNY SPATARO, FOS	0420		04/25/2018	0.00
REDWOOD CITY	BOA	52616	04/25/2018	0.00
CA 94063				750.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4322	Dues	750.00	0.00

Check No.	52616	Total:	750.00
Total for	COUNTY OF SAN MATEO		750.00

GREEN HALO SYSTEMS	Hosting/Access-April 2018	19660	04/25/2018	
			04/25/2018	
2431 ZANKER ROAD	0654		04/25/2018	0.00
SAN JOSE	BOA	52617	04/25/2018	0.00
CA 95131	1642			114.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensng	114.00	0.00

Check No.	52617	Total:	114.00
Total for	GREEN HALO SYSTEMS		114.00

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
ICMA	March Def Comp	19671	04/25/2018	
VANTAGE POINT TFER AGTS-304617			04/25/2018	
C/O M&T BANK	0084		04/25/2018	0.00
BALTIMORE	BOA	52618	04/25/2018	0.00
MD 21264-4553				3,717.92

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2557	Defer Comp	3,717.92	0.00

Check No.	52618	Total:	3,717.92
Total for	ICMA		3,717.92

J.W. ENTERPRISES	Portable Lavs 4/12-5/9/2018	19661	04/25/2018	
			04/25/2018	
1689 MORSE AVE	829		04/25/2018	0.00
VENTURA	BOA	52619	04/25/2018	0.00
CA 93003	207470			242.00

GL Number	Description	Invoice Amount	Amount Relieved
05-58-4244	Portable Lavatories	242.00	0.00

Check No.	52619	Total:	242.00
Total for	J.W. ENTERPRISES		242.00

NANCY LUND	File jackets & hangers	19643	04/25/2018	
			04/25/2018	
240 GOLDEN HILLS	0241		04/25/2018	0.00
PORTOLA VALLEY	BOA	52620	04/25/2018	0.00
CA 94028				41.30

GL Number	Description	Invoice Amount	Amount Relieved
05-52-4154	Historic Resources Committee	41.30	0.00

Check No.	52620	Total:	41.30
Total for	NANCY LUND		41.30

LYNX TECHNOLOGIES, INC	GIS Hosting Fee, March	19644	04/25/2018	
			04/25/2018	
1350 41ST AVENUE	0294		04/25/2018	0.00
CAPITOLA	BOA	52621	04/25/2018	0.00
CA 95010	8420			250.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4311	Software & Licensina	250.00	0.00

Check No.	52621	Total:	250.00
Total for	LYNX TECHNOLOGIES, INC		250.00

MAD SCIENCE OF THE BAY AREA	Earth Fair 4/28/2018 Mad Scientist	19674	04/25/2018	
		00006534	04/25/2018	
48834 KATO RD.	2152		04/25/2018	0.00
FREMONG	BOA	52622	04/25/2018	0.00
CA 94538				975.00

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

05-64-4335	Sustainability	975.00	975.00	
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Check No.	52622	Total:	975.00
Total for	MAD SCIENCE OF THE BAY AREA		975.00

NBS, INC	Fee Study Update Proj-Planning	19645	04/25/2018	
32605 TEMECULA PARKWAY	0341		04/25/2018	0.00
TEMECULA	BOA	52623	04/25/2018	0.00
CA 92592	318000380			2,000.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4214	Miscellaneous Consultants	2,000.00	0.00

Check No.	52623	Total:	2,000.00
Total for	NBS, INC		2,000.00

NCPHS, INC	Ref Dep-501 Portola Rd PLN_ARC	19646	04/25/2018	
1525 POST STREET	766		04/25/2018	0.00
SAN FRANCISCO	BOA	52624	04/25/2018	0.00
CA 94109				8,046.97

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4207	Deposit Refunds, Other Charges	8,046.97	0.00

Check No.	52624	Total:	8,046.97
Total for	NCPHS, INC		8,046.97

NOLTE ASSOCIATES, INC. NV5	Jan/Feb Applicant Charges	19647	04/25/2018	
P.O. BOX 74008680	0104		04/25/2018	0.00
CHICAGO	BOA	52625	04/25/2018	0.00
IL 89193-3243	85125-85157			16,194.57

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4194	Engineer - Charges to Appls	16,194.57	0.00

Check No.	52625	Total:	16,194.57
Total for	NOLTE ASSOCIATES, INC. NV5		16,194.57

PG&E	March Statements	19662	04/25/2018	
BOX 997300	0109		04/25/2018	0.00
SACRAMENTO	BOA	52626	04/25/2018	0.00
CA 95899-7300				1,265.92

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4330	Utilities	1,265.92	0.00

Check No.	52626	Total:	1,265.92
Total for	PG&E		1,265.92

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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

RAMONA'S SECRETARIAL SERVICES	March Transcription Services	19664	04/25/2018	
			04/25/2018	
18403 WATTERS DRIVE	1370		04/25/2018	0.00
CASTRO VALLEY	BOA	52627	04/25/2018	0.00
CA 94546	5988			1,108.00

GL Number	Description	Invoice Amount	Amount Relieved
05-54-4188	Transcription Services	1,108.00	0.00

Check No.	52627	Total:	1,108.00
Total for	RAMONA'S SECRETARIAL SERVIC		1,108.00

RIDOUT ROOFING	Refund Deposit-145 Willowbrook	19648	04/25/2018	
			04/25/2018	
621 WILLIAMS STREET	478		04/25/2018	0.00
SAN LEANDRO	BOA	52628	04/25/2018	0.00
CA 94577				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	52628	Total:	1,000.00
Total for	RIDOUT ROOFING		1,000.00

ROBERTS MARKET	Kitchen Supplies	19649	04/25/2018	
			04/25/2018	
3015 WOODSIDE ROAD	1236		04/25/2018	0.00
WOODSIDE	BOA	52629	04/25/2018	0.00
CA 94062				8.65

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	8.65	0.00

Check No.	52629	Total:	8.65
Total for	ROBERTS MARKET		8.65

MARJORIE ROYCE	Refund Deposit, Event 4/7/18	19672	04/25/2018	
			04/25/2018	
2 HAYFIELDS ROAD	0774		04/25/2018	0.00
PORTOLA VALLEY	BOA	52630	04/25/2018	0.00
CA 94028				500.00

GL Number	Description	Invoice Amount	Amount Relieved
05-00-2561	Community Hall Deposits	500.00	0.00

Check No.	52630	Total:	500.00
Total for	MARJORIE ROYCE		500.00

SABER ROOFING INC	Deposit Refund-34 Grove	19667	04/25/2018	
			04/25/2018	
2995 WOODSIDE ROAD	577		04/25/2018	0.00
WOODSIDE	BOA	52631	04/25/2018	0.00
CA 94062				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
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Vendor Name	Invoice Description1	Ref No.	Discount Date	
Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount

96-54-4205	C&D Deposit	1,000.00	0.00	
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Check No.	52631	Total:	1,000.00
Total for	SABER ROOFING INC		1,000.00

JASON SCHMIDT	Reimbursement, Property Damage	19676	04/25/2018	
	Claim 03/28/18		04/25/2018	
4190 ALPINE ROAD	0773		04/25/2018	0.00
PORTOLA VALLEY	BOA	52632	04/25/2018	0.00
CA 94028				120.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4336	Miscellaneous	120.00	0.00

Check No.	52632	Total:	120.00
Total for	JASON SCHMIDT		120.00

RICK SIGMAN	Earth Fair Band, 4/28/18	19675	04/25/2018	
		00006535	04/25/2018	
P.O. BOX 8042	1081		04/25/2018	0.00
SAN JOSE	BOA	52633	04/25/2018	0.00
CA 95155				400.00

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4335	Sustainability	400.00	400.00

Check No.	52633	Total:	400.00
Total for	RICK SIGMAN		400.00

SMALL BUSINESS BENEFIT PLAN TR	May Dental & Vision	19666	04/25/2018	
			04/25/2018	
	0132		04/25/2018	0.00
BELMONT	BOA	52634	04/25/2018	0.00
CA 94002-0156				2,483.00

GL Number	Description	Invoice Amount	Amount Relieved
05-50-4090	Health Ins Dental & Vision	2,483.00	0.00

Check No.	52634	Total:	2,483.00
Total for	SMALL BUSINESS BENEFIT PLAN		2,483.00

STAPLES CREDIT PLAN	Office Supplies, 3/17-3/31/18	19673	04/25/2018	
			04/25/2018	
DEPT. 31 - 0000306219	430		04/25/2018	0.00
PHOENIX	BOA	52635	04/25/2018	0.00
AZ 85062-8004				1,090.12

GL Number	Description	Invoice Amount	Amount Relieved
05-64-4308	Office Supplies	1,090.12	0.00

Check No.	52635	Total:	1,090.12
Total for	STAPLES CREDIT PLAN		1,090.12

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Vendor Name Line 2	Invoice Description2	PO No.	Pay Date	
Vendor Address	Vendor Number		Due Date	Taxes Withheld
City	Bank	Check No.	Check Date	Discount Amount
State/Province Zip/Postal	Invoice Number			Check Amount
THE CONRADO COMPANY	Deposit Refund-260 Golden Hill	19659	04/25/2018	
			04/25/2018	
14363 SARATOGA AVENUE #206	0771		04/25/2018	0.00
SARATOGA	BOA	52636	04/25/2018	0.00
CA 95070				1,000.00

GL Number	Description	Invoice Amount	Amount Relieved
96-54-4205	C&D Deposit	1,000.00	0.00

Check No.	52636	Total:	1,000.00
Total for	THE CONRADO COMPANY		1,000.00

Total Invoices:	36	Grand Total:	96,795.22
		Less Credit Memos:	0.00
		Net Total:	96,795.22
		Less Hand Check Total:	0.00
		Outstanding Invoice Total:	96,795.22

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
April 25, 2018

Claims totaling \$96,795.22 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Jeremy Dennis, Treasurer

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor

From: webmaster@portolavalley.net <webmaster@portolavalley.net>
Sent: Friday, April 6, 2018 10:19 AM
To: Sharon Hanlon <shanlon@portolavalley.net>
Subject: Portola Valley, CA: Committee Application

Form Name: Committee Application
Date & Time: 04/06/2018 10:19 AM
Response #: 61
Submitter ID: 3402
IP address:
Time to complete: 4 min. , 37 sec.

Survey Details

Page 1

Committee applications are submitted to Portola Valley's Town Clerk, Sharon Hanlon. Please feel free to forward a letter of interest or resume with your application as well. Sharon can be reached at (650) 851-1700 ex210, or you may email her at shanlon@portolavalley.net.

Name of committee which I am interested in serving on (please note that only committees currently seeking volunteers are listed):

Historic Resources

Applicant Information

Full Name Phyllis Knudsen
Email Address
Street Address
City/Zip Portola Valley, CA 94028
Number of years in 34
Portola Valley
Cell Phone
Home Phone
Other Phone Not answered
Emergency Preparedness Not answered

Preferred Phone Contact Number

Cell

I prefer to receive Town communications via

E-mail (recommended)

Please state why you have an interest in this committee, and state any background or experience you may have that may be useful in your service to this committee.

I have been working for about a year with Nancy Lund at the History Center helping her organize files. I enjoy the work and would like to continue as a committee member.

Do you have any personal or financial interest that could be perceived by others as a conflict of interest relative to your service on the committee? If so, please describe.

No



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of Town Council

FROM: Cara E. Silver, Town Attorney

DATE: April 25, 2018

RE: Second Reading: Waive Further Reading and Adopt Proposed Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption.)

RECOMMENDATION

Staff recommends that the Town Council:

1. Adopt a finding that the ordinance is exempt from the California Environmental Quality Act; and
2. Waive further reading and adopt the attached proposed ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code (Attachment A).

DISCUSSION

On March 28, 2018, the Town Council conducted a public hearing on an ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code. The Council voted 3-2 to introduce the ordinance for first reading and to adopt a finding the ordinance to be exempt from the California Environmental Quality Act. In addition, the Council directed that several non-substantive amendments be made to the ordinance. Those amendments are show in redlined format in Attachment A.

ENVIRONMENTAL REVIEW

Under Business and Professions Code Section 26055(h), the adoption of an ordinance by a local jurisdiction requiring discretionary review and approval of permits and licenses for commercial cannabis activity is exempt from review under the California

Environmental Quality Act (CEQA) (until July 1, 2019). In addition, given the modest changes to the City's existing zoning regulations, this project is exempt from the California Environmental Quality Act pursuant to Section 15378 of the CEQA Guidelines.

Attachments:

1. Proposed Cannabis Ordinance

Reviewed by: Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "Jeremy Dennis", is positioned to the right of the text "Reviewed by: Jeremy Dennis, Town Manager".

ORDINANCE NO. _____

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY ADDING CHAPTER 18.39 [CANNABIS LAND USES] TO TITLE 18 [ZONING] AND AMENDING SECTION 8.12.010 [DEFINITION OF NUISANCE] OF CHAPTER 8.12 [NUISANCE ABATEMENT] OF TITLE 8 [HEALTH & SAFETY] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) took effect on November 9, 2016 and made it legal for persons 21 years of age or older to smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use; and

WHEREAS, the AUMA allows local governments to impose reasonable regulations on indoor cultivation and to regulate or ban outdoor cultivation or other cannabis land uses; and

WHEREAS, Senate Bill 94 took effect on June 27, 2017 and blended together the non-medical marijuana regulations in the AUMA and the Medical Cannabis Regulation and Safety Act (“MCRSA”) to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, after a study session on December 6, 2018, the Planning Commission of the Town of Portola Valley (“Town”) formed a subcommittee consisting of Commissioner Targ and Commissioner Gould to help Town staff prepare an ordinance relative to the reasonable regulation and/or ban of cannabis land uses;

WHEREAS, on February 7 and 28, 2018, the Planning Commission held public hearings to review the draft ordinance regarding cannabis land uses at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received, the Planning Commission voted to recommend that the Town Council approve the ordinance; and

WHEREAS, on March 28, 2018, the Town Council held a public hearing to review the proposed ordinance regarding cannabis land uses at which all interested persons had the opportunity to appear and after considering the entire record of proceedings, including but not limited to, the staff report and all written and oral comments received and the Planning Commission recommendation, the Town Council voted to approve the ordinance.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. ADDITION OF CODE. Chapter 18.39 [Cannabis Land Uses] is hereby added to Title 18 [Zoning] of the Portola Valley Municipal Code to read as follows:

Chapter 18.39 Cannabis Land Uses

18.39.010	Purpose
18.39.020	Definitions
18.39.030	Prohibited and Permitted Cannabis Activities
18.39.040	Specific Non-Commercial Cannabis Activities Allowed
18.39.050	Town Commercial Cannabis Activity Permit Required
18.39.060	Commercial Cannabis Activity Application Requirements
18.39.070	Review of Commercial Cannabis Activity Permits
18.39.080	Grounds for Denial of an Application
18.39.090	Appeal to Town Council
18.39.100	Permit Renewal
18.39.110	Permit Nontransferable
18.39.120	Fees
18.39.130	Taxes
18.39.140	Commercial Cannabis Development Criteria and Operating Requirements
18.39.150	Record Retention
18.39.160	Track and Trace Program
18.39.170	Revocation or Suspension of Permit
18.39.180	Enforcement and Penalties
<u>18.39.190</u>	<u>Implementing Regulations</u>

18.39.010 Purpose

Proposition 64 or the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) took effect on November 9, 2016 and made it legal for persons 21 years of age or older to smoke or ingest marijuana or marijuana products; possess, process, transport, purchase, obtain or give away to persons of 21 years of age or older 28.5 grams of marijuana or eight grams of concentrated marijuana; and possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Senate Bill 94 took effect on June 27, 2017 and blended together the non-medical marijuana regulations in the AUMA and the Medical Cannabis Regulation and Safety Act (“MCRSA”) to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). Pursuant to these laws, local agencies may impose reasonable regulations on indoor cultivation and regulate or ban outdoor cultivation or other cannabis land uses. The purpose of this Chapter is to implement reasonable regulations for cannabis land uses that protect the health, safety and welfare of the Town.

18.39.020 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth herein:

A. "Applicant" means a Person ~~who meets the residency requirements of Section 18.39.140(B) and~~ who has applied for a Permit under this Chapter.

B. "Application" means that form approved by the Town Planning and Building Director and provided by the Department in accordance with this Chapter for the purpose of seeking a Permit.

C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, Cannabis does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

D. "Cannabis Products" has the same meaning as in California Health and Safety Code Section 11018.1 as may be amended from time to time.

E. "Commercial Cannabis Activity" includes the Cultivation, Manufacturing, Distribution, Processing, warehousing, storing, Testing, packaging, labeling, transportation, delivery, Retail Sale of Cannabis and Cannabis Products or Cannabis events as provided for in this Chapter or under State rule, law, or regulation.

F. "Cultivation" means any activity involving the planting, growing, fertilizing, irrigating, harvesting, drying, curing, grading, trimming, and/or storing of Cannabis whether in or outdoors and the related sale of such cultivated Cannabis.

G. "Customer" means a natural person 21 years of age or over or a natural person 18 years of age or older who possesses a physician's recommendation or a natural person 14 years of age or older with parental/guardian permission.

H. "Department" means the Town of Portola Valley Planning and Building Department.

I. "Distribution" means the procurement, sale, and transport of Cannabis and Cannabis Products between Permittees.

J. "Indoor Cultivation" means Cultivation indoors using exclusively artificial lighting.

K. "Manufacturing" means compounding, converting, producing, deriving, or preparing, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, Cannabis or Cannabis Products.

L. "Mixed-Light Cultivation" means Cultivation using light deprivation and/or any combination of natural and supplemental artificial lighting. Greenhouses and similar structures or spaces of sufficient size to permit entry enclosed with a nonporous covering or light deprivation systems are included in this category. This category does not include structures constructed of porous cloth or other porous material(s).

M. "Outdoor Cultivation" means Cultivation using no artificial lighting conducted in the ground, in containers outdoors, or in structures constructed of porous material(s).

O. "Permit" or "Cannabis Permit" means a permit issued by the Town for Commercial Cannabis Activity permitted pursuant to this Chapter.

P. "Permittee" means any Applicant issued a Permit under this Chapter.

Q. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company (LLC), estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

R. "Premises" means the property specified in the Application that is owned by the Applicant/ Permittee where the Commercial Cannabis Activity will be or is conducted. The Application shall specify the area of land on the property and/or the structure or structures where Commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one Permittee.

S. "Retail Sale" means any transaction whereby, for any consideration, Cannabis or Cannabis Products is sold to a Customer, and includes the delivery of Cannabis or Cannabis Products.

T. "Sensitive Receptor" means schools providing education to K-12 grades, day care centers, Youth Centers, public parks, including but not limited to the following: Windmill School (900 Portola Road); Creekside Learning Lab (884 B-1 Portola Road); Christ Church (815 Portola Road); Ormondale School (200 Shawnee Pass); Corte Madera School (4575 Alpine Road); Woodside Priory School (302 Portola Road); Ladera Church (3300 Alpine Road); Town Hall Campus (765 Portola Road); Rossotti Field (3919 Alpine Road); Ford Field (3399 Alpine Road); Alpine Hills Swim & Tennis Club (4139 Alpine Road); Triangle Park (Portola/Alpine Roads).

U. "State" means the State of California.

V. "State Permit" means a permit to conduct Commercial Cannabis Activity issued by the State.

W. "Testing" means the testing of Cannabis or Cannabis Products by an authorized laboratory, facility, entity, or Person.

X. "Youth Center" shall have the same meaning as defined by California Health and Safety Code Section 11353.1 and shall also include publicly owned facilities and properties that support activities for youth and children.

18.39.030 Prohibited and Permitted Commercial Cannabis Activities

A. Prohibited. Unless expressly authorized by this Chapter, no Commercial Cannabis Activities for either medical or personal purposes are allowed in the Town of Portola Valley. The intent of this Chapter is only to permit cultivation of up to 12 commercial cannabis plants on any single property in any residential zoning district. No Permit for Commercial Cannabis Activity shall be issued for any other purpose or in any other zoning district, including but not limited to land zoned O-A or C-C.

B. Permitted with State and Local Permit. Only the following Commercial Cannabis activity may occur in the Town of Portola Valley pursuant to valid State and Town Permits:

1. Commercial Cultivation of Cannabis. Commercial cultivation of up to a maximum of twelve cannabis plants may be conducted subject to a Cannabis Permit only on residentially zoned lands.

