

**PLANNING COMMISSION and ARCHITECTURAL SITE CONTROL COMMISSION JUNE 30, 2021**  
**Special Teleconference Meeting**

**CALL TO ORDER AND ROLL CALL**

Chair Taylor called the Planning Commission and Architectural Site Control Commission joint special teleconference meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll. She noted that Planning Commissioner Targ and Vice Chair Kopf-Sill, along with ASCC Commissioner Sill are recused from the item.

Present: Planning Commissioners: Goulden, Hasko; Chair Taylor  
ASCC Commissioners: Cheung, Koch; Vice Chair Wilson; Chair Ross  
Absent: None.  
Town Staff: Laura Russell, Planning & Building Director; Stephanie Davis, Consultant Planner; Cara Silver, Town Attorney

**ORAL COMMUNICATIONS**

Chair Taylor expressed that during this item, any member of the public can speak to the Commissions on any item that is not on the agenda.

He said after oral communications, the Commissions will move into the study session which he noted will be broken into two pieces; the Story Poles and Staking Plan and then State Density Bonus Law. He requested that members of the public provide their comments to the section that the Commissions are discussing.

He said the order of the discussion for the study session will go as follows for each section:

- Staff presentation, followed by questions from the Commissioners of staff.
- Applicant presentation, followed by questions from the Commissioners of the applicant.
- Public comment
- Applicant response
- Staff will answer general questions raised during public comment.
- Commission discussion.

Chair Taylor invited the public to speak for oral communications.

Rita Comes appreciated Chair Taylor for saying his preamble before taking oral communication comments. She asked how many folks are attending the meeting and when will in-person meetings begin again. She said she received a notification in the mail saying that the project will be heard by the Planning Commission and the ASCC. Nowhere on the notice was a time listed that indicated when written comments should be sent in so that they can be included in the packet. She requested that information be clarified.

Chair Taylor said that he will periodically call out how many folks are attending the meeting. He said currently there are 50 attendees in addition to the panelists. He indicated that all public comments will be entered into the public record. The deadline is to make sure that Commissioners have time to read the comments.

Commissioner Koch added that any comments that are sent into Town beyond the deadline are sent to the Commissioners and are part of the public record.

Bob Turcott acknowledged the style in which Chair Taylor has been running the Planning Commission meetings. He found the process to be collegial and efficient. He said the entire municipal government is composed of volunteers and those volunteers need accurate information to examine issues that have the potential to negatively impact residents. He noted that the process broke down when the Planning Commission approved proposed amendments designed to reconcile Portola Valley's ordinances with State law. The Commission failed to adopt the National Fire Protection Association Standards that required 30-foot separation between structures and allowed non-sprinklered construction in high fire hazard areas. He said if the Commission had known that the high fire hazard area is roughly 50 percent of the town's geography outside of the Accessory Dwelling Unit (ADU) restricted area. The Commission would have adopted the basic, uncontroversial risk mitigation practices recommended by the National Fire Protection Association. The other breakdown in the process occurred when the Planning Commission discussed a proposed ordinance change that is intended to dissolve the legal, non-conforming status of the fire station. He asked if by changing the R-1 zoning district from single-use residential to mixed-use, does it become subject to State housing mandates? He stated that the potential for that ramification has to be considered in order for the Planning Commission to make an informed decision. He requested that public members be allowed to speak after the Commission deliberation, but before a vote, to allow residents to correct inaccurate information or challenge Commissioners to address other issues that were not discussed. He noted the process should be limited to significant items and used sparingly.

Gary Getz reported that his wife, Lorrie, and himself are concerned about fire danger when it comes to the Stanford Facility Housing Project. He emphasized their three concerns included the increased risk of a fire starting, fire propagation, and evacuation. He requested those components be discussed.

Kristi Corley requested that the Commission address questions right after a public speaker has asked them.

Chair Taylor said he tries to have staff answer general questions that are relative to the specific item. He acknowledged that it is a balancing act.

Seeing no other oral communication speakers, Chair Taylor moved to the study session item.

## **STUDY SESSION**

### **(1) Stanford Faculty Housing Project – Known as the “Wedge” property – 3530 Alpine Road File #PLN ARCH0021-2019.**

#### **A. Discussion and Direction on Proposed Story Pole and Staking Plan**

Chair Taylor announced that there are 53 attendees in the meeting. He requested that staff begin their presentation.

