



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Town Council
Wednesday, October 13, 2021

**THIS SPECIAL MEETING IS BEING HELD VIA
VIDEOCONFERENCE ONLY**

SPECIAL MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to shanlon@portolavalley.net by 3:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission or Committee members for consideration during the meeting and will be included in the public record. Additionally, the public body will take questions using the Q&A button for those who attend the meeting online or by phone. Finally, if you call in, you may provide comments by pressing *9 on your phone to "raise your hand" and *6 to mute/unmute yourself. The meeting Chair will call on people to speak by the phone number that is calling in.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions using the "raise your hand" feature when the Chair calls for them.

Below are instructions on how to join and participate in a Zoom meeting.

To access the meeting by computer:

<https://us06web.zoom.us/j/86003287172?pwd=VDFHU0RLTk1GMzRsSWp4M3pDTm0vdz09>

Webinar ID:

860 0328 7172

Passcode:

375219

To access the meeting by phone:

Dial 1-669-900-6833 or

1-888-788-0099 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

7:00 PM - CALL TO ORDER AND ROLL CALL

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

ORAL COMMUNICATIONS

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

Speakers' time is limited to three minutes.

CONSENT AGENDA

The following items are voted on at once by the body, unless a member of the body requests an item be considered separately. Members of the public are permitted to comment on any item on the consent calendar before the body votes on the consent agenda.

1. **Approval of Minutes** – Action and Detailed Summary for September 22, 2021 (4)
2. **Approval of Warrant List** – October 13, 2021 (28)
3. **Recommendation by Town Manager** – Amendment to GreenWaste Contract Agreement (35)
4. **Recommendation by Town Manager** – Flexible Work Schedule/Town Hall Public Reopening Update (39)
5. **Proclamation of the Town Council** – In Support of United Against Hate Week in November (46)
6. **Recommendation by Town Manager** – Response to San Mateo County Grand Jury: “Building Greater Trust (47) between the Community & Law Enforcement via the Racial and Identify Profiling Act”
7. **Appointment by Mayor** – One member to the Equity Committee (112)
8. **Appointment by Mayor** – Two members to the Sustainability Committee (113)
9. **Appointment by Mayor** – One member to the Trails & Paths Committee (115)
10. **Request by Wildfire Preparedness Committee** – Review and Approval of Amendment to Wildfire (117) Preparedness Committee Charter
11. **Recommendation by Town Attorney** – Adoption of a Resolution Confirming the State of Emergency and (120) Need to Continue Conducting Town Public Meetings Remotely
 - (a) A Resolution of the Town Council of the Town of Portola Valley Confirming Existing State of Emergency and Authorizing Continued Remote Public Meetings Under AB 361 (Resolution No. __)
12. **Recommendation by Town Manager** – Temporary Art Donation at Town Center (124)
13. **Recommendation by Town Manager** – Request from Local Government Commission to Sign onto a (130) Request to the California Air Resources Board to Conduct GHG Inventories for All Cities and Counties across the State

REGULAR AGENDA

14. **Council Discussion** – New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10 (134) Exempting Certain Rezonings from Environmental Review
15. **Recommendation by Public Works Director** – Study Proposal for Bicycle, Pedestrian & Traffic Safety (164) Committee Parking Recommendations on Portola Road and on Willbrook Drive
16. **Recommendation by Public Works Director** – Request Approval of an Agreement with Coda Technology (191) Group for the Installation of Audio Video Equipment to facilitate Zoom Meetings in the Historic Schoolhouse
17. **COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS** (212)
Oral reports arising out of liaison appointments to both in-town and regional committees and initiatives. *There are no written materials and the Town Council does not take action under this agenda item.*
18. **TOWN MANAGER REPORT** (213)

WRITTEN COMMUNICATIONS

19. **Town Council Digest** – September 23, 2021 (214)
20. **Town Council Digest** – September 30, 2021 (223)
21. **Town Council Digest** – October 7, 2021 (238)

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

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

SUBMITTAL OF AGENDA ITEMS

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

PUBLIC HEARINGS

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



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Town Council
Wednesday, September 22, 2021

**THIS SPECIAL MEETING WAS HELD VIA
VIDEOCONFERENCE ONLY**

MINUTES

WEDNESDAY, SEPTEMBER 22, 2021, 7:00 P.M.

Remote Meeting Covid-19 Advisory: On March 17, 2020, the Governor of California issued Executive Order N-29-20, suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the statewide Shelter-In-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines that discourage large public gatherings, Portola Valley Town Council meetings are conducted electronically via ZOOM.

Convene Special Meeting

Mayor Derwin called the meeting to order at 7:00 P.M.

Roll Call

Present: Councilmembers Aalfs, Wernikoff, Richards, Vice Mayor Hughes, and Mayor Derwin

Open Communications

The following members of the public addressed the Town Council:

- Rita Comes
- Caroline Vertongen
- Kristi Corley
- Danna Breen

Presentation

1. San Mateo County Gun Buyback Program Update

The Council heard a presentation from the San Mateo County Gun Buyback program leads.

Consent Agenda

2. Approval of Minutes – September 8, 2021

3. Approval of Warrant List – September 22, 2021
4. Recommendation by Town Manager – Fiscal Year 2021-2022 Salary Schedule Update
 - (a) A Resolution of the Town Council of the Town of Portola Valley Modifying the Salary Schedule for Fiscal Year 2021-2022 (Resolution No. 2866-2021)
5. Recommendation by Planning and Building Director – Contract Amendment with MIG for Environmental Review Consultant, Neely Winery Spring Ridge, LLC Conditional Use Permit Amendment
6. Proclamation of the Town Council – In Support of National Recovery Month

MOTION

Councilmember Aalfs moved to approve Consent Agenda. Seconded by Commissioner Wernikoff, the motion carried 5-0, by roll call vote. The motion carried unanimously.

REGULAR AGENDA

PUBLIC HEARING

7. Public Hearing – Adoption of the Fiscal Year 2021-22 Annual Budget – September Revision
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting the Operating and Capital Budgets for Fiscal Year 2021-22 (Resolution No. 2867-2021)

MOTION

Councilmember Richards moved to approve adoption of the Fiscal Year 2021-22 Annual Budget. Seconded by Vice Mayor Hughes, the motion carried unanimously.

8. Study Session – Inclusionary Housing Fund Use

The Council discussed the use of inclusionary housing in lieu funds in advance of the development of a policy to direct their use.

9. Oral Report by Planning and Building Director

The Council heard an update from the Planning and Building Director on the Department's workload and impact of increased resources approved by the Council.

10. Council Liaison Committee and Regional Agencies Report

All five Council members provided reports on the last two week's regional meetings, local committee meetings, subcommittee meetings, and other items of note.

11. Town Manager Report

The Town Manager provided his regular report.

Written Communications

The Council reviewed written communications for the body over the last two weeks.

Adjournment

The meeting was adjourned at 9:58 P.M.

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. xxx, September 22, 2021**CALL TO ORDER AND ROLL CALL**

Mayor Derwin called the Town Council's Special Teleconference-only meeting to order at 7:00 p.m. Ms. Hanlon called the roll.