C. Permitted with State Permit. The following Commercial Cannabis activities may occur in the Town of Portola Valley pursuant to a valid State Permit:

1. Transportation of Cannabis on public roads as expressly authorized under California Business and Professions Code Section 26080(b).

2. Lawful delivery of Cannabis to a Customer on public roads; however, no physical location for such delivery service shall be permitted within the Town of Portola Valley.

18.39.040 Specific Non-Commercial Cannabis Activities Allowed

The following are exempt from the permitting requirements of this Chapter:

A. Personal Indoor Cultivation. A natural person 21 years of age or older who engages in Cannabis Cultivation, subject to the cultivation limit in subsection C below, exclusively for personal use inside a private residence or inside a permitted accessory structure to a private residence located upon the grounds of a private residence as authorized by California Health and Safety Code Section 11362.1.

B. Personal Outdoor Cultivation. A natural person 21 years of age or older who engages in Cannabis Cultivation, subject to the Cultivation limit subject to the cultivation limit in subsection C below, exclusively for personal use outside a private residence as

authorized by California Health and Safety Code Section 11362.1. Notwithstanding the foregoing, any personal outdoor Cultivation shall be in compliance with the following requirements:

1. Shall not be in ordinary public view from public rights of way, publicly owned or maintained trails and public parks;
2. Shall be at least 600 feet away from any Sensitive Receptor. The 600 feet shall be measured in a straight line from the closest property line of the Sensitive Receptor to the actual Cultivation site; and
3. The odor from Cultivation must not be detectible off the grounds of the private residence or from any place accessible to the public.

C. Cultivation Limit. For both personal indoor Cultivation and personal outdoor Cultivation, not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. No Cannabis may be grown within the minimum setback required for the zoning district.

18.39.050 Town Commercial Cannabis Activity Permit Required

A. Any Person who intends to engage in a permitted Commercial Cannabis Activity in the Town shall obtain a Cannabis Permit in accordance with this Chapter for each Premises in the Town where proposed Commercial Cannabis Activity is to occur. A Cannabis Permit from the Town is not valid and the Commercial Cannabis Activity may not commence unless and until the Applicant obtains a valid license from the State for the same Commercial Cannabis Activity permitted by the Town. An Applicant shall provide a copy of the State license to the Department prior to commencing Cultivation.

B. Any Cannabis Permit issued under this Chapter does not provide any protection or immunity for any Person from State or federal laws, or from prosecution pursuant to any applicable State or federal laws.

18.39.060 Commercial Cannabis Activity Application Requirements

A. Each Application shall be filed with the Town, under penalty of perjury on the form provided and in the manner required by the Department.

B. An Application shall not be deemed complete until all required Application fees have been paid, and all questions, comments and/or requests for information have been addressed to the satisfaction of the Planning and Building Director.

18.39.070 Review of Commercial Cannabis Activity Permits

A. Processing of Application. The Department will review the Application. The Department will provide a copy of the Application for review and comment to the San Mateo County Sheriff's Department and the Woodside Fire Protection District. The proposed Premises may be subject to an inspection by the Department, the Sheriff's Department and Fire District prior to the public hearing on the Application, which will not be set until the Department determines that the Application is complete. If the Department determines the Application is incomplete, the Department will provide notice to the

Applicant, who shall have 30 days to complete all deficiencies. If the Applicant fails to complete the deficiencies within the 30-day period, the Application shall be deemed abandoned. The Applicant may reapply at any time following an abandoned Application. The Department will not refund any fees for incomplete or abandoned Applications.

B. Commercial Cannabis Permit Required. A Cannabis Permit shall be required for Commercial Cannabis Cultivation. The application procedures for the Cannabis Permit shall be as provided for in Chapter 18.72 of this title. The Planning Commission may grant a Cannabis Permit if it makes the following findings:

1. The proposed activity complies with the findings set forth in 18.72.130 (Conditional Use Permit findings).

2. The proposed activity is no more objectionable than the conditionally permitted uses allowed in the underlying residential zone with respect to public safety, security, environmental impacts, level of noise, traffic, odors, glare and other impacts normally associated with other listed uses.

4. The proposed activity complies with all of the development criteria and operating requirements in Section 18.39.140.

5. The Applicant has an established account in a State-approved track and trace in accordance with Section 18.39.160.

6. The proposed activity complies with the requirements set forth in this Chapter and State law.

C. Duration of Permit. Each Permit shall be granted for a one-year period and shall expire one year after the date of its issuance. Nothing herein is intended to limit the number of times an Applicant may apply to renew the Cannabis Permit issued by the Town.

D. Permit Conditions. In addition to any conditions imposed by the Planning Commission, all Permits shall include statements conveying the following information, displayed prominently on the Permit itself:

1. A warning that Permittees, supervisors, employees, and any other Persons involved in Commercial Cannabis Activities may be subject to prosecution under State or federal laws; and

2. An acknowledgment that, by accepting the Permit and engaging in a Commercial Cannabis Activity, the Permittee has released the Town and its officers, insurers, sureties, agents, Town Council members, attorneys, employees, and representatives from and against any all liability, and will defend and indemnify them, for any monetary damages related to or arising from issuance of the Permit, authorizing Permittee to engage in an authorized Commercial Cannabis Activity, enforcement of requirements or conditions related to the Permit, and/or revocation of the Permit.

3. All Cannabis Permits shall be valid only while the Permittee is in possession of a valid State license for the same cannabis activity authorized by the Town issued Cannabis Permit.

18.39.080 Grounds for Denial of an Application

A. The Planning Commission shall deny an Application for a Commercial Cannabis Permit for any of the following reasons:

1. The Planning Commission is unable to make the findings in Section 18.39.070(B) above.
2. The Applicant made a knowingly false statement of a material fact in the Application or knowingly omitted a material fact from the Application;
3. The proposed Commercial Cannabis Activities do not fully comply with the requirements of this Chapter or any State law or regulation;
4. The Applicant failed to provide all information required in the Application and/or failed to allow a pre-inspection of the proposed Premises;
5. An Applicant is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business & Professions Code Section 26057(b)(4), (b)(6);
6. An Applicant has been sanctioned by the State or any other licensing authority for unauthorized Commercial Cannabis Activities or has had a State Permit or any other Permit for Commercial Cannabis Activities suspended or revoked in the three (3) years immediately preceding the date the Application is filed; or
7. Any other valid reason in the Planning Commission's reasonable discretion.

B. Notice of the decision to deny an Application specifying the reason(s) for the denial shall be provided in writing to the Applicant. The Applicant may appeal denial of its Application to the Town Council as set forth below in Section 18.39.090. No new Application(s) for a Permit on Premises where an Application has been denied shall be accepted for a period of one (1) year from the date of denial.

18.39.090 Appeal to Town Council

Action of the Planning Commission in approving or disapproving the grant of a Cannabis Permit may be appealed to the Town Council in accordance with Sections 18.78.010 through 18.78.110 or the Town Council may elect to review the action of the Planning Commission in accordance with the provisions of Section 18.78.120.

18.39.100 Permit Renewal

A. To renew a Permit, a completed Permit renewal Application on a form approved by the Planning and Building Director and renewal fee shall be received by the Department no fewer than sixty (60) calendar days before the expiration of the Permit. The Permit renewal Application shall not be deemed complete until all renewal fees have been paid. Upon receipt of a complete Permit renewal Application, the Department shall notify all adjacent property owners of the submittal at least 30 days prior to the issuance of the renewal.

B. In the event the Permit is not renewed prior to the expiration date, it shall be deemed expired and the Permittee must cease all Commercial Cannabis Activity until such time that the Permittee is issued a new Permit in accordance with this Chapter. The Permittee will be subject to enforcement actions pursuant to Chapter 1.12, Code Compliance, for continuing operations after a Permit has expired without a renewal.

C. Permit renewal applications are subject to review and decision by the Planning and Building Director. The Planning and Building Direction, however, has discretion to elevate

any Permit renewal Application to the Planning Commission for review and decision. The Planning and Building Director shall deny any request for a Permit renewal for any of the following reasons:

1. The Permit renewal Application is filed fewer than sixty (60) calendar days before expiration of the Permit;
2. The Permittee does not fully comply with the requirements of this Chapter or any State rule, law, or regulation;
3. The Permittee has failed to provide all information required in the Permit renewal application and/or has failed to allow a requested inspection of the Premises;
4. The Permittee has any outstanding taxes, fees, or fines owed to the Department or to the Town;
5. The Permit is suspended or revoked at the time of the request for Permit renewal;
6. The Permittee is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business & Professions Code Section 26057(b)(4), (b)(6);
7. The Permittee has been sanctioned by the State or any other licensing authority for unauthorized Commercial Cannabis Activities or has had a State Permit or any other Permit, permit, or authorization for Commercial Cannabis Activity suspended or revoked between the time the original Permit was issued and the filing of the request for Permit renewal; or
8. The Permittee no longer meets the residency requirements of this Chapter~~has his or her primary domicile in the Town.~~

D. If a request for a Permit renewal is denied, a new Application may be filed pursuant to this Chapter. However, no new Application(s) for a Permit on Premises where an Application to renew a Permit has been denied shall be accepted for a period of six (6) months from the date of denial.

E. Notice of the decision to deny or approve a request for a Permit renewal specifying the reason(s) for the denial shall be provided in writing to the Permittee. The Permittee may appeal the denial of a request for a Permit renewal to the Planning Commission.

F. The Planning and Building Director shall provide an informational item to the Planning Commission regarding any and all Permit renewals prior to the effective date of the renewal. The informational report shall include, but not be limited to, any comments received on the Permittee's Commercial Cannabis Activities within the year prior to the renewal Application. The Planning Commission may request that a public hearing be conducted on any Permit renewal Application. The public hearing shall be conducted de novo pursuant to the criteria set forth in this section. The Planning Commission's decision shall be appealable to the Town Council. Any appeal to the Town Council shall be subject to a de novo public hearing pursuant to the criteria set forth in this section.

18.39.110 Permit Nontransferable

A. A Permit issued under this Chapter does not create any interest of value, is not transferable, and automatically terminates upon attempt to transfer ~~of~~ ownership of the

Permit. Any change in the Permittee's ownership, control or management requires a new Application pursuant to Section 18.39.070. In the event a new Permit is not issued by the Town prior to transfer of ownership, the Permit shall be deemed revoked and any activities on the Premises for which the Permit was issued must cease all Commercial Cannabis Activity until such time that the new owner is issued a new Permit from the Department. The Permittee and all owners of the Premises will be subject to enforcement actions pursuant to Chapter 1.12, Code Compliance, for continuing operations after a Permit has expired without a renewal.

B. A Permit is issued to and covers only the Permittee with respect to the Premises identified on the Permit. The Permit does not run with the land.

18.39.120 Fees

The filing of an initial Application and/or an Application for renewal of a Permit shall be accompanied by payment of such fees as the Town Council may establish to recover the cost of administration and enforcement of this Chapter. Such fees are non-refundable. Applicants and Permittees are responsible for the costs of inspections, investigations, and any other activity required pursuant to this Chapter. All fees and costs specified by this Chapter shall be established by resolution of the Town Council and may be amended from time to time.

18.39.130 Taxes

All Permittees shall comply with any Town-imposed Commercial Cannabis Activity taxes that may be enacted.

18.39.140 Commercial Cannabis Development Criteria and Operating Requirements

A. A maximum of 12 plants may be grown on the Premises for commercial purposes.

B. Residency and Ownership Requirements. Permittee must have his or her primary domicile in the Town of Portola Valley and must own the Premises.

1. If the Premises is owned by one or more individuals, at least one of the~~that~~ individuals must satisfy the residency requirements of this section~~Chapter~~ and must own the Premises.

2. If the Premises is not owned by an individual, the residency requirement specified in this section~~Chapter~~ shall be met by the Permittee's chief executive officer, a member of the Permittee's board of directors or a Person with an aggregate ownership interest of 20 percent or more in the Permittee or other individual associated with the Permittee as approved by the Planning and Building Director.

3. The residency and ownership requirements specified in this section shall be maintained during the term of the Permit.

C. Property Setbacks. Commercial Cannabis shall not be grown in the zoning setbacks for the Premises.

D. All Premises shall also be located a minimum of 600 feet from any Sensitive Receptor. The 600 foot distance shall be measured in a straight line from the closest property line of the residentially designated or otherwise protected site to the closest property line of the parcel with the Cannabis Cultivation.

E. Surveillance and Security. Commercial Cannabis Activity shall comply with security requirements acceptable to the Department on an individual project basis. The security requirements may include provisions for perimeter fencing plan (compliant with Municipal Code Chapter 18.43, Fences), interior and exterior lighting plan, security camera layouts, security team plan, alarm system details, transportation, remote monitoring, electronic track and trace, fire suppression plan, and record keeping.

F. Ventilation. All Premises shall be equipped with odor control filtration and ventilation system(s) to control odors and mold to the reasonable satisfaction of the Planning and Building Director.

G. Inspections. Premises shall be subject to inspections by, without limitation, the Department, the Town of Portola Valley, County of San Mateo, the Woodside Fire Protection District, and any or agency, office or similar department thereof. Agents or employees of such agencies shall have unrestricted access to the Premises, including, without limitation, all rooms, buildings, structures, facilities, and limited access areas, for the purpose of conducting inspections. If a Permittee refuses or interferes with an inspection, the Permittee will be subject to enforcement efforts pursuant to Chapter 1.12, Code Enforcement and the Town may order the immediate cessation of all Commercial Cannabis Activities on the Premises.

H. Display of Permit. The current Permit, State Permit, and an emergency contact phone number shall be maintained on the Premises at all times and shall be immediately accessible upon request of any entity conducting an inspection.

I. No Consumption on Premises. Consumption of Commercial Cannabis shall not be allowed within 100 feet of the commercial Cultivation area. This provision is not intended to prohibit personal use by the owner or occupant of the Premises.

J. Parking Requirements. Adequate on-site parking and delivery drop off and pick up zones shall be provided. No off-site parking shall be used in conjunction with the Commercial Cannabis Activity.

K. Notification to Department. A Permittee shall provide the Department with notice in writing, either by mail or e-mail to the attention of the Planning and Building Director, within 24 hours of the following:

1. A criminal conviction rendered against the Permittee;
2. A civil penalty or judgment rendered against the Permittee;
3. Notice of revocation of a State Permit or other local authorization to conduct Commercial Cannabis Activities;
4. The Permittee becomes aware of, or has reason to suspect, a diversion, theft,

loss, or any other criminal activity involving its Commercial Cannabis Activities.

L. Cultivation Types Allowed. The following State Permit types, as defined by California Business and Professions Code Section 26061, will be permitted in the Town, subject to issuance of a Commercial Cannabis Permit:

1. "Specialty Cottage Outdoor" is an outdoor Cultivation site with up to 12 mature plants.
2. "Specialty Cottage Indoor" is an indoor Cultivation site with up to 12 mature plants.
3. "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light Cultivation site with up to 12 mature plants.

M. Number of Permits. The Town may issue up to 5 new permits during the first year of this ordinance. During the second year following the effective date of this ordinance, and each year thereafter, the Town may issue up to five new permits provided that there shall be no more than 10 issued Permits in effect at any one time. There may not be more than one Permit issued per Premises.

N. Building Requirements. All structures used for Cultivation, including greenhouse or similar structures shall comply with all applicable State or local building and design review regulations, zoning, and land use requirements.

O. Fire Code Requirements. A Permittee shall prepare and implement a fire prevention plan, which shall include, at minimum, emergency vehicle access to the Premises vegetation management, and fire break maintenance around all structures. The plan for compliance with this Section shall be proposed at the Application stage and shall not be approved without the concurrence of the Woodside Fire Protection District Fire Marshall.

P. Lighting. All lighting visible from the exterior of the Cultivation area shall comply with the dark sky lighting requirements. Light shall not escape at a level that is visible from neighboring properties or the public right of way.

Q. Runoff and Storm water. Runoff containing sediment or other waste or byproducts, including, without limitation, fertilizers and pesticides, shall not be allowed to drain to the storm drain system, waterways, or adjacent lands, and shall additionally comply with all applicable State and federal regulations. A plan for compliance with this Section shall be proposed at the Application stage and included as a condition of approval.

R. Wastewater Discharge. Permittees shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof. All domestic wastewater shall be disposed of in a permanent sanitary sewer or on-site wastewater treatment system (OWTS) with demonstrated adequate capacity. A plan for compliance with this Section shall be proposed at the Application stage. The plan must, at minimum, identify the amount of wastewater, excess irrigation, and domestic wastewater anticipated, as well as treatment and disposal facilities.

S. Pest Prevention. All Cannabis and Cannabis Products shall be kept commercially clean in respect to established pests of general distribution so that exposure to such pests is under effective control. Permittees shall comply with all applicable State and federal pesticide laws and regulations, including, without limitation, those enforced by the State Department of Pesticide Regulation. A plan for compliance with this Section shall be proposed at the Application stage. The plan must, at minimum, include the product name and active ingredient(s) of all pesticides to be applied to Cannabis during any stage of plant growth and integrated pest management protocols, including chemical, biological, and cultural methods the Permittee anticipates using to control or prevent the introduction of pests on the Cultivation Site.

T. Energy Use. Electrical power, including, without limitation, for illumination, heating, cooling, and ventilation, shall be provided by 100% renewable energy source or on-site zero net energy renewable source. A plan for compliance with this Section shall be proposed at the Application stage.

U. Noise Limits. Noise generated at the Premises shall comply with the Town's Noise Control requirements.

V. Hazardous Materials. No hazardous materials shall be used in conjunction with the Cultivation of cannabis at the Premises.

W. Waste Management. All Cannabis waste must be properly stored and secured to prevent access by the public. All garbage and refuse on the Cultivation Site shall be accumulated or stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. No garbage and refuse generated in conjunction with the Cultivation of cannabis shall be allowed to accumulate for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh (7th) day. All non-Cannabis waste, including, without limitation, refuse, garbage, green waste, and recyclables, must be disposed of in accordance with Town and State codes, laws and regulations. A plan for compliance with this Section shall be proposed at the Application stage. The plan must address the storing, handling, and disposing of all waste by-products of Cultivation and, at minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for Cannabis waste, and describe the operational measures that are proposed to manage, track/identify, and dispose of Cannabis waste in compliance with County and State standards.

X. Water Usage. Permittees must identify a water supply source adequate to meet all Cultivation uses on a sustainable basis for the Premises, provide the Department with proposed conservation measures, demonstrate that Permittee is in compliance with all statutes, regulations, and requirements of the State Water Resources Control Board, Division of Water Rights, and allow the Department and/or other County departments access to the Premises to monitor water usage. Domestic water sources must be from a

source permitted by the Town. A plan for compliance with this Section shall be proposed at the Application stage.

Y. Insurance Requirements: A Permittee shall maintain insurance in the amounts and of the types that are acceptable to the Town Manager or his or her designee. The Town of Portola Valley shall be named as additional insured on all city-required insurance policies.

Z. Indemnity: To the extent permitted by law, the Applicant shall indemnify, defend and hold harmless the Town, its Town Council, its officers, attorneys, employees and agents (the “indemnified parties”) from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the activity subject of the Cannabis Permit, including (without limitation) reimbursing the Town for its actual attorneys’ fees and costs incurred in defense of the litigation. The Town may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

18.39.150 Record Retention

A. A Permittee shall keep and maintain the following records for at least seven (7) years from the date of permit issuance by the Town:

1. Financial records including, without limitation, bank statements, sales invoices, receipts, tax records, and all records required by the California State Board of Equalization, other State of California agencies, the Department, or other County departments;

2. Personnel records, including each employee’s full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;

3. Training records, including, without limitation, the content of the training provided and the names of the employees that received the training;

4. Contracts with other Permittees;

5. Limited-access area logs and copies of current versions of any applicable plans required under this Chapter, including, without limitation, security plan, waste disposal plan, water management plan, water conservation plan, access restriction procedures, record keeping policy, odor and ventilation measures, energy usage plan, fire prevention plan, parking plan, and pest management plan; and

6. State permits, and other local Permits or authorizations to conduct Commercial Cannabis Activity.

B. A Permittee shall provide all books and records for review by the Department or its designee upon request. Records shall be kept in a manner that allows the Department, or its designee, to review the records in either hard copy or electronic form, whichever the Department requests. A Permittee may contract with a third party to provide custodial or management services of the records; however, such a contract shall not relieve the Permittee of its responsibilities under this Chapter.