Planning & Building Director Russell mentioned that the project is located on a site that is commonly known as the “wedge” and that is how the project is identified in the Town's Housing Element. She restated the meeting format as follows:

- Staff presentation, followed by questions from the Commissioners for staff.
- Applicant presentation, followed by a question from the Commissions for the applicant.
- Public comment.
- Commission discussion and direction.

Planning & Building Director Russell reported that the Town has story pole guidelines, as outlined in the staff report, and the story pole plan is intended to provide a demonstration of the rooflines, heights, and massing of structures. She noted that story poles are typically installed 10-days before a public meeting, remain intact during the public meeting process and appeal period, and then removed by the applicant. She said that the Town's Code requirements are outlined in the staff report. She shared that there is dual authority between the ASCC and the Planning Commission according to Code Section 18.64.040. For this reason, staff believed the two Commissions should have a joint meeting in order to stay in compliance.

Planning & Building Director Russell noted that the Town's practice has been to install story poles for all new single-family homes and their accessory buildings as well as two-story additions. There has never been a project that required story poles for multiple buildings and so there is no past practice to rely on. She said it is in the Planning Commission and ASCC's purview to review alternative methods to be used instead of a story pole and the staking plan. She reported that the applicant has proposed an alternative story pole plan due to the unique nature of the development, the existing horse boarding facility, and existing tree and topographical conditions.

Planning & Building Director Russell recommended the Planning Commission and ASCC discuss the story pole and staking plan. Then provide specific direction to the applicant on how they should implement the story pole and staking plan. After implementation of the plan, there will be site tours for the Commissions and the public.

Chair Taylor invited questions from the Commissioners.

Commissioner Koch asked if any special recommendations should be considered for story poles located on a scenic corridor. Planning & Building Director Russell answered no.

Chair Ross inquired how many homes were developed initially along with the subdivision, was the area built out as a spec development or was each lot sold individually. Planning & Building Director Russell answered that the original developer received approval for the majority of the house designs, built some of the homes themselves, and then sold some of the lots with the approved house designs.

Chair Ross asked if staking requirements were in place at the time of the original development and have those requirements changed since then. Planning & Building Director Russell answered that she did not know.

Commissioner Hasko inquired if staff has looked at past practices of granting waivers for the story pole requirement. Planning & Building Director Russell said she is not aware of any past practices, but the most recent project at the Priory was for six multi-family units. That project did have story poles and the carports were staked.

Chair Taylor invited the applicant to provide their presentation.

John Donahoe, Stanford University Real Estate, said he is hoping for a collaborative effort to come up with a solution that best address the challenges of the site. He noted one challenge is trying to install story poles for multiple buildings. Having story poles installed for many buildings can look confusing and does not depict the layout of the project very well. He reviewed the site and lot layouts, as outlined in the staff report. Currently, there is an existing, operational horse boarding facility on the site. This posed a challenge of installing story poles because the poles cannot interfere with the operations of the existing facility.

Mr. Donahoe explained to mitigate impacts to the existing facility, the proposal is to stake the exterior perimeters of the lot as well as the centerline of the proposed road. The stakes are to be standard surveyor stakes at a height of 4-feet and are color-coded. After installation, Stanford University personnel will conduct site visits to allow folks to visualize where the buildings will be located on the site. In addition, he said story poles will be installed for one proposed single-family home as well as one below-market-rate (BMR) building. Those two structures best represent the massing and height of the other structures that will be located on the site.

Mr. Donahoe noted that he is open to any other suggestions and/or ideas that the Commissions or the public may have regarding how to install story poles and stakes on a parcel that has an existing facility.

In terms of the site tours, Mr. Donahoe mentioned Commissioners and the public are welcome to attend. Stanford staff will be available on-site to answer questions. Folks who attend the tour will be given a graphic handout that shows the project's proposed site plan, a staking and story pole exhibit, the project's proposed grading plan, the tree disposition plan, and visual simulations that have been prepared by the Town's environmental consultant.

Mr. Donahoe mentioned that story poles have been around for a very long time, but now computers can provide simulations that do a better job of showing what a proposed project will look like.

Chair Taylor invited questions from the Commissioners.

Commissioner Koch asked how long will the story poles be in place before the boarding facility is removed from the parcel. Mr. Donahoe explained that Stanford University typically does not remove existing uses until a project is approved. He predicted that the existing use will be on the site until early 2022.

Commissioner Koch summarized that the story poles may interfere with the boarding facility so much that the use will be forced to shut down. Mr. Donahoe shared that there are concerns that the flags on the story poles will scare the horses. Also, installing poles in the middle of the paddocks and exercise area will cause impacts to operations. He indicated that recently there was geological trenching done onsite and that took a lot of coordination with the facility.