Present: Councilmembers Jeff Aalfs, John Richards, and Sarah Wernikoff; Vice Mayor Craig Hughes; Mayor Maryann Derwin.

Absent: None

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

Attendees: Betsy Morgenthaler
Danna Breen
David Cardinal
Jim White
Kristi Corley
Lorrie Duval
Mary Hufty
MJ Lee
Rita Comes
Caroline Vertongen

ORAL COMMUNICATIONS

Town Manager Dennis introduced a new feature in the Zoom meetings, the timer. He demonstrated the timer, which gives participants an opportunity to see how long they have to speak. When a participant is called on and starts speaking, the timer will come on after a few seconds, so that they can see it, pay attention to it and use it.

Rita Comes said she noticed that many other meetings have the addition of the timer. She said the residents have been asking for this for a while, but she wondered if there was also a way to show how many participants are attending the meeting, because it would be helpful to the people who are at home. She added that they look forward to seeing their fellow residents in the schoolhouse in October in active meetings and asked if this is still the plan. Mayor Derwin said there are eight attendees and 14 panelists in attendance at the current meeting. Regarding to the date when in-person meetings would resume, she did not believe it has been determined yet. Councilmember Wernikoff remarked that the subject of displaying the number of participants has come up at a variety of meetings. She said she felt they have done their best to answer the question, but the fact that you can't see the names of attendees is a limitation of Zoom, which is a common platform that many organizations use, and the same limitation seems to apply. Probably the best they can do is share it through the minutes. Town Clerk Hanlon added that she puts the participant count in her box at the bottom of her screen. Ms. Comes appreciated this and said she wished more meetings would use that function.

Caroline Vertongen addressed the Council and staff, stating that September is suicide Prevention Awareness month, and October is Bullying Prevention Awareness month. She said for over 10 years, Portola Valley parents, students and professionals dealt with the systemic problems that led to the mental health crisis and teen suicides. At that time there was a problem with marijuana, yet Portola Valley School District now needs help with an increased variety of drug abuse disorders in addition to marijuana, including inhalant-related disorders, opioid-related disorders, cocaine, crystal meth and more. She said

parents, students and professionals have tried to stop the drug abuse; however, the Town Council told them every time that they have no purview. She said the Town pays for law enforcement officers who are supposed to help with public safety. Captain Corpus was praised for her expertise in mental health. She was to provide the Town with a variety of services and also quarterly reports, but Ms. Vertongen has not seen any reports. Ms. Vertongen said that PVSD has now partnered with Care Solace to “Calm the Chaos in Mental Health.” She asked why local students and families need help with an increase in drug abuse disorders and mental health disorders. She has emailed this question to the Council and PVSD and hopes they will provide answers.

Kristi Corley noticed the meeting agenda was revised and said if revisions could be made in red, so it is clear what has been revised it would be helpful.

Danna Breen said she thinks the timer is obnoxious. She thinks the Town Council can easily handle people when they call in, to say that they’ve talked enough. She said the timer in their face is not who they are as a town.

(1) PRESENTATION – San Mateo County Gun Buyback Program Update

Town Manager Dennis introduced Bradd Silver and Danielle Lacampagne, who gave a presentation from Citizens for San Mateo County Gun Buyback. They first came to the Council in 2018 and appreciated the town’s support. They gave an update on where they program is currently and reported on the three gun buybacks that they have had, in May 2018, December 2018, and December 2019. They have been dormant for the last couple of years because of COVID, but see the need to start again. The program was started in 2018 because a group of concerned citizens knew that there had been no wide-scale gun buybacks since 2013. This was right after the Parkland shootings. They met with Sheriff Carlos Bolanos, who said they would love to have a gun buyback, but they cannot give money for the guns, so the group would have to raise the money to do that. The Sheriff said they would be happy to carry out the event, including destroying the firearms afterwards it, but could not give money out for the guns that were turned in. The group agreed to raise \$75,000 and were very successful, going to various cities and towns. Portola Valley supported them early on and contributed \$10,000 and also matched town citizens who donated. The citizens raised \$1,875, and the Town matched this. The group raised \$140,000 in total, and they were shocked at the level of success.

Ms. Lacampagne explained at the gun buybacks they give out \$100 for every handgun, shotgun or rifle, and \$200 for any assault type weapon. They focus on the risk of suicide by firearm, rather than mass shootings or shootings and general homicide. According to the Coroner’s Office in San Mateo County, in the four years from 2016 to 2019, there were 87 deaths by suicide by firearm, whereas, during that same period there were only 25 deaths by homicide. Although obviously equally terrible and tragic, it revealed an unspoken issue.

The purpose of buybacks are a community service to rid one’s home of unwanted or unsecured firearms. They have distributed hundreds of gun locks over the three buybacks. They educate about gun suicide and safety prevention. They hand out resources, go car-to-car talking to people. They also further buyback research. They give out anonymous and voluntary surveys. The majority of people are willing to do the surveys, which help in understanding of the demographics - whether people are from San Mateo (by zip code), why they are bringing in the gun, whether they have training, things the group keeps track of. . Their goal is to increase the number of gun-free homes overall.

Mr. Silver shared some photos from the gun buybacks. At the events, people drive up and stay in their car. The group members greet them, chat with them, and give them the information on gun locks. The officers take the guns out of the cars, give them tokens for the money, and then destroy the guns. At the smallest event, he said, 387 firearms were collected. He commented that people frequently tell them that they can’t get rid of unwanted guns and don’t know what to do with them, so they are grateful to be able to get rid of guns in their house that they never wanted but didn’t know what to do with. He shared a slide showing what the Sheriff’s Department picked out as the three most awful guns that they had collected. These were all assault weapons that are very dangerous. He reiterated that anonymous and voluntary

surveys are very important. He said 50 percent of the guns are inherited, and are not guns that people are buying. Many times people did not want them, but were given them by a relative, and they didn't know what to do with them. The number of people planning to get another gun was only one-third, so they are increasing the number of gun-free homes. Since the survey is anonymous, they cannot ask questions about where people are from, but by zip codes they can tell that 80 percent of the people are San Mateo County residents. The event is advertised on billboards, so they do get people from other areas in the Bay Area.

Ms. Lacampagne talked about the postcard that San Carlos has been giving out at all of the three buybacks which has been very impressive. She said the Town could try this as well. In the first buyback there were 31 participants from San Carlos, 18.5 percent of the participants, and 71 percent mentioned that they learned about it from the postcard, so they know that it reached people, so it was a great tool for promoting the buyback. In the two subsequent buybacks, San Carlos also had a great presence, somewhat decreased but nonetheless very effective. They hope that some other towns and cities try the postcard themselves, so that they can track this. Participation by San Carlos residents was about eight times as much as other cities' participation. They are looking for gun-free homes at the end of the buyback, and said 82 percent of San Carlos residents who participated due to the postcard then had gun-free households, versus only 54 percent of the overall participants, so they think there is a strong correlation. The San Carlos residents were also more likely to say that they had no plans to buy another gun, 77 percent versus 67 percent. Ms. Lacampagne encouraged the Council to consider using the postcard.