18.39.160 Track and Trace Program

A. A Permittee must have an established account in a State-approved track and trace system prior to engaging in any Commercial Cannabis Activities. A Permittee may use any track and trace program approved by State agencies and shall comply with all State laws, rules, and regulations relating to track and trace, including, without limitation, system unique identifier (UID) requirements, user requirements, reporting requirements, and inventory requirements.

B. The Permittee is responsible for the accuracy and completeness of all data and information entered into the track and trace system. Data entered into the track and trace system must be accurate. Inaccuracies, if not corrected, may result in enforcement action against the Permittee.

C. The Permittee shall designate at least one track and trace system administrator who shall complete initial training prior to accessing the system and participate in ongoing training as required by the Department, the State, and/or their respective agents/designees. The designated administrator must maintain an accurate and complete list of any other track and trace system administrators and users and update the list immediately when changes occur.

D. It is a violation of this Chapter for any Person to intentionally misrepresent or falsify information entered into the track and trace system. The Permittee shall monitor all notifications from the track and trace system and resolve all the issues included in the notification in the time frame specified in the notification. A Permittee shall not dismiss a notification from the track and trace system until the Permittee resolves the issues identified in the notification.

18.39.170 Revocation or Suspension of Permit

A. Any of the following shall be grounds for revocation or suspension of a Permit:

1. Failure to comply with the terms and conditions of the Permit.
2. Any act or omission that violates the requirements of this Chapter, the County Code, or State rule, law, or regulation.
3. Any act or omission that results in the denial, revocation, or suspension of the Permittee's State Permit.
4. The Permit was granted on the basis of false material information, written or oral, provided knowingly or negligently by the Permittee.
5. Conduct of Commercial Cannabis Activities in a manner that constitutes a nuisance, where the Permittee has failed to comply with reasonable conditions to abate the nuisance.
6. The Permittee no longer meets the residency requirements of this chapter.

B. Revocation or suspension proceedings shall be conducted in accordance with Chapter 1.12, Code Compliance.

18.39.180 Enforcement and Penalties

A. Any activity in violation of this Chapter is hereby deemed a per se nuisance.

B. As part of any code compliance efforts, any Permittee found to be in violation of this Chapter shall be assessed in addition to the cost of code compliance a penalty in the amount of three times (3x) the amount of the Permit fee.

C. The remedies in this Chapter are in addition to and do not supersede or limit any and all other remedies provided by law. The remedies provided in this Chapter are cumulative and not exclusive.

18.39.190 Implementing Regulations

The Planning Commission shall have the authority to adopt regulations implementing this Chapter.

2. **AMENDMENT OF CODE.** Subsection Q is hereby added to Section 8.12.010 [Definition of nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] is amended to read as follows:

“Q. A Commercial Cannabis Activity emitting odors that are detectible off site.”

3. **ANNUAL REVIEW.** For five years following adoption of this Ordinance, the Planning Commission shall conduct an annual review of this Ordinance. This annual review shall include the number of applications received, the number of permits issued, the number of complaints received and an assessment of whether modifications to the ordinance are required. Following the first annual review, in the Council’s reasonable discretion, the Council may direct the Planning Commission to extend the time periods for the review or to eliminate such review altogether.

4. **CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.** The Town Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act (“CEQA”) because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

5. **SEVERABILITY.** If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

6. **EFFECTIVE DATE AND POSTING.** This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCTED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

APPROVED

Town Clerk

Mayor

APPROVED AS TO FORM

Town Attorney



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: April 25, 2018

RE: Budget Amendment to Support Upcoming Gun Buyback Events

RECOMMENDATION

Staff recommends that the Town Council authorize a \$15,000 budget amendment in fiscal year 2017-18 to support the upcoming Gun Buyback events sponsored by "Citizens for A San Mateo County Gun Buyback" and supported by the San Mateo County Sheriff's Office.

BACKGROUND

On March 14th, 2018, the Town Council supported providing \$10,000, plus up to a \$5,000 match to the San Mateo County Sheriff's Office for future gun buyback programs.

DISCUSSION

Staff spoke to the Sheriff's Office after the meeting and learned that "Citizens for a San Mateo County Gun Buyback," a local group that is partnered with "Gun by Gun," a 501(c)(3) non-profit, is the funding arm for the gun buyback programs now being planned. The Sheriff's Office does not handle the financing of the programs; they staff the events and dispose of the guns gathered.

Further conversations between Town staff, the Sheriff's Office and the non-profit have resulted in a clearer understanding of the program's objectives and financing, and staff recommends authorization of the budget amendment to support the Gun Buyback program.

FISCAL IMPACT

The budget amendment provides for a \$10,000 contribution to the Gun Buyback program, with an additional \$5,000 allowance to match community funds received. The total expenditure will not exceed \$15,000.

Approved by: Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read "Jeremy Dennis". The signature is fluid and cursive, written over a white background.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: April 25, 2018

RE: Opposition to AB 1912

RECOMMENDATION

Staff recommends that the Town Council oppose Assembly Bill 1912, and authorize the Mayor to sign a letter as such.

BACKGROUND

Assembly Bill (AB)1912 was introduced by Assembly Member Freddie Rodriguez earlier this year. The bill's intention is to address pension liability concerns for Joint Powers Agreements (JPAs).

JPA's are common partnerships used by municipalities to address shared needs by pooling financial and employee resources to reduce costs and achieve greater efficiencies of scale.

AB 1912 requires that any municipality that is part of a JPA that includes a public retirement system would be jointly and severally responsible for all of the obligations (former and current) of that retirement system. Such obligations include active employee normal pension costs, retiree unfunded accrued liabilities, and active and retiree healthcare and other pos-employment retirement benefits.

The Town is a member of two JPAs: ABAG and the Library System.

DISCUSSION

As written, AB 1912 would place significant new challenges on Portola Valley:

1. Should a fellow member city to one of the JPAs the Town is a member of have new or sizable pension obligations, the Town would be liable to cover.
2. Implementing a new JPA would not lead to the same cost savings and efficiencies of scale as MOUs would need to be created for each agency, hiring would not be centralized, management of staff would be challenging under multiple agreements, and lead agency creation would be costly
3. Public retirement agencies would be mandated to file suit against all agencies that have ever been a member of a terminated JPA for all retirement-related obligations, including attorney's fees.
4. AB 1912 may also force a city to take on more debt than allowed by the California Constitution, as shared new liabilities would have not been voted on by the residents of Portola Valley.

The Cities of Belmont, Burlingame, Foster City have written letters of opposition to AB 1912.

Town staff strongly recommends that the Council oppose this bill as written.

FISCAL IMPACT

If the bill were enacted, the Town would incur significant new costs associated with the challenges listed above.

ATTACHMENT

1. Draft Letter of Opposition
2. Action Alert, League of California Cities

Approved by: Jeremy Dennis, Town Manager



April 25, 2018

The Honorable Freddie Rodriguez
Chair, Assembly Public Employees, Retirement & Social Security
State Capitol Building, Room 2188
Sacramento, CA 95814
Via Fax: 916-319-2152

Dear Assembly Member Rodriguez:

The Town of Portola Valley must respectfully oppose your Assembly Bill (AB) 1912 relating to retirement liabilities of Joint Powers Authorities (JPA).

JPA's play a vital role in addressing public needs that cannot be effectively achieved by a local agency acting on its own. Our city faces unique local challenges and a limited budget, but we continue to innovate in order to obtain expertise and provide high quality services through the use of JPAs.

The Town of Portola Valley is deeply concerned that JPAs will no longer be a viable tool should AB 1912 become law.

As amended, AB 1912 places substantial burdens and new unworkable requirements on cities by applying retroactive as well as prospective joint and several liability for all retirement related obligations to any current or former member of a JPA throughout its existence. Such obligations include active employee normal pension costs, retiree unfunded accrued liabilities (UAL) as well as both active and retiree healthcare and other post-employment retirement benefits (OPEB). According to the State Controller's Office most recently available data, the unfunded liability of California's 130 state and local government pension plans stand at \$241.3 billion and \$125 billion for retiree healthcare costs. These costs and their impact on local governments cannot be overstated.

Additionally, the measure would mandate that a public retirement agency file suit against all agencies that have ever been a member of a terminated JPA for all retirement related obligations and prohibits any retirement system from approving a new JPA without express joint and several liability provisions. The provisions in AB 1912 create constitutional, fiscal and operational challenges, which would effectively eliminate the ability for use to create or maintain the use of most JPA's.

Conflicts with Provisions of the California State Constitution:

The California constitutional debt limit prohibits an agency from incurring indebtedness beyond the agency's ability to pay the debt back from revenues received in the same fiscal year without the approval of two-thirds of its voters (*Cal Const. art XVI, §18*). These safeguards were placed in the State's constitution to avoid a situation in which bond issuers might compel an increase in taxes or foreclose on

local government assets ([*City of Redondo Beach v Taxpayers, Property Owners, Citizens & Electors \(1960\) 54 C2d 126, 131*](#); [*County of Shasta v County of Trinity \(1980\) 106 CA3d 30, 35*](#)).

By applying retroactive joint and several liabilities to existing contracts, we have strong concerns that Town of Portola Valley will incur significant debts that may exceed our annual revenue without receiving voter approval—thus violating the sighted provision.

Further, it can be argued that retroactively incurring debts of another agency violates article XVI, §6 of the California Constitution which prohibits an agency from giving or lending public funds to any person, public or private entity. A JPA is an independent governmental body whereby the Town of Portola Valley has no legal, statutory oversight or managing authority. Liabilities from such entities retroactively applied to each member agency would constitute a gift of public funds to an individual(s) and/or public entity.

Gives Retirement Agency Authority to Increase the Amount Owed Through Assumption Changes and/or Investment Losses:

Retirement obligations are unlike other forms of traditional debts and liabilities. Unfunded retirement liabilities are particularly volatile and can grow to insurmountable costs based on no fault of the agencies who contract with a retirement system for health and pension benefits. It is estimated that in fiscal year 2008-2009 the California Public Employee Retirement System (CalPERS) lost approximately \$100 billion dollars in assets resulting in a gross loss of 34.75 percent of the fund's total value. According to CalPERS (CL#200-004-17) employer contributions are projected to double by fiscal year 24-25. Additionally, those numbers are poised to grow even more in the short term when factoring CalPERS recent decision to modify its amortization schedule from 30 years to 20.

The measure would hold all agencies of a JPA accountable for the investment shortfalls, future discount rate reductions, and other assumptions changes made by the retirement agencies even if the agencies are able to pay the lump sum amount of the current unfunded liability from the JPA.

Gives Exclusive Authority to the Retirement Agency to Assign Liability:

As stated in SEC 6 subsection (d), AB 1912 would grant exclusive authority to the public retirement agency to unilaterally assign liabilities to all current and former agencies of a JPA *“in an equitable manner”*. JPA's have been in existence in California for nearly 100 years with state and local agencies—some as many as 500 entering and exiting these governmental bodies as service demands shift and evolve. It would be virtually impossible for the JPA's governmental body, let alone a retirement agency, to retroactively assign “equitable” retirement specific liabilities to potentially hundreds of agencies. This is especially concerning when you factor in the various assumptions changes outlined in the section above.

This vague and ambiguous direction demonstrates a fundamental misunderstanding of the formation, management and purpose of a JPA which will inevitably lead to a perpetual cycle of protracted and costly litigation contesting the retirement agency's discretion of proportional liability.

Creates Funding and Operational Impairments:

The Governmental Accounting Standards Board (GASB) issued regulations (GASB 68, 2012 and 76, 2015) that require each state and local agency to report all financial liabilities associated with public pension and OPEB liabilities. These reporting standards play a vital role in assessing the fiscal health and viability of an agency. Incurring retroactive debt would require each originating agency of a JPA to report these liabilities as debts impacting an agency's net financial position. A drastic spike in liability could contribute to the downgrading of an agency's credit rating, which in turn would make issuing and servicing future bonds more costly through higher interest costs and additional required insurance.

JPA's are tools state and local government agencies use to address service demands and infrastructure needs in a cost effective manner. Removing this tool makes it that much more problematic to address statewide critical issues such as housing, transportation, water, air quality, workforce development, public safety, and much more. While the intended goals of your measure are laudable, for the reasons stated above the Town of Portola Valley must strongly Oppose Assembly Bill 1912.

Sincerely,

John Richards
Mayor, Town of Portola Valley

cc: Senator Jerry Hill
Assemblyman Marc Berman
[Michael Bolden](#), Chief Consultant, Assembly Committee Public Employees, Retirement, and Social Security
[Joshua White](#), Consultant, Assembly Republican Caucus
Meg Desmond, League of California Cities, CityLetters@cacities.org

ACTION ALERT!!**AB 1912 (Rodriguez)
Public Employees' Retirement: JPA: Liability
OPPOSE****BACKGROUND:**

Local governments have a long history of addressing service delivery challenges with creativity, self-reliance and innovation. Unique local challenges and limited resources continue to fuel innovative efforts to obtain expertise and provide high quality services. Joint Powers Authorities (JPAs) play a vital role in promoting regional and, in some cases, statewide collaboration in addressing public needs that cannot be effectively achieved by each local government agency acting on its own. These activities include regional public improvements, local and statewide infrastructure for water and roadways, emergency communications systems, law enforcement, fire protection, emergency medical services, and public financing, among others.

We are deeply concerned that JPAs will no longer be a viable tool should AB 1912 become law.

WHAT DOES AB 1912 DO?

As amended, AB 1912 places substantial burdens and new unworkable requirements on local and state agencies. It applies retroactive as well as prospective joint and several liability for all retirement related obligations to any current or former member of a JPA since inception. Such obligations include active employee normal pension costs, retiree unfunded accrued liabilities (UAL), as well as both active and retiree healthcare and other post-employment retirement benefits (OPEBs). These costs cannot be overstated.

Additionally, AB 1912 would mandate that a public retirement systems, like California Public Retirement System (CalPERS), 37 Act System, or a city-based retirement systems file suit against all local or state agencies that have ever been a member of a terminated JPA for all retirement related obligations. It also prohibits any retirement system from approving a new JPA without a contract containing express joint and several liability provisions.

The provisions set forth in AB 1912 create constitutional, fiscal, and operational challenges, which would effectively eliminate the ability for local and state agencies to create or maintain the use of most JPA's.

- **AB 1912 conflicts with the California Constitution:**
 - **Debt Issuance without voter approval:** The California constitutional debt limit prohibits an agency from incurring indebtedness beyond the agency's ability to pay the debt back from revenues received in the same fiscal year without the approval of two-thirds of its voters (*Cal Const. art XVI, §18*).
 - **Gift of Public Funds:** Retroactively incurring debts of another agency violates article XVI, §6 of the California Constitution which prohibits an agency from giving or lending public funds to any person, public or private entity
- The measure would hold all agencies of a JPA accountable for the **investment shortfalls, future discount rate reductions, and other assumptions changes made by the retirement agencies** even if the agencies are able to pay the lump sum amount of the current unfunded liability from the JPA
- AB 1912 gives exclusive authority to a retirement agency to unilaterally assign liabilities to all current and former agencies of a JPA. This vague and ambiguous direction demonstrates a fundamental misunderstanding of the formation, management and purpose of a JPA **which will**

inevitability lead to a perpetual cycle of protracted and costly litigation contesting the retirement agency's discretion of proportional liability

ACTION:

AB 1912 (Rodriguez) has not been officially set but will likely be heard on April 18 in the Assembly Public Employees, Retirement & Social Security Committee. **Please send your CITY LETTERS of OPPOSITION to AB 1912 as soon as possible.** Although it would be helpful for all Assembly Members to hear from their cities, it is critical for Assembly Members on the committee (roster below) to receive letters from their cities. Sample opposition letter is attached and online through the League's [Action Center](#).

ASSEMBLY PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY

Member	District	Party	Room	Phone	Fax
Allen, Travis (Vice-Chair)	72	R	4208	916 319 2072	916 319 2172
Brough, William	73	R	3141	916 319 2073	916 319 2173
Cervantes, Sabrina	60	D	5164	916 319 2060	916 319 2160
Cooley, Ken	8	D	3013	916 319 2008	916 319 2108
Cooper, Jim	9	D	6025	916 319 2009	916 319 2109
O'Donnell, Patrick	70	D	2196	916 319 2070	916 319 2170
Rodriguez, Freddie (Chair)	52	D	2188	916 319 2052	916 319 2152

You can also find your Legislator's contact information here: <http://findyourrep.legislature.ca.gov/>.

Talking Points:

- JPA's play a vital role in addressing public needs that cannot be effectively achieved by a local agency acting on its own
- **City/Town of _____** are deeply concerned that JPAs will no longer be a viable tool should AB 1912 become law.
- AB 1912 places substantial burdens and new unworkable requirements on cities by **applying retroactive as well as prospective joint and several liability** for all retirement related obligations to any current or former member of a JPA throughout its existence.
- Liabilities include **all retirement and healthcare costs** associated with all current and former JPA employees
- The measure would mandate that a public retirement agency file suit against all agencies that have ever been a member of a terminated JPA **for all retirement related obligations including attorney's fees**



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Brandi de Garmeaux, Assistant to the Town Manager

DATE: April 11, 2018

RE: Adoption of a Resolution Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials Between the Town of Portola Valley and GreenWaste Recovery, Inc.

RECOMMENDATION

Staff recommends that the Town Council adopt the attached Resolution (Attachment 1) allowing a rate increase under the franchise agreement for collection of garbage, recyclables and compostable materials between the Town of Portola Valley and GreenWaste Recovery, Inc.

BACKGROUND

On May 14, 2008, the Town Council adopted a Resolution approving a ten-year franchise agreement with GreenWaste Recovery, Inc. for garbage, recyclables and compostable materials collection. On May 10, 2017, the Town Council voted to extend the current agreement through June 30, 2020. The agreement allows for an annual rate adjustment effective July 1st of each year.

Section 14.02 of the agreement states: "Contractor's Rates to Services Recipients shall be adjusted annually to adjust for the increased or decreased cost of living, by 100% of the change in the 'Consumer Price Index for All Items' for the San Francisco Bay Area. Rate of adjustment will be based on increases or decreases during the prior calendar year, but will apply to the following Town fiscal year (July 1 to June 30) to allow time to receive the indices, compute the necessary adjustment and have the Town Council approve the new rate prior to the billing cycle."

Garbage Franchise Annual Rate Increase

DISCUSSION

The attached indices (Attachment 2) from the Bureau of Labor Statistics provides the figures used to calculate the change in the Consumer Price Index (CPI) from 2016 to 2017, which is also outlined in the table below.

Calendar Year	Consumer Price Index (CPI)
2017	277.414
2016	269.483
Difference	7.931

Per the franchise agreement, GreenWaste is requesting their allowed rate increase of 2.94%, based upon the change in the CPI between calendar years 2016 and 2017 ($7.931/269.483 = 2.94\%$). If approved by the Council, the rate increase would go into effect on July 1, 2018. The proposed (Attachment 3) and current (Attachment 4) rate schedules are provided for comparison purposes.

FISCAL IMPACT

None.

ATTACHMENT

1. Resolution
2. Consumer Price Index
3. Proposed Rate Schedule – Exhibit “A”
4. Current Rate Schedule

Approved by: Jeremy Dennis, Town Manager



RESOLUTION NO. _____-2018

**RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PORTOLA VALLEY ALLOWING A RATE INCREASE UNDER
THE FRANCHISE AGREEMENT FOR COLLECTION OF GARBAGE,
RECYCLABLES AND COMPOSTABLE MATERIALS
BETWEEN THE TOWN OF PORTOLA VALLEY AND
GREENWASTE RECOVERY, INC.**

WHEREAS, the Town Council of the Town of Portola Valley has entered into a franchise agreement with GreenWaste Recovery, Inc. (GreenWaste) for the provision of garbage, recyclables and yard trimmings collection services; and

WHEREAS, pursuant to the Agreement, GreenWaste is entitled to annual service rate adjustments to reflect the change in the Consumer Price Index.