Commissioner Koch inquired how many horses are boarded on-site and Mr. Donahoe answered eight to ten.

Commissioner Goulden noticed that there are only two visual simulations and he wanted to know if more are planned. He said he likes visual simulations. Mr. Donahoe clarified that those simulations were provided by Town staff. Planning & Building Director Russell explained those were done for the Draft EIR.

Chair Taylor asked if the environmental consultant can do a visual simulation of the whole frontage of the proposed project. Planning & Building Director Russell answered yes, but it would be outside of the scope of the existing EIR. Chair Taylor said he was not suggesting it be part of the EIR, but something that Stanford University could consider. Mr. Donahoe indicated in the original submission package, there are simulations, but Stanford University is willing to fund additional simulations if requested by the Commissions.

Chair Ross asked how much grading is anticipated in the footprint of the proposed story-poled buildings. He said the top of the story pole should be the absolute height of the structure after grading is done. Mr. Donahoe confirmed that the story poles will reflect the absolute height.

Commissioner Hasko inquired if the tours will be conducted while the existing use is still operating and how will that work. Mr. Donahoe explained there will be a sign-up system for Committees and Commissions to use in order to not violate the Brown Act. The tours would be set up close together so that the site is only disturbed for a short period of time.

Commissioner Hasko asked whether there is a way for the public to have a tour of the site. Mr. Donahoe emphasized that he will work with the Commission and staff to accommodate however many tours there needs to be. Planning & Building Director Russell imagined that the Stanford personnel would escort folks around the site and show key areas.

Chair Taylor asked when the horse boarding facility's lease ends. Mr. Donahoe said it has recently been an amendment to be a month-to-month lease. As a standard practice, Stanford University provides a 90-day notice to the borders, so that they have adequate time to re-home their horses.

Chair Taylor inquired if Mr. Donahoe has witnessed alternative methods used on other projects to show what the impact will be. Mr. Donahoe shared that this is the first story pole situation he has had to handle in over 30-years. He said that most of the communities he has worked with rely on modern tools to show impacts.

Chair Taylor asked if there has been any exploration in using an alternative method that shows the full height, but is not a story pole with flags. Mr. Donahoe said it has been discussed and there are opportunities towards the back of the project to use modified pole that shows the height, but not the massing.

With no further questions, Chair Taylor invited public comment. He noted that there are 57 attendees and any questions asked during public comment will be addressed after public comment concludes.

Danna Breen asked if a tree disposition plan the same thing as an arborist report. She also wanted to understand more about second-story expressions that require outdoor lighting and how those lights will be seen from Alpine Road and adjacent residents.

David B. said that the clearer and more visible the story poles are, the more resistance there will be to the project. He understood that story poles are typically used for folks who are driving by to get a sense of how big a structure will be. He emphasized that is it important for the community to understand how big the project is. He supported a concept that requires Stanford University to build out as much of the bulk as possible with flags and mark the trees that have to be removed. He offered to help organize a donation drive to help Stanford University cover fees to move the horses or build out a clear demonstration of the size of the project.

Tom Buckholtz echoed the email that he sent to the two Commissions. He is encouraged by the idea of producing more simulations and he recommended a full set, but he also wanted to see story poles installed for folks driving by or walking on the trails.

David Cardinal said it will be a shock to have multi-story buildings along Alpine Road, but that is the future. He said there is no place on the site to place story poles that will not cause some type of impact.

Tom Hafkenschiel understood that the density calculation for the property is based on the entire size of the property and he asked if that is correct. If that is the case and if the units were space out amongst the whole property, there would be story poles for each unit. As proposed, the units are placed together and now there is an argument against having story poles placed close together.

Rusty Day said that the intent of story pole policy is to help the public understand the bulk and the proximity of structures to each other. He did not support Stanford University's proposed alternative because it did not show either of those components. He said at the north end of the property along West Ridge Drive, there is no horse operation at that end, and there is no logical reason why that entire row of houses cannot be story poled.

Chair Taylor said that during the presentation, it was mentioned that there are trees along the West Ridge Road side of the project.

Rita Comes believed that Stanford University owned the property across the street that also housed horses. If that is correct, that facility may be impacted by vehicular traffic and the story poles. She said each project should be required to follow the same requirements as all other projects build within town and she supported having story poles for all the proposed structures on the site.

Mary Hufty commented that there needs to be an honest story pole evaluation done for the project. She shared she did some outreach to the boarders who use the facility and there is an older horse named Bumpy, who cannot be removed from her corral due to age. She requested there be no story poles installed in Bumpy's corral.