Ms. Lacampagne said they had very good feedback about the event. People would tell them heartwarming stories about why they came in. A family is depressed and expresses he wants to die. Somebody lost their 17-year-old step-son to gun violence. One person had a new baby in the house. One person found the firearms in their attic. One person confided that they had domestic violence in their family. Not only did they hear these types of things anecdotally, but the survey also speaks to how much they appreciated the event. A radio station has in the past come out and played music. They have held raffles. The officers get kudos for being nice, approachable, and very helpful. Many people wanted to have the event on a regular basis, which is what they were trying to do when COVID derailed them. In May of 2018 they got feedback that people really wanted to see them around the holidays, so the last two events were in December.

Ms. Lacampagne said they take the feedback seriously. They are a group of citizens doing this on their own time and feel extremely fortunate to have partnership with the Sheriff's Office who have been nothing but collaborative and committed to the program. She thanked the Council for their support in 2018. They are doing a small-scale fundraising right now, because they think after the next buybacks in December and May that there might be some funding stream brought forward through the County to help with buying back the guns. Right now they are still fund-raising. She said if the Town was inclined to support them by giving \$3,000 to \$5,000 for the two buybacks coming up, the fund would be matched by San Carlos. The lead for the gun buyback has changed to Captain Christina Bell, and they are working with her to get the details ready for December 11th event.

Mayor Derwin invited questions from the Council.

Councilmember Aalfs thanked the representatives and congratulated them on what is certain to save lives. He said removing handguns from houses significantly reduces suicide risk, but also asked if there are other steps they are taking in addition to the education and what else in the research works for preventing gun suicide specifically. Mr. Silver said the safe storage helps. If people don't want to get rid of their guns, they just need to store them. Inadvertent shootings where kids get killed are horrible, and suicide is clearly related to young people taking and using guns out of the home that they know are there. Safe storage is very important and is one of the things they focus on in talking to people who are waiting in line. They give out the gun locks. He said safe storage has been found to be very effective, especially with suicide and inadvertent shootings. Ms. Lacampagne said for one of the raffles they had a local gun store in San Carlos donate a little safe, and they raffled that off. They come to meetings and have discussions about suicide stats and about the gun buyback program. She shared that she had inherited

from a family member who could no longer keep their firearms. She knew nothing about them, so for people like her, it's a great option for having a safe house for those who don't want to necessarily have a safe storage.

Mayor Derwin invited comments from the public.

David Cardinal followed up by asking, if there are people who inherit guns and want to keep them for family value, if there is a way to disable them as opposed to just having to give them up. Ms. Lacampagne said many people prefer to use what is simply a cable, actually, a gun lock, which is run through the gun so that it cannot be activated. Also, there are local gun stores that do sell safes, which is another option. Mr. Silver said there are other locations in the area where guns can be housed. You take them to the facility and pay them to have them stored outside of your own home. They are kept locked up, and you can go back and get them, like a safe deposit box for guns. There are other options, such as not having any ammunition in their home. He said people can have guns safely, and the group is not opposed to guns. They are opposed to guns that are insecurely stored and are unwanted.

Caroline Vertongen asked if they had ever done a study to understand why people are now reaching for guns, and also said when law enforcement is not helping conserve public safety they are forced they became a neighborhood watch community. She has worked with teenagers who are desperate because there are so many mental health programs that are advertised but are not helping. She understands the frustration and is depressed because there is no help. They have seen an increase in mental health services, but if the problem is not attacked they will not get anywhere. She felt that law enforcement needs to step up, and when they say they will investigate abusive problems, illegal and criminal, they need to honor the code that they took.

Betsy Morganthaler thanked the presenters for addressing this colossal problem where so much help is needed and is daunting, and she applauded their efforts. She suggested posting the opportunity to donate on chat, giving their information so that any of the public who would like to contribute can. She asked if there are government matching funds, if they are supported by nonprofit foundations, or what the mix of their funding is. Ms. Lacampagne said most of what they raised last time was raised through cities and towns directly, but there are individual contributors such as for Portola Valley. The Town put a call out to residents, who raised \$1875 last time, so the Town matched that amount. They recently had a donation from a congregation in San Mateo. They are open to any source of donations but have had amazing success in going to cities and towns. She said they don't want to rely on cities and towns forever, so they have talked with the County, who is possibly going to look at another funding stream after the next two buybacks. They also partner with Gun-by-Gun, a nonprofit organization. Their money is held there by an MOU between them, and they get the funds out at the time of the buy-back. Mr. Silver said they understand the realities of what's going on the world right now and will happily accept whatever anyone can give.

Kristi Corley told the presenters she thinks this is a great program and she did inherit guns in the East Bay from her parents. They did do the sell-back, and she said it was a relief to get them out of their house. She wondered if Portola Valley had ever sent out the postcards they were talking about. Mr. Silver replied that Portola Valley has not sent out postcards. Ms. Lacampagne said they may have promoted it in a different way, but the postcards themselves seem to be quite effective. Other cities and towns have announced the event in their news bulletins, but this hasn't shown itself by zip code to be as successful as San Carlos. Mayor Derwin says they will discuss the postcards.

David Cardinal asked for clarification on his question regarding inherited guns, if there is a way to neuter them so that people can put them over their mantlepiece and say, "My grandfather used this," but they can't be shot again, rather than putting it in a gun safe or the loop tie through them, if it is something they want to preserve without it being a weapon anymore. Mr. Silver said while he is not an expert, he is sure that can be done, although he is unable to give him more of an answer.

Mayor Derwin invited comments from the Council.

Councilmember Aalfs moved to put this item on an agenda, including the postcard item. Vice Mayor Hughes agreed it should be agendaized. The rest of the Council agreed.

CONSENT AGENDA

- (2) **Approval of Minutes** – September 8, 2021
- (3) **Approval of Warrant List** – September 22, 2021
- (4) **Recommendation by Town Manager** – Fiscal Year 2021-2022 Salary Schedule Update
 - (a) A Resolution of the Town Council of the Town of Portola Valley Modifying the Salary Schedule for Fiscal Year 2021-2022 (Resolution No. 2866-2021)
- (5) **Recommendation by Planning and Building Director** – Contract Amendment with MIG for Environmental Review Consultant, Neely Winery Spring Ridge, LLC Conditional Use Permit Amendment
- (6) **Proclamation of the Town Council** – In Support of National Recovery Month

Town Manager Dennis mentioned they are having a few technical issues with the timer, which had been freezing, so he asked them to bear with them. He said on item 6, there was an issue related to the production of the proclamation, with words that were combined. These would be corrected if the Council wanted to approve it. He also mentioned on item 4 of the staff report, red page 31, that the file he used was incorrectly named, so the prior year data was used to produce the initial set. He said staff caught this and found the right data set, so all of the numbers have changed.

Mayor Derwin invited public comment on Consent Agenda items. Hearing none, Mayor Derwin invited comments by the Council. There were none.

Councilmember Aalfs moved to approve Consent Agenda. Seconded by Commissioner Wernikoff, the motion carried 5-0, by roll call vote. The motion carried unanimously.