NOW, THEREFORE, the Town Council of the Town does RESOLVE as follows:

1. Public interest and convenience require the Town of Portola Valley to increase the service rates by 2.94%, as set forth in Exhibit "A".
2. The Town of Portola Valley hereby approves the rate increase described in Exhibit A, attached hereto and incorporated herein, and directs the new rates be implemented for the entirety of fiscal year 2018-2019, beginning with the 1st quarter billing cycle.

PASSED AND ADOPTED this 11th day of April, 2018.

By: _____
Mayor


ATTEST:

Town Clerk

GreenWaste Recovery Inc
Town of Portola Valley
Annual Rate Adjustment
Effective: July 1, 2018
CUURA422SAO

Consumer Price Index
All Items - CPI (U)
SF Bay Area

Dec, 2017 Index	277.414
Dec, 2016 Index	269.483
Difference	7.931
Adjustment Percentage	2.94%

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Data extracted on: March 21, 2018 (10:24:36 PM)

CPI-All Urban Consumers (Current Series)

Series Id: CUURS49BSA0
 Not Seasonally Adjusted
Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: All items
Base Period: 1982-84=100

Download:  

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2008		219.612		222.074		225.181		225.411		225.824		218.528	222.767	221.730	223.804
2009		222.166		223.854		225.692		225.801		226.051		224.239	224.395	223.305	225.484
2010		226.145		227.697		228.110		227.954		228.107		227.658	227.469	226.994	227.944
2011		229.981		234.121		233.646		234.608		235.331		234.327	233.390	232.082	234.698
2012		236.880		238.985		239.806		241.170		242.834		239.533	239.650	238.099	241.201
2013		242.677		244.675		245.935		246.072		246.617		245.711	245.023	243.894	246.152
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463
2015		254.910		257.622		259.117		259.917		261.019		260.289	258.572	256.723	260.421
2016		262.600		264.565		266.041		267.853		270.306		269.483	266.344	263.911	268.777
2017		271.626		274.589		275.304		275.893		277.570		277.414	274.924	273.306	276.542
2018		281.308													

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U.S. Bureau of Labor Statistics | Postal Square Building, 2 Massachusetts Avenue, NE Washington, DC 20212-0001
www.bls.gov | Telephone: 1-202-691-5200 | TDD: 1-800-877-8339 | [Contact Us](#)

**Town of Portola Valley - Service Rates Effective July 1, 2018
Collection of Garbage, Recyclables and Yard Trimmings**

**Form 5A. Cost Proposal: Weekly Residential Garbage, Recyclables and Yard Trimmings
Collection. 2.94% Increase**

Distance	Mini-Can	1 Can	2 Cans	3 Cans	4 Cans
0' - 10'	\$19.27	\$30.85	\$61.68	\$92.55	\$123.43
10' - 25'	\$21.03	\$33.67	\$67.36	\$101.01	\$134.64
25' - 100'	\$22.81	\$36.49	\$72.99	\$109.47	\$145.93
100' - 200'	\$24.55	\$39.31	\$78.61	\$117.91	\$157.19
200' - 300'	\$26.31	\$42.12	\$84.23	\$126.35	\$168.46
300' - 400'	\$28.41	\$44.96	\$89.86	\$134.78	\$179.73
400' - 500'	\$30.18	\$47.72	\$95.47	\$143.21	\$190.98

Rates above include unlimited collection of yard trimmings and recyclables

The following rates are to be charged in addition to the monthly rates Proposed above:

each additional can service	\$30.85
each additional 100' distance	\$8.05
fee for opening locked gates	\$0.00

Special Collection Charges (each time requested)

Freon containing items	\$48.27
TV sets & Computer Monitors	\$24.08
other special items	\$32.66
all other bulky items	\$48.27
used motor oil and filters	incl.

per yard

Town of Portola Valley - Service Rates Effective July 1, 2018
Collection of Garbage, Recyclables and Yard Trimmings

Form 6. Cost Proposal: Commercial Garbage Collection Service
2.94% Increase

	Bin Charges						
Collection Frequency	.5 cubic yard*	1 cubic yard	2 cubic yards	3 cubic yards	4 cubic yards	6 cubic yards	8 cubic yards
One per week	\$72.43	\$129.93	\$186.83	\$249.31	\$312.57	\$363.57	\$469.56
Two per week	\$97.63	\$213.64	\$311.79	\$436.72	\$562.48	\$665.84	\$872.59
Three per week	\$122.84	\$301.06	\$436.72	\$624.12	\$812.31	\$972.62	\$1,275.69
Four per week	\$148.03	\$392.20	\$561.67	\$811.55	\$1,062.21	\$1,270.42	\$1,681.90
Five per week	\$173.20	\$487.13	\$686.61	\$998.97	\$1,312.12	\$1,572.70	\$2,081.78
Six per week	\$198.41	\$585.86	\$811.55	\$1,187.05	\$1,562.05	\$1,875.01	\$2,484.81

*optional service level: .5 CY = approximately (1) 96-gallon wheeled cart service.

	Push Distance Charges (in increments of feet)						
Collection Frequency	0' - 10'	11'- 25'	26'-50'	51'-100'	101'-200'	201'-300'	301'-400'
One per week	Included	\$43.45	\$48.27	\$56.15	\$64.67	\$77.63	\$90.58
Two per week	Included	\$86.86	\$96.54	\$113.22	\$129.42	\$155.30	\$181.15
Three per week	Included	\$130.34	\$144.82	\$169.85	\$194.09	\$232.93	\$271.72
Four per week	Included	\$173.79	\$193.08	\$226.43	\$258.79	\$310.56	\$362.33
Five per week	Included	\$217.22	\$241.35	\$283.06	\$323.49	\$388.21	\$452.89
Six per week	Included	\$260.64	\$289.60	\$339.65	\$388.21	\$465.84	\$543.49

Additional service charges:

fee for opening a locked gate

\$0.00

fee for bin cleaning

\$39.33

fees for other services **

N/A

**Town of Portola Valley - Service Rates Effective July 1, 2017
Collection of Garbage, Recyclables and Yard Trimmings**

**Form 5A. Cost Proposal: Weekly Residential Garbage, Recyclables and Yard Trimmings
Collection. 3.53% Increase**

Distance	Mini-Can	1 Can	2 Cans	3 Cans	4 Cans
0' - 10'	\$18.72	\$29.97	\$59.92	\$89.90	\$119.90
10' - 25'	\$20.43	\$32.71	\$65.43	\$98.12	\$130.79
25' - 100'	\$22.16	\$35.45	\$70.90	\$106.34	\$141.76
100' - 200'	\$23.85	\$38.19	\$76.36	\$114.54	\$152.70
200' - 300'	\$25.56	\$40.92	\$81.82	\$122.74	\$163.64
300' - 400'	\$27.60	\$43.67	\$87.29	\$130.93	\$174.59
400' - 500'	\$29.32	\$46.36	\$92.74	\$139.12	\$185.52

Rates above include unlimited collection of yard trimmings and recyclables

The following rates are to be charged in addition to the monthly rates Proposed above:

each additional can service	\$29.97
each additional 100' distance	\$7.82
fee for opening locked gates	\$0.00

Special Collection Charges (each time requested)

Freon containing items	\$46.89
TV sets & Computer Monitors	\$23.39
other special items	\$31.73 per yard
all other bulky items	\$46.89
used motor oil and filters	incl.

Town of Portola Valley - Service Rates Effective July 1, 2017
Collection of Garbage, Recyclables and Yard Trimmings

Form 6. Cost Proposal: Commercial Garbage Collection Service
3.53% Increase

Collection Frequency	Bin Charges						
	.5 cubic yard*	1 cubic yard	2 cubic yards	3 cubic yards	4 cubic yards	6 cubic yards	8 cubic yards
One per week	\$70.36	\$126.22	\$181.49	\$242.18	\$303.63	\$353.18	\$456.14
Two per week	\$94.84	\$207.53	\$302.88	\$424.23	\$546.40	\$646.80	\$847.64
Three per week	\$119.33	\$292.45	\$424.23	\$606.28	\$789.09	\$944.81	\$1,239.22
Four per week	\$143.80	\$380.99	\$545.61	\$788.35	\$1,031.84	\$1,234.10	\$1,633.82
Five per week	\$168.25	\$473.20	\$666.98	\$970.41	\$1,274.61	\$1,527.74	\$2,022.26
Six per week	\$192.74	\$569.11	\$788.35	\$1,153.11	\$1,517.39	\$1,821.41	\$2,413.77

*optional service level: .5 CY = approximately (1) 96-gallon wheeled cart service.

Collection Frequency	Push Distance Charges (in increments of feet)						
	0' - 10'	11'- 25'	26'-50'	51'-100'	101'-200'	201'-300'	301'-400'
One per week	Included	\$42.21	\$46.89	\$54.54	\$62.82	\$75.41	\$87.99
Two per week	Included	\$84.38	\$93.78	\$109.98	\$125.72	\$150.86	\$175.97
Three per week	Included	\$126.61	\$140.68	\$164.99	\$188.54	\$226.27	\$263.95
Four per week	Included	\$168.82	\$187.56	\$219.96	\$251.39	\$301.68	\$351.97
Five per week	Included	\$211.01	\$234.45	\$274.97	\$314.24	\$377.11	\$439.94
Six per week	Included	\$253.19	\$281.32	\$329.94	\$377.11	\$452.52	\$527.95

Additional service charges:

fee for opening a locked gate	\$0.00
fee for bin cleaning	\$38.21
fees for other services **	N/A



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director

DATE: April 25, 2018

RE: Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account Funding and Submittal of a Project list

RECOMMENDATION

Staff recommends that the Town Council adopt the attached resolution approving a project list to comply with SB-1 funding requirements.

BACKGROUND

On April 28, 2017, the Governor signed Senate Bill 1 (SB 1), Road Repair and Accountability Act of 2017, to address transportation funding shortfalls statewide. SB 1 established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund. Beginning in January 2018, the State Controller deposited funds generated from increased fuel taxes and vehicle registration fees into the RMRA. A portion of the RMRA funds are distributed on a monthly basis to the City for basic road maintenance, rehabilitation and critical safety projects on local streets and road systems. In Fiscal Year 2017-2018, the estimated amount the Town was to receive was \$27,000. A project list for 2017-2018 was approved by the Town Council on October 11, 2017. In Fiscal Year 2018-2019, the Town is estimated to receive \$78,165 from the newly created RMRA. Estimates were provided by *CaliforniaCityFinance.com*.

DISCUSSION

SB 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. In order to be eligible for RMRA funding in this year, the Town must adopt a resolution approving the list of projects to receive RMRA funding in Fiscal Year 2018-2019. Staff recommends that the funding be applied towards the Town's Annual Street Resurfacing Project, which will be included in the Proposed Budget for Fiscal Year 2018-2019.

The project list includes, project description, locations, completion schedule, anticipated useful life and other information required by the Commission. The project locations are considered flexible, which allows for substitutions, additions, or removal of roadways. This is helpful as staff is in the process of developing the scope of the 2018-2019 street resurfacing projects. The current project list (Attachment 1) is derived from the Towns Pavement Management System, based on a program that was developed by the Metropolitan Transportation Commission.

FISCAL IMPACT

Funding from multiple sources, including SB1 funds of \$78,165, for the Annual Street Resurfacing project will be included in the Proposed Budget for Fiscal Year 2018-2019 under Capital Improvements. The RMRA funds will be provided to cities on a monthly basis.

ATTACHMENT

1. Project list
2. Resolution

Approved by: Jeremy Dennis, Town Manager



Attachment 1

PROPOSED SB-1 TRANSPORTATION FUNDING PROJECT LIST

Project Name: Street Resurfacing Project in the Town of Portola Valley

1. Project Description: This proposed project consists of street resurfacing and rehabilitation work consisting of base repairs, crack sealing, and asphalt overlay or slurry/surface seals. The primary factor for choosing the roadway segments included is the Pavement Condition Index (PCI) of each roadway. PCI is a measurement of a street's condition derived through field inspections that utilize scoring criteria developed by the Metropolitan Transportation Commission's (MTC) pavement management program.
2. Location of the Project:
 - a. Acorn Court: Entire length
 - b. Alamos Drive: Entire length
 - c. Goya Road: Entire length
 - d. Grove Court: Entire length
 - e. Groveland Street: Entire length
 - f. Los Trancos Road: Alpine Road to Palo Alto Town limits
 - g. Naranja Way: Entire length
 - h. Portola Green Circle: Entire length
3. Schedule of Completion: The project is expected to complete by June 2020.
4. Estimated Useful Life:

Resurfacing and rehabilitation work will extend life expectancy of these streets as shown below:

- Slurry seal 4 – 6 years
- Asphalt Overlay 10-15 years

Resolution no. _____-2018**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
ADOPTING A PROJECT LIST FOR FISCAL YEAR 2018-19 FUNDED BY SB 1: THE
ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our Town are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the Town must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the Town, will receive an estimated \$78,165 in RMRA funding in Fiscal Year 2018-19 from SB 1; and

WHEREAS, this is the second year in which the Town is receiving SB 1 funding and will enable the Town to continue essential road maintenance and rehabilitation projects; and

WHEREAS, the Town used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities' priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the Town maintain and rehabilitate 8 roads, and many similar projects into the future.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the Town Council of the Town, State of California, as follows:

1. The foregoing recitals are true and correct.

2. The fiscal year 2018-19 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include: **See Attachment 1 for project list.**

PASSED AND ADOPTED by the Town Council of the Town of Portola Valley, State of California this _____ day of _____, 2018.

Mayor

ATTEST:

Town Clerk



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Arly Cassidy, Interim Planning Director

DATE: April 25, 2018

RE: First Reading of Ordinance – Amendments to the Second Unit Ordinance

RECOMMENDATION

Staff recommends that the Town Council waive reading and introduce the attached ordinance amending Chapter 18.12 of the Portola Valley Municipal Code relative to Accessory Dwelling Units and find the project exempt under the California Environmental Quality Act.

BACKGROUND

On September 27, 2016, Governor Jerry Brown signed Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) amending Government Code Section 65852.2 related to accessory dwelling units, or ADUs. The changes were intended to reduce barriers, better streamline the approval process and expand the development of ADUs. Local agencies were required to update their ADU ordinance to comply with the new state regulations, and at its May 24, 2017 meeting the Town Council passed an ordinance updating the Town's municipal code to incorporate these changes (2017 Ordinance, Attachment 2).

Shortly thereafter, on October 8, 2017, Governor Jerry Brown signed Assembly Bill 494 (AB 494) and Senate Bill 229 (SB 229) further amending Government Code Section 65852.2, to clarify certain ambiguities raised in the earlier legislation and to further ease the requirements for the creation of an ADU (Attachment 3). Specifically, parking requirements have been lessened, internal ADUs are now allowed in all existing accessory structures, and other small language changes have been made to increase clarity. As before, an existing municipal code that does not meet the requirements of state law is considered null and void, in which case only state standards may be enforced.

The Town is in the midst of ongoing conversations about what increased housing might look like in Portola Valley. ADUs top the list of housing options that are both relatively

affordable and in keeping with the Town's rural character. It is possible that additional, town-initiated changes to the ADU ordinance will be proposed in the near future, in order to further promote this housing type. Staff has initiated the update now under review, separate from and before any other changes, in order to comply with state law and ensure that the Town's Second Unit Ordinance continues to be enforceable, without being delayed by policy discussions which deserve careful consideration.

This ordinance update was reviewed by the ASCC on March 26, 2018 and by the Planning Commission on April 4, 2018 (staff report and minutes, Attachments 4 & 5). The ASCC discussed implications of the change and made suggestions for future consideration, when the town is considering broader policy changes, but agreed with staff that the current round of updates should travel separate. The ASCC approved the proposed ordinance with no changes.

The Planning Commission discussed the impacts of reduced setbacks and suggested the addition of two small phrases for clarity. To the phrase "No setback shall be required for an existing garage that is converted to a second unit" the Planning Commission added "or a portion of a second unit" (B.2.i.). Describing parking requirements, the Planning Commission replaced "the parking requirements identified in subsections 3.1. – 3.d. shall not apply" with "then no parking requirement shall apply" (B.3.e.). With these two changes, the Planning Commission approved the proposed ordinance.

DISCUSSION

The most consequential change proposed in the current update pertains to units proposed completely within existing structures, as described in Section B.1.a. of the proposed ordinance. This section states that any ADU proposed within an existing residence or accessory structure in a zone where single family homes are permitted by right must be reviewed ministerially (i.e., only a building permit, not a planning permit, may be required). This represents a significant change to Town policy, in that the Town may not limit *internal* ADUs to specific zones, meaning that they can be proposed—and must be processed as a building permit—in any residential district. The Town may continue to place zoning limitations on ADUs which are detached (new, stand-alone structures) and attached (utilizing some existing space, but involving an addition), but ADUs involving no exterior wall changes must be permitted in all zones.

The requirement was part of the state law dating to 2016, but late last year state law was modified to clarify that an internal ADU may be proposed not just in existing residences but also in an "accessory structure, including but not limited to, a studio, pool house, or other similar structure" so long as it has independent exterior access. Policy summaries issued by 21 Elements since staff's recent report to the Planning Commission clarified that a jurisdiction must permit these types of internal ADU conversions in all zones allowing single family homes, and may not limit them to only certain residential zones. Internal ADUs are not as likely to have notable land use impacts as it is likely that most people housed in internal ADUs were already living on site as part of the existing household. In addition, allowing this flexibility could

encourage more permanent housing options for extended family members as well as household employees.

The other proposed changes to Government Code Section 65852.2 are small in nature and will likely not have a noticeable impact on either a property owner's decision to construct a unit or the impacts a built unit has on its surroundings. The most substantial change concerns the parking requirement for ADUs: where the state code previously allowed (and the Town's ordinance required) one parking space for studios/one bedrooms and two parking spaces for two or more bedrooms, parking for ADUs must now be limited to one parking space regardless of bedroom count. (A jurisdiction may also choose to not require any parking for ADUs.) It should also be noted that the Town's last ordinance update did not capture the requirement that an internal ADU created entirely within an existing residence *or accessory structure* may not trigger any required parking (# 3, below). Language to this effect has been added to the Town's updated ordinance.

This and other policy changes are summarized below, with the new change in *italics* (changes simply meant to clarify the state's intent, which do not require updates to the Town's ordinance, are not described). The government code section number where each of the changes can be found is included in the list.

1. No setback shall be required for an existing garage that is converted to an ADU *or to a portion of an ADU* (Govt. Section 1(a)(1)(D)(vii), Town Section B.2.i.).
2. Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, *whichever is less* (Govt. Section 1(a)(1)(D)(x)(I), Town Section B.3.a.).
3. An ordinance shall not impose parking standards if the ADU is part of the existing primary residence or an existing accessory structure (Govt. Section 1(d)(3), Town Section B.3.e.).
4. Ministerial approval is required for ADUs contained within the existing space of a residence or accessory structure *including, but not limited to, a studio, pool house, or other similar structure* (Govt. Section 1(e), Town Section B.1.a.).

The Town's ordinance has been edited to ensure compliance with all changes; a redlined version of the existing ordinance illustrates proposed edits (Attachment 1).

Public Comment

No public comment had been received by staff at the writing of this report.

CEQA Compliance

The proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code.

FISCAL IMPACT

No direct or immediate fiscal impact is expected from this ordinance change. It is likely that the number of second unit applications the town receives, both for ASCC review

and for ministerial building permit review, will slowly increase over the next few years. Revenue generation from these permit fees will not likely represent a significant increase in overall revenues for the department or the Town, especially if these fees are revised downward in order to support further ADU creation. There is likely to be some increase in property values, and therefore property taxes, due to the creation of additional living space and number of units on specific properties, though this will only manifest upon title transfer for a property with an ADU. This, too, is unlikely to represent a large percentage of Town revenues.

