

**PORTOLA VALLEY TOWN COUNCIL REGULAR MEETING NO. 979, DECEMBER 11, 2019**

**CALL TO ORDER AND ROLL CALL**

Mayor Wengert 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 Maryann Derwin, Craig Hughes, John Richards; Vice Mayor Jeff Aalfs; Mayor Ann Wengert

Absent: None

Others: Jeremy Dennis, Town Manager  
Cara Silver, Town Attorney  
Laura Russell, Planning & Building Director  
Sharon Hanlon, Town Clerk

**ORAL COMMUNICATIONS**

(1) **PRESENTATION** – Laura Fanucchi, Associate Executive Director of HIP Housing

Ms. Fanucchi presented the 2020 Calendar. She said several hundred students participated in the calendar contest. Three winners were from Woodlands School in Portola Valley. Fifth Grader Emma read her quote featured in the month of October. Ms. Fanucchi thanked the Town for their support of their affordable housing programs. She said they are purchasing their 20<sup>th</sup> affordable housing property on Ralston Road in Redwood City that will become 10 studio apartments. She described their various programs, including the Fatherhood Collaborative for single-parent dads, online parenting modules, home sharing education in Hillsborough, workforce housing resources for educators, etc.

(2) **REORGANIZATION OF THE TOWN COUNCIL**

(a) Election of Mayor

Councilmember Derwin nominated Jeff Aalfs for Mayor. Seconded by Councilmember Richards; the motion carried 5-0.

Mayor Aalfs thanked outgoing-Mayor Wengert for a very productive year in office and for her service to the Town.

(b) Election of Vice Mayor

Councilmember Hughes nominated Maryann Derwin for Vice-Mayor. Seconded by Mayor Aalfs; the motion carried 5-0.

**CONSENT AGENDA**

(3) **Approval of Minutes** – Town Council Regular Meeting of November 13, 2019.

(4) **Ratification of Warrant List (1 of 2)** – November 27, 2019, (via Bank of America) in the amount of \$118,563.03. [*Pulled from Consent Agenda*]

- (5) **Ratification of Warrant List (2 of 2)** – November 27, 2019, (via preliminary accounting with Tech/CU) in the amount of \$35,954.78. [*Pulled from Consent Agenda*]
- (6) **Approval of Warrant List** – December 11, 2019, in the amount of \$131,788.64.
- (7) **Recommendation by Planning and Building** – Second Reading and Adoption of Ordinance to Adopt the 2019 California Building Code.
  - (a) Second Reading of Title, Waive Further Reading, and Adopt an Ordinance of the Town Council of the Town of Portola Valley Amending 15.04.20 [Amendments to the Building Code], and 15.04.030 [Administration of the Building Code] of Chapter 15.04 [Building Code] of Title 15 [Building and Construction] of the Portola Valley Municipal Code to Adopt an Updated Building Code of the Portola Valley Municipal Code (Ordinance No. 2019-434)

Councilmember Richards moved to approve Items 3, 6, and 7 of Consent Agenda. Seconded by Councilmember Wengert, the motion carried 5-0, by roll call vote.

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- (5) **Ratification of Warrant List (2 of 2)** – November 27, 2019, (via preliminary accounting with Tech/CU) in the amount of \$35,954.78.

Councilmember Hughes pulled these items so Town Manager Dennis could explain that the Town is transitioning from Bank of America to Tech Credit Union and the two warrant lists for the same period of time reflect a test of the Tech Credit Union positive pay system.

Councilmember Hughes moved to approve Items 4 and 5 of the Consent Agenda. Seconded by Vice-Mayor Derwin; the motion carried 5-0.

## **REGULAR AGENDA**

- (8) **Report by Town Manager** – State Housing Bills/Housing Element Process Updates

Town Manager Dennis provided an update regarding the housing bills signed by the Governor and the upcoming Housing Element/Regional Housing Needs Assessment process. He led the PowerPoint presentation, “Housing Bills/Housing Element Overview,” including the summary of the Housing Strategic Plan, Plan Elements, Plan Progress Report, and Next Steps. He described the 2019 State Housing Bills, and more specifically the bills that affect Portola Valley (SB 330, AB 1482, AB 1486, SB 6, AB 1255, AB 1483). He described the regional context of the \$2.5 billion allocated for housing and related infrastructure and the Housing Element – RHNA.

Town Attorney Silver noted that there was a specific law passed saying that ADUs can be counted toward RHNA allocations. She said how long that will be in effect may be questionable, but for this particular eight-year cycle, given this new legislation, ADUs are very much a part of the whole housing package, which is good news for Portola Valley.

Mayor Aalfs invited questions from the Council.

Councilmember Wengert asked for clarification regarding AB 1486. She said this seems to be legislation without teeth as municipalities are not required to identify whether or not their Town-owned properties are considered surplus. Town Attorney Silver said the State has not spent a lot of time on the subject of surplus properties. She said in this most recent legislative session there were three bills regarding surplus properties. One bill was simply a requirement that cities inventory all of their surplus properties, place them on the

Housing Element, and report on them annually. The second bill requires that prior to a city disposing of a property, the property must either be designated as surplus or exempt surplus. Properties designated as surplus are required to first be offered to housing providers for the construction of affordable housing before being disposed of. Although the cities are not required to enter into agreements with housing providers, they are required to negotiate with them. Upon completion of the negotiation period, the city will be required to submit a request to the State (HCD) to advise them of the intent to dispose of a property. The city can sell the property for fair market value after receiving permission by the State. Many properties are exempt from these requirements such as narrow strips of land, rights of way, and properties of less than 5,000 square feet that are not developable for housing. The third bill requires that the State maintain an inventory of all surplus property.

Councilmember Wengert said it sounds like the greatest potential impact would only affect the Town if it was planning to dispose of any Town properties, otherwise it is not terribly relevant to Portola Valley. Town Manager Dennis agreed. He added that staff would not be advising to surplus property any time soon unless there was a significant reason such as the property being a liability to the Town.

Town Attorney Silver said the identified issue concerns the small open space properties that the Town was considering selling to adjacent property owners. She said that will need to be examined before a sale is consummated.

Councilmember Hughes asked if scenarios such as a property situated on a cliff face, or inaccessible, or in a landslide zone, etc., could potentially be grounds for an exemption. Town Attorney Silver said there are eight exemptions and they would need to be further examined.

Vice-Mayor Derwin said her understanding was that local agencies must create a full inventory of publicly-owned sites within their jurisdictions and report that information to HCD. She asked if that list was different from the list of surplus properties. Town Attorney Silver said the bill staff is referring to requires only surplus properties be listed, not including the exempt properties. Town Manager Dennis said not all Town-owned properties must be surplus. Vice-Mayor Derwin said the housing expert she talked to disagrees, so she is confused and wants to be sure the Town is doing the right thing. She asked if the Town has any officially designated surplus properties. Town Attorney Silver said she was not aware of any. She said there are three categories – surplus properties, which requires a finding by the Town Council; the newly created category of exempt surplus property; and the third category is everything else owned by the Town. Town Attorney Silver confirmed that the Town Council would need to take action to designate any property as surplus but it is not a requirement to categorize a property as surplus, even if it not being used, unless the Town wants to dispose of it. Vice-Mayor Derwin said if the intent of the bill is to ferret out more property for affordable housing, this bill does not accomplish that. Town Attorney Silver said it is a first step. Town Manager Dennis said it makes it harder for cities to dispose of land without first trying to make it available for housing.

Councilmember Richards asked if AB 1763 would supersede the Town's current height limits. Town Attorney Silver said it ignores everything. She said it is called the "super density bonus." She said a city can get a 33-foot height increase within one-half mile of a transit stop. Town Manager Dennis said the only circumstance that it could possibly apply in Portola Valley would be with the Affiliated Housing Program. Councilmember Hughes asked if someone could buy a lot in town and build an apartment unit for low-income housing with the Town having little or no control over the density. Town Attorney Silver said that would need to be researched more but she thought it was possible; however, she noted the land here is expensive and typically not near community services, and it would be unlikely that a traditional affordable housing provider would see this is an attractive option. Councilmember Hughes said a very high-density unit could make it more economically feasible.

Councilmember Richards said previously the RHNA numbers were indicative only of how many units are possible. He asked if there has been any talk about actually being required to build those units. Town Manager Dennis said it has not gotten that far. He said there will be more pressure on the annual reports to demonstrate making progress. Town Attorney Silver said there is a CEQA streamlining bill that indicates if the RHNA numbers are not built, permit streamlining requirements and CEQA exemptions might be applied.

Councilmember Hughes asked if it was expected that HCD would review the Town's proposal more stringently. Town Manager Dennis said they will. Councilmember Hughes said that, along with the increased numbers, will be potentially significant. Town Manager Dennis said assuming the worst-case scenario, with RHNA numbers increasing by 225 percent, low income would go to something like 100 units. It's not clear that the Town could produce that many ADUs on a regular basis over the eight years. He said HCD may look at that and require the Town come up with other ways to do it.