REGULAR AGENDA

PUBLIC HEARING

- (7) **Public Hearing – Adoption of the Fiscal Year 2021-22 Annual Budget – September Revision**
 - (a) Adoption of a Resolution of the Town Council of the Town of Portola Valley Adopting the Operating and Capital Budgets for Fiscal Year 2021-22 (Resolution No. 2867-2021)

Town Manager Dennis said there is not a presentation this evening since the budget has been seen by Council four times. As per the staff report on red page 65, there were no changes made to the budget based on Council direction at the last meeting. He thanked the Finance team for putting together an exceptional document.

Mayor Derwin invited questions from the Council. Hearing none, she opened the Public Hearing and invited comments. Hearing none, she brought it back to the Council for comments or a motion.

Councilmember Richards moved to approve adoption of the Fiscal Year 2021-22 Annual Budget. Seconded by Vice Mayor Hughes, the motion carried unanimously.

Mayor Derwin and Councilmember Aalfs thanked the team for a fantastic job.

- (8) **Study Session** – Inclusionary Housing Fund Use

Councilmember Wernikoff recused herself from the study session based on the fact that she has a family who may be connected to a future development project in town.

Town Manager Dennis said while he didn't anticipate that issues on this item would will be resolved that evening, they are looking for direction on preparation of a policy on use of these funds that the Town has collected for some time. They are officially called an "in lieu" fee of providing actual units in a development project. While the in-lieu fee program exists, there is no policy that dictates how the monies can be used. There are a variety of ways that could happen, some of which were discussed in the staff report. Town Manager Dennis said staff did not want to make any recommendations in order to avoid coloring any information or guidance for the Council. The staff report was developed by the Town Attorney and Town Manager Dennis. They thought it would be helpful to look at Sonoma County's housing fund guidelines, item four, which is an easy-to-read document, and possibly a good way to look at it in developing a future policy. As the Town moves into the new Housing Element cycle, there may be potential for new development projects in town, which could include an inclusionary housing component. There are projects coming up in the near future that may be interested in the use of the funds. He said as of the end of the last fiscal year, they have collected an in lieu amount of approximately \$3.7 million. It is available for the types of uses that are both in the staff report and the Sonoma County guidelines. He said the Housing Element has a program within it to reconsider the use of such a fund. To their knowledge, it is a reflection of experiences with the Blue Oak Subdivision and ultimately the ability of the Town to develop some below-market-rate units per that development. The Housing Element actually looks to change the program and eliminate that feature.

Town Attorney Silver stressed that there are really two components to the discussion of affordable housing, the first being the inclusionary housing program itself, which is the policy-level document that is contained in the Housing Element. That program talks about the percentage of lots that should be set aside for affordable housing, the collection of in lieu fees, and the current Housing program also talks about a density bonus for additional market-rate units for those projects that provide onsite affordable housing. This is the current program, and the Housing Element Committee will likely review that entire program. There have already been some discussions about it. As part of the Housing Element Update in the past, they have focused on the allocation of the 253 units. But updating all of the policies is also an important task associated with updating the Housing Element and consists of, most importantly, the Inclusionary Housing Policy, and how to better ensure that the number of affordable units prescribed to the Town are filled. She said there are a number of incentive programs that the Housing Element essentially codifies.

Town Attorney Silver said for now they are not talking about the policy aspect of the Inclusionary Housing Element. They are talking about the second piece of the program. That is, once they have collected the in lieu fees, how will they be allocated? Which projects should be given priority? Should there be a formal solicitation process in the housing arena, a Funding Availability (NOFA). She said it's common for towns to say they have a certain amount of money and then provide an RFP, essentially, to affordable housing providers and ask them to propose ways to use that money in the town. At this point the Town doesn't have any structure for prioritizing various projects, so that's what they expect to be discussed by the Council in regard to these housing guidelines. She said what they are looking for is some feed back on the timing of putting together the guidelines. Is it a priority for staff to work on them? What type of community input do they want? Do they want to be involved in the formulations of the guidelines or want to have staff prepare and present a set of guidelines?

Mayor Derwin invited questions from the Council.

Vice Mayor Hughes asked what timing may be required by the currently active Housing Element. He recalled the Housing Element says they will explore the use of the funds, or something vague, but doesn't actually say they will spend the funds in this cycle, necessarily. Given that they are quite far into the cycle and have hit their RHNA numbers in most of the categories at this point already but are facing a vastly higher goal for the next cycle, he wondered if they wanted to hold some of the money back and if that is compatible with what they have in the current Housing Element. Town Manager Dennis said there is no obligation to spend the money in this cycle. The way that he understands the program, in reference to red page 74, a slice of the Housing Element, the work that has been designated as part of the Housing Element, is to revise the program but no direction on expenditure of funds. Revisions will likely come out of the Housing Element process related to the programming element.

Councilmember Aalfs asked if there is any research about best practices in terms of funds like these, or what has the most impact in terms of getting housing built locally. Town Manager Dennis said he is not familiar with research of that nature, but he will look for it. He said every city approaches this differently, part of it having to do with how much housing they're building, the types of housing they're building and what is a priority for them. He said there is diversity in the way they can decide how monies are allocated.

Councilmember Aalfs said the largest chunk of money in the fund came from the Blue Oaks property sale, and they had talked about that money going to eight novel moderate income for-sale units to replace the eight units that never got built at Blue Oaks. He assumed that was never a legal requirement, just an idea they tried to apply to the same program that didn't happen at Blue Oaks. He asked if there is any legal encumbrance or limitation to what to do with the money besides that it has to go for affordable housing. Town Manager Dennis stated he did not know of any other legal issues. Town Attorney Silver said she recalled looking at the issue a number of years ago, and that was her understanding, but they should probably revisit that issue and confirm.

Councilmember Richards asked if there is any kind of consensus among some of the neighboring towns about how they are dealing with the issue. Town Manager Dennis said there seems to be a consensus building that fewer people do the inclusionary in lieu fee and look at housing impact fees, as a little different take on all of this. He thinks one of the challenges cities have is what to do with the money when they get it. It's much easier to direct somebody who is developing a project to include some additional units. He said he has seen everything from NOFAs to first-come-first-served, to "We'll give it to one project," to "Every project that comes gets 10 percent." Planning and Building Director Russell agreed with Town Manager Dennis' comments, stating there is a wide range, having a lot to do with the demographics of the community being served and their other priorities and how it fits into them.

Town Attorney Silver said that usually the local funding is a small piece of the project. Many cities try to leverage the local funds as much as possible. The big affordable housing resource is the tax credit program, which she thinks is being phased out. In that program, you get extra points if you have a local participation piece of it. It is very common for agencies to participate in that regard.

Vice Mayor Hughes asked whether the tax credit is federal or state. Town Attorney Silver thought it was a federal program that is administered by the state. Vice Mayor Hughes asked if they get more credit the more there is local participation. Town Attorney Silver said with tax credit transactions they are graded and you get a series of points and there are various metrics. She thought the more local participation that is received on a pro-rated basis, the more points the project receives. Vice Mayor Hughes asked if there is a formula that, if they wanted to leverage the money, they would want to understand that formula in order to give enough money to get to whatever the next level of tax credit is, so if \$100 doesn't make a difference, then save the \$100 for the next project. Town Attorney Silver said this is correct.