Matthew Muttly said he lives on West Ridge Drive on the north end of the proposed development and he high recommends there be a full story pole presentation. He echoed Ms. Comes' comment that new residential construction must place story poles on their site and requiring this project to do the same thing is the fairest thing to do.

Nan Shostak supported Ms. Hufty's comments regarding Bumpy and her corral located in the central area of the site. She said there are other horses nearby that are very sensitive and they too should not be moved. She recommended not to install story poles in the central area of the project. She remarked that she wanted to see the full extent of the development viewable from Alpine Road as well as the positions of the buildings from Alpine Road.

Judith Murphy said it is essential to see the full outline of the project and the full height. She clarified that does not mean that every corner of every building needs to be outlined. She suggested placing story poles for the buildings located at the corners of the project as well as the two proposed by Stanford University.

Kristi Corley concurred that she also would like to see the full outline of the project have story poles. She supported having a 2-foot wide string rather than a thin string so that folks can visually see it from Alpine Road.

With no additional public comment, Chair Taylor invited the applicant to comment.

Mr. Donahoe summarized that there are a lot of conflicts on the property and he was seeking guidance on how best to address those conflicts. He clarified that when he mentioned 4-foot high stakes, those were the surveyor stakes, not the story poles. Those stakes would be located in the centerline of the roadway and the perimeter of the development. He indicated that the below-market-rate structures are proposed to be 27-feet in height and the story poles would reflect that height.

Chair Taylor requested that staff provide answers to the questions raised during public comment.

Planning & Building Director Russell said that a tree disposition plan is a map that shows what trees are proposed to be removed. The plan goes along with the arborist report and graphically displays the arborist report's information. In terms of second-story elements, she confirmed that the buildings do

have a second-story, but they do not contain balconies. In terms of how density is calculated, she confirmed it is based on the entire site.

Chair Taylor said that the consequence of using the whole site to calculate density means that the whole site is included in the development project. Planning & Building Director Russell answered that is correct and the parts that are to remain as open space cannot be built on in the future.

In terms of the question regarding why staff has not developed a story pole policy for multi-building developments, Planning & Building Director Russell said that staff wanted to allow a discussion to be held with the Commissions and the public regarding that type of policy.

Mr. Donahoe clarified that the three below-market-rate units do have balconies, but the single-family detached units do not. He said that through the EIR process, staff did do a visual simulation of how the project will look at night. Planning & Building Director Russell confirmed that is correct and those are done from different viewpoints.

Chair Taylor brought the item back to the Commission for comment. He said he would like the discussion to be open and if the Commissioners have questions of the applicant or Staff. Those questions can be asked directly to whoever should address the question.

Commissioner Goulden asked what does it mean to mark the height in the back of the project. Mr. Donahoe explained that additional story poles can be placed on the northside frontage along Alpine Road to show the size of the structures. He said it will be difficult to place story poles on the southside frontage along Alpine Road due to the existing trees. He agreed that story poles can be placed on the westside or in the back corner of the site furthest away from Alpine Road.

Commissioner Goulden wanted there to be poles in some area on all four sides of the project so that neighbors have reference points. He encouraged having more visual simulations be done and he said those give him a better view of how the project will look versus story poles.

Chair Taylor agreed that having visual simulations for the frontage on Alpine Road will be valuable. He asked how tall are the trees compared to story poles and will folks be able to see the story poles among the trees. Mr. Donahoe answered that most of the existing trees meet or exceed the height of the proposed structures.

Vice Chair Wilson said she is leaning towards having fewer story poles, but she acknowledged that the vast majority of the public requests there be a complete story pole layout. She agreed that the horses will be impacted by having story poles in their corrals.

Commissioner Koch acknowledged that though she is a life-long resident, this process is new to everyone. She said that of the 9-years she has been a Commissioner, never has a project not been required to install story poles along a scenic route. Due to horses being on-site, she supported a modified version of story poles, but she wanted there to be story poles on all sides of the project. She emphasized that it is both Commission's job to inform and visually show the community the size and magnitude of a project. She suggested up to 80 percent of the site contain story poles.

Commissioner Hasko echoed Commissioner Koch's sentiments. She supported working around Bumpy and her corral, but she wanted the perimeter of the site to be well marked. She predicted the community will not be able to visualize how far up the development will go into the property unless there are markers. She suggested locating story poles where they will not impact operations and she suggested having a discussion with the boarders to determine how the horses will behave to a story pole. She agreed it is not appropriate to have 100 percent coverage with story poles, but alternative

visuals must be made available. She said that the Commissioners will benefit from having a site tour, but she was skeptical that the public will be able to do site tours due to the impacts that can cause to existing operations.