Town Attorney Silver said historically HCD has had three Planners to review all of the Housing Elements in the State but have now hired 50 Planners for those reviews. Town Manager Dennis said he has spoken directly with HCD representatives who have made it very clear that there are communities they are looking at specifically to produce more housing opportunities and have used strong language about affluent communities and smaller communities. He said there is a very clear push to see more units produced from cities like Portola Valley. He said managing the Housing Element process over the next couple of years will be critical. Vice-Mayor Derwin said she sat in a meeting in May with a representative from HCD who told her specifically, "We are going to be scrutinizing your Housing Element. You need to start building housing."

Councilmember Hughes asked, regarding SB 330, if someone built a new single-family residence with an ADU, with that ADU categorized as affordable, if the entire project would then need to be approved within 60 to 90 days, including appeals. Town Attorney Silver said that is correct. She said the application processing time is from when application is completed and after the CEQA review is done.

Councilmember Hughes asked if the Town could rezone an infrastructure, such as a road that could support the development of housing, to open space or if the SB 330 clause purely applied to reducing the intensity of residential use and not supporting uses. Town Attorney Silver said it only applies to residentially-zoned properties. Town Manager Dennis said, for example, if a city changed the designation of a vacant lot zoned R-100 to an open space park, they would need to create 100 units of housing opportunity somewhere else.

In response to Councilmember Hughes' question, Town Attorney Silver confirmed that now three units can be built on any residentially zoned property in California. Vice-Mayor Derwin said East Palo Alto currently has 30,000 residents in 2.6 square miles. Portola Valley has 4,500 residents in 9 square miles. She said this will have a much more significant effect on the denser cities.

Mayor Aalfs asked if the ADU ordinances passed last year in Portola Valley are consistent with the new ADU bills. Town Manager Dennis said the Town will need to do more work to make them consistent.

Councilmember Wengert asked about the applicability of SB 330 and the timing. Town Manager Dennis said it is effective January 2, 2020. Town Attorney Silver said there is a small part having to do with downzoning that is retroactive.

Councilmember Hughes asked if the owner occupancy requirement applied to the ADU or also the main unit. Town Attorney Silver said she did not think that requirement would be allowed but it needs to be researched further.

Councilmember Hughes asked if someone built three units on any property, regardless of lot size, they are granted by right a minimum size or if the Town can still restrict the maximum square footage. Town Attorney Silver said there is disagreement on the interpretation and clean-up legislation will be required. She said the prevailing thought is that the 800-square-foot minimum detached ADU must be allowed and the excess FAR can be dedicated to the single-family home.

Councilmember Hughes asked if the Town would be allowed to disclose that a piece of property was unbuildable in their negotiations with a potential buyer. Town Attorney Silver said she could not imagine that AB 1486 would prohibit that. She said there are other real estate disclosure laws that would require that disclosure and this bill does not amend those laws.

Councilmember Hughes asked if Portola Valley finds another town that is interested in unit sharing, even if there is no sub-regional sharing, there could be an agreement to swap. Vice-Mayor Derwin said the County decided not to do it and nobody is allowed to share. She said, however, they are all working with 21 Elements who is working directly with HCD, to do its best to get every Housing Element certified.

Mayor Aalfs asked if the State suing egregious housing offenders would start with towns that do not have certified Housing Elements. Town Manager Dennis said it started with a Southern California city that downzoned some property. Town Attorney Silver said there is new legislation that allows HCD to bring the lawsuits instead of housing advocates.

Mayor Aalfs invited public comment. He explained the Council would not be able to answer a lot of detailed questions but invited the public to email additional questions staff.

Meg Abraham, 4536 Alpine Road said she is saddened by the incredible amount of gaslighting she is hearing tonight. She said the State Constitution, which is law, says that the local governments have control over zoning and planning. She said the bills that are being discussed are not law and will almost certainly change. She said if and when they are passed into law, they will be challenged in courts. She said all of this discussion tonight is speculation. She said Huntington Beach was sued for not having a Housing Element, not because they aren't building housing, because that would be unconstitutional. She said she spoke with the attorneys at Huntington Beach today and they are in the process of suing back. She said that it may be, although highly unlikely, that Housing Element requirements will disappear if they win. She said the discussion tonight is being based on speculation. She said the only things that should be done based on speculation is protecting ourselves. She said planning for more ADUs of different sizes and making changes to the Town's requirements based on bills that are not even finalized is unfortunate. She said if something needs to be passed before January 1 to protect the Town, that's what should be concentrated on. She said she is sorry to see the same constant drip of "they're coming to get us" with no discussion of if this is real. She said the State would like to see the Town make these changes because Scott Weiner and the Governor are funded almost entirely by the housing industries but there is another candidate running against Scott Weiner in San Francisco who should be supported. She said she wished the Council would spend more time being honest with the public about the current rules and what can be done to protect the Town and less time planning around unfinished bills.

Mayor Aalfs said he resents the implication that the Council is being dishonest. Ms. Abraham said she was not saying that Mayor Aalfs is being dishonest but is saying that the Council is being gaslighted. Vice-Mayor Derwin said all of these bills have been signed and will become law on January 1, 2020. Ms. Abraham asked if anyone was suing to stop the bills. Vice-Mayor Derwin asked why anyone would sue to stop the bills when the State is experiencing the most egregious housing crisis in history.

Town Attorney Silver said the Town understands this is a difficult issue to discuss. She said that is the reason for this study session, to review the bills that have been signed by the Governor. She said they also expect there will be more bills, including SB 50, which was the most aggressive bill proposed this season. She said, to be clear, SB 50 did not pass, but all of the other bills discussed tonight have passed in both houses, have been signed by the Governor, and will go into effect on January 1, 2020. She said the bills have not been challenged in the courts but they very well may be. She said because these bills were prepared so quickly in order to get them completed by the end of the legislative session, some of the language is internally inconsistent. She said it has already been announced that there will be emergency legislation prepared to clean up the major ADU bill. Town Attorney Silver said staff is trying to provide the best interpretation of these laws available right now. She said although all cities and towns are struggling with it, staff felt it was important to give the community a preview of what will take effect on January 1.

Ms. Abraham asked how these bills can be considered legal if the State Constitution specifically states these issues are solely governed by a town or city. Town Attorney Silver said the zoning law is typically a subject legislated by the State. She said cities have the ability to do some local zoning but the State has asserted that the housing crisis is an issue that needs to be taken up on a statewide basis.

Jon Silver, 355 Portola Road. Mr. Silver said he also resented the implication that the Council was being dishonest. As someone who spent 30 years as a public official, Mr. Silver said that the idea that a court is going to rule that the requirement for Housing Elements is unconstitutional is ridiculous and will not happen. He the U.S. Supreme Court first considered the right of localities to zone land in the 1920s in the Euclid case, which basically said States have the power to allow municipalities to zone land to protect the public health, safety, and welfare, but that right comes through the State. He said the idea that Portola Valley does not need to take this seriously is nuts.

Cornelia Tilney thanked the Town for holding this very helpful meeting and thanked the Council and staff for their time and the information provided on this incredibly complex subject. She asked if the rules about setbacks from streams, etc., will be preserved. She also asked if the current ADUs that may not be registered can be used to meet the requirements. Town Attorney Silver said that is a good suggestion because there is also a new bill that allows the Building Inspector to legalize some of those units. Councilmember Wengert asked if there were specific requirements in that bill that allows a Building Inspector to designate illegal units legal. Town Attorney Silver said there is a process to verify that the unit was in compliance with the building codes in effect at the time it was built.

Daniel Simon, 107 Crescent Avenue. Mr. Simon asked regarding the magnitude of the number of buildings required to be built within Portola Valley. Mayor Aalfs explained the Town is in the 5<sup>th</sup> cycle, which extends from 2014 to 2022 and the requirement was 64 units total, divided up between moderate, low income, very low income, and market rate categories. Mr. Simon asked what the delta was after taking away the ADUs built or in planning. Town Manager Dennis said 69 total units have been built that fall into the affordable category. He estimated approximately 40 percent of those are ADUs.

Lisa Lovazzano, 287 Westridge, Portola Valley. Ms. Lovazzano asked if the Stanford Wedge units would be part of the delta to apply to affordable units. Town Manager Dennis said that would depend on when and if they're approved, which is dependent on a number of factors the Town has no control over. Ms. Lovazzano asked if the fire hazards, the school surveys, and the traffic issues would be discussed before voting occurs on the Stanford property. Town Manager Dennis said there is a parallel EIR process that takes place during the application processes that will occur over an approximately 12-month period. Ms. Lovazzano said the fire hazard is a big issue. Town Manager Dennis said the consultant the Town hired is utilizing a fire consultant, who has significant experience in Portola Valley including working as PV Ranch's fire consultant and who also advised the Blue Oaks development. Mayor Aalfs noted that this issue was off topic. Ms. Lovazzano asked if an example of a disposable property would be like when the Town sold the Blue Oaks property that had been dedicated for open space or ADUs. She asked if the new rules would have prohibited the Town from disposing of that property and instead make that an affordable housing project. Town Manager Dennis said the Town could make other decisions for a property before disposing of it, such as deciding it still has a use.