Planning and Building Director Russell said the tax credit program is on a specific and long timeline, so cities that give money for tax credit projects will sometimes structure their schedule and availability of funds to line up with that schedule.

Mayor Derwin invited further questions from the Council. Hearing none, she invited comments from the public.

David Cardinal commented that the Blue Oaks is almost two decades old now and AI's nursery project was before that. He said they could be accused of being pretty NIMBY because they have not done anything for 20 years, from what he could tell, with the millions of dollars they've had to allocate the below-market-rate housing. He didn't know what it should be, but they haven't done anything. He said it's not the Town Council's fault, but as a town if they think this is important, they seem to be stuck in neutral.

Rita Comes agreed with Mr. Cardinal. She agreed that Sonoma is an example, but she thought once they see that the money is cleared to use and not just earmarked for the Blue Oaks project, they should look at what Hillsborough, Woodside and Los Altos Hills are doing, which are demographically and topographically like Portola Valley. She said she hopes they learn more by looking closer and seeing what their friends are doing.

Mayor Derwin asked if Hillsborough and Woodside have an Inclusionary Housing Fund. Town Manager Dennis thought Los Altos Hills has a Housing Impact Fee, which is like a linkage fee. It would be for the

same purposes, but can result in different outcomes. It is a statement that those units are not going to be produced on-site but can be produced elsewhere. He was not aware of an affordable housing project in Los Altos Hills. He said in Hillsborough he wasn't sure they have anything. He was not aware of any affordable housing projects that had been funded by any such thing. Mayor Derwin said they do ADUs, and Woodside as well. Town Manager Dennis said there are no affordable housing projects there.

Jim White said he is someone who is moving forward on probably putting a project in front of them that would be making a request here. As someone who has been some spending time looking at the challenges of building low-income housing, he said he thinks there's a reason they don't see any of these projects coming forward to Portola Valley. There are two things that stand in the way. One is land cost and the second is the zoning constraints on density, because at the end of the day, you have to look at it as a cost-per-unit. The two things that matter are generally low land cost, or zero land cost, and very low cost per unit, which generally means some scale. He said the large low-income housing folks, like MidPen, he has talked to them, and thinks you can find out why they're not doing projects here. He said he thinks there's a reason that the fund has sat for ten years and will probably sit if you're going to wait for people to come forward. He encouraged them to support any projects that do come forward, because it's fighting against a lot of things that make it very difficult to do that here.

Town Manager Dennis confirmed that Hillsborough and Woodside do not have any form of housing or inclusionary fees at all. He commented that he thinks Mr. White is correct that it is very challenging to bring forward a project that could utilize funds when the zoning is designed to limit any kind of multi-family housing to specific pockets of town under the affiliated housing program, and those units under the current affiliated housing program are for employees of those institutions. Even if the Town has a very modest multi-family housing zoning, it may not pencil out for most folks to even come forward with something unless it was heavily subsidized by funds from other sources, whether the Town, Housing Endowment and Regional Trust, or other entities.

Kristi Corley encouraged the Council to keep the public involved. If there are a few applications they are considering, the earlier the public knows the more they can get their head around it. She encouraged them to not do everything ministerially without public knowledge but to be inclusive from the beginning of any application.

Hearing no further public comments, Mayor Derwin brought the item back to the Council.

Mayor Derwin asked Town Attorney Silver and Town Manager Dennis to help the Councilmembers get started with discussion. Town Manager Dennis emphasized that there is no need to make a decision that evening relating to a course of action. He suggested it would be fair for the Council to ask staff to do some additional research. It will be difficult to find a similar-sized city and socio-economic stature that will have a program that can be translatable, as it is not something that really exists in the same way, which is why they haven't done it. He said it would be helpful for staff to hear more about issues such as looking at whether to use the current funds for one project, or two projects. Or if they should be considering holding money for some future project. He said the Town is a member of its own affiliated housing program, and this would be the source to fund those things for the site that has been identified for the housing Town Owned Property Committee. He thought it would be helpful to hear that conversation again, but without needing a conclusion.

Town Attorney Silver thought all of those were good questions to ask, things like what types of projects the Council would like to incentivize with the funds. She said the Town has focused on ADUs and asked if they wanted to encourage the affordable deed-restricted ADUs by subsidizing those. ADU construction in exchange for a deed restriction. Or, encouraging other types of housing projects, such as more rentals, support of housing, shared housing, et cetera. They may want to encourage everything and anything that is financially feasible to be constructed in town.

Vice Mayor Hughes expressed a couple thoughts. First, the housing cycle is working against deploying this money before 2023, in his opinion. They know that they have hit their targets for this cycle. The HDE has accepted their current Housing Element, and they are well into it. But they also know the upcoming element is going to be very challenging, and having \$3.7 million to assist with putting the Element together in a way that can convincingly produce 253 units from 2023 to 2031, would be a powerful tool. As the Housing Element is going to be doing its work to come up with a new Housing Element from

Planning Commission to, ultimately, the Council, they are going to run into problems, some of which can be solved with money, especially in the lower income level, below-market-rate units, being able to do things like pay for building inspectors. If the town builds 253 units, that's about two-and-a-half times the rate of housing production the town has been doing for the last eight-plus years in Portola Valley. They are going to need two-and-a-half times as many building inspectors, two-and-a-half times as many plan checkers, two-and-a-half times as many sewer connections, all of which are scaling up in 2023. Being able to assist with the fees for those things for below-market-rate housing he thought would be a good use of the funds. He said he wasn't sure of the timeline on the project Mr. White is contemplating, but the more they can use the funds after 2023 or at least have them still on the books when they submit the Housing Element to HCD for review and talk about how they will using them in the coming cycle, the more it will help them to get an approved Housing Element that targets the 253 allocation.

Vice Mayor Hughes also suggested his inclination would be to target funds towards things that benefit the town as a whole, not just the individual project developer or the project development or private interest. Things like sewer connection fees, upgrading traffic controls, or other infrastructure that is a cost for a private project, but the funding could be targeted toward reducing those costs as opposed to buying the land or something else that doesn't directly benefit the other town residents. He said he would be inclined to look at those kinds of costs. It may include things like town staff that may otherwise be borne by the rest of the town or come from the General Fund. In terms of which types of projects, he would tend to be as broad as possible, and the more they can support multiple projects the more likely the use of the money will be helpful towards getting to the 253 number for the Housing Element. The more flexibility the more likely they can actually spend some or all of the money.

Councilmember Richards liked Vice Mayor Hughes's ideas and thoughts and how they might extend the use of the funds. He thought it would depend on the projects. If the rules don't change and projects that don't get built still add to the numbers, then the infrastructure idea doesn't really help, but he agreed that they should throw it wide open and have as many ways as possible to address use of the funds. He would hope it would go to actual projects. If that does come about and they can leverage the funds and make them go further, perhaps grants or loans might be the most logical way to get actual projects built rather than numbers on a list. He was interested to know if loans and grants have been used in other cities. He thought they should pursue as many options as possible and he is open to both grants and loans and to potentially putting some aside for future town projects, although recent efforts by the Committee to find lots that the Town owns that might be useable ran into a dead end.