ATTACHMENTS

1. Resolution with Proposed Second Unit Ordinance
2. Ordinance 2017-420, Second Unit Ordinance passed May 24, 2017
3. California Government Code Section 65852.2, as amended on October 8, 2017
4. ASCC and Planning Commission joint Staff Report
5. Minutes from ASCC March 26, 2018 and Planning Commission April 4, 2018

Approved by: Jeremy Dennis, Town Manager



ORDINANCE NO. 2017 - ____

ORDINANCE AMENDING TITLE 18 [ZONING] OF THE PORTOLA VALLEY MUNICIPAL CODE RELATIVE TO SECOND UNITS

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying second units as a very effective way of providing affordable housing in town;

WHEREAS, recognizing the potential for second units as a housing strategy, California has passed several laws to lower the local regulatory barriers to construction, and continues to update its Government Code to further these goals;

WHEREAS, in order to fully comply with the most recent California legislation (AB 494 and SB 29), the Town must amend its Second Unit Ordinance regarding parking requirements, conversion of structures to ADUs, and the ministerial process;

WHEREAS, the ASCC held a duly noticed hearing on March 26, 2018 and recommended the proposed ordinance for approval;

WHEREAS, the Planning Commission held a duly noticed hearing on April 4, 2018, suggested two changes to the proposed language, and recommended the proposed ordinance for approval;

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

- B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner ~~may shall~~ refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

a. One fully internal second unit up to 1,200 square feet or 50% of the primary dwelling unit, whichever is less, on all lots with a proposed or existing single family home which is permitted by right in that zoning district, provided the entire second unit is contained within an existing residence or legal accessory structure.

a.b. One attached or detached second unit up to 1,000 square feet is permitted on a residentially zoned parcel which is one acre or larger.

b.c. Two second units up to 1,000 square feet each are permitted on a residentially zoned parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.

~~c.d. An attached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of existing space within the main dwelling unit.~~

~~d. A detached second unit as described in subsections 1.a and 1.b above may be created in whole or in part through the conversion of an existing legal accessory structure.~~

2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.

a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.

b. The second unit is served by the same vehicular access to the street as the main dwelling.

c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.

~~d. Exterior lighting on the second unit shall not exceed one light fixture per entry door.~~ All lighting fixtures shall comply with the Town's Municipal Code (Section 18.36.040.A.8, Outdoor Illumination) and Design Guidelines relative to lighting fixtures. ~~Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.~~

e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.

- f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
- g. The second unit shall have colors, materials and architecture similar to the main dwelling.
- h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
- i. No setback shall be required for an existing garage that is converted to a second unit or a portion of a second unit, and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
- j. If the second unit is created by the conversion of an existing ~~structure on the property space within the main dwelling unit~~, the second unit must have independent exterior access, ~~from the existing residence~~ and side and rear setbacks that are sufficient for fire safety.

3. Parking Requirements.

- a. One dedicated parking space shall be provided for each second unit ~~with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.~~
- b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least 9 ~~nine~~ feet by 18 feet.
- c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking in driveways and in setbacks is permitted.
- d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, or is converted to a second unit, and when those off-street parking spaces must be replaced, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
- e. If the second unit is created entirely by the conversion of an existing structure, then no parking requirement shall apply. space within the main dwelling unit, the parking requirements identified in subsections 3.a-3.d shall not apply.

4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an ~~existing~~ single-family dwelling.

- b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.

2. CONSISTENCY WITH STATE LAW. This ordinance is intended to be consistent with State law regulating accessory dwelling units and to the extent there is any inconsistency with such State law requirements, State law shall control.

3. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of section units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST

Town Clerk

By: _____
Mayor

APPROVED AS TO FORM

Town Attorney

ORDINANCE NO. 2017- 2017-420

**ORDINANCE AMENDING SECTIONS OF TITLE 18 [ZONING] OF THE
PORTOLA VALLEY MUNICIPAL CODE RELATIVE TO SECOND UNITS**

WHEREAS, on January 14, 2015, the Town Council of the Town of Portola Valley (“Town”) adopted its current Housing Element identifying second units as a very effective way of providing affordable housing in town;

WHEREAS, recognizing the potential for second units as a housing strategy, California has passed several laws to lower the local regulatory barriers to construction, including a requirement that each local agency have a ministerial process for approving second units;

WHEREAS, in order to fully comply with the most recent California legislation (AB 229 and SB 1069), the Town must amend its Zoning Ordinance;

WHEREAS, the Town has a ministerial process available for approval of second units under limited circumstances and wishes to expand the scope of ministerial approvals;

WHEREAS, the Town desires to go above and beyond the requirements of State law to encourage the building of new second units and therefore desires to amend the Zoning Ordinance allow larger units, increasing the maximum size from 750 square feet to 1,000 square feet on one acre lots;

WHEREAS, due to local climatic, geologic and topographic conditions, after consultation with the Fire District, the Zoning Ordinance amendment requires detached second units to comply with local building code, including fire sprinkler requirements.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. AMENDMENT OF CODE. Section 18.04.422 [Second Units] of Chapter 18.04 [Definitions] of Title 18 [Zoning] of the Portola Valley Municipal Code is hereby amended to read as follows:

A “Second Unit” which is referred to as an “Accessory Dwelling Unit” in State law means an attached or detached residential dwelling unit located on the same parcel as a main dwelling unit and which provides complete independent living facilities, including those for living, sleeping, eating, cooking and sanitation, for one household.

2. AMENDMENT OF CODE. Subsection (B) of Section 18.12.040 [Accessory Uses Permitted] of Chapter 18.12 [R-E (Residential Estate) District Regulations] of Title

18 [Zoning] of the Portola Valley Municipal Code is hereby amended in its entirety to read as follows:

- B. The Town Planner shall act on an application for a second unit, either attached or detached, within 120 days of receipt if the proposed second unit meets all of the conditions identified below. The application for a second unit shall include all the information required by Section 18.64.040.A.1 through 13. The Town Planner shall refer the application to the Town Geologist, Director of Public Works, Fire Chief and County Health Department for review prior to action on the application. Any application that does not meet all of the conditions identified below may apply for architectural and site plan review by the Architectural & Site Control Commission, provided that no second unit in the R-E-2A or R-E-2.5A zoning districts shall exceed 1,200 square feet and no second unit in the R-E-3.5A, R-E-5A or R-E-7.5A shall exceed 1,500 square feet.

1. Property and Unit Size.

- a. One attached or detached second unit up to 1,000 square feet is permitted on a parcel which is one acre or larger.
 - b. Two second units up to 1,000 square feet each are permitted on a parcel of 3.5 acres or larger. Only one of the second units may be detached from the main dwelling, except that both second units may be detached if both are created by converting existing floor area in legal accessory structures into second units.
 - c. An attached second unit as described in subsections 1.a and 1.b may be created in whole or in part through the conversion of existing space within the main dwelling unit.
 - d. A detached second unit as described in subsections 1.a and 1.b above may be created in whole or in part through the conversion of an existing legal accessory structure.
2. Design Requirements. Except as stated expressly herein, a second unit must comply with the site development standards and design guidelines applicable to the R-E zoning district, including but not limited to parking, height, setback, lot coverage, landscape and maximum size.
- a. Second unit floor area is inclusive of any basement area, but exclusive of any garage or carport area.
 - b. The second unit is served by the same vehicular access to the street as the main dwelling.
 - c. Color reflectivity values shall not exceed 40%, except that trim colors shall not exceed 50% reflectivity. Roofs shall not exceed 50% reflectivity.
 - d. Exterior lighting on the second unit shall not exceed one light fixture per entry door. All lighting fixtures shall comply with the Town's Municipal Code and Design Guidelines relative to lighting

fixtures. Path lights, if any, shall be the minimum needed for safe access to the second unit and shaded by fixtures that direct light to the path surface and away from the sky.

- e. Landscape plantings shall be selected from the Town's list of approved native plants and shall adhere to the Town's Landscaping Guidelines.
 - f. The second unit shall not exceed a vertical building height of 18 feet with a maximum building height of 24 feet, as defined in Section 18.54.020A.
 - g. The second unit shall have colors, materials and architecture similar to the main dwelling.
 - h. The second unit shall not be visible from a local scenic corridor as identified in the General Plan.
 - i. No setback shall be required for an existing garage that is converted to a second unit and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
 - j. If the second unit is created by the conversion of existing space within the main dwelling unit, the second unit must have independent exterior access from the existing residence and side and rear setbacks that are sufficient for fire safety.
3. Parking Requirements.
- a. One dedicated parking space shall be provided for each second unit with one bedroom or less, and two dedicated parking spaces shall be provided for each second unit with two or more bedrooms.
 - b. Parking spaces in garages or carports shall be at least 10 feet wide by 20 feet. Uncovered spaces shall be at least nine feet by 18 feet.
 - c. Parking spaces do not have to be covered, guest spaces are not required and tandem parking is permitted.
 - d. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a second unit, and when those off-street parking spaces must be replaced, the replacement spaces may be located in any configuration on the same lot as the second unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile lifts.
 - e. If the second unit is created entirely by the conversion of existing space within the main dwelling unit, the parking requirements identified in subsections 3.a-3.d shall not apply.
4. Owner Occupancy and Rental Restrictions.

- a. A second unit shall be permitted only on a lot containing an existing single-family dwelling.
 - b. The second unit shall have the same address as the main dwelling.
 - c. Second units may not be sold separately from the main dwelling.
 - d. Either the second unit or the main dwelling shall be owner occupied. If the second unit is rented, any such rental shall not be for a term of less than 30 days.
5. An application for a second unit, if dependent on a septic tank and drain field, will be referred to and require approval of the County Health Officer in accordance with Town policies.
 6. Second units must comply with local Building Code requirements, including fire sprinkler requirements, unless a modification or waiver of the fire sprinkler requirement is approved by the Fire Marshall. A second unit created by the conversion of existing space within an existing single-family residence shall not be required to provide fire sprinklers if they are not required for the primary residence.
 7. Written notification of a second unit permit application shall be given to owner(s) of adjoining properties at least six days prior to action by the Town Planner.

3. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

4. ENVIRONMENTAL REVIEW. Pursuant to Public Resources Code Section 21080.17, an ordinance providing for the creation of second units in single family residential zones is not subject to the California Environmental Quality Act.

5. EFFECTIVE DATE; POSTING. This ordinance shall become effective 30 days after the date of its adoption and shall be posted within the Town in three public places.

INTRODUCTED: May 10, 2017

PASSED: May 24, 2017

AYES: Councilmembers Derwin, Aalfs and Wengert, Vice Mayor Richards, Mayor Hughes

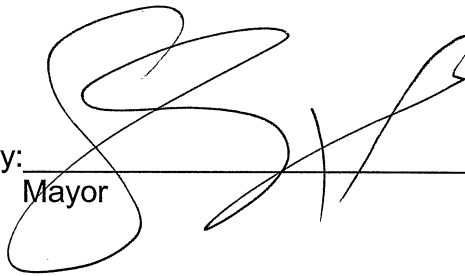
NOES: None

ABSTENTIONS: None

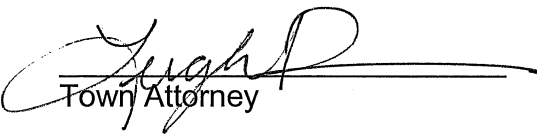
ABSENT: None

ATTEST


Town Clerk

By: 
Mayor

APPROVED AS TO FORM


Town Attorney

**GOVERNMENT CODE - GOV****Attachment #3**

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66210] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.*)

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing

primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: ASCC and Planning Commission

FROM: Arly Cassidy, Interim Planning Director

DATE: March 26, 2018 and April 4, 2018

RE: Proposed Amendments to the Second Unit Ordinance

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the Portola Valley Municipal Code regarding the Second Unit Ordinance and approve a resolution (Attachment 1) recommending its approval to the Town Council.

BACKGROUND

On September 27, 2016, Governor Jerry Brown signed Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) amending Government Code Section 65852.2 related to accessory dwelling units, or ADUs. The changes were intended to reduce barriers, better streamline the approval process and expand the development of ADUs. Local agencies were required to update their ADU ordinance to comply with the new state regulations, and at its May 24, 2017 meeting the Town Council passed an ordinance updating the Town's municipal code to incorporate these changes (2017 Ordinance, Attachment 2).

Shortly thereafter, on October 8, 2017, Governor Jerry Brown signed Assembly Bill 494 (AB 494) and Senate Bill 229 (SB 229) further amending Government Code Section 65852.2, by easing the requirements for the creation of an ADU (Attachment 3). Specifically, parking requirements were lessened and small language changes made to increase clarity. As before, an existing municipal code that does not meet the requirements of state law is considered null and void, in which case only state standards may be enforced.

The Town is in the midst of ongoing conversations about what increased housing might look like in Portola Valley. ADUs top the list of housing options that are both relatively affordable and in keeping with the Town's rural character. It is possible that additional, town-initiated changes to the ADU ordinance will be proposed in the near future, in order to further promote this housing type. Staff has initiated this update, separate from and before any other changes, in order to comply with state law and ensure that the Town's ADU Ordinance continues to be enforceable, without being delayed by policy discussions which deserve careful consideration.

DISCUSSION

The majority of the changes to Government Code Section 65852.2 made in October 2017 are small in nature and will likely not have a noticeable impact on either a property owner's decision to construct a unit or the impacts a built unit has on its surroundings. The most substantial change concerns the parking requirement for ADUs: where the code previously allowed (and the Town's ordinance required) one parking space for studios/one bedrooms and two parking spaces for two or more bedrooms, parking for ADUs must now be limited to one parking space regardless of bedroom count. (A jurisdiction may also choose to not require any parking for ADUs.) It should also be noted that the Town's 2017 ordinance did not capture the requirement that an ADU created entirely within an existing *accessory* structure may not trigger any required parking (# 3, below). Language to this effect has been added to the Town's updated ordinance.

This and other policy changes are summarized below, with the new change in *italics* (changes simply meant to clarify the state's intent, which do not require updates to the Town's ordinance, are not described). The government code section number where each of the changes can be found is included in the list.

1. No setback shall be required for an existing garage that is converted to an ADU *or to a portion of an ADU* (Section 1(a)(1)(D)(vii)).
2. Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, *whichever is less* (Section 1(a)(1)(D)(x)(I)).
3. An ordinance shall not impose parking standards if the ADU is part of the existing primary residence or an existing accessory structure (Section 1(d)(3)).
4. Ministerial approval is required for ADUs contained within the existing space of a residence or accessory structure *including, but not limited to, a studio, pool house, or other similar structure* (Section 1(e)).

The Town's ordinance has been edited to ensure compliance with all changes; a redlined version of the existing ordinance illustrates where edits are proposed (Attachment 4).

Public Comments

No public comment had been received by staff at the writing of this report.

NEXT STEPS

The Planning Commission should provide input on the proposed ordinance amendments. Based on comments and direction from the Commission, staff will make changes to the draft ordinance and forward it to the Town Council for its review and approval.

ATTACHMENTS

1. Resolution with Proposed Second Unit Ordinance
2. Ordinance 2017-420, Second Unit Ordinance passed May 24, 2017
3. California Government Code Section 65852.2, as amended on October 8, 2017
4. 2017 Ordinance Language with redlined updates

ARCHITECTURAL AND SITE CONTROL COMMISSION
Regular Evening Meeting, 765 Portola Road

MARCH 26, 2018

CALL TO ORDER AND ROLL CALL

Chair Sill called the regular meeting to order at 7:00 p.m. in the Town Center Historic School House Meeting Room, 765 Portola Road.

Interim Planning Director Arly Cassidy called roll:

Present: ASCC: Commissioners Danna Breen, Dave Ross, and Jane Wilson; Vice Chair Megan Koch; Chair Al Sill
Absent: None
Planning Commission Liaison:
Town Council Liaison: Maryann Moise
Town Staff: Interim Planning Director Arly Cassidy; Planner Cynthia Richardson

ORAL COMMUNICATIONS

None.

NEW BUSINESS

(1) Proposed Amendments to the Accessory Dwelling Ordinance

Interim Planning Director Cassidy explained that although there will likely be changes to the Ordinance again in response to the discussions around the need for housing, the updated amendments are necessary as soon as possible to remain in compliance with the State regulations. Interim Planning Director Cassidy said the State law has been clarified, and she has made sure the Town's Code matches it. She presented staff's recommendations to approve the ordinance amending sections of Title 18 (Zoning) of the Portola Valley Municipal Code relative to accessory dwelling units, as detailed in the staff report.

In response to Commissioner Breen's question, Interim Planning Director Cassidy confirmed that the limitation for ADUs on properties of less than one acre remains intact; however, there is the intent to examine that size limitation in the future.

Commissioner Ross asked if existing zoning violations, such as setbacks, are grandfathered in and not required to meet the new requirements in the conversion process. Interim Planning Director Cassidy confirmed that if a garage was already legal and nonconforming, it would stay as such and the ADU could go into it.

Commissioner Breen asked regarding a septic or sewage issue when adding more people to a system. Interim Planning Director Cassidy said septic is part of the building permit review with health and safety requirements.

Commissioner Breen asked about the owner occupancy requirement and the requirement that the second unit not be rented for a term of less than 30 days. Interim Planning Director Cassidy said she learned at a recent ADU workshop that the owner-occupied rule is one of the most onerous requirements that prevents rental of ADUs as a separate unit. She said the 30-day restriction is basically addressing vacation rentals of property. She said it may be worth looking

at again in the future, but the goal of this proposed update is to be in compliance with the State law.

In response to Vice Chair Koch's question, Interim Planning Director Cassidy said that HOAs can create their own restrictions and would be responsible for enforcement.

Commissioner Breen asked if the requirement that the second unit not be visible from the local scenic corridor was realistic. Interim Planning Director Cassidy said it would be more difficult to get approval for an exterior ADU on the scenic corridor.

Commissioner Breen said that if there is an increase in density of ADUs, perhaps the vertical building height limits of them should be lowered. Interim Planning Director Cassidy said if ADUs will be allowed on parcels smaller than one acre, there will likely be different requirements regarding their design. She said these will be discussion items when the issue is reopened later.

Commissioner Ross moved to recommend Planning Commission approval of the proposed amendments to the Accessory Dwelling Ordinance. Seconded by Commissioner Wilson; the motion carried 5-0.

(2) Proposed Amendments to the Definitions and Yards Ordinances of the Municipal Code

Interim Planning Director Cassidy asked that ASCC review the proposed amendments to the Definitions and Yards Ordinance and recommend approval by the Planning Commission, as detailed in the staff report.

The Commission agreed this was an appropriate correction to the Ordinance.

Commissioner Breen moved to recommend Planning Commission approval of the proposed amendments to the Definitions and Yards Ordinance of the Municipal Code. Seconded by Commissioner Ross; the motion carried 5-0.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(3) News Digest Planning Issues of the Day

Interim Planning Director Cassidy shared articles of interest with the Commissioners, one of which was titled "Is Anything Old Not Historic? Preservation Doesn't Have A Good Answer."

Town Council Liaison Moise suggested it may be time to review the Town's historic ordinance. Interim Planning Director Cassidy said she believes it's time to review the entire Zoning Code. Commissioner Ross said his sense is that when Portola Valley was founded, one of the ideas was the preservation of a number of things, including the community and character of development. He said it was probably assumed that concept would also apply to old structures or historic places; however, not much was done in terms of an ordinance for historic preservation. Commissioner Ross suggested a few paragraphs could be added to the Design Guidelines about historic preservation.

Commissioner Wilson asked how many people actually come in and pay the Town if they want to repair their decking or remodel their kitchen. Interim Planning Director Cassidy said it is very difficult to do work on a house without a neighbor noticing. She said they receive a lot of calls

from residents to verify that their neighbor has pulled permits correctly. Commissioner Wilson said if the goal is to encourage remodeling versus tear-down and rebuild, it may be a good idea to remove fees for remodels that are not structural. Interim Planning Director Cassidy said it is a good idea, but any work has code requirements for safety and must be inspected. She said the fees pay back the Town for some of the costs of making sure the work done is safely. She said fees are a great way to shape behavior. She said with any good tax structure, fees should be cut for things the Town wants to encourage, such as remodeling versus tear downs. She said, however, that the fees for remodels represent a huge proportion of the fees the Town collects, and there would need to be a very lengthy cost analysis done to assess the impact.

Commissioner Ross said that a few years back, Portola Valley created an ordinance or policy that said when a house goes on the market, the seller needed to have a code compliance inspection from a building official and that all work done must have been done with a permit or it would need to be permitted retroactively. Interim Planning Director Cassidy said this is not happening. She said a good realtor and a thorough and knowledgeable potential homebuyer will call the Town to ensure that everything is legal or to at least make sure there are no outstanding notices of violation. She said it would be difficult to ensure that everything in a house was permitted via inspection.

Commissioner Wilson and Commissioner Breen advised that they reviewed and approved the planting of the manzanitas outside the fence for the property at 5 Grove Court.