Chair Taylor asked for clarification if Commissioner Hasko wanted story poles around the perimeter or stakes. Commissioner Hasko said the stakes will not be visible enough and there needs to be something taller that marks the perimeter.

Chair Ross acknowledged a letter sent in from the public that stated that the goal of providing visual modeling of the project is to help folks make informed decisions. He said what is important is to have an outline of the project in place so he can make an informed decision, but there are existing reasons to allow a reduced number of story poles. He said the portions of the project that will be most visible from the public right of way are the structures along Alpine Road. For that reason, story poles should be placed along Alpine Road and he suggested having story poles outline the northeast most building. He indicated that it is not necessary to place story poles on structures that cannot be seen from the public right of way, but suggested placing height poles for every structure instead. In terms of the most immediate neighbors, he predicted that the structures in the middle of the development will be most visible to those neighbors. He suggested placing a height pole in those locations and there may be locations where it is possible to place two poles with a banner stretched between them to indicate the ridgeline. He shared that traditionally, marker on story poles are done with orange flags or orange netting. He felt that 2-foot netting is more appropriate and will not flap in the wind as much, but he did not support the color orange. The color orange will exaggerate the visual impact of the buildings and he suggested using a material that is of a similar color to the roof finishes. In terms of parking, he suggested folks park at Ford Field and walk over to the site. He suspected that many of the existing trees are taller than what the proposed structures will be and the tree plan proposes to preserve as many large trees as possible. He advised height poles be placed in tree-heavy locations so that folks can understand the relative impact of the structure and how effective the existing trees will shield the buildings. He expressed that he supports limited story poles be installed on site. He restated they should be placed on structures that will be visible from the public right of way and neighbors. After recalling his memory of the 8-years he has been on the ASCC, he stated there has never been a project that has installed story poles and allowed public access to private property. Even if story poles are installed, that does not mean that the site is open to the public. He encouraged tours for the public, but he said the public's interest is in what the public will see and that is best viewed from Alpine Road.

Commissioner Cheung agreed with the comments said by the other Commissioners. He acknowledged that the applicant is willing to do what is recommended by the Commissions. He said it makes sense to ask for story poles with case-by-case exceptions to accommodate the horses that are there. He agreed with Chair Ross to install height poles in tree-heavy areas and he supported the idea of having more visual simulations.

Chair Ross suggested having visual simulations done at different perspectives along Alpine Road as well as from a willing neighbor's parcel in order to decide where story poles would be useful.

Chair Taylor acknowledged the conflicts with having an operating facility located on the site and placing story poles in an active use. He said what is important is that there is an accurate representation of the project which to him, did not require full story polling. He noted that key points do need to be identified and he supported the idea of having height poles installed for all the structures. He emphasized that the frontage along Alpine Road needs to be well represented and he suggested visual simulations as well as wide-angle simulations of that perspective. He recommended installing story poles across the frontage of the site along Alpine Road. If a story pole can be installed in the northside lot, he supported that. He agreed with Commissioner Hasko about having taller poles around the perimeter. He strongly encouraged public tours, but he agreed with Chair Ross that the public



impact comes from outside of the site. He said allowing public tours are the neighborly thing to do and so he was not requiring it, but encouraging it. He agreed with Chair Ross about the color orange and supported the idea of using material that mimics the color of the roof or siding of the structure.

Chair Taylor asked staff how should the Commission move forward in providing direction to the applicant. Planning & Building Director Russell shared there is consensus on allowing the more sensitive horsing to remain in their area and bothered as little as possible, to illustrate the frontage of the property through complete story poles or partial story poles, install height poles in multiple locations around the site, and possibly install ridge line poles in the back or on the side of the site to help folks understand the location and height of those buildings. Commissioner Goulden added that many Commissioners are supportive of having more visual simulations done from different perspectives.

Planning & Building Director Russell suggested the applicant provide comments on what he has heard during the discussion. Mr. Donahoe restated that Stanford University is willing to provide funding to produce more visual simulations. He loved the idea of installing height poles and those poles will be less disruptive to the horses. He said any type of netting should be placed as far from the horses as possible. He informed the Commissions that he will discuss color options with the company that Stanford University contracts with and installing a full building with story poles along the northern property line is acceptable. He agreed to place story poles along the frontage facing Alpine Road, but it may impact the exercise areas of the horses. He noted that impacts to the exercise areas are less of an impact versus installing poles into the horse's corrals.