Councilmember Aalfs said one of the issues he has run across, mostly through PCE, is free ridership, where you subsidize something that would have happened anyway. He thought that is something they should do their best to avoid. On the question of sewer infrastructure, he said West Bay does a decent job of funding things when they've actually decided they're going to connect the sewer. Although it's not a great system, he said they have a way of paying for everything when they do expand a sewer, so he feels it's a lower priority. In terms of subsidizing things such as building inspections as a pass-through, he would want to prioritize that if it were to go to non-profits as opposed to for-profit developers. Many of the ADUs are built by for-profit developers which he felt would be a lower priority to him. A project being built by a non-profit, he feels like they should be directing themselves towards those projects. He said years ago when they looked at 900 and were talking with Palo Alto Housing Corp. and talking about things they could do to make that project pencil out. It was a non-profit developer, and they would have been giving them the land. He asked what else could they have done to make that project happen? He said he wants to focus on things that are going to tip the scale and get something built, as opposed to funding a project that someone is going to build anyway.

Councilmember Aalfs suggested that with everything that staff is involved in right now, it seems they have their hands full just getting the Housing Element together. The funding has been sitting there for a long time, so he felt, unless they had a compelling vision for what to do with it, it could wait until after the Housing Element was done, and it could be something that could be pursued as they start looking at future projects. It felt to him like the funds might streamline a few projects here and there as opposed to making a lot of big things happen, since \$3.7 million might build two units of housing. He felt it would make a very small impact versus something that might be able to streamline 50 projects or units, if applied carefully.

Town Manager Dennis commented that the Housing Element Committee is going to make some determinations on the Council's vision as it relates to housing through the Housing Strategic Plan as well as the RHNA numbers. The potential for what that looks like regarding zoning will be determined through the Housing Element. He said if multi-family projects were to become more common in town, there could be projects that are primarily built for market rate and have a very small affordable housing component. There could be projects that are going to be proposed that are completely affordable to serve a particular population. It might be helpful to think about what types of projects are you encouraging to be built here? You can do both of these things. You can still have an Inclusionary Housing fee, or you can convert that to a Housing Impact fee that's different. They could end the Inclusionary in-lieu fee program and have the money distributed in a particular way, but require, say, for any project that has more than four units or six units, it must have one unit of affordable housing. They can accomplish different things with different tools. This would be a potential path for the Council to consider. He said he would anticipate that there will be a whole variety of potential projects that could come forward with all of that mix involved.

Vice Mayor Hughes responded to Councilmember Aalfs' comments stating the current cycle has shown amongst the different gradation levels of below-market-rate housing, there are some categories that the town is quite good at building, because everybody builds themselves a fancy pool house and calls it an ADU. There are some where they have more trouble. He expects that will project forward and continue in 2023 through 2031. If they can look at the areas where, based on past history, they expect they will continue to have trouble producing the needed housing, to try to focus on those things. He said, hypothetically, if someone were to buy his property and decide to build a fourplex or three plex, that would exceed the capacity of his septic system. They would have to connect to the sewer. That sewer connection, including design, engineering, fees, would cost \$300,000 to \$400,000. When talking about the price per unit, the impact will be significant, and could be the difference between a project being buildable versus not being buildable.

Vice Mayor Hughes agreed that they shouldn't subsidize things that are going to happen anyway, but thinks they can make marginal differences that can be the difference between a project happening versus not happening and doing it in a way that they are targeting problems that they know the Housing Element is going to have. There are some things that are going to face more significant problems than others. Having a pot of money to put behind it to say, for example, if RHNA wants them to build 35 medium-income housing units and the plans and calculations show it's only 23, and they need an extra 12 from somewhere, they can figure out how to use \$3.7 million to get those extra 12 units. It wouldn't necessarily mean deciding now what they are going to do, but not waiting until after the Housing Element to start thinking about spending it, but rather combining the two and giving this to the Housing Element Committee as a tool that they can use as they are putting the Housing Element together. If they are pretty close on something but just needed a half million dollars, they could nudge it up a little bit more. And another million dollars in another category could help it out. He said he thought \$3.7 million is not a lot of money in terms of buying a piece of land or giving it to a project to just develop. It might yield a small number of units, but if the State is holding their feet to the fire more strongly to plan for these units, being able to have the Housing Element target the funds to hit their numbers could be a powerful tool.

Town Manager Dennis commented that he and Director Russell will take a look at direct support for infrastructure elements of a project. Their initial take is they don't know if the monies can be used in that way. It certainly could for fee waivers, but that is a drop in the bucket when it comes to these projects. They will bring that back. Vice Mayor Hughes said if they can buy land and give it to a development, why couldn't they buy them a sewer connection or a wider driveway, or help with clearing brush to create better sight lines for traffic, et cetera. Town Manager Dennis said they will look into this. He mentioned that the Housing Element Committee is going to be busy as it relates to the broadest set of strategic issues, so staff didn't make the recommendation to send this back the Housing Element Committee because this is a programmatic element of the work and they thought it made more sense for it to continue to be developed at the Council level, with direction of staff.

Planning and Building Director Russell followed up on Vice Mayor Hughes's comments and said there are cities that have ways of adjusting the priorities as they are going through a Housing Element cycle. They might monitor something like the number of units being constructed in the different categories and may have set times to shift priorities to help achieve the overall goal at the end of eight years. She said they also want to continue to think about additional funds which presumably will come into this fund if they

keep the inclusionary lot requirement. If there are subdivisions in the future, money will continue to come into it. It may also be appropriate to have an affordable housing fee, so some places would have a fee for very small projects, such as one to six units, and over six units you have to start developing the unit, or sometimes you can pay the in lieu fee up to ten units in a project. If they end up with small multi-family projects as part of the Housing Element update, there could be a new revenue stream that comes from that if they are market-rate, not necessarily a lot, but it might be more of a consistent revenue and the Council could set priorities so that it could shift as the needs change through the course of the Housing Element cycle.

Mayor Derwin read the policy priorities from the Sonoma Housing Fund document, their purpose being to develop, preserve and accelerate the pace of development of below-market-rate housing for low, very low and extremely low income households. They will provide loans and grants to developers, public entities, groups, and individuals. The hardest units to build are the very low income units because they need the most subsidies. Mayor Derwin said if they really want to make a difference she felt they should target the very low income units. There are 73 very low and 42 low in the Housing Element cycle. She agreed with Councilmember Richards' preference for grants but wasn't sure about loans. She felt they should get this going, because she knew of two applicants that are going to want to get started next year, if not this year, who would be applying for grants. She said you can also use it to layer on extra requirements, although it is usually a 55-year timeline that it has to remain affordable. Town Attorney Silver said typically for either grant or loan funds the town will always include at least a 55-year affordability covenant as a condition of loaning those funds. They can create a longer term, but 55 is the standard. Mayor Derwin said that is where she is headed. Councilmember Aalfs said this came up at the Housing Element Committee meeting on Monday. At the end of the 55 years there are mechanisms so that the housing doesn't suddenly go from below-market-rate to market-rate. So the person who buys it in year 52 doesn't suddenly get a huge windfall because the property is no longer below-market-rate. He agreed that the very low and low income should be a priority, with one caveat being, to the extent that the very low and low income are ADUs, if they were going to apply money towards an ADU he would want it to be deed-restricted. He would not want the money to go to a private property that wasn't going to actually be rented. Mayor Derwin said she assumed these would be going to multi-family, four units, maybe up to 20 units. Probably rentals. Councilmember Aalfs said he was thinking of the current Element where many of the very low and low income were ADUs.