APPROVAL OF MINUTES

(4) ASCC Meeting of March 12, 2018

Commissioner Breen moved to approve the March 12, 2018, minutes as amended. Seconded by Vice Chair Koch, the motion passed 5-0.

ADJOURNMENT [7:46 p.m.]

DRAFT MINUTES

PLANNING COMMISSION REGULAR MEETING, TOWN OF PORTOLA VALLEY, APRIL 4, 2018, SCHOOLHOUSE, TOWN CENTER, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Vice Chair Goulden called the Planning Commission regular meeting to order at 7:00 p.m. Interim Planning Director Cassidy called the roll.

Present: Commissioners Gilbert and Taylor; Vice Chair Goulden; Chair Targ (arrived late)

Absent: Commissioner Hasko

Council Liason: Mayor John Richards

Staff Present: Arly Cassidy, Interim Planning Director and Cynthia Richardson, Consultant Planner

Vice Chair Goulden moved Agenda Item 6, the Alpine Hills Tennis & Swimming Club Annual Report, to the top of the Agenda.

ORAL COMMUNICATIONS

None.

5. Alpine Hills Tennis & Swimming Club Annual Report

Consultant Planner Richardson presented the club's annual report. She said last year the Alpine Hills Tennis & Swimming Club applied for and received a Conditional Use Permit Amendment for a new clubhouse, renovation of the Roadhouse, modification to hours and locations of delivery, and an added paved parking lot in the back of the property, off of Los Trancos Road. She explained that their Conditional Use Permit called for an annual review regarding the status of the membership. She said staff has not received any comments or complaints from neighbors. She said that because the club membership is below the allowed maximum, staff does not believe the Planning Commission needs to call for a public hearing. Eric Quaid was also present to answer any questions.

Commissioner Gilbert asked if the modifications to the delivery schedules would be delayed until after the construction was completed. Mr. Quaid said right now all of the deliveries will be in the front because the rear parking lot will be under construction. He said they are currently in the staging phase, and they estimate it will take 90 days to complete the rear parking lot, at which time all deliveries will be received at the rear of the property and within the allowed hours. He said they estimated 15 months for the entire project to be completed.

The Commissioners requested that in the future the club's annual report is included in the agenda packet.

Mr. Quaid suggested that when the Conditional Use Permit is amended in the future, the membership maximum should be clarified to say no more than 550 families or 700 memberships to avoid confusion.

NEW BUSINESS1. Proposed Amendments to the Outdoor Lighting Ordinance and Lighting Design Guidelines

Interim Planning Director Cassidy presented the proposed changes to the Portola Valley Municipal Code and Design Guidelines regarding Outdoor Lighting and requested the Planning Commission approve a resolution recommending their approval to the Town Council, as detailed in the staff report.

DRAFT MINUTES

She also presented a demonstration of various light bulbs to the Commission. She explained the measurements of wattage, lumens, and Kelvins.

Chair Targ asked how the watts to lumens conversion table will be used. Interim Planning Director Cassidy said the table was provided for reference to the Commissioners and would not be a part of the ordinance. She said the goal is to use lumens as the metric for brightness measurement.

Vice Chair Goulden asked about the Planning Commission's role regarding this issue. Interim Planning Director Cassidy said there is no specific task assigned to the Planning Commission in the development of this ordinance. She said, however, any questions or comments by the Commissioners will add value.

Commissioner Gilbert asked if enforcement was primarily complaint-based. Interim Planning Director Cassidy said all code compliance issues are complaint driven. She said there are some code sections, such as this one, that are more difficult to enforce. She pointed out that most people do try to comply with the ordinances, and there is a lot of respect for the dark skies in Portola Valley.

Vice Chair Goulden said he has been to homes that were almost dangerous because of the lack of lighting, and he was initially concerned the new ordinance would make that even worse. He said he was pleased to see that safety was a top concern. He was supportive of the ASCC's recommendation.

Chair Targ asked how the ordinance modifications would allow a homeowner to create a more secure, light-rich environment. Interim Planning Director Cassidy said she would not use the term "light-rich," but would definitely use "more secure." She said the general goal of the ordinance is to better lay out the Town's goal of using light when it's really needed for safety, navigation, and enjoyment, allowing residents to enjoy their properties, while still respecting the Town's commitment to dark skies, and also not infringing on other people's use of their properties. She said the ordinance calls out the new technologies to allow people to better illuminate their properties when needed, while ensuring the lights are off when not needed.

Chair Targ asked if the Town has experienced diminution in dark skies in Portola Valley based on lighting within Portola Valley or if it was more generally due to ambient lighting from the surrounding region. Interim Planning Director Cassidy said she doesn't have data regarding measurable ambient light in Portola Valley increasing; however, most people agree anecdotally that the dark skies have diminished over time. She said the Town's commitment to dark skies will continue to be best felt in the darkest areas, such as Windy Hill. She said there is no way to control Bay Area smog, which will continue to reflect man-made light, and said there will likely continue to be a loss of visible starlight.

Chair Targ said he was liaison to the ASCC when this issue was being discussed. He said he was impressed by the talent, knowledge, and expertise represented on the ASCC and supported their recommendation.

Commissioner Taylor said he is concerned about the lack of will to enforce code violations. He said the way the ordinance reads, after someone receives ASCC approval and has completed construction, it would be legal to install many 1,100-lumen lights on a property as long as they were in dark-sky shades. He said there are restrictions in the guidelines, but they are not enforceable, and there is no will to enforce it. He said the easiest way to install a motion sensor light is to buy one from Home Depot, screw it into the side of a wall that points directly out and triggers, which is an anathema to everything stated in the ordinance, yet the violation will not be enforced. He suggested there be some kind of notice system from the Town for code violators. Interim Planning Director Cassidy said when a complaint is received, it is logged. She said Town practice is to contact and notify the offender that a complaint has been received. She said the majority of the Town's code enforcement cases are

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resolved through a phone call and most people are apologetic and fix the problem. If there is no response or the offender seems uninterested in complying, she said a letter would be issued. She said the problem is that the Town needs to document the offense, and if it occurs after hours it is difficult for staff to respond on-site at the time the offense is occurring. Commissioner Taylor said the motion lights are particularly an issue in the higher density areas, or areas with smaller lots and steeper slopes. Interim Planning Director Cassidy said staff often follows up with issues courtesy notices upon receipt of complaints. She said Town staff encourage people to be friendly with their neighbors and have conversations if there is an issue. She agreed that it is difficult to know exactly how to enforce and how far down the path the Town wants to go enforcing lighting restrictions – such as a light that is 5 lumens above the maximum allowed. Commissioner Taylor said his primary concern is the motion lights that almost always point out to the street.

Chair Targ said it is a valid point about how to enforce the ordinance. He invited Commissioner Taylor to work with Town staff to make a recommendation to be brought back to the Commission for discussion.

Chair Targ invited questions from the public. Hearing none, Chair Targ closed the public hearing and brought the item back to the Commission for discussion.

Vice Chair Goulden said the enforcement issue is a general one and does not apply to this ordinance only. He would not be supportive of holding up this ordinance in order to address the more general enforcement issue.

Chair Targ said this ordinance as proposed does not address issues of enforcement. He suggested a listening or education session to address the important but separate issue of code enforcement.

Commissioner Taylor suggested there be some measure of whether compliance with the lighting ordinance is getting better or worse, which will better determine the level of importance of code enforcement.

Vice Chair Goulden moved to approve the Resolution of the Planning Commission of the Town of Portola Valley Recommending Approval of an Ordinance Amending Title 18 [Zoning] of the Portola Valley Municipal Code. Seconded by Commissioner Taylor; the motion carried 4-0.

Interim Planning Director Cassidy asked if the Planning Commission wanted to discuss enforcement or measurements of lighting in immediately future meetings. Chair Targ suggested Commissioner Taylor work with staff to make a recommendation for an upcoming meeting regarding code compliance enforcement. Commissioner Taylor agreed.

2. Proposed Amendments to the Second Unit Ordinance

Interim Planning Director Cassidy presented the background regarding the changes to the State ADU Ordinance and the proposed changes to the Portola Valley Municipal Code necessary to comply with the State requirements regarding the Second Unit Ordinance. Staff recommended approval of the proposed amendments to the Town Council, as detailed in the staff report.

Commissioner Taylor asked if the setbacks were for conforming or nonconforming structures. He asked if, for example, an ADU could be added to the top of a garage that had been sitting on a property line for 50 years. Interim Planning Director Cassidy said the State law is not explicit on this, and there are sections where the word “legal” is used and other sections where it is not. She said her interpretation is that it would probably be allowed on a legal non-conforming structure but would not be allowed on an illegal structure.

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Commissioner Gilbert said a legal non-conforming structure could not be made more non-conforming. Interim Planning Director Cassidy agreed and said she would defer to the Town Attorney to provide clarification of the State law requirements.

Commissioner Gilbert asked if someone had a legal garage that was converted to an ADU or a portion of an ADU, they could expand the footprint up to the property line into the setback. Interim Planning Director Cassidy said that was correct, per State law. She said that in reviewing a proposal for an ADU, staff would encourage the honoring of that setback, but could not legally require it. She said the State will likely continue to issue updates because of the lack of clarity in the State's ordinance.

In response to Commissioner Taylor's question, Interim Planning Director Cassidy explained that the State's Ordinance allows the Town to place limitations such as requiring design review, parking, and limiting zones where ADUs can be built. She said if the Town removes their ordinance, none of those Town-specified limitations would be allowed.

Chair Targ asked if the language being used in the Town's ordinance was taken directly from the State. Interim Planning Director Cassidy said it is not a direct copy. She said the update executed last year was heavily vetted by the Town Attorney. She said this update has been reviewed by the Town Attorney, but there has not been a side by side comparison. She said she believes the changes in the State Code have been captured effectively in the proposed ordinance.

Chair Targ invited public comment. Hearing none, Chair Targ brought the item back to the Commission for discussion.

Chair Targ said it is highly desirable to comply with State law so the Town does not lose the flexibility they now have. He expressed concern that the Town Attorney has not done a side-by-side comparison to assure compliance. He asked the other Commissioners if they want to see a side-by-side to assure conformance or if they would address the issues as they arise.

Vice Chair Goulden was satisfied with dealing with issues as they arise and to move forward with this ordinance as proposed.

Commissioner Taylor was satisfied with the ordinance as proposed as long as something already non-conforming could not be made more non-conforming. He said if an architect or homeowner insisted because State law allowed it, the ordinance should come back to the Planning Commission for discussion.

Commissioner Gilbert suggested "or to a portion of a second unit" should be added to Section B(2)(i). Interim Planning Director Cassidy agreed and said it should be added in order to comply with the State Code.

Commissioner Gilbert suggested adding to Section B(3)(e) "no parking requirement shall apply." Interim Planning Director Cassidy agreed.

Commissioner Gilbert moved to approve the proposed changes to the Portola Valley Municipal Code regarding the Second Unit Ordinance with the two additional changes: adding "or a portion of a second unit" to Section B(2)(i) and adding "no parking requirement shall apply" to Section B(3)(e). Seconded by Commissioner Taylor; the motion carried 4-0.

3. Proposed Amendments to the Yards Ordinance

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Interim Planning Director Cassidy presented the background and proposed changes to the Portola Valley Municipal Code regarding the Yards Ordinance. The Commission was asked to review the resolution and recommend approval to the Town Council, as detailed in the staff report.

Vice Chair Goulden asked regarding a general ratio between the front and rear setback measurements. Interim Planning Director Cassidy said there is not a ratio, and the measurements change by zone. She said in the larger districts, the front setback is much larger than the rear setback, but in smaller districts the front and rear setbacks tend to be more equal. She said the front setback is always larger in scenic corridors.

Chair Targ asked how this issue came about. Interim Planning Director Cassidy said it is not a common complaint; however, a homeowner brought to staff's attention that the ordinance presented an undue burden for homeowners with flag or panhandle shaped lots. Chair Targ asked if this could be handled with a variance. Interim Planning Director Cassidy said a variance relies on a finding of a true uniqueness. She said there are approximately 50 flag lots in the main portion of Town so they are not unique, and the Code should be changed for the benefit of all of them.

In response to Commissioner Taylor's question, Interim Planning Director Cassidy said when a lot is situated on a corner, the property owner can decide which side is the front. When that property abuts a street, the front is where the driveway touches the street. She said the determination gets more complex with irregular shapes.

Chair Targ invited public comment. Hearing none, he brought the item back to the Commission for discussion.

Commissioner Gilbert said she was supportive of the ordinance, acknowledging there may be some confusion and complexity for certain lots.

Chair Targ said he agreed with the point but is not comfortable without actually looking at a parcel map. He said the proposed ordinance has the potential to significantly impact neighbors. He said before he would feel comfortable changing the ordinance, he would want to know how people have dealt with the existing ordinance thus far, what it might look like to change it, and potentially noticing residents who would be affected by the change.

Commissioner Gilbert asked if the homeowner raising the issue was asking in general or if they were planning a construction project that would be affected if the Commission delayed the decision. Interim Planning Director Cassidy said she was unaware of any proposed project.

Chair Targ said there is a virtue in normalizing the code in the absence of any other issue, and it also provides some time to become better educated.

Commissioner Taylor said he would be more comfortable after looking at all of the lots. He said he is less comfortable with noticing all the neighbors. He said it seems arbitrary that the front setback gave the person adjacent to the property owner more privilege just because it happens that that lot faced the street. Chair Targ said he understands why it feels arbitrary, but said that people have been living with that since 1965, and he wants to make sure they are completely aware of what they are inviting by changing it. He said people may have a rapid acceleration or deceleration when they find out their house is closer to their neighbor's house than they thought.

In response to Commissioner Taylor's question, Interim Planning Director Cassidy said the front setback for properties on the scenic corridor is up to 75 feet. She said the most common front setback is 50 feet, and the rear setback is 20 feet.

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Commissioner Gilbert said where that would come into play is if the person on the flag lot now wants to build a new house, and the residents of the lot in front now have a house much closer to them.

Commissioner Taylor said he understands that, but the idea of noticing all neighbors of all the flag lots seems a step too far.

Chair Targ said he thought raising the visibility of the issue was appropriate. Town Council Liaison Richards pointed out that any proposed project would come before the ASCC which is a further buffer. He pointed out that the setback figures were guidelines and not absolutes.

Chair Targ said he was not prepared to vote in favor of this without additional information and education about the issue.

Interim Planning Director Cassidy shared some examples of different odd-shaped flag lot properties.

Commissioner Gilbert asked if the ordinance could say something like “at the discretion of the ASCC,” for example, to take into account individual circumstances. Interim Planning Director Cassidy asked about proposed projects that were within the setback but were not required to go through the ASCC. Commissioner Gilbert said it could be a requirement to go before the ASCC. Town Council Liaison Richards said if it was an ADU, it would be an administrative decision.

Commissioner Gilbert said if the proposed ordinance was applied and someone had topographical limitations, they could ask for a variance arguing that if the setback was applied, they would not be able to build. Interim Planning Director Cassidy said they would not need to apply for a variance because the updated ordinance completely deletes the Section 18.52.110 regarding exception for a parcel not abutting on street. She said she knows of no cases that have been brought to the Planning Commission applying for that exception.

Commissioner Taylor suggested the exception clause was sufficient. He said the ambiguities could be dealt with as they came along rather than creating a new ordinance and having to deal with unknown ambiguities. He said he appreciated the goodwill in trying to make the ordinances simple and clear. He said in this case, however, there was not much to be gained by making the change.

Interim Planning Director Cassidy said staff could change how they discuss setbacks. She said currently setbacks are presented as firm requirements that would need variances to make exceptions. She said there are many projects that would not normally come before the Planning Commission, and this would add an additional body of review, which makes the process more arduous.

In response to Town Council Liaison Richards’s question, Interim Planning Director Cassidy said the ASCC approved the proposed ordinance and thought it was a simple and straightforward fix.

Commissioner Taylor said he understood the concern about making it a more arduous process, but he liked that the exception process required an open hearing and that the neighbor could come and explain their objection. He pointed out that this would only happen in very few instances. Interim Planning Director Cassidy said that for the fence ordinance and staff-level approval of ADUs, staff notices immediately adjacent neighbors. She said it could be added to the ordinance that building within the changed setback area triggers noticing to immediate neighbors, even if no public hearing is required.

Commissioner Gilbert was supportive of keeping the ordinance as is and pointing out the exception option to the homeowner who brought the issue to staff.

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Commissioner Taylor was supportive of staff explaining that there are some rare exceptions that could be applied to setback requirements and then leave it to the homeowner to figure out what they want to do from there.

Vice Chair Goulden was supportive of not changing the ordinance. His concern is that by changing it, the potential is there for unnecessary and unforeseen problems.

Commissioner Taylor moved to deny this amended ordinance and suggested that staff makes clear that setbacks are subject to exceptions. Seconded by Vice Chair Goulden; the motion carried 4-0.

Commissioner Taylor expressed appreciation to Interim Planning Director Cassidy for the efforts to normalize the ordinances and said the Commission does not want to discourage that process.

4. Annual Housing Element Progress Report for 2017

This item has been continued to the next regular Planning Commission meeting.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

5. Alpine Hills Tennis & Swimming Club Annual Report

This item was moved to the top of the Agenda.

6. News Digest: Planning Issues of the Day

Interim Planning Director Cassidy shared articles of interest with the Commissioners regarding parking, pedestrian risk from vehicular impact, and teenage driver statistics.

APPROVAL OF MINUTES:

7. Planning Commission Meeting of February 7, 2018

Vice Chair Goulden moved to approve the minutes of the February 7, 2018, meeting, as amended. Seconded by Commissioner Taylor, the motion carried 4-0.

8. Planning Commission Meeting of February 21, 2018

Commissioner Taylor moved to approve the minutes of the February 21, 2018, meeting, subject to Commissioner Hasko's additional comments. Seconded by Chair Targ, the motion carried 2-0, with Vice Chair Goulden and Vice Mayor Wengert abstaining.

ADJOURNMENT [9:00 p.m.]



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: April 25, 2018

RE: Council Priorities Study Session, FY 2018-19 – Session Two

RECOMMENDATION

Staff recommends that the Town Council provide staff with feedback on amended priority list for Fiscal Year 2018-19

BACKGROUND

For the past two years, the Town Council has adopted “Council Priorities” that are used, in part, to develop the budget.

On March 14th, the Town Council reviewed progress on the FY 2017-18 Council Priorities and examined a draft of the FY 2018-19 Priorities. The Council requested staff restructure the priorities list.

DISCUSSION

Below is the revised list of Council Priorities:

Previous year’s focus on rural character is presumed within applicable priorities.

1. Housing
 - a. Continued Engagement with residents
 - i. Events
 - ii. Outreach
 - b. Housing Strategic Plan 2
 - i. Implementation of Engagement effort results
2. Resident Resiliency
 - a. Emergency preparation outreach work
 - b. Neighborhood watch program support continued
 - c. Implementation of a pedestrian safety study plan with Bicycle, Pedestrian and Traffic Safety Committee

- d. Review needs of youth
 - i. Youth Commission
 - ii. Activities/programs at Town Center and Town spaces
 - iii. Coordination of activities between Committees and Library
- e. Continued focus on Town Committee support/recruitment
- 3. Town Strategic Planning
 - a. General Plan – initial review of next elements to consider updates
 - b. Open Space – Continuation of Conservation’s planning efforts for all of the Town’s Open Space properties
 - c. Open Space Acquisition – review of criteria for future purchases
 - d. Trails – request for similar effort as Conservation’s open space planning
 - e. Develop plans to implement Town Center Master Plan recommendations
 - f. Refine 5-year Capital Improvement Plan after first year of use
- 4. Health of Town Government
 - a. Staff retention and recruitment
 - b. Implement Departmental budgets
 - c. Wellness program for staff
 - d. Trainings for Commissions and Committee, and Committee recruitment
- 5. Community Engagement
 - a. Ten-Year Anniversary of Town Center (September 8th 2018)
 - b. Website review and refresh
 - c. Newsletter
 - d. Assessment & fine-tuning of Accela app
 - i. Provision of Engagement opportunities on the tool
 - e. Social media round 2
 - i. Other apps/platforms
 - f. Committee support
- 6. Sustainability
 - a. Town Center Microgrid – Study and Implementation
 - b. Climate Action Plan 2030 (how to integrate with update to General Plan and Sustainability Element)
 - c. Leaf Blower – education, incentives and potential regulation
 - d. Consideration of funded maintenance and operation budgeting
 - e. Survey of Town-used software
 - f. Upgrade Town’s servers and back-up systems
 - g. Review and recommend updates to Town Center Use Policies and Applications

As can be seen above, Staff is suggesting opportunities to assess the implementation of ongoing Council Priorities, as such assessments may result in additional work commitments.