(9) **Reports by the Ad-Hoc Housing Committee and Standing Committee's Conservation, Open Space, and Trails and Paths**

(a) Ad-Hoc Housing on Town Owned Property Committee Recommendations

Judith Hasko, Planning Commissioner and Ad-Hoc Housing Committee Member, explained that the Committee was comprised of seven members including Town Councilmembers, Planning Commissioners, and other community members who have historically been involved in Town matters and/or housing issues. Nicholas Targ, Planning Commissioner and Committee Member, noted that members of the public and Towns residents were also present and provided valuable input into the process. He said that a review of the minutes will provide a lot of information and is likely the best way to understand what went into the process leading to the conclusions represented in the chart. He noted that the conclusions represent only a rough consensus and there were some divergences.

Committee Member Hasko explained that the Committee was tasked to evaluate Town-owned properties with potential for use in future housing, evaluating each property's characteristics, and then to create a table with that information.

Committee Members Hasko and Targ described the chart, the process, each property, and the Committee's recommendations, as detailed in the staff report.

The Ad-Hoc Housing Committee's Recommendations to the Town Council were to: 1) Accept its recommendations on Town-owned properties that may be appropriate for modest housing opportunities to support the community, teachers, public safety workers, and employees, and 2.) Provide feedback to staff as appropriate on these recommendations.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes noted that the Town Council appointed one Councilmember to the Committee, the Planning Commission appointed two Commissioners, and the other members were appointed by application. Everyone who applied was appointed.

Mayor Aalfs asked how much time was spent looking at fewer units on the two sites than shown in the draft proposal. Councilmember Wengert said the very first pass was a feasibility study to examine the maximum that could potentially be supported, recognizing they could always fall back to a lower number. She said there was no proposed project and it was merely a design exercise.

(b) Standing Committee Reports on Alpine Road Remnant Property

- Open Space Advisory Committee

Nona Chiariello, Chair of the Open Space Advisory Committee (OSAC), presented their recommendation that the Town formally designate a 1.3-mile section of the Alpine Road Scenic Corridor as open space and to formally combine it with Frog Pond Open Space.

Committee Chair Chiariello said OSAC did not set out to address the Alpine crescent on its own but rather as part of a partnership with the Conservation Committee. OSAC began more than a year ago to draft vision statements for each of the major Town-owned open space properties. Soon after they began their draft for Frog Pond, they received three written proposals – from Helen Quinn, Dana Breen, and Betsy Morgenthaler – to designate the Alpine Crescent as open space. She said they were advised, however, not to agendize those proposals until the Town specifically asked them to. Eventually OSAC determined that the Alpine crescent is integral to the Frog Pond Open Space and they could not articulate a legitimate and lasting vision statement without addressing those interdependencies and how they would be maintained. After explaining the situation, Councilmember Wengert allowed them to agendize the proposals. Committee Chair Chiariello thanked Councilmember Wengert for that decision. Committee Chair Chiariello said that by that time OSAC had received a fourth proposal, from Gary Morgenthaler.

Committee Chair Chiariello said they strictly limited public comment and discussion to open space values as presented in the General Plan, insisting that everyone recognize that it would be the Council's role to weigh alternative recommendations regarding the crescent.

Committee Chair Chiariello described the five aspects they found critical to their recommendation, which was unanimously approved by OSAC on September 23, 2019, and as detailed in their Committee report, which was included with the staff report.

Committee Chair Chiariello added it has been asked, given that upland is necessary to the Frog Pond basin, how much upland is really needed. She said they don't know exactly but noted there are sources of information they can access to get an idea. She said the question of how much upland a wetland needs is

often asked because there is so much development pressure on wetlands and so there have been scientific studies of this question. She shared one of the studies showing the approximate values of recommended core habitat and terrestrial buffers. Overlaying that graph onto the Frog Pond, the necessary area for Frog Pond extends well into the Alpine Road Scenic Corridor. She acknowledged that these are general guidelines and that every site is different and every species is different. She said OSAC believes that applying a precautionary principle such as this to the understanding of Frog Pond is one way to think about what the habitat really needs. Committee Chair Chiarello said the three species of frogs have somewhat different needs and may need different amounts of upland habitat. She said one alternative is to accept this precautionary principle and another would be to follow the guidelines of the General Plan and do an actual delineated wetland by a qualified biologist to determine what the needs might be of all the creatures living in the wetland.

Committee Chair Chiarello thanked the Council for receiving the report and thanked all of the residents of Portola Valley who provided valuable input to the Open Space Committee.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked regarding the distinction between open space, scenic corridors, and greenways. He said a road runs through the area in question and he asked if the recommendation was to move the road out of the open space or somehow otherwise change things, especially given that right now there is a disconnect in the road because part of it is on the Morgenthals' property. He said if someday a future owner of the property doesn't want the road on their property, the Town could potentially need to do something with that road. Committee Chair Chiarello said they felt it should be open space, mainly because of the interdependencies between the Alpine Road corridor, especially in the vicinity of the Frog Pond open space, and the Frog Pond property. She said they should be managed as a unit because they are potentially that interdependent. She said, with regard to the road, there are some statements about roads in the General Plan and the Open Space Element. She said there would need to be some kind of flexibility, perhaps adjusting the open space to the eastern boundary of the road. She said their intention is definitely not to compromise in any way vehicular traffic or emergency egress. She said they fully appreciate the need to maintain that road. She said she sees a very big challenge to the Council in terms of thinking about all of the Scenic Corridors being evacuation routes as well as the sustainability of those routes. Councilmember Hughes said greenway may be exactly what Committee Chair Chiarello is talking about – the concept of essentially being open space combined with a transit corridor, a greenway that both wildlife and humans can use. He said it is a bit different in character from the rest of Frog Pond in that it is a major road. Committee Chair Chiarello said it may be a semantic issue because their main concern is that the Scenic Corridor has a trail that runs the entire length, which should be regarded as functional open space because it is used by humans and wildlife, and it connects the Hawthorns, which will be hopefully open at some point, to other major open space preserves. She said their expectation is that use of it will increase by both wildlife and people.

Committee Member Craig Taylor said the important part of the wildlife corridor is to make sure wildlife can move back and forth. He said they are also starting conversations with Mid-Pen about taking down the fences in front of Hawthorn to allow wildlife to come down and move up the corridor. He said there is an opportunity here to open up that whole area.

Councilmember Hughes said it sounds like an informal designation but also not permanently disallowing any construction, road, etc., and that the goal is to just preserve it the way it is now. Committee Member Taylor said as long as wildlife and people can continue to transit without interruption that would capture the Committee's sense.

Vice-Mayor Derwin said there has been a lot of discussion that if the Alpine piece was ever developed it would adversely affect the Frog Pond. She asked if the school's large remodel and deck will adversely affect the Frog Pond. Committee Chair Chiarello said the idea of a deck sounds interesting, but she has not seen any plans for it. She said they've discussed setting up audio streaming from the pond, which would be totally

non-intrusive, so that students and the whole community can hear the Frog Pond chorus. She said one of the really interesting things about the three species of tree frogs is that their communication is by their call.

Committee Member Taylor said although it has to date not been an issue, if the school generates more pollution, such as with fertilizers, they would need to advise the school that they need to be a partner in protecting this area. Committee Chair Chiarello said that actually this had been an issue in the past and it was addressed.

Councilmember Wengert thanked the Committee for all their hard work.

Councilmember Wengert said she was looking at the connectivity issue. She said that in that 1.35-mile section there are a lot of trails currently in place and road access and easements or rights of way. She asked what changes, if any, would happen as a result of this recommendation. She added the Town has been trying to get Mid-Pen to let them rebuild the trail for at least eight years, recognizing that connectivity is huge. Committee Member Taylor said the issue of designating the entire corridor was to unify it, rather than have it be piecemeal with trail easements here and there. He said this improves the standing with Mid-Pen by making a strong statement about the value of the entire corridor. Committee Member Taylor said the Alpine crescent was always considered open space until the housing discussion occurred. He said they are hoping the issue will be resolved formally by the Council so it does not drag on and have to be discussed again 10 years from now. Councilmember Wengert said it is already today part of the Alpine Scenic Corridor and Mid-Pen has been the holdup in the linkage. Committee Member Taylor said a Scenic Corridor still sounds like something that has setbacks, more of a zoning designation, and they are stressing that this is a wildlife corridor that should be preserved and protected, which is not captured by "Scenic Corridor." Councilmember Wengert said this might be a separate issue from what is being addressed tonight because it is a bigger discussion with a bigger dimension. She said the discussion tonight will focus more on the road remnant Frog Pond parcel. Committee Chair Chiarello said the Committee's concern is that there is not a parcel there, it is all one parcel because the crescent is not parcelized. She said they want to think of that as one continuous unit interdependent with Frog Pond. Councilmember Wengert asked if that approach would affect private landowners, because that land was deeded to Mid-Pen through the Hawthorn estate.