Vice Mayor Hughes said he does not disagree philosophically but pointed out that historically they have produced very large numbers of the very low income units. He said probably not very many of them actually have people living in them, but are fancy pool houses, not ADUs, although maybe guests come and stay in them once in a while, et cetera. He said they don't seem to have trouble producing those, but whether they are the right kind of very low income units is another question. He felt they should look at where the town specifically has problems producing units rather than where its difficult in general to produce units, as the town does seem to produce the very low income units already without extra incentives. Mayor Derwin emphasized his point that the ADUs being produced are not really being used to house low income people. She said it would be nice to actually build some units for people who need housing that is below market rate.

Councilmember Richards agreed with the Mayor and added that the low income and very low income are important but there is also the "missing middle," the moderate income housing that would be just as important to address and he thought they need to open it wide up. He said he hopes they figure out a way to not just put numbers on RHNA's scorecard, because this doesn't do anything for anyone except the people who build them and use them as pool houses.

Mayor Derwin asked if the discussion was helping Town Manager Dennis and Director Russell. Town Manager Dennis said it is extremely helpful and is the kind of conversation that they were hoping to hear.

David Cardinal appreciated what Vice Mayor Hughes said and supported it completely. He said back in the day a few million dollars might have actually bought some houses, but unfortunately not anymore, so they need to leverage it as they can. Regarding the notion of low income he said, in the world out there these are people with jobs, so how can they provide housing in their town for people who work for a living? Not low income housing like Cabrini Greens, but they are so far off the scale that anything the Town can do to make it so people who actually get a paycheck on a normal basis can live there and be

part of the community would be huge. It might be multi-family homes along the Corridor, or maybe ADUs – which doesn't seem to work that well. He said he is all for it, and being dismissive of low income or below market rate, he said no, these are the people who make their economy work. They are Americans.

Mayor Derwin said very low income is 50 percent of AMI. She asked Director Russell what a salary would be for very low income. Director Russell thought the area median income for one person right now is \$107,000. Councilmember Aalfs thought the very low income is under around \$42,000. Mayor Derwin said she was trying to make the point that these are working class and middle class. Director Russell added it includes even professional. Professional planners that are entry to mid-level qualify. Councilmember Aalfs thought a barista at Starbucks would fall under low income. He thought \$30,000 to \$40,000 was very low income. Mayor Derwin said many people who work at nonprofits make that amount. Councilmember Aalfs said landscapers, construction workers, many are in that range as well.

Caroline Vertongen said the discussion was very interesting and creative. She said, because she has been following their politics for at least 20 years, she has no doubt that they will find the money somehow. However, she reminded them that the Council has the General Plan and are already way behind on many things that they promised and have not fulfilled. She said public safety is one of them. She is very happy that Councilmembers brought up infrastructure, and also resources. She said there is a huge problem with their water. She said according to the General Plan, California Water Company gave the town data and promised that there would be sufficient water to until 2022, but many ADUs have been added, along with rentals in the community that have not been reported. Just this week she saw the debilitating water structure on Palmer Lane and said it is another proof that infrastructure needs improvement before attacking other new projects.

Jim White remarked that he appreciates that the RHNA numbers for low income and very low income have been met, but that is with essentially zero deed-restricted properties. The very low income right now for a two-person household is \$73,100. The rent you would have to be charging for very low income, the most you can charge is just under \$1,500 a month. To make these things work, a sewer connection isn't going to make the numbers work where the building costs are \$600 per square foot and the land cost is probably close to \$1.5 to \$2 million per acre if you go back to the unit cost, even for a four-unit. He said he also thinks the RHNA numbers could change, where a deed restriction is going to be required, or some significant percentage. Even though they've maybe hit some of the numbers in very low income it's through a relatively sketchy set of assumptions in Element 21's report on data from 15 years ago and sub-20 data points, so he doesn't believe that's going to hold up under scrutiny. If the deed restrictions were required, they really would have to support these units.

Mr. White said he thinks trying to pick projects is going to be tough and encouraged the Council to think about the dollar-per-unit that's going to make a difference, realizing that the real cost to build a unit in this area is probably over \$750,000 per unit. So unless they're going to make a difference, they're going to need to put several hundred thousand dollars or more per unit to make some of the numbers work if people are going to deed restrict them. Otherwise the numbers cannot work. He said he thinks there are targeted populations that are really challenged. There's still no support of housing in Portola Valley. A meaningful percentage of families in Portola Valley have family members or individuals with a variety of supportive needs. He thinks there is also the notion of supporting people that are working in the area, such as Roberts, the Sequoias, the Priory, who all have jobs that they need supported. He supports finding things that do that.

Mayor Derwin asked if they have given enough direction for now. Town Manager Dennis thought they were in good shape to come back with some additional considerations related to the policy. He said one question he has is the level of priority as it relates to bringing something back. He wanted to hear when they would like to see them bring forth additional information. Councilmember Aalfs agreed with the point that it is useful to integrate in some way with the Housing Element discussion, which means they should probably wait until they've gotten deeper into that. He thought they shouldn't bother hearing it again until they've actually talked about some nuts and bolts of the Housing Element itself and where this might be applied to that, and then come back when they have some ideas, which could be several months, he thought. He said he can see the point of making it part of this Housing Element, but that still leaves a good six or eight months before it would come back. He asked if Director Russell thought this was reasonable. She replied timing it with the Housing Element would make sense. They will have some

sense where the Housing Element Update is going at the end of this year and early next year, so based on that, it might give them more information to respond to their request. Mayor Derwin wondered if that would be detrimental to folks who might be bringing applications in for projects. She asked if they would still be able to apply for funding. Vice Mayor Hughes said with no policy in place, they are open to anybody asking and they can consider individual projects. He thought this is more about setting a longer-term policy. Mayor Derwin said she considers supportive housing a priority and is fairly certain that all the Councilmembers are supportive of it.

Kristi Corley commented that she really cares about this topic. She asked about doing longer-term planning than eight years, so that they can think further out into the future for the town and what they want it to look like in 20 years, or 25 years. She said the Bay Area is planning out to 2050, and she wondered if the Town is just going to plan eight years ahead, or look further ahead and then backtrack it as to how they want the town to look. She encouraged long-term planning, possibly with a consultant. She had a question on hospice houses. She said her parents passed in Bruns House in Alamo. It was a five-bedroom house and somebody donated it, and it served a need for hospice in the area in a humane way and not as part of a hospital. She asked how that would fit in if someone donated their house if it would count as part of this. Mayor Derwin said they will look into that and get back to her privately. She thought she remembered someone wanting to do a hospice in town but wasn't sure.