Chair Taylor asked if any Commissioners opposed any of proposals that have been discussed. Commissioner Hasko acknowledged that the color orange is a reactive color, but she felt a green or black may not provide the visual appearance that the Commissions are seeking.

Chair Taylor asked if Mr. Donahoe needed any more suggestions before the item is closed. Planning & Building Director Russell recommended that the applicant develop the suggestions into a detailed proposal. Then staff will bring those drafts to the Chairs for review to make sure the suggestions have been implemented properly.

Chair Taylor accepted that approach and mentioned he is willing to entertain any exceptions if any of the height poles will be disruptive to the horses.

Mr. Donahoe agreed to the process and will work with staff on the proposal.

## **B. Discussion on State Density Bonus Law Implementation**

Town Attorney Silver said that the State Density Bonus Law has been amended many times, the Town has codified some of the provisions, but the local ordinance has not kept up with State law. For this reason, the Town relies on State law provisions in order to implement the State Density Bonus Law. The purpose of the law is to provide a mechanism for market-rate developers to build affordable housing. The law is a State requirement and if a project complies with the State requirements, it is entitled to State Density Bonus Law benefits. She said that the State Density Bonus Law complements the Town's Inclusionary Housing Program by incentivizing developers to provide housing on a site, rather than pay the housing in-lieu fee.

Town Attorney Silver said that there are benefits to the developer and benefits to the Town. One benefit is a developer can satisfy the local inclusionary housing requirement by deed restricting some units as affordable housing units. By doing so, the project will be allowed to use the State Density Bonus Law which allows the project to increase density, use incentives and/or concessions, request additional waivers and reductions as well as use reduced parking standards. In terms of the benefits

that the Town can receive, the State Density Bonus Law encourages developers to build affordable housing units on-site, the Town does not have to fund the affordable housing units, the Town does not have to build or manage the units, and affordable units are integrated into the housing project.

In terms of the project, Town Attorney Silver summarized that by using the State Density Bonus Law, the Stanford Wedge Project is requesting an additional nine market-rate units instead of the maximum 11 units. The project is entitled to two concessions because the project is deed restricting 20 percent of the units as low-income. The two concessions the project is seeking were to decrease the minimum lot size from 20,000 square feet to a range between 3,300 square feet to 8,300 square feet and waiving the General Plan clustering provisions. She said the project is also seeking three waivers. One was waiving the spacing requirement between the main buildings in the project, maximum floor area ratio (FAR) requirements, and the BMR comparability requirement that is required in the inclusionary housing regulation. Also, the project is seeking the parking ratios allowed under State Density Bonus Law.

In terms of benefits to the Town, the Town will be receiving 12-units of affordable housing and those will count towards the upcoming Regional Housing Needs Allocation (RHNA) cycle. The project provides a diverse unit mix as the Town currently does not have many deed-restricted units. The Town is not required to fund, build or maintain the housing units. The housing units are integrated into the market-rate housing project and can possibly be restricted to a Portola Valley worker preference program.

In terms of how the project meets State Density Bonus Law, Town Attorney Silver explained that the project must consist of five or more housing units, the project provides 20 percent of its units as low-income, the units must be deed-restricted for 55-years, it must comply with rental requirements as detailed in the staff report, and the project must show that the concessions will assist in offsetting the cost to build the affordable housing units or to maintain the 55-year limit.

In terms of how the lots were calculated, Town Attorney Silver said that the entire site was taken into account when the determination was made regarding the number of lots. The entire site is 75.4 acres and the site contains a Slope Density (S-D) Overlay that allows the site to not have to comply with the minimum parcel size. Instead, Table 3 from the Town's Code is applied which provides the gross area acres per dwelling unit for the project according to the slope. She said to determine the number of lots, the Zoning Code requires that the number of stable units and unstable units be added together to produce a total for the entire site. In terms of the project, 19.92 of the units will be located on stable sites and .10 will be located on unstable sites. That equaled 20.2 and under the State Density Bonus Law, the number is rounded up to a total of 21 lots. She said the full calculation sheet is located in the staff report.

In terms of how the units are calculated, Town Attorney Silver explained that there are 21 lots and the Town's Inclusionary Ordinance requires that 15 percent of the lots must be dedicated to affordable housing. Per the equation, three lots must be dedicated to affordable housing units. The Town's inclusionary housing regulations permit up to four BMR units per lot. Stanford University proposed that four units be located on each of the three BMR lots which resulted in a total of 12 affordable housing units in the project. In terms of market-rate units, once affordable housing lots are removed, the remaining 18 lots are allowed one market-rate housing unit per lot. Due to the project deed restricting 20 percent of the units to low-income, the project is entitled to a 35 percent market-rate density bonus which allowed for an additional 11 units on the site, but Stanford is seeking only an additional nine units.