Town Manager Dennis said there are two different concepts that may be helpful. He said there is the Alpine Road Scenic Corridor, which is on both sides, and has guidelines used for development. There is also the Town's right-of-way that moves from Windy Hill open space up Alpine Road through the Hawthorns. He said it narrows and widens to varying degrees through that 1.3-mile segment, widening most significantly at the road remnant property. He said on top of that right-of-way, the Town has dedicated trails. He said the vast majority of the southern part of Alpine Road is almost all owned by the Town with only a couple hundred feet that is ranch-owned property with an easement for the Town's trails. He said the code has very specific language around what the Town's right-of-way should look like, depending on the type of road (cul-de-sacs, minor collectors, major collectors, arterials). He said some thought should go into how the recommendation will affect right-of-way issues.

Ed Holland, Chair of the Bicycle, Pedestrian, Traffic & Safety Committee expressed support of the OSAC recommendation.

- Conservation Committee

Judith Murphy, Chair, Conservation Committee, thanked Nona Chiarello for her elegant presentation. She thanked the Council for the opportunity to present their Committee's unanimously approved recommendations that Triangle Park be formally designated and protected as a Town Park and that Frog Pond-Alpine Road corridor be formalized as open space and combined with Frog Pond Open Space.

Committee Chair Murphy said the Conservation Committee was not addressing where or where not to build housing. She said their report is on all Town-owned properties with respect to the importance of attention to upkeep.

Committee Chair Murphy described their analysis and recommendations for Triangle Park and the Frog Pond Park road remnant, as detailed in their report which was included with the staff report.

Committee Chair Murphy said the road remnant, the bulged area, at Frog Pond Park has no marked edges and is not a parcel. She said it is not just a bulge that needs protecting but the bulge exists in the context of the two larger areas, a classic example of the whole being so much more important than the individual pieces.

Mayor Aalfs invited questions from the Council.

Councilmember Hughes asked regarding the scope of creating a parcel where there isn't one. Town Attorney Silver said those issues need to be further researched. She said a survey would be the most critical aspect.

Mayor Aalfs asked where the boundaries were drawn when the parcel was defined as 1.3 acres. Town Manager Dennis said they were rough boundaries to provide a sense of scale.

Councilmember Hughes said one of the recommendations of the Ad-Hoc Wildfire Preparedness Committee was to clear shaded canopies alongside the major roads. He asked how that would play into a possible open space designation. He asked if there would be any impact in terms of being able to clear underbrush and those sorts of things if the designation changes. Committee Chair Murphy said there is maintenance done in open space but it is done with a higher level of attention to habitat. She said it would not be inconsistent and they would also find it important to improve the fire resiliency in that area. Town Manager Dennis said the Wildfire Preparedness Committee recommendations were about rights-of-way so, hypothetically, there would be some right-of-way designation in this area as part of a parcelization. Councilmember Hughes asked for more clarification regarding right-of-way and whether the right-of-way would be implicitly all of the land owned by the Town. Town Manager Dennis said one of the staff conditions would be some right-of-way per the code and whatever the right-of-way provides. Committee Chair Murphy said they are not asking that those problems be solved tonight but are taking the larger view and saying this is important and it should be protected as open space.

- Trails and Path Committee

Trails and Path Committee Secretary, Ellie Ferrari, said the Committee recommended that the Council protect and preserve the existing section of the Alpine Trail that traverses the road remnant parcel adjacent to Alpine Road and Frog Pond Park. They further recommended the trail that traverses the road remnant, coming from Willowbrook, be recognized as a vital access point and connector in the Town's trail network, as well as being an important wildlife corridor, as detailed in the Committee report, which was included in the staff report.

Mayor Aalfs called for a five-minute break.

Mayor Aalfs invited public comment.

Judy Lurie, Ohlone Street. Ms. Lurie said they've lived here 24 years, having come from south Palo Alto where it was getting too crowded. She said her instant attraction to Portola Valley Ranch was the view across the Frog Pond to Windy Hill. She said she is an artist and paints a lot while overlooking the Frog Pond. She said that view is iconic to Portola Valley.

Majda Jones. Ms. Jones thanked the Council for all their work and making these difficult decisions. She said she has attended many of these Committee meetings because she is very passionate about the open space upon which Portola Valley's ethos is built. She said she is not against affordable housing and thinks the Town should be building housing. She said, however, Portola Valley should not consider building housing on open space. She said it is too central to the sense of community, to what binds us together, and to what brings people out to meetings like this and inspires people to work for the community. She said the Committee Members speaking tonight were eloquent about the importance of open space. She said she is a conservation enthusiast and has been supporting conservation causes all of her working life. She said there

are places in the country where people are spending a lot of money to create wildlife corridors over and under highways and around obstructions and some parts of the United States have realized that wildlife is essential to the survival of the human race. She said EO Wilson has said a third to a half of the earth must be protected as open space in order to survive. Her friend, an attorney in Palo Alto working in housing and urban space, told her that while the Governor is interested in housing, he is also interested in preserving open space. Ms. Jones said Portola Valley is uniquely situated as a town that can provide both values. She urged the Council to recognize the huge community support to officially unite the Frog Pond and the remnant segment and designate it as open space.

Judith Murphy, 8 Portola Green Circle. Ms. Murphy said 600,000 vehicles commute into the Bay Area daily, with 80,000 over Pacheco Pass. She said she is very sensitive to the pressure the Town is under and supportive of their efforts to provide below-market housing. She said it clearly cannot remain 1964 here forever. She supported building on the Town Center property, which is appropriate and where it can be done without too much trouble. She was strongly opposed to leaving Frog Pond Park on the possible list. She said there is criticism that the people who feel strongly about it are concerned about their property values but she is not one of them and does not live near that area. She said it is a one-acre property that is miniscule for the housing effort but huge ecologically. She said she is not reassured by the Ad-Hoc Committee's assertions that no housing would be built on the site for quite some time and said kicking the can down the road does not solve the problem. She said leaving it on the possible list makes it easier to develop it at some point and weakens the ability for future Councils to protect the area. She said the pushback and persistent dogged insistence over many years that development must be wisely managed is the reason Portola Valley does not look like so much of the rest of the Peninsula.

Gary Morgenthaler, ~~500 Portola Road~~ 4678 Alpine Road. Mr. Morgenthaler thanked the Councilmembers for their service and the wonderful Committee Members for their reports. He advised Councilmember Hughes that Alpine Road does cross a portion of his property. He said in the interest of being public spirited and trying to find a common solution, they are willing to cede an easement across their property to the extent that it doesn't already exist in the service of adopting the recommendation of the Open Space Acquisition Committee. Mr. Morgenthaler said 55 years ago Portola Valley was chartered as a community of single-family housing at the edge of open space and designated to be a resource for all of the Bay Area surrounding communities, offering them access to nature and open space. He said it was designed to be governed by citizen volunteers, such as the Council, who serve their community willingly and without pay. Permanent committees were also staffed by Town volunteers who advise the Town Council on matters of importance to the community, as they did tonight. He said he was proud of the citizens. He said the Town Council then set regulatory policies, guided by the General Plan, and otherwise faithfully and unobtrusively have governed the town for 55 years, a small rural community of 4,350 people. He said this has served the community well for the past 55 years. He said he wished tonight's meeting was in the red schoolhouse which has the pictures on the walls of the historical founders and Councilmembers, who would be symbolically looking down watching these proceedings and admonishing the current Council to remember the values around which the town was created, and to always stay true to them. Mr. Morgenthaler reviewed the arguments for and against development on the Alpine Road remnant. He said the school district has expressed no interest in becoming an affiliated housing partner. He said, in contrast, the citizens of Portola Valley are petitioning the Town Council to make Frog Pond Park permanent open space. He said it is designated a park in the General Plan, which is not available for housing development by anyone, including Town government. He said Frog Pond Park has for 55 years been designated as a neighborhood community park on the General Map and has been used that way. He said it is not within the authority of Town Council to change that without changing the General Plan. He said underlying this debate has been a fundamental misunderstanding. It has been said there is a different color of shaded green. He said he didn't know where that came from but the color values have been examined and that is not true and should no longer be said. To the extent that it is ambiguous to anyone, George Mader, who drew the map, is willing to come and tell the Council that is not true and that this has always been designated as Scenic Corridor and Open Space. Mr. Morgenthaler said the Town founders created the Alpine Road Scenic Corridor as a linear park, a single entity. He said it is a park in the Alpine Road Scenic Corridor Element and the Open Space Element. He said Frog Pond Park is part of the linear park. He said it is also part of a vernal ecosystem, environmentally sensitive, with two trails crossing it, and located on a historically dangerous curve. He said the Town Committees have advised that this park needs to