After receiving input from the Council, staff will finalize the recommended FY 2018-19 Council Priorities document for adoption in May.

FISCAL IMPACT

There is no fiscal impact from accepting the status update report. There is potential for significant fiscal impact should the Council adopt priorities that result in major projects; however, adoption of priorities does not preclude the Council from reviewing any new costs in either the upcoming budget process or as one-off items brought to the Council for approval at a later date.

Approved by: Jeremy Dennis, Town Manager

A handwritten signature in black ink, appearing to read 'Jeremy Dennis', is positioned to the right of the text 'Approved by: Jeremy Dennis, Town Manager'.

There are no written materials for investment update.

#12

There are no written materials for Council Liaison Committee and Regional Agencies Reports.

There are no written materials for Town Manager Report

TOWN COUNCIL WEEKLY DIGEST

Friday – April 13, 2018

1. Agenda (Action) – Town Council – Wednesday, April 11, 2018
2. Agenda – Sustainability & Environmental Resources Committee – Monday, April 16, 2018
3. Agenda – Trails & Paths Committee – Tuesday, April 17, 2018
4. Agenda (Cancellation) – Planning Commission – Wednesday, April 18, 2018
5. Agenda (Special) – Parks & Recreation Committee – Thursday, April 19, 2018
6. Invitation to April Council of Cities Dinner Meeting hosted by City of Half Moon Bay
7. Letter from Sequoia Union High School District re: Adjusting School Developer Fees

Attached Separates (Council Only)
(placed in your town hall mailbox)

1. Committee for Green Foothills with Request for Support



TOWN OF PORTOLA VALLEY

7:00 PM – Regular Meeting of the Town Council
 Wednesday, April 11, 2018
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA 94028

ACTION AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

Councilmember Derwin absent

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

None

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Minutes** – March 28, 2018

Approved as Amended 4-0

2. **Approval of Warrant List** – April 11, 2018

3. **Recommendation by Town Attorney** – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)

- (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____)

Vote 2-2-0 Approve – Councilmembers Hughes and Aalfs Oppose – Vice Mayor Wengert and Mayor Richards

Ordinances require a majority vote of the Council. This item will return on the April 25 Council agenda

4. **Recommendation from Assistant to Town Manager** – Letter of Interest to Join Peninsula Traffic Congestion Relief Alliance JPA

Items 2 & 4 Approved 4-0

REGULAR AGENDA

COMMITTEE REPORTS & REQUESTS

5. **Presentation by the Conservation Committee** – Comprehensive Plan for Town Owned Open Spaces

Conservation Committee Chair Judith Murphy presented Council with a comprehensive plan for town owned open spaces and proposed a budget for improved and continual maintenance

STAFF REPORTS AND RECOMMENDATIONS

6. **Study Session** – Green Infrastructure in Setbacks

Both the Planning Commission and ASCC will review to consider noise, screening, public right-of-way, and threshold matters and provide Council with recommendations at a future meeting

7. **Recommendation by Town Manager** – Budget Amendments to the Fiscal Year 2017–18 Capital Improvement Program

Council approved the appropriation of proposed budget amendments 4-0

8. **Recommendation by Town Manager** – Proposed Letter of Support for Cal Water's AMI Smart Meter Pilot Project

Council approved the letter of support for Cal Water's AMI Smart Meter Pilot Project 4-0

9. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

Councilmember Hughes -

On March 30th Councilmember Hughes and Town Manager Dennis presented sixty-six 2nd graders from Ormondale with PV Citizenship Awards for sharing ideas and participating in Town government. Attended a Finance Committee meeting on April 9th.

Councilmember Aalfs -

None to report

Vice Mayor Wengert -

Attended a post first meeting with Home 4 All to debrief and have scheduled a second meeting with the topic being Second Units to coincide with Neighborhood Clean-up Day. Attended a Finance Committee meeting on April 9th.

Mayor Richards –

Attended a Planning Commission meeting held on April 4th.

10. ***Town Manager Report***

Has been in contact with the non-profit organization that works with the Sheriff's Department regarding gun buyback program, met with Friends of the Library, met with the Fire Chief at Jasper Ridge to consider the use of an evacuation route, website will post a notice regarding housing issues, including a report from March 3rd event, met with Deputy Library Director and Town Historian Nancy Lund on a contract with a consultant to scan historical documents, met with the building and grounds committee at the Priory to discuss housing, scheduled to meet with Tim Molak and Eric Hartwig to discuss a crossing guard at Brookside and Priory entrance, and will attend the Progress Seminar happening this coming weekend.

WRITTEN COMMUNICATIONS

11. **Town Council Digest** – March 30, 2018 - ***None***

12. **Town Council Digest** – April 6, 2018 – ***Councilmember Aalfs met with one of the awarded students***

ADJOURNMENT: 8:50 pm

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.



TOWN OF PORTOLA VALLEY
Sustainability & Environmental Resources
Committee Meeting
Monday, April 16, 2018 10:30AM to 12:30 PM
Town Hall – Conference Room
765 Portola Road, Portola Valley, CA 94028

MEETING AGENDA

- 1. Call To Order**
- 2. Oral Communications**
- 3. Approval of Minutes – February 12, 2018**
- 4. Update from CalWater**
- 5. Old Business:**
 - a. Updates from Brandi**
 - b. Sub-Committee Update**
 - c. Earth Fair 2018**
- 6. New Business:**
 - a. Charter Amendment – Bimonthly Meetings**
 - b. Budget for 2018-9 Fiscal Year**
- 7. Set Date and Topics for Next Meeting**
- 8. Announcements**
- 9. Adjournment**



TOWN OF PORTOLA VALLEY
Trails and Paths Committee
Tuesday, April 17, 2018 8:15 AM
Historic Schoolhouse at Town Center
765 Portola Road, Portola Valley, CA

MEETING AGENDA

1. **Call to Order**
2. **Oral Communications**
3. **Approval of Minutes – March 20, 2018**
4. **Old Business**
 - a. **Monthly Trail Conditions** (including observations on the no-spray trail), **Work, and Budget Update:** (Discussion)
 - b. **Ranch Signage:** (Discussion)
 - c. **Conservation Committee Spring Down / Portola Trail Update:** (Discussion)
 - d. **Trail Conditions Audit:** project update (Discussion)
 - e. **Committee Annual Report and Plan:** project update (Discussion)
5. **New Business**
 - a. **Annual Budget:** (Discussion and Recommendation)
 - b. **Site Development Plans:** (Discussion, as filed and applicable)
 - c. **Accolades:** (Discussion, if any applicable)
6. **Other Business**
7. **Adjournment**

Enclosures:

Minutes from March 20, 2018

Trail Work Map & Memo – March 2018

Financial Review – March 2018

Community Correspondence Regarding Ranch Trail Signage – February and April 2018

Conservation Committee Spring Down / Portola Trail Update Correspondence – March 2018

Annual Budget Planning – Fiscal Year 2018-19



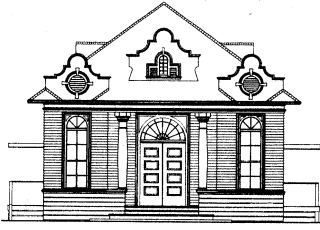
TOWN OF PORTOLA VALLEY
7:00 PM – Regular Meeting of the Planning Commission
Wednesday, April 18, 2018
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

NOTICE OF MEETING CANCELLATION

PORTOLA VALLEY PLANNING COMMISSION MEETING
REGULARLY SCHEDULED FOR
Wednesday, April 18, 2018

Notice is hereby given that the Portola Valley Planning Commission meeting regularly scheduled for Wednesday, April 18, 2018 has been cancelled.

The next regular meeting of the Portola Valley Planning Commission is scheduled for Wednesday, May 2, 2018 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



**Town of Portola Valley
Special Parks & Recreation Committee Meeting
Thursday, April 19, 2018 – 7:30 pm
Historic Schoolhouse
765 Portola Road, Portola Valley, CA**

AGENDA

1. Call to Order
2. Oral Communications (*5 minutes*)
Persons wishing to address the Committee on any subject, not on the agenda, may do so now. Please note however, the Committee is not able to undertake extended discussion or action tonight on items not on the agenda. *Two minutes per person.*
3. Approval of Minutes: March 5, 2018
4. Conservation Committee Liaison, Margaret De Staebler to discuss working with Parks and Recreation on the Town Owned Open Space Properties review effort
5. Review and Final Approval of PARC Mission and Planning Statement
6. 2018 Town Picnic Discussion (Ideas, Leadership, Budget, Project Management)
7. 2018-'19 Committee Budget
8. Finalize Other (Active) Committee Liaisons
9. Adjourn

Date & Time of Next Meeting: Monday, May 7, 2018 at 7:30 PM



Dinner/Meeting Announcement Friday, April 27, 2018

Everyone is encouraged to attend these monthly meetings. This is a great opportunity to meet colleagues from other cities, work together on solutions for our county, get to know how other cities handle issues, make friends and helpful connections, and learn what's going on with the "big" issues we seldom have time to discuss at council meetings.

Location:

Pasta Moon Ristorante
315 Main Street, Half Moon Bay
 (650) 755-7400

Schedule:

6:00pm	Social Time (Cash Bar)
6:30pm	Business Meeting
6:45pm	Dinner
7:00 pm	Program
8:30 pm	Adjourn

Please contact Chair Diane Papan if you wish to bring up an item for group discussion or give a committee report.
 Telephone: (415) 377-4462 or email: dpapan@cityofsanmateo.org

Individually Plated Meal Service \$50.00 per person

First Course Options:

Della Casa Salad or Ceasar Salad

Second Course Options:

Mary's Free Range Lemon Chicken, Pasta Moon Lasagna, or Eggplant Parmesan

Dessert:

Ghirardelli Butterscotch Pudding or Molten Chocolate Cake

Please RSVP by Friday, April 20, 2018, to Jessica Blair at
jblair@hmbcity.com or (650) 726-8271.

Please make checks payable to:

City of Half Moon Bay
 ATTN: Jonathan Roisman, Administrative Assistant, City Clerk's Office
 501 Main Street, Half Moon Bay, CA 94019



**Business Meeting at 6:30pm
Friday, April 27, 2018**

6:30 p.m.

- Call to Order by Chair Diane Papan
- Roll Call and Introduction of Mayors, Councilmembers, and Guests
- Business Meeting
- Approval of Minutes of Previous Meeting and Treasurer's Report
- Committee Reports
- Old Business
- New Business
- Announcements

6:45 p.m.

- Dinner

7:00 p.m.

- Introduction of the Program by Mayor Deborah Penrose, Half Moon Bay
- PROGRAM:

Lenny Mendonca is a Senior Partner Emeritus from the Washington, D.C. and San Francisco offices of McKinsey & Company, a global management consulting firm. He is a Lecturer at the Stanford Business School. He is also the Managing Partner of the Coastside News Group.

He founded McKinsey's U.S. state and local public-sector practice. For many years Lenny led their knowledge development, overseeing the McKinsey Global Institute and the Firm's communications, including the McKinsey Quarterly. He served for a decade on the McKinsey Shareholder Council (its Board of Directors). Over the course of his career he helped dozens of government, corporate, and nonprofit clients solve their most difficult management challenges.

He is the Chair of New America and Children Now, co-Chair of California Forward, and co-founder and Chair of Fusecorps. He is the Chair Emeritus of the Bay Area Council and their Economic Institute, and was vice-chair of the Stanford GSB Advisory Council and was a trustee at the Committee for Economic Development. He serves on the boards of Fidelity Charitable, Western Governors University, Common Cause, The Educational Results Partnership, The College Futures Foundation, California Competes, The Opportunity Institute, Commonwealth Club, National Association of NonPartisan Reformers, and The Guardian.org. He is a member of the Council on Foreign Relations, the Board of Trustees for Junior Statesmen of America and the Advisory Boards of QB3, the Haas Center at Stanford, Third Sector Capital and the Public Policy Institute of California.

He received his MBA and certificate in public management from the Stanford Graduate School of Business. He holds an AB, magna cum laude, in economics from Harvard College.

He lives on the Half Moon Bay coast with his wife, Christine. They raised their two daughters, Allie and Rebecca, there and are the founders and owners of the Half Moon Bay Brewing Company, The Inn at Mavericks and the Pacific Standard Taproom.

Lenny will be speaking on **The New Era of Progressive Federalism**

Do these circumstances sound familiar?

Markets are soaring, and wealth is growing— but most of the gains flow to people at the top. Technology is transforming daily life, but it is also fostering deep anxiety about the loss of jobs and entire occupations. Cities are thriving as magnets for the wealthy and the ambitious, but rural Americans often feel left behind and resentful. Hostility toward immigrants has become intense, and sometimes violent. Disillusion with government is high, and many citizens are convinced that wealthy interests are hijacking democracy itself. Amid all the dysfunction, however, new plutocrats have stepped up as philanthropists to underwrite social reform.

Yes, it sounds like Trump-era America. But these were also the conditions that prevailed more than a century ago, when the Progressive Era generated social and political reforms that made the United States a freer and fairer country.

We are not saying that history is repeating itself. But in a saying often attributed to Mark Twain, it often rhymes. As depressing as America may seem right now—just as it seemed to many in the early 1900s—the roots of a constructive and effective democracy are still with us.

We argue that this is exactly the right moment for a new form of progressivism: progressive federalism.

8:30 p.m.

- Meeting Adjourned

MAP and DIRECTIONS to:

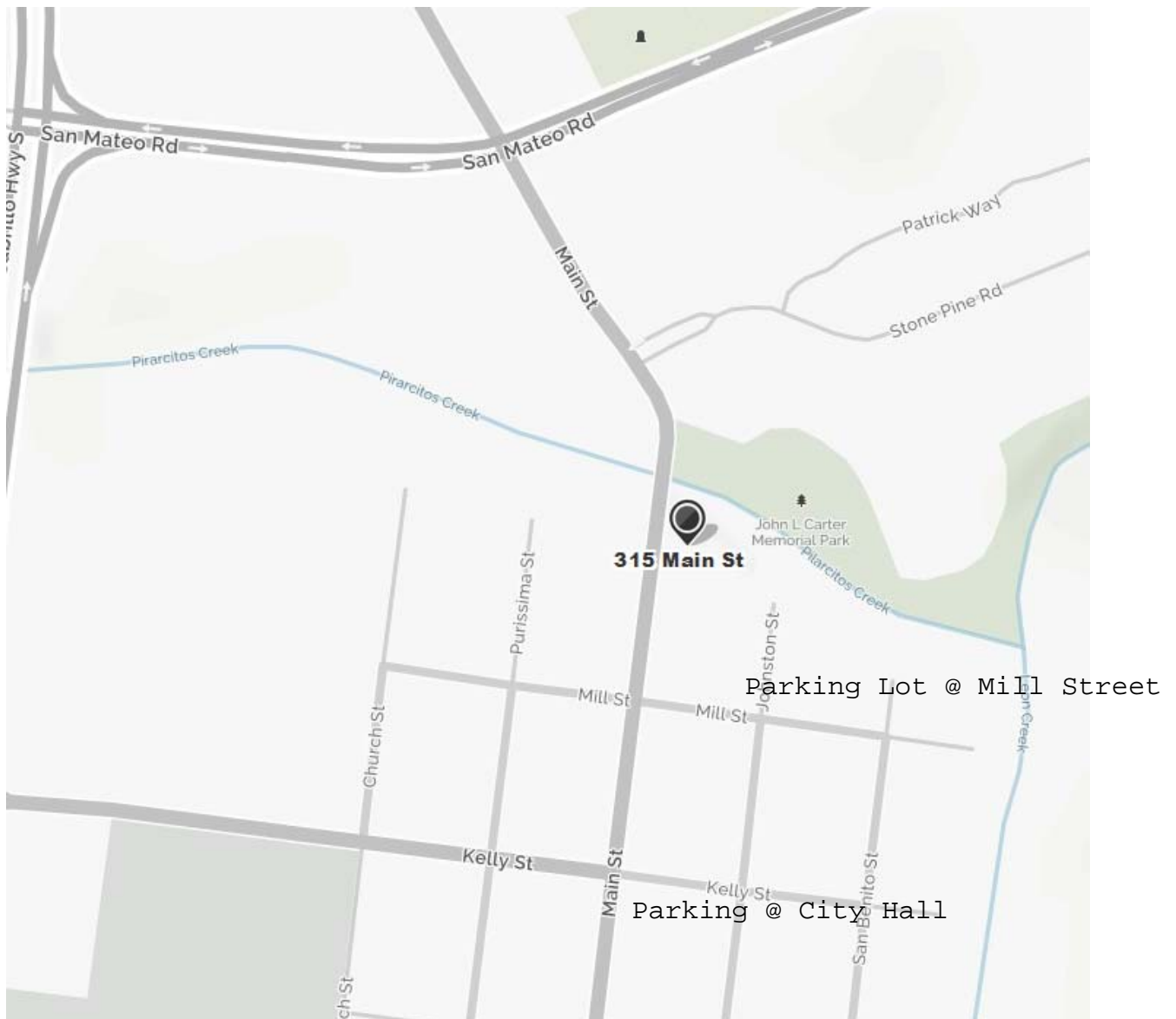
Pasta Moon Ristorante

315 Main Street

Half Moon Bay, CA 94019

Driving Directions from the Peninsula

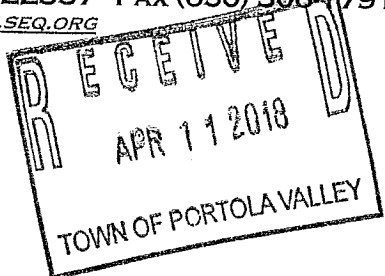
92 West, left on Main Street, just after bridge on the left. Parking is spread across downtown and on Main Street, please enjoy a short stroll through our downtown area on your way to dinner.





SEQUOIA UNION HIGH SCHOOL DISTRICT

CONSTRUCTION DEPARTMENT
480 JAMES AVENUE, REDWOOD CITY, CALIFORNIA 94062-1041
TEL. (650) 369-1411 EXT. 22357 - FAX (650) 306-1791
WWW.SEQ.ORG



BOARD OF TRUSTEES
CARRIE DU BOIS
GEORGIA JACK
ALAN SARVER
CHRIS THOMSEN
ALLEN WEINER

SUPERINTENDENT
MARY STRESHLY
CHIEF FACILITIES OFFICER
MATTHEW ZITO

April 9, 2018

Town Council
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028

Subject: Notice of Adoption of Resolution Adjusting School Developer Fees
(Education Code Section 17620)

On April 04, 2018, the Sequoia Union High School District Board of Trustees adopted Resolution No. 1622, adjusting the developer fees to be levied on new residential, commercial and industrial development in the District's attendance area.