In terms of how concessions and waivers are determined, Town Attorney Silver explained that they must be tied to the General Plan and Zoning Code requirements. Staff reviewed the proposal and

pointed out that there were areas of the project that did not comply with the General Plan and the Zoning Code. It is up to the applicant to determine what concessions the project should apply for.

Town Attorney Silver explained there are three grounds for denying incentives and concessions. One is that the incentive is not required to provide affordable housing costs. The next is the incentive would have a specific adverse impact on public health, safety, physical environment, or historic property. The last is that the incentive would be contrary to Federal or State law.

In terms of how ADUs requirements correspond with the State Density Bonus Law, Town Attorney Silver said that the new requirements allow every single-family lot to apply for the construction of one ADU and one Junior Accessory Dwelling Unit (JADU). With respect to the multi-family affordable housing lots in the project, every multi-family lot may apply for two standalone ADUs. She noted that a recent bill was passed that prohibited a homeowner association (HOA) from restricting the construction of ADUs. She said that because Stanford University is the landowner and they retain the ownership rights of the property, there might be an opportunity there to restrict the construction of ADUs through that relationship. Staff predicted that there will be no ADUs constructed due to lack of space on the lots and the applicant has stated that there is no vision to include ADUs in the project.

Town Attorney Silver said that once the EIR is prepared and circulated, discussions will begin regarding entitlements, and those entitlements will include the density bonus. Once a density bonus is determined, then it will be memorialized in a binding agreement.

Chair Taylor invited questions from the Commissioners of staff.

Vice Chair Wilson asked if there have been folks who have successfully challenged the State Density Bonus Law. She said she has heard rumors that home owners associations do not support the project. Town Attorney Silver explained that there is a distinction between an HOA and the State Density Bonus Law. The HOA's limit to restrict the construction of ADUs is no longer enforceable under State law. In terms of the State Density Bonus Law, there have been lawsuits filed that challenged a city's failure to grant a density bonus and those lawsuits have been successful.

Vice Chair Wilson said that fines were mentioned in the staff report and she wanted to know what those fines are. Town Attorney Silver remarked that if a city does not grant the bonus and the applicant sues the city. The law does now allow for fines to be applied to the city or town for failure to grant the bonus.

Vice Chair Wilson asked how much those fines are and Town Attorney Silver answered she would have to look them up.

Chair Ross asked for more information regarding the BMR comparability requirements in the Inclusionary Housing Ordinance. Town Attorney Silver explained that it requires the architectural style of the homes and finishes be similar. Planning & Building Director Russell added that the subdivision section allows the affordable housing units to be multi-family when there is a subdivision. The Town Code does take into account a scenario where single-family homes and multi-family homes are together in one development. She said that many cities have a similar rule where BMR units must be equal in terms of materials and location to the market-rate units in the development.

With no further questions, Chair Taylor invited public comment. He noted that there are 39 attendees in the meeting.

Rita Comes asked if the site will be open to folks who are not associated with Stanford University and does the density bonus work for developments that restrict who can rent the units?

Nan Shostak shared she is concerned about the density bonus and she saw two issues that should be addressed. The first was the inconsistency with the Portola Valley Code that requires affordable housing units be of equal design and quality as the market-rate units. She noted that the market-rate single-family homes are roughly 1,800 to 2,000-square feet and the affordable housing units are 400-square feet for a studio apartment and over 900-square feet for a 2-bedroom. She asked if the affordable housing units, as proposed, qualify as affordable units for the density bonus and how small can a unit be to qualify? She said there is social inequity with the single-family units being larger than the affordable housing units and economic inequity with the homeowners being able to increase their net worth while renters cannot. She urged the Town to start with the local ordinance as well as the State ordinances and work backward to determine what is legally required and what is truly equitable for the affordable housing units. She believed the outcome of the project will set a precedent for future projects.

Tom Hafkenschiel wanted to understand what affordability means in terms of the affordable housing units and what is the enforcement mechanism.

David Cardinal appreciated Stanford University building affordable units and he has no problem with the size of the units. He said he did not understand the pushback regarding the affordable housing units.