be conserved and preserved for the community. He said the Council should consider that the residents of Portola Valley overwhelmingly oppose development on Frog Pond Park. With little effort, he said the community has solicited and received 700 signatures opposing development there and they can get more. He said that is more than 20 percent of the voting population of Portola Valley. He said the community has also raised nearly \$120,000 to underwrite conservation of Frog Pond Park, which speaks to the passion around this property. He said the four Town Committees have voted unanimously to preserve this for posterity, as open space, as a linear park, as part of an ecosystem, as part of trails, and as part of a wildlife preserve, and he implored the Town Council to listen. He said this is democracy in action. He said whether they agree with it or not, this is the voice of the constituents speaking, loudly and clearly. He said the citizens do not want public housing or any housing on Portola Valley's parks, including Frog Pond Park. He said if the Council will listen, that is wonderful and they will be celebrated and invited to the celebration of the consecration of Frog Pond Park as permanent open space. He said if the Council is not listening, they need to understand that the community is adamant in wanting to protect the traditional values of Portola Valley and open space and will not go unheard by the Town Council.

Betsy Morgenthaler, 500 Portola Road. Ms. Morgenthaler said Gary Morgenthaler is her brother-in-law. She said it was a pleasure to welcome the new faces to what she considers a truly important historic moment in Portola Valley. She said the discussion tonight is about either valuing a habitat and natural wonder or sitting by while it is destroyed. She said the Councilmembers must take decisive action rather than capitulate to a future RHNA scenario that does not yet exist. She said it may exist in some sense in the future but does not ever need to exist as many houses built on Frog Pond-Alpine Road Open Space Corridor. She said the Council represents everyone in town and they need to do the harder work of creatively imagining best solutions. She said she is willing to support the Council in those efforts but not to drive faster toward destroying the values that originally brought the town together. She said it is historic and unprecedented that four Committees have united tonight to present a common resolution, representing enormous amounts of due diligence, showing up for countless meetings, and digging through historic files and minutes, amounting to piles of reading on the panorama of perspectives seen here tonight. She said they've all worked really hard. Some Councilmembers have stated that the Town wants a full-fledged volunteer spirit again and she is grateful to see it turn out in spades for Frog Pond. She said OSAC Chair, Nona Chiarello, outlined the five key aspects that make the case for a resolution to make permanent the existing open space of Frog Pond Alpine Corridor. She said its worth is obvious and the time is now. She said the history of the seriousness of tonight's issue was clear five years ago with the comments of former Mayor Steve Toben, currently Vice Chair of the Ad-Hoc Housing Committee. She said in 2014 he spoke to members of the Council and Planning Commission about the General Plan, beginning his remarks with what inspired him. He said, "Let me share a few provisions that are especially inspiring. Our community goals to preserve and enhance natural features and open space, because they are unusual and valuable assets for the Peninsula and the entire Bay Area ... to create an overriding impression of open space, natural terrain and vegetation, interrupted minimally by the works of people." She said in the face of pressure to locate more housing in the community, the Town can and must keep the community goals and values and ethics in mind as Steve Toben suggested in 2014. Unfortunately, the Town is behind the eight ball when it comes to preservation. She said Palo Alto has already dedicated all of its parkland to the most protected status of permanent open space. She said these sites are precious and once developed are gone forever. She said in the name of expedience the Town should not let the Frog Pond and Alpine Road Corridor go the tragic way of development. She said to complement the case made by the Committee Chairs, there is guidance to be found in the California Governor's Office. She said his stated desire is to build up, not out, and to locate housing around transit, while protecting our natural resources. She said she read the Natural Resource Agency report and the California Biodiversity Initiative protecting the State's natural resources which, referencing the losses due to climate change, calls for the preservation and restoration of habitats and wildlife migration corridors, including watersheds, marshes, wetlands, and active management of invasive species. She commended the four Committees for acting in concert with those values in mind. With regard to the Frog Pond Corridor's neighbor, Corte Madera School, she said this is the time to engage students in the important work of preserving whole ecosystems. She said the Almanac reported that renovations at Corte Madera School were oriented toward the Frog Pond and for the uninterrupted vistas of Windy Hill. She said there will be a deck overlooking the Frog Pond, providing lessons on the watershed. She said there is the opportunity tonight to do something immediate to make a long-term positive impact on everything from children's lives to protecting this vernal pond's robust capacity

for carbon sequestration, making a positive contribution to the stressors climate change has brought to this sensitive habitat. She said this community has the resources and the discernment to look past false dichotomies – housing versus protection. Alongside four Committees and a group of highly committed citizens who have been showing up and standing up, she asked the Council to take action now to show their support for formally dedicating the Frog Pond Alpine Road Corridor as permanent open space. She concluded with Steve Toben's 2014 General Plan remarks, quoting lifelong resident, Linda Yates, who said, "At the end of the day, the environment always wins in Portola Valley." Ms. Morgenthaler said that sounds prophetic to her.

Danna Breen, 4680 Alpine. Ms. Breen said that Wallace Stegner is a local author whose work celebrated the American West. She said he was an ardent spokesman for wild places and worked to preserve Peninsula lands. He was the first president of the Committee for Green Foothills. She quoted: "We need to remind ourselves constantly that the land resource itself is what must be served; that like liberty, democracy, all the freedoms guaranteed by the Constitution, live everything we truly value to the point where we might die for it, the heritage of our public lands is not a fact but a responsibility, an obligation, a task. A pleasure." Ms. Breen said the iconic and inspirational views of Windy Hill, with the lands of the Frog Pond in the foreground, have been celebrated for decades by local artists and photographers. She said it is a regional treasure. She said the philosophy of the General Plan is that Portola Valley serves the greater good regionally being rural and having low density. She said the Town is currently at near build-out. She said Paragraphs 1007 and 1008 at the beginning of the General Plan states: "As a part of the Midpeninsula, Portola Valley is important as a low-density residential area set in a natural environment, as a large natural scenic area to balance the intensively developed urban areas to the north and as a resource for residents of nearby areas ..." She shared a compendium of photographs and art inspired by the place.

Angela Hey, 4578 Alpine Road. Ms. Hey said she walked into the school last night with someone who said they didn't know what the noise was and it was the frogs. She said she hoped everyone has heard the frogs. Ms. Hey said she is on the Bicycle Pedestrian & Traffic Safety Committee and is worried about the ingress and egress to any building on that very tight corner. She said she has had to call the ambulance for a bike accident outside of her home. She said deer, birds, and fox use the area. She said she is from Yorkshire and grew up in a town the same size as Portola Valley. She said her village was absorbed by a big town and the planning rules then became very different. She said in school they spent an entire geography lesson discussing whether they wanted urban sprawl or for people to live in concentrated areas. She said they decided they'd rather have a few tower blocks rather than urban sprawl. She said in Hamilton Island in Australia they decided to build two 14-story tower blocks instead of having it spread out. She said this requires moonshot thinking. She said perhaps it should be considered to take over other parts of San Mateo County or building a tower block or, like the French, build a big chateau on Westridge that could house 10 families, or a campsite for tiny homes and mobile homes. She said the answer is quite clear, except for the Ad-Hoc Housing Committee and some others that feel that mandates are coming down from the State, that housing should not be built on the open space.

Helen Quinn. Ms. Quinn recommended that the Council accept not only the Committee reports but also the spirit of the reports and vote to take this property off the list for housing and to investigate how to make sure that this argument doesn't occur again. She said this property has always been considered a park. She said the Council needs to remove the argument in front of the State pushing for not designating open space.

Dan Quinn, 10 Bear Paw. Mr. Quinn said he came to the meeting thinking it was about housing but now he understands there are two separate issues that have been conflated and overlapped. He said the open space issue well predates the issues of affordable housing, although both very important issues. He asked the Council to act on both issues. He said the Ad-Hoc Committee explicitly did not consider the standing Committee reports and left it up to the Council to integrate the Ad-Hoc Committee with the standing Committees. He asked the Council to do that job and take the Frog Pond Park off the potential, someday, maybe-not-now developable list. He also asked the Council to act on the proposal consistent with all the Committees and to designate the open space as indicated in the OSAC report.

Mary Hufty, 257 Mapache. Ms. Hufty congratulated everyone for the great presentations and work. She said, speaking as a family practitioner, practicing for 30 years in this area, she has treated a lot of depression

problems, isolation, bipolar disorders, autism, etc., for which the best prescription is nature, the one teacher than can bring us back to earth and center people. She said people get health from the animals and landscape that surround them. She said she personally suffers from biophilia, an excess desire to be around animals, be with animals, and love animals. She said biophilia is a respected entity in medicine that brings people closer to good health from the top to the bottom. She said she loves the Frog Pond. She said, as Ward Paine said to the Ad-Hoc Housing Committee – “This is an easy one. This is one you can all be really proud of – a piece of land you already own that will become part of your legacy that will make a huge difference to the future of your town.”