This resolution becomes effective on June 03, 2018. On and after that date the fees shown below will be collected by the District for all new development within the Sequoia Union High School District attendance area:

RESIDENTIAL CONSTRUCTION: \$3.79 PER SQUARE FOOT
COMMERCIAL & INDUSTRIAL: \$0.61 PER SQUARE FOOT
MINI-STORAGE: \$0.04 PER SQUARE FOOT
(EFFECTIVE 6/03/18)

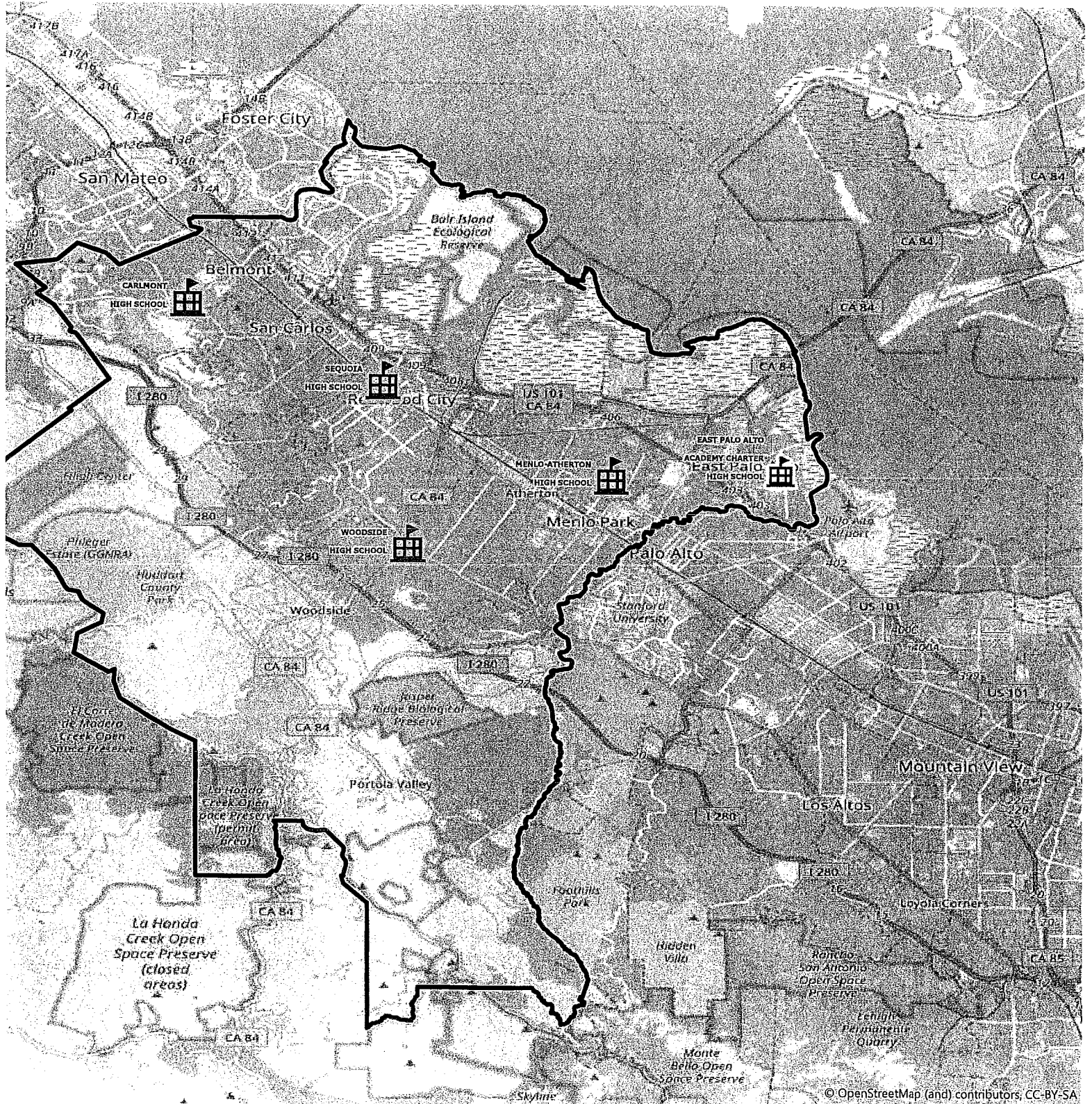
The fees are not subject to the restriction set forth in Government Code Section 66007, Subdivision (a), and therefore the fee will be collected as a condition of building permit approval. Please call if additional information is needed.

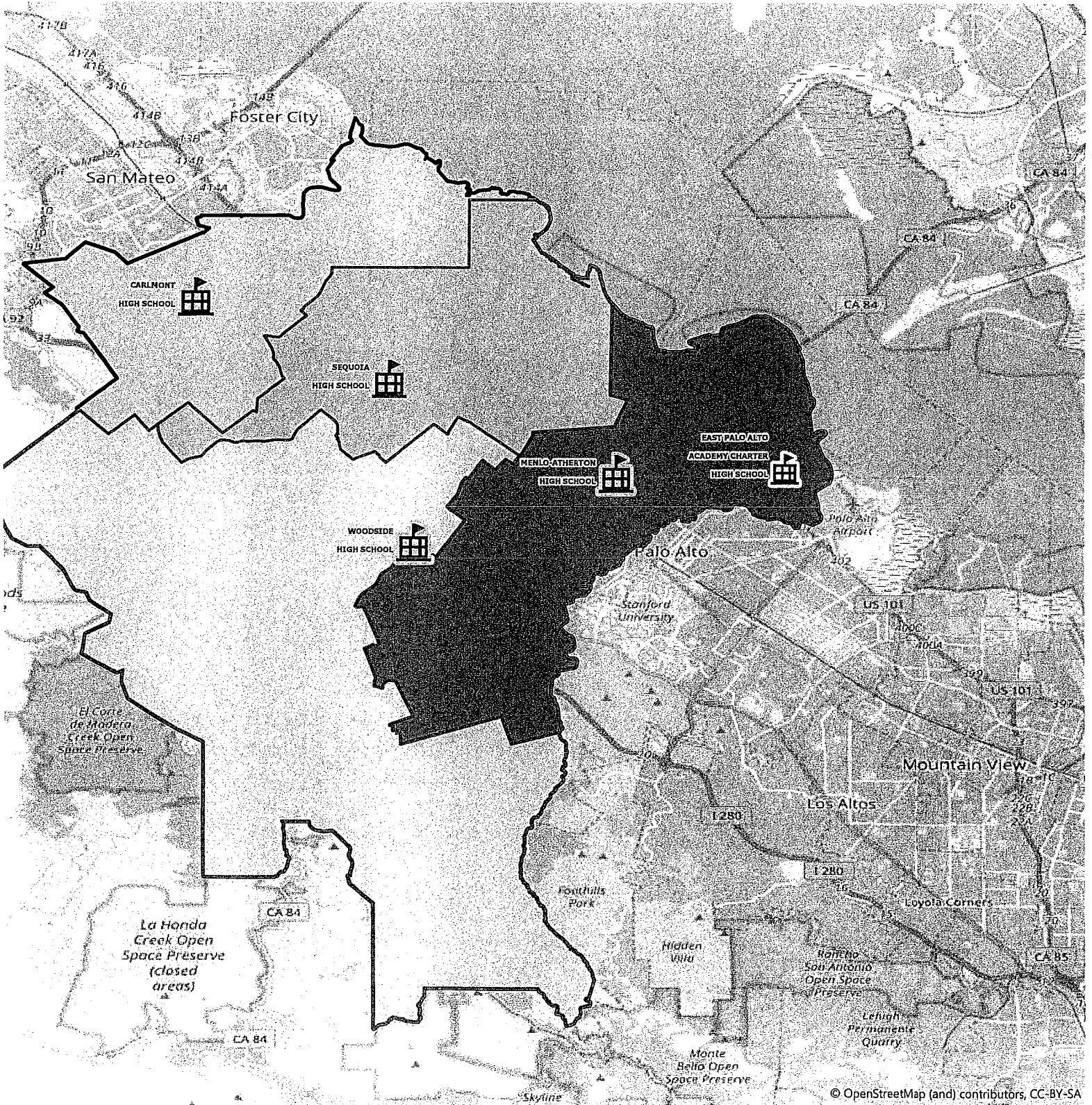
Sincerely,

Matthew Zito
Chief Facilities Officer
Construction Department

cim

c: Dina Stewart
Walter Haub





**RESOLUTION NO. 1622
THE SEQUOIA UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

**INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED BY
GOVERNMENT CODE SECTION 65995(b)(3)**

WHEREAS, AB 2926 (Chapter 887/ Statutes 1986), as subsequently amended, authorizes the governing board of any school district to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities; and,

WHEREAS, Government Code Section 65995 and Education Code Section 17620 establish the maximum amount of fee that may be charged against such development projects and authorizes the maximum amount set forth in said section to be adjusted for inflation every two years as set forth in the state-wide cost index for Class B construction, as determined by the State Allocation Board at its January meeting; and,

WHEREAS, at its January 24, 2018, meeting, the State Allocation Board increased the maximum fee authorized by Education Code Section 17620 to \$3.79 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.61 per square foot against commercial and industrial construction described in Government Code Section 65995(b)(2); and,

WHEREAS, the purpose of this Resolution is to approve and adopt fees on residential projects located within the jurisdictional boundaries of the Sequoia Union High School District ("District") in the amount of \$3.79 per square foot as authorized by Education Code Section 17620; and,

WHEREAS, the purpose of this Resolution is to approve and adopt fees on commercial and industrial development projects in the amount of \$0.61 per square foot as described in Government Code Section 65995 (b) (2). The mini storage category of commercial/industrial justification has less impact than the statutory \$0.61 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.04 per square foot.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the District as follows:

1. Procedure. This Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled April 4, 2018, meeting. Notice of the time and place of the

meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66016, and a notice, including a statement that the data required by Government Code Section 66016 was available, was mailed at least 14 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least 10 days prior to the meeting, the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources anticipated to provide this service. By way of such public meeting, the Board received oral and written presentations by District staff which are summarized and contained in the District's Developer Fee Implementation Study dated March 1, 2018, (hereinafter referred to as the "Plan") and which formed the basis for the action taken pursuant to this Resolution.

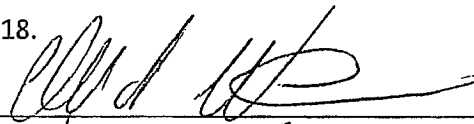
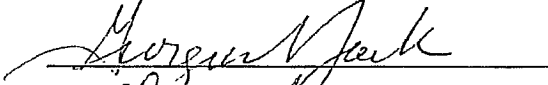



2. Findings. The Board has reviewed the Plan as it relates to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, hereby makes the following findings:
 - A. Enrollment at the District school(s) presently **exceeds capacity, is at capacity, or will exceed capacity;**
 - B. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for school facilities and/or the need for reconstruction of school facilities within the District.
 - C. Without the addition of new school facilities, and/or reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the district;
 - D. Substantial residential development and commercial or industrial development is projected within the District's boundaries and the enrollment produced thereby will exceed the capacity of the schools of the District. As a result, conditions of overcrowding **exist, or will exist**, within the District, which will impair the normal functioning of the District's educational programs;
 - E. The fees proposed in the Plan and the fees implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;

- F. The fees proposed in the Plan and implemented pursuant to this Resolution will be used for the construction and/or reconstruction of school facilities as identified in the Plan;
 - G. The uses of the fees proposed in the Plan and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed;
 - H. The fees proposed in the Plan and implemented pursuant to this Resolution bear a reasonable relationship to the need for school facilities created by the types of development projects on which the fees are imposed;
 - I. The fees proposed in the Plan and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the construction or reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;
 - J. The fees imposed on commercial or industrial development bear a reasonable relationship, and are limited to, the needs of the community for schools and are reasonably related and limited to the need for school facilities caused by the development;
 - K. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the District has adopted a construction schedule and/or to reimburse the district for expenditures previously made.
3. Fee. Based upon the foregoing findings, the Board hereby increases the previously levied fee to the amount of \$3.79 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas; and to the amount of \$0.61 per square foot for new commercial or industrial construction. The mini-storage category of commercial/industrial justification has less impact than the statutory \$0.61 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.04 per square foot.
4. Fee Adjustments and Limitation. The fees shall be subject to the following:
- A. The amount of the District's fees as authorized by Education Code Section 17620 shall be reviewed every two years to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.
 - B. Any development project for which a final map was approved and construction had commenced on or before September 1, 1986, is subject only to the fee, charge,

dedication or other form of requirement in existence on that date and applicable to the project.

- C. The term "development project" as used herein is as defined by Section 65928 of the Government Code.
5. Additional Mitigation Methods. The policies set forth in this Resolution are not exclusive and the Board reserves the authority to undertake other or additional methods to finance school facilities, including, but not limited to, the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311, et seq.) and such other funding mechanisms. This Board reserves the authority to substitute the dedication of land or other property or other form of requirement in lieu of the fees levied by way of this Resolution at its discretion, so long as the reasonable value of land required to be dedicated does not exceed the maximum fee amounts contained herein or pursuant hereto.
6. Implementation. For residential, commercial or industrial projects within the District, the Superintendent, or the Superintendent's designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.
7. California Environmental Quality Act. The Board hereby finds that the implementation of an increase in Developer Fees pursuant to this Resolution is exempt from the California Environmental Quality Act (CEQA).
8. Effective Date. The effective date of this Resolution shall be May 20, 2018 which is 60 days following its adoption by the Board and the increase in Developer Fees authorized hereby shall be effective on and after that date.
9. Notification of Local Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution and a Map of the District to the Planning Commission and Board of Supervisors of San Mateo County and to the Planning Commission and City Council of the City of Atherton, Belmont, East Palo Alto, Menlo Park, Redwood City, San Carlos, and Woodside as well to the Board of Trustees of each elementary school district with territory within the jurisdictional boundaries of the District.
10. Severability. If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid subsequent hereto.

Passed, Approved, and Adopted this 4th day of April 2018.

AYES: 





NOES: none

ABSENCES: none

ATTEST: 

Clerk of the Board
Sequoia Union High School District
County of San Mateo, State of California

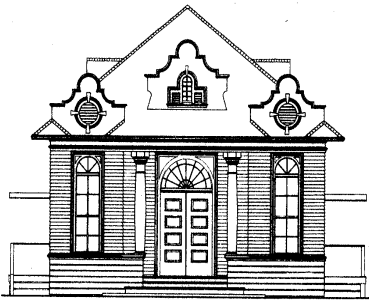
TOWN COUNCIL WEEKLY DIGEST

Friday – April 20, 2018

1. Agenda (Cancellation) – Architectural & Site Control Commission – Monday, April 23, 2018
2. Agenda – Conservation Committee – Tuesday, April 24, 2018
3. Agenda (Action) – Town Council – Wednesday, April 25, 2018
4. Agenda – Open Space Acquisition Advisory Committee – Thursday, April 26, 2018

Attached Separates (Council Only)
(placed in your town hall mailbox)

1. None

**TOWN OF PORTOLA VALLEY****7:00 PM – Regular Meeting of the Architectural Site Control
Commission (ASCC)****Monday, April 23, 2018****Historic Schoolhouse****765 Portola Road, Portola Valley, CA 94028**

NOTICE OF MEETING CANCELLATION**ARCHITECTURAL AND SITE CONTROL COMMISSION
MEETING REGULARLY SCHEDULED FOR****Monday, April 23, 2018**

Notice is hereby given that the Portola Valley Architectural and Site Control Commission meeting regularly scheduled for April 23, 2018 has been cancelled.

The next regular meeting of the Portola Valley Architectural and Site Control Commission is scheduled for Monday, May 14 at 7:00 PM, in the Historic Schoolhouse, located at 765 Portola Road, Portola Valley, CA.



**TOWN OF PORTOLA VALLEY
 Conservation Committee Meeting
 Tuesday, April 24, 2018 –7:30 PM
 Historic Schoolhouse
 765 Portola Road, Portola Valley, CA**

REGULAR MEETING AGENDA

1. Call Meeting to Order
2. Oral Communications
3. Approval of March 27, 2018, minutes
4. Current Site Visits:
 - A. CalWater Station on Golden Oak?
5. Tree Permits:
6. Old Business
 - A. Oversight of Significant Town Owned Open Space properties - update all of Council presentation
 1. Comprehensive Plan
 2. Springdown Preserve
 1. Comprehensive care calendar
 2. Management Plan/Request for Funds
 3. Monarch butterfly habitat
 3. Frog Pond – last report January ‘18
 4. Ford Field – last report August ‘17
 5. Town Center – last report September ‘17
 1. Oak Grove incorporated here
 6. Rossotti’s Field and ROW – first report pending
 - B. Repository site for documents - Magill
 - C. Tip of the Month - Magill
 - D. What’s blooming now – Plunder
 - E. BYH - DeStaebler
 - F. Committee/Town cooperation
 1. Public Works
 3. Trails - Bourne
 4. Open space - Chiariello
 - G. Weed seedling info sheet photos labeled – Plunder/Magill
 - H. Earth Fair Saturday, April 28, 2018
 1. Table times/shifts
 2. Springdown Preserve guided tours
 - I. Budget
 - J. Rodenticide Turn in Day October (sooner?)
7. New Business
8. Adjournment
9. Next meeting 5/22/18, 7:30 pm, Old Schoolhouse



TOWN OF PORTOLA VALLEY
6:00 PM – Special Meeting of the Town Council
 Town Hall Conference Room at Town Center
 765 Portola Road, Portola Valley 94028

7:00 PM – Regular Meeting of the Town Council
 Wednesday, April 25, 2018
 Historic Schoolhouse
 765 Portola Road, Portola Valley 94028

SPECIAL MEETING AGENDA

6:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

1. PLANNING COMMISSIONER INTERVIEW AND APPOINTMENT

- (1) Bagrowski, Kori Anne
- (2) Kopf-Sill, Anne

ADJOURNMENT

REGULAR MEETING AGENDA

7:00 PM - CALL TO ORDER AND ROLL CALL

Councilmember Hughes, Councilmember Derwin, Councilmember Aalfs, Vice Mayor Wengert and Mayor Richards

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

CONSENT AGENDA

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

1. **Approval of Minutes** – April 11, 2018
2. **Approval of Warrant List** – April 25, 2018
3. **Appointment by Mayor** – Member to the Historic Resources Committee
4. **Recommendation by Town Attorney** – Second Reading of Ordinance adding Chapter 18.39 [Cannabis Land Uses] and amending Section 8.12.010 [Definition of Nuisance] of the Portola Valley Municipal Code and Adopt Finding that Ordinance is Exempt from the California Environmental Quality Act (The Planning Commission recommended adoption)
 - (a) Second Reading, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Adding Chapter 18.39 [Cannabis Land Uses] to Title 18 [Zoning] and Amending Section 8.12.010 [Definitions of Nuisance] of Chapter 8.12 [Nuisance Abatement] of Title 8 [Health & Safety] of the Portola Valley Municipal Code (Ordinance No. ____)
5. **Recommendation by Town Manager** – Budget Amendment to Support Upcoming Gun Buyback Events
6. **Recommendation by Town Manager** – Opposition to AB 1912
7. **Recommendation by Assistant to the Town Manager** – Adoption of a Resolution Allowing a Rate Increase under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials between the Town of Portola Valley and GreenWaste Recovery, Inc.

- (a) A Resolution of the Town Council of the Town of Portola Valley Allowing a Rate Increase Under the Franchise Agreement for Collection of Garbage, Recyclables and Compostable Materials Between the Town of Portola Valley and GreenWaste Recovery, Inc. (Resolution No. ____)

8. Recommendation by Public Works Director – Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account Funding and Submittal of a Project list.

- (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting a Project List for Fiscal Year 2018-9 Funded by SB 1: the Road Repair and Accountability Act of 2017 (Resolution No. ____)

REGULAR AGENDA

STAFF REPORTS AND RECOMMENDATIONS

PUBLIC HEARING

9. PUBLIC HEARING - Recommendation by Interim Planning & Building Director – Introduction of Proposed Ordinance amending Section 18.12.040 [Accessory Uses Permitted] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act.

- (a) First Reading, Waive Further Reading, and Introduce an Ordinance of the Town Council of the Town of Portola Valley Amending Section 8.12.040 [Accessory Uses Permitted] of the Portola Valley Municipal Code and Adoption of Finding that Ordinance is Exempt from the California Environmental Quality Act (Ordinance No. ____)

10. Report by Town Manager – Council Priorities

11. Report by Town Manager – Investment Update

12. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Council arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*

13. Town Manager Report

WRITTEN COMMUNICATIONS

14. Town Council Digest – April 13, 2018

15. Town Council Digest – April 20, 2018

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).



**Town of Portola Valley
Open Space Acquisition Advisory Committee
Thursday, April 26, 2018, 7:30 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028**

AGENDA

1. Call to Order
2. Oral Communications
3. Approval of January 30, 2018 minutes
4. Old Business
 1. Spring Down Open Space
 2. Monitoring reports: Lane Conservation Easement
 3. Properties of possible interest
 4. Update on goals
 - Growing the Open Space Fund
 - Clarifying options for open space properties – New recommendations from Conservation Committee
 - Refining the use of the Open Space Fund – Clarify budget and timeline
 - Marketing/outreach
 - Fundraising and partnershipsReport from Craig Taylor on teaming up with Parks & Recreation Committee
Report from Nona Chiariello and Craig Taylor on the 2018 Garden tour
5. New Business
 1. Request for tree removal from Frog Pond Open Space
 2. Committee budget requests for 2018-2019
6. Adjournment
7. Next Meeting?