Rusty Day said that there are laws in place that are designed to provide low-income families housing. To do that, the Town must ensure that developers do not receive density bonus incentives unless affordable housing units are provided that are comparable to the market-rate units in terms of square footage, the number of bedrooms, design, and quality of building materials. He noted that this is not being done in the Stanford Wedge Project and there needs to be an explanation from the Town as to why they are allowing this to happen.

David B. noted that the reason to install story poles is so that the public can visualize the project, not the Commissioners. He said it is not clear if the Town Council must support the zoning change and he believed the change can be denied if the incentives are not required or they cause specific adverse impacts. He requested that the Town fortify the rationale to vote against the incentives, that the Town not discriminate against low-income folks, and that the project be compliant with the Town's General Plan. He suggested that the Town work with Stanford University to build affordable housing units near transit and walkable commercial corridors. He wanted to know from the applicant if Stanford University would sue the Town if the Town denied their requested incentives.

G. Kohs said when he ran the numbers regarding square footage, it comes up with less than 13 percent instead of the required 20 percent that is needed to earn the State Density Bonus Law. He said square footage ratios are more honest than unit ratios.

With no further comments, Chair Taylor brought the item back to the Commissions for questions and discussion.

Commissioner Hasko requested Town Attorney Silver to comment on equal design and quality of the affordable housing units. Town Attorney Silver remarked that there are local regulations and due to the lack of onsite affordable housing products, staff does not have a clear precedent to use to interpret the local regulation. She said the BMR Ordinance requires the developer to set aside lots for affordable housing units, but the ordinance also provides the option for the developer to develop the units themselves. Stanford University is doing both. She noted that there is recognition in the Town's ordinance that there is going to be a different type of housing on these zoned parcels. With respect to the affordable housing units being constructed equally to market-rate units, Town Attorney Silver mentioned that there is subjectivity and it is up to the Commissions, and the Town Council, to

determine if the units are comparable to the other units. If that determination is not made, Stanford University is requesting a concession to address the issue.

Chair Taylor requested that staff answer any questions that were raised during public comment.

Planning & Building Director Russell answered that the open space on the property will be private, the trails would be open to the public, and the play area would be open to only the residents of the site. In terms of who can rent on the property, the 12 BMR units will be rented to households who meet the criteria for affordable housing, fair housing requirements, and the local preference program. In terms of how small the units can be to qualify as affordable units, she said under State Density Bonus Law there are basic requirements in the Building Code that must be followed. In terms of rents increasing, she shared that rents would not be allowed to increase beyond the income limits of the folks living in them. In terms of what affordability means, she answered it falls under capital "A" affordable housing and that is set by State law. In 2020, the median income for a family of four was \$143,000 and that family would have to pay 30 percent of their income to live in a BMR unit that is restricted to median income folks. The Town will be publishing more information for the community to help with any confusion there may be.

Chair Taylor asked if the BMR unit is restricted to low-income, which means the unit is restricted to income below the median. Planning & Building Director Russell answered yes.

Chair Taylor reminded Planning & Building Director Russell that there was a question about enforceability. She explained there is a deed restriction that is recorded against the property and there will be a legal agreement with Stanford University that states that the units will be maintained at a certain level of affordability for 55-years. Town Attorney Silver noted that within the agreement there are annual reporting requirements, meet and confers, monetary penalties, and a lawsuit can be filed if Stanford does not comply with the agreement as a last resort.

In terms of whether the density bonus is based on the number of units or square footage, Town Attorney Silver answered that it is based on the number of units and that is stated in the law.

Vice Chair Wilson said she is concerned by the number of letters and comments made by the public that the BMR units will be substandard and of low quality. She shared that she has not seen any documentation or heard comments that the units will be substandard. She wanted to know where the public is receiving this information. Chair Taylor understood the comments are based on square footage rather than the quality of finishes.

Chair Ross summarized that the public is concerned about having all of the affordable housing units be apartments and the market-rate units are single-family homes. He stated he personally did not agree with that distinction. There are many renters in Portola Valley and they are not considered to be have nots because they are renters. He saw them as residents of the town and they receive the benefits and obligations of living in the community.

In terms of enforceability of the comparability requirement, Chair Ross said that State law requires the Town to waive the requirement if Stanford University asks for it to be waived. He asked if that is correct and Town Attorney Silver answered yes, that is correct.

Commissioner Goulden agreed with Chair Ross's comments. He said having smaller units allows the unit to be affordable.

Chair Taylor closed the item and thanked staff for their presentation.

**ADJOURNMENT** [10:15 p.m.]

Commissioner Goulden moved to adjourn. Seconded by Chair Ross, the motion carried 7-0.