Maria Southgate. Ms. Southgate wanted to give another voice to the decision-making. She hoped the Frog Pond land would come off the list and that the Council would actively pursue finding the best places in the community that might work to accomplish the goals that are needed, and not necessarily let the tail wag the dog. She suggested researching what can be done with other California communities, what other people are doing in the State. She said this needs to be done quickly if all of this is coming down the pipeline on January 1. She said she was born and grew up here and it is distressing that zoning can be changed on a place with an established identity and change how that land will be used. She suggested residents contemplating giving land or money to the Town to think about how that might impact their decisions.

Jon Silver. Mr. Silver shared a photo of a very small frog, taken at the side of Corte Madera School. He said Burt Brent left earlier but told Mr. Silver that he would have argued for a bigger footprint for frogs and a smaller one for humans in town. Mr. Silver apologized for sending his letter to the Council late this afternoon at the last minute. He said that while listening to the hearings before the House Judiciary Committee, he heard very good speeches about protecting the Constitution and the democratic system as well as speeches less concerned with that. He said it reminded him how lucky he feels to live in a town like a Garden of Eden in addition to have a wonderful people’s democracy, headed by this Town Council, that rises from the people. He thanked the Council for doing such a good job, as well as all the volunteers that are a part of that. He said he firmly believes that if the country were governed half as well as this town, they could make a heaven on earth. He said the Town founders have lived in harmony with the nature in town and tried to protect it. He said the town is wonderfully touched by nature and small enough that we get to know each other. He said he has spent most of his life trying to preserve this town as a wonderful place, serving on the Town Council from age 25 to 40, then serving on the County Planning Commission. He said he learned that while he might have high ideals, he had to concentrate on what he could actually accomplish. He said back in 2003 he worked with other active citizens to get the Town to rezone some unneeded commercial land for potential housing. He said the Town ultimately opted to allow housing on commercially zoned land, such as the parcel near Roberts Market. He said this was controversial but there were those who felt affordable housing could be done in an environmentally responsible way. He said when the Council heard the concerns, and that public opinion was split about 50/50, they directed the Planning Commission to reconsider and tweak things again, which they did, resulting in a slight decrease of potential development. Mr. Silver said, however, that when that recommendation came to the Town Council, two former Planning Commissioners (who are now members of the Ad-Hoc Housing Committee on Town Owned Land) passionately argued for the Council to ratchet back up the level of development, which the Council did. He said that ended up not passing, because it was too much. Mr. Silver said it is very important to think of the political and community context that makes something doable. He suggested two changes to the chart that could make a huge difference in community perceptions of where the Town is. He said that although Councilmember Hughes pointed out that the Ad-Hoc Committee was not recommending development on the Frog Pond adjacent park, the phrase “at this time” makes people very nervous. He suggested taking that wording out and leaving it as “not recommended for housing.” Mr. Silver said when he discussed this with George Mader, who was the planner working for the County before there was a Portola Valley, and who still has all his faculties, it was clear that the best interpretation of the existing Plan is that this area was already designated as open space. He suggested rather than giving it a new designation, just recognize what exists, then it will not be caught up in a situation if the State comes down with legislation saying newly-designated open space is invalid.

With no further questions, Mayor Aalfs brought the item back to the Council for discussion and invited comment by Vice-Mayor Derwin and Councilmember Wengert as members of Ad-Hoc Committee.

Councilmember Wengert thanked everyone for attendance and participation. She said it has been incredibly helpful to hear all of the feedback. She said it is very difficult for them to hear it opined, either directly stated or intimated, that this group has anything but a sharing of the open space ethos and values in this town. She said it is the core of who they all are and all that they do when they continue to work for this town. She said she understands that passions run high and people get very invested in things, but she said that has been the most challenging part of the process for her. She said at the heart of all she has worked on from the time she started on the Planning Commission and Council have been issues related to maximizing the Town's options to preserve as much open space as possible. She said, from her perspective, there is no question that tonight she would support preserving the Frog Pond road remnant piece as open space. She said one of the biggest pieces of their job on the Council is to listen to what the citizens want the Town to do on their behalf. She said her goal, in addition to preserving open space, is making sure the Town controls their fate moving forward. She said they know there are going to be a number of legislative efforts. She said she is sure that putting this parcel in open space is what should be done right now, recognizing there is a lot of work to do to look at other options.

Councilmember Richards said there have been very dramatic developments in town since he's been here – Windmill School, Portola Valley Ranch, The Priory, The Sequoias – and a lot of those projects had a huge impact on how the Town protected itself from too much development. He thanked the Ad-Hoc Housing Committee for their great work. He said they did exactly what the Town asked, providing a complete and thorough review of all the properties. He said he is also pleasantly surprised by tonight's comments from everyone. He said he is supportive of keeping this particular parcel as open space. He said he has been a proponent of open space forever and was a Sierra Club member at age 12 in 1962. He was supportive of removing this parcel from the list of possibly developable sites.

Councilmember Hughes expressed great respect for the Ad-Hoc Committee's work and said they did exactly what the Council asked them to do. He explained that at the beginning of this process, the Council was not even fully aware of what pieces of land the Town owned. He said this has been a long effort to get a clear understanding of what the possibilities are, which has now been achieved thanks to the work of the Committee. He said, with regard to comments about moonshot approaches, looking outside the box at what might be possible, this groundwork is what was needed from the Ad-Hoc Committee to be able to do that. He also greatly appreciated the very helpful work done by the other Committees. He said the Committee's recommendations are clear as to which properties the Committee thinks would be appropriate for development and which ones are not. He said he is less concerned about the exact phrasing in the one column and his takeaway from the report is not to build on this property. He said the work done has clarified why there are these processes in Town and why the Town ethos is what it is. He said it is universally acknowledged by everyone who has looked at this not to build on properties such as the Frog Pond Park. Councilmember Hughes said he agrees with the four standing Committees, the Ad-Hoc Committee, and the Scenic Corridor Element of the General Plan, which all very clearly state that open space should be preserved to the maximum extent possible within the Scenic Corridor. He said he was surprised, as was Councilmember Richards, by the aggressive comments considering there has been no disagreement on this issue and no one is in favor of building on that parcel.

Councilmember Hughes said they need to decide on the issue of the open space designation, technically accepting the reports, and looking more specifically at the Ad-Hoc Housing Committee report and the other properties. Councilmember Hughes suggested a motion for discussion -- moving to direct staff to draft a resolution of the Council declaring that the Council intends for all Town-owned land in the Town Scenic Corridors, which would include the Frog Pond Preserve and the entire strip of Alpine or anywhere else where the Town owns land within the Scenic Corridor, should be preserved as open space to the maximum possible extent, and restate Section 3316 of the Scenic Corridor Element of the General Plan, which says it is Town policy that land abutting our scenic routes should be zoned to maintain the maximum possible open space and scenic quality. Councilmember Hughes said the reason he is thinking in that direction is tied to his previous questions about how technically to accomplish this without creating a huge burden on staff, without having to hire surveyors and figure out exactly where the road needs to be, and without having to get easements over people's property where roads exist, yet achieve the goal that everyone wants – to make a

strong statement about the intent to maximally preserve open space, of which this piece of land is a part and which is already in the Scenic Corridor and is already protected as open space by the General Plan.

Vice-Mayor Derwin said her understanding was there is no such thing as permanent open space. Her understanding is that any open space the Town has can be changed with a General Plan amendment. Town Attorney Silver said that is true for any type of designation in the General Plan. She said there are vehicles to create permanent open space such as setting it up as a covenant or giving it to POST or Mid-Pen.

Vice-Mayor Derwin said the Committees put in a lot of work and the presentations were impressive. She asked if the Council had asked the Committees to weigh in. Town Manager Dennis said the Council did not request their input but they acted on what they were receiving from resident inquiries. Vice-Mayor Derwin said there were three other times when she would have loved to have had the Committees weigh in – when they were thinking about housing on the old Al's Nursery spot, when they were daylighting the creek, and when they were considering turf. She said she was completely in favor of housing on Al's Nursery property and probably the most active person on the Council to daylight the creek and she opposed turf at the Priory. She said she wanted the Committees to get involved at that time and was told that they could not get involved because it was politicizing them. She said she thinks at some point there should be a policy question about that since this was previously not allowed and now it is. She would like clear direction on whether the Committees will be weighing in on Stanford and all the projects.

Vice-Mayor Derwin said even when this Frog Pond parcel is put into open space, the Town is still obligated to find housing in Town. She said she has made note of all of the speakers who said they were in favor of housing but not on this parcel and will expect to see them at Stanford or Ladera Church or the Sequoias or the rezoning of the commercial corridor to mixed use. She said she has been doing moonshot thinking – building tiny home camps, buying a piece of property for all the Town's first responders, etc. She said she is hearing that the citizens are in favor of building affordable housing because it is needed, just not on the Frog Pond property.

Mayor Aalfs thanked the Ad-Hoc Committee for all of the work they have done. He said they were appointed in December of 2016 and they first met in early 2017. He said they have been working on this for three years. He also thanked Vice-Mayor Derwin and Councilmember Wengert for leading the charge in getting the Town focused on housing over the past several years. He said this process has been very valuable because now the State is asking what is being done with the land the Town is not using and Portola Valley has a very good answer because of the three years of work. Mayor Aalfs said this issue is one of six or seven initiatives the Master Plan addressed. He said they did employ moonshot thinking and tried to look at every possibility, part of a comprehensive strategy. He said, as it turns out, it is probably not the answer for more than a small fraction of what the Town needs to do. He said the ADU modification will likely need to be done again because the State is asking for more.

Councilmember Wengert asked if the goal is to accept or amend all of the Ad-Hoc Committee's recommendations. She said if they were amended, the Ad-Hoc Committee would need to agree to it. Mayor Aalfs said the Council can accept the recommendations but also go beyond them. He said the intent is to look at the entire report as well as the other Committee reports that relate specifically to the road remnant, Property #2. Town Manager Dennis said it is always good practice for when a Committee presents a report, for the Council to accept it. The Council can then provide staff with direction on the recommendations. Councilmember Hughes said they can accept the report and have a discussion about the recommendations and what actions may follow.

The Council agreed that the Conservation Committee's recommendations regarding Triangle Park will come back to the Council at another time because it is not part of tonight's agenda.

Councilmember Hughes moved to accept the Ad-Hoc Committee Report and the four Standing Committee reports as written. Seconded by Councilmember Richards; the motion carried 5-0.

The Council agreed with the recommendations for Properties #3 and #4 as written. For Property #1, Town Center, the Council preferred that no action be implied but the property be considered “appropriate for potential housing development.” For Property #2, the Alpine Road Property adjacent to Frog Pond, the Council ruled out housing on that property, with the logistical issues of designating it as open space to be resolved separately.

Councilmember Hughes moving to direct staff to draft a resolution of the Town Council declaring that the Council intends for all Town-owned land in the Scenic Corridor to be preserved as open space to the maximum possible extent, and restate Section 3316 of the Scenic Corridor Element of the General Plan, which says it is Town policy that land abutting our scenic routes should be zoned to maintain the maximum possible open space and scenic quality.

Councilmember Wengert said a potentially challenging issue is if the Town is faced with development along the primary corridors that would also fall under that designation. Councilmember Hughes said his motion is for Town-owned land and not private-owned land, which is already covered by the Scenic Corridor Element. He said this is basically a restatement of how the General Plan applies to Town-owned land within the Corridor. Councilmember Wengert said she did not disagree but was just contemplating if the Town was ever able to buy a certain suggested parcel, if that would be constrained by this definition – because it would be Town-owned property in a commercial section of the Scenic Corridor. She said there are no plans to proceed that way but it is not impossible. She suggested the language be brought back for further discussion.

Councilmember Hughes said his idea was to direct staff to consider exactly those kinds of things. He said he would not want to declare this resolution tonight without having more time to think through the possible effects and consequences, possible new land purchases, etc. He wanted to direct staff to think through some of those issues and bring back a resolution in that spirit, which may have some variations. Councilmember Wengert said, as they heard tonight, people may donate land to the Town. Town Manager Dennis said this is not necessarily a zoning issue but a designation of land issue. He said there is open space zoning with commercial and residential properties and there are parts of Open Space in residential zoning areas. Councilmember Hughes said that is specifically why he suggested it might be a resolution of the Council rather than a General Plan or Zoning change, which would be more complicated and involve a lot more work. Councilmember Wengert said it needs to be confirmed those more complicated situations can be avoided.

Town Manager Dennis confirmed that the Council wishes to direct staff to designate the Frog Pond Park road remnant as part of the Frog Pond Open Space. Town Manager Dennis said there is also a broader direction on how to address the other areas. He suggested the Council take a very direct vote tonight on the road remnant and then ask staff to come back to the Council to discuss the other issues.

Councilmember Richards said he does not know how to make a definitive motion given there are no property boundaries. He asked staff to make suggestions in that regard. Mayor Aalfs preferred the idea of merging the crescent of land to the Frog Pond and Councilmember Richards agreed but did not know the precise property boundaries.

Town Manager Dennis suggested staff bring back something to the Council that designates this property open space. He said the Council can, without creating a parcel, describe the property in some fashion, and that would be called the open space. Town Manager Dennis said it is preferable to get it surveyed, which will be an expense, but it is also possible to do it without parcelizing the property. Town Attorney Silver agreed and said it can be done by way of a resolution or a General Plan amendment. She said she is concerned about going beyond that in terms of all Open Space and Scenic Corridors because that has not been noticed. She said it is appropriate to direct staff to come back with some type of mechanism to do that. Councilmember Hughes acknowledged the notice requirement. He said he does not want to reduce what has been requested – which is the area from the Hawthorns to Windy Hill. He said it does not make sense to try to subdivide that into a smaller section of Frog Pond Park without the whole connection when that corridor is such an important part of that open space designation.

Mayor Aalfs said everyone is in agreement with protecting that right-of-way from Hawthorns to Windy Hill as some form of open space as long as it did not preclude a future action on a parcel or parcels. Councilmember Hughes said his motion does not restrict. Councilmember Wengert said it has been clearly signaled to all the residents that the Council hears them, is taking the Frog Pond parcel off the table, and that it will be designated as open space. She suggested waiting to understand how the mechanics of that works because she is uncomfortable not fully understanding the implications. Mayor Aalfs said the Council all agrees on that intention and asked if that is communicated clearly enough to staff so they can research the issue and bring something back to the Council in January that they can vote on as a formal resolution, protecting the whole stretch with some latitude.

Town Manager Dennis said he understands Council's direction to staff the desire for the road remnant property be in open space and to look more broadly at what open space designations would be for the other connected pieces in the rights-of-way and trails and the like. He said there are issues with rights-of-way that they must be very thoughtful of, utilities and other things that cross the rights-of-way or things the Town may want to do within the rights-of-way related to traffic, emergency preparedness, etc., that needs to be researched before staff would be comfortable providing anything back to the Council. Mayor Aalfs agreed and asked for confirmation that the Council was in agreement with the intent to protect the right-of-way from Hawthorns to Windy Hill as some form of open space.

Councilmember Hughes clarified that there is a distinction that applies to the right-of-way as opposed to the entire section of existing Town-owned property within the scenic corridor. He said the right-of-way is defined as 70 or 100 feet and the property is wider than that in some places. He would like to capture that it is not just the right-of-way but also the land adjacent to the right-of-way that belongs to the Town.

Councilmember Wengert suggested that Councilmember Hughes may be pushing for a motion that the Council is not looking for tonight. She suggested calling for a second to his motion and if there is no second, then the Council can move on with a motion that can be approved that just relates to the Frog Pond.

Mayor Aalfs suggested adopting and passing a motion directing staff to bring back a future resolution along the lines of Councilmember Hughes motion and addressing the logistics of it.

There was no second to Councilmember Hughes' motion.

Councilmember Wengert moved to approve designating the road remnant Frog Pond parcel as open space with the recommendation of how best to effect that designation to be brought back to the Council by staff. Town Attorney Silver noted that motion cannot be made because it was not properly noticed.

Councilmember Wengert moved to remove the road remnant Frog Pong parcel from the list of possible properties presented by the Ad-Hoc Committee on Town-owned properties. Seconded by Councilmember Hughes; the motion carried 5-0.

Councilmember Hughes moved to accept the Committee's recommendations that the Town Center property at the substation site be considered for housing, that the Los Trancos Woods property not be considered for housing at this time, and that the undeveloped portion of Ford Field be ruled out for future housing consideration. Seconded by Councilmember Wengert; the motion carried 5-0.

The Council directed staff to return to a future meeting to discuss the Council's desire to address the standing committee's broader recommendation of a connected open space designation for the trail system along western Alpine Road connecting multiple open space properties.

(10) **Report by Town Manager – Staff Resource Review and Proposed Adoption of Recommendations by the Ad-Hoc Wildfire Preparedness Committee**

Town Manager Dennis thanked the Ad-Hoc Wildfire Preparedness Committee Members for staying so late at tonight's meeting. He presented the background of the creation of the Ad-Hoc Committee for the purpose of addressing outstanding wildfire resiliency issues, its charter, their three subcommittees, and the Committee's recommendations. Council received the recommendations at their November 13 meeting and directed staff to review the recommendations, based on the allocation of resources, in order to finalize adoption, as detailed in the staff report.

Town Manager Dennis noted three corrections to the report: Item 2.a.i should read "Ban all combustible ..."; The resources listed under item 5.b.iii is a combination of design guidelines and adoption of fire code; and, Item 5.b.v should read \$800 total for 15 locks and not \$800 per lock.

Fire Marshal Enea explained how the Fire Code is adopted. She explained that her goal is to have one code that all three bodies (Woodside, Portola Valley, and unincorporated San Mateo County) can ratify. She described the following Summary of Proposed Local and State Changes.

**Definitions:** Wherever the word "Groundcover" is used it shall be held to mean a low growing perennial plant, under 18 inches, that covers expanses of ground, forming the lowest layer of vegetation, below the shrub layer and protecting the topsoil from erosion and can act as a mulch and weed suppressant.

**Perimeter Property Line Clearance:** Section 304.1.2.A Perimeter Property Line Clearance. Section 304.1.2.A Perimeter Property Line Clearance. Persons owning, controlling, or leasing structures and or property are required to remove, a minimum of 50 feet from the perimeter of the property line and 100 feet from any neighboring structure, specifically; flashy fuels consisting of dead weeds and dry annual grasses, as well as dead vegetative material and litter that is capable of being easily ignited and endangering property as determined by the Fire Marshal.

**Limited Planting Around Structures:** Section 304.1.2.D Limited Planting Around Structures. Due to the combustible nature of structures throughout the territory of the Woodside Fire Protection District, the planting of new landscape vegetation within the 0-5ft zone, adjacent to wood sided habitable buildings, shall be limited as described in this section. When a habitable building includes wood siding on the first floor, no new landscape vegetation, except ground cover, shall be allowed within 5ft of the wood siding. New landscape vegetation, except for ground cover, shall not be allowed within 5ft, in any direction, of any first story window or glass door opening. There is no setback requirement for new landscape vegetation adjacent to Non-combustible siding, such as fiber cement board, stone and stucco. Exceptions: Existing vegetation planted prior to the adoption of this code.

Town Manager Dennis said that staff supports this recommendation but pointed out there were two similar recommendations from the Committee and this is the more restrictive one. In response to Councilmember Wengert's question, the Committee members in attendance stated they were supportive of this recommendation.

Fire Marshal Enea said the intent is not to govern and be restrictive but is to incentivize people to build in an ignition-resistant way and be more fire resistant.

Town Manager Dennis said reaction to this is anticipated; however, staff is very supportive because the Committee did an excellent job showing that these kinds of changes will make a house more fire resistant. Fire Marshal Enea said this only applies to new plantings in proposed landscaped plans.

Councilmember Hughes said people commonly use plantings to break up wall massing and the Commissions will need to be thoughtful of the impact that has on other massing mitigations that are encouraged.

**Fire Apparatus Access Roads:**

Section 503.2.1 Amended Section 503.2.1 is deleted in its entirety and replaced by the following section. Section 503.2.1 Dimensions: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, inclusive of all-weather surface shoulders, and a vertical clearance of not less than 13 feet 6 inches. Security gates shall be in accordance with section 503.6. Driveways serving one property, with a single or multiple habitable dwelling shall have an unobstructed driveway width of not less than 12 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. Shared driveways serving more than one property with habitable structures shall have an unobstructed minimum width of 18 feet, inclusive of all-weather drivable surface shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches. All gates obstructing emergency access roadways shall have a sign stating Emergency Evacuation Route.

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**Additional Fire Protection Systems in Accessory Dwelling Units:**

Amended Section 901.4.4.1 is added to read as follows: Additional Fire Protection Systems in Accessory Dwelling Units. An automatic fire sprinkler system may be used in new accessory dwelling units as an alternative, when aspects of the fire code cannot be met in their entirety and when approved by the Fire Marshal.

**Limits of Storage and Dispensing of Flammable and Combustible Liquids:**

Section 9. Chapter 57 Establishment of Limits in Which Storage and Dispensing of Flammable or Combustible Liquids in Outside Above Ground Tanks Are Prohibited.

The limits referred to in Section 5704.2, 5704.4.2.4, Table 5704.4.2 and Section 5706, of the California Fire Code, in which the storage and or dispensing of flammable or combustible liquids, in outside above ground tanks, shall be limited to the commercial areas within the jurisdiction of the Woodside Fire Protection District. The dispensing, mixing, handling or storage adjacent to or on parcels with R1 and R2 occupancies is prohibited. Exceptions: 1. Quantities less than 100 gallons in emergency generators; 2. Farms, critical infrastructure and construction site uses if determined by the Fire Marshal that the safety of the public is not compromised. The occupancy classification quantities in Chapter 57 shall not be exceeded.

**Storage of Liquefied Petroleum Gas:** Amended Section 6104.2A is added to read as follows: Where Permitted; The storage of liquefied petroleum gas shall not exceed a water capacity of 100 gallons aggregate for any one premise installation within the Woodside Fire Protection District territory where natural gas mains exist. Exceptions: Installation of Liquefied Petroleum Gas may be permitted if used as a means of emergency standby supply for residential or industrial operations, or used for medical, research, testing, or purposes not suited to the use of natural gas. Such installation shall be in accordance with Chapter 61 of the California Fire Code and all provisions of NFPA 58.

**Fire Flow Requirements \*State Change:**

Section B105.1 Fire Flow Requirements for Buildings. One- and Two-Family Dwellings. The minimum fire flow shall be 1000 gallons per minute for structures 3601 square feet and greater and 750 gallons per minute for

structures 1 - 3600 square feet. A water supply for fire protection shall mean a fire hydrant within 600 feet from the building, measured via an approved roadway/driveway, capable of the required fire flow. There shall be no reduction for installation of a fire sprinkler system.

**Distribution of Hydrants:** Section C103.2A Modified Distribution of Fire Hydrants; In rural areas where parcels, with structures, have large road frontages and or long driveways the minimum location of a fire hydrant shall be 600 feet to the structure measured via a roadway or primary driveway as approved by the Fire Marshal.

**Access Road with a Hydrant:** Section D103A Access road with a hydrant: Fire apparatus access roads shall be a minimum of 20 feet in width inclusive of all-weather drivable shoulders.

The Council adopted the recommendations from the Wildfire Preparedness Committee.

Town Manager Dennis announced that Fire Marshal Enea will be retiring effective December 31, 2019.

Town Manager Dennis said staff supports all of the recommendations but requested direction on the items requiring significant time resources and funding so they can understand how to manage it.

In response to Councilmember Wengert's question regarding 3.b.v, Town Manager Dennis said the \$180,000 estimate is a one-time expenditure.

Councilmember Richards suggested removing any recommendations for IPE wood, which has fallen out of favor with environmentally conscious design.

Mayor Aalfs said the Design Guidelines feels like a bigger lift than the Reach Code. Planning & Building Director Russell said the Design Guidelines are more work because of having to work through some of the specifics. She said, based on the specific recommendations for the Fire Reach Code, there is a fair amount of technical work to be done. She said the contract building officials will work through that with support from that firm, which she would oversee.

The Council was not supportive of 3.b.ii (incentive program to support private property fuel reduction efforts) or 5.b.vii (match for home hardening) unless there were grants to fund it; otherwise, the Council felt these should be considered low priority.

The Council directed staff to postpone 3.b.v, the prioritization of vegetation management on the Town's main evaluation routes, because it will be folded into the budget process after the completion of 3.b.i (identification of ignition sources).

The Council was supportive of the remaining recommendations.

Vice-Mayor Derwin moved to accept the staff report on resource allocation and adopt the recommendations. Seconded by Councilmember Wengert; the motion carried 5-0.

(11) **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Postponed to the next Town Council meeting.

(12) **TOWN MANAGER REPORT** – Postponed to the next Town Council meeting.

**WRITTEN COMMUNICATIONS**

(13) **Town Council Digest** – November 14, 2019

None.

- (14) **Town Council Digest** – November 21, 2019

None.

- (15) **Town Council Digest** – November 27, 2019

None.

- (16) **Town Council Digest** – December 5, 2019

#4 - Invitation to the Annual December Council of Cities Dinner Meeting in Colma – Friday, December 20, 2019. Vice-Mayor Derwin said there is one contested race for the Northern Cities TAC. She recommended supporting the incumbent, Rico Medina.

**ADJOURN TO CLOSED SESSION** [12:28 a.m.]

- (17) CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Gov. Code Section 54956.8)  
Property: APN: 079-072-130; property adjacent to Roberts Market  
Agency Negotiator: Jeremy Dennis, Cara Silver  
Negotiating Parties: Donald McKinney Trust  
Under negotiation: Price and terms of payment

**REPORT OUT OF CLOSED SESSION**

None.

**ADJOURNMENT** [12:40 a.m.]

Mayor Aalfs adjourned the meeting.

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Mayor

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Town Clerk