Rita Comes said as they are discussing plans of things they can do, she is still stuck on the whole Blue Oaks and getting some kind of closure on that if that money was to be used for that project and perhaps there is still something open for that project. She wanted to make sure as plans are being made that that is still an open item and she is interested to see if there was something promised and perhaps not completed. Mayor Derwin said they will check that out. Town Manager Dennis suggested Ms. Comes and Ms. Corley email their specific questions to him, and he will get back to them, either online or incorporate them into future conversations.

[The Council took a five-minute break]

(9) **Oral Report by Planning and Building Director** – Planning/Building Department Workload Update

Planning and Building Director Russell presented an update on the staffing proposals presented to the Council May, including recruitment for a senior planner and other changes in staffing patterns. Pre-pandemic, there were four full-time staff town employees and two part-time contract employees. At that time they were busy, but it was a sufficient staffing pattern to keep the normal planning and building functions going. She said many things have changed since then, both related to the pandemic, project activity, and now advance planning work related to the Housing Element. Currently there are four full-time staff and eight part-time consultants, for a total of 12 people in the Department. The part-time consultants vary from 5 to 20 hours a week, depending on what they are working on.

In regard to general customer service, Planning and Building Director Russell said they continue to see high levels of needs from residents. Previously, it was felt that the increased needs of residents that were pandemic-related – people interested in making changes to their homes or looking for additional service. They are still seeing an increase in communications and expectations. They are also seeing quite a bit of time spent on customer service related to ADUs. The adoption of a complex ADU ordinance to be able to address State-mandated regulations and make them appropriate for the town's context created a lot of work, resulting in creating the best possible ADU ordinance to address those factors. However, it also created a very complex ordinance with many steps involved to coordinate between fire safety, geologic safety, different unit types, state exceptions, as well as the fire safety checklist which was created. Director Russell said the process is going well, but taking quite a bit of time in terms of general customer service for staff to be able to answer questions and work through those new rules.

On the Planning side, she said the Council and many members of the public are aware that The Department successfully recruited a senior planner. Adrienne Smith joined the Department at the end of July. It was a major accomplishment for the Town to recruit a qualified Senior Planner, and they are excited that she joined the team. She has been working almost exclusively on Housing Element-related work so far, getting trained on the town's approach and background, as well as the laws and the context.

Ms. Smith is leading the day-to-day work with all of the logistics and planning that go into that, and she and Director Russell are working closely on the big picture related to the Housing Element. She will also have a lead responsibility related to the Safety Element and bringing forward the safety considerations into the Housing Element process. They expect her to probably be 100 percent working on the Housing Element and Safety Element for at least the next few months and then will see if she has capacity to work on other things within the Department. When they originally talked about hiring a senior planner it was estimated her role would be perhaps 85 percent with the General Fund and 15 percent projects, which could still be the case, or they might actually need her on General Fund more than on Council priorities, Housing Element, Safety Element and things like that. They are very happy with the work that she is doing with them so far.

Director Russell said they had a contract planner prior to the pandemic, and he his hours have increased from 8 hours to 20 hours a week. They also brought in another contract planner to work on routine single-family home projects, and he is now at 20 hours per weeks as well. His training is going well, and he is nearly ready to start taking projects to ASCC and doing general customer service. She said they have dramatically increased their general planning, everyday counter hour kind of service, such as initial appointments, pre-applications and catching up on the backlog of ASCC projects. They also have two consultant planners working specifically on high-level, complex projects. One is working on the Stanford Faculty Housing project; the other is working on the Neely CUP Amendment project. A third consultant planner is filling in where needed. She is very experienced and can handle the full range of things, so she has a variety of smaller projects and a couple larger ones as well. Director Russell said although things have gotten more complicated, with keeping all those pieces moving, she thinks right now they've got a lot of the right players in the right positions and are monitoring that to see what the volume of projects is going to be and if they have enough resources. She said their goal had been to reduce the queue and get back to quicker processing timelines in the fall, and she thinks they have definitely increased their timeliness. Routine things that people were waiting two to three weeks for during the height of the pandemic are down to about a week of wait time. They've seen a big improvement there, and will continue to keep an eye on it to see if they've got the right resources.

Regarding building, Director Russell said they had created in the budget some funding for a building official on a contract basis a few hours a week. This has worked out very well and has been a big improvement in the way they are coordinating the most complex projects, answering questions and bringing in Code interpretations. Ron LaFrance, a previous Building Official in Menlo Park, is providing those few hours per week. His experience has been very beneficial in helping with problem-solving.

In terms of building permits, Director Russell said they were seeing increases of 20 to 25 percent above what they were doing back in 2018. This volume is very significant for them and presents challenges for staff in processing all of them. She is watching this closely, monitoring technician's capacity for processing the applications and making sure they've got the right resources. She said she would like to collect a little more data to see if some of the trends from the pandemic were really pandemic-related or if there is a general upswing in permit activity. As they watch the trends, Director Russell thought it might be appropriate to look at building permit fees sometime soon and make sure they are capturing the true cost of providing the services, including technician time and building official time. This is not something staff is proposing yet, but is something they are thinking about which may be necessary moving forward, in terms of cost recovery, considering the higher volumes.

Director Russell spoke about Code Enforcement. The Council had authorized money for a Code Enforcement Officer on a contract basis, a few hours per week. She said this has also been going very smoothly. He is an experienced Code Enforcement Officer and has upgraded the approach to code enforcement and been able to monitor, track and keep records in a way they haven't been able to before. He is getting cases closed and providing follow up so it has been significant for them. She commented that any time there is greater code enforcement activity they brace for complaints, but she was happy to report she hasn't been getting them, so she feels the approach to code enforcement has been successful and consistent with the town's ethos. They plan to continue with the same level of light code enforcement, not too heavy, but making sure they can always address any health and safety concerns, because it is an important core mission to be able to respond to them in a timely fashion.

She also mentioned that when there is an increase in Planning and Building activity they will also see an increase in Mr. Young's activity in Engineering. They are monitoring this together and evaluating whether they have the right resources there as well to make sure they can support all of the development activity that's happening and make sure they're getting all the right reviews in a timely fashion.

Director Russell said she would recommend that staff continue to look at the data and trends and monitor what's happening, how staff are doing, and the processing timelines, particularly in the Planning Division. She thought they could come back to the Council possibly in early 2022 with an additional update to the data, another check-in on the initiatives to make sure they are on track and a look at how the additional resources have been working out from a six-month time period. Depending on how things go, and projecting forward that they might have more needs around general customer service, she will be thinking about how to make adjustments. She anticipates the possibility of needing additional funds for that, but will continue to monitor and update the Council going forward.

Mayor Derwin invited questions from the Council.

Councilmember Wernikoff was wondering if Director Russell had a sense of how long it might take to get back to pre-pandemic levels. Director Russell said it was hard to say, but they are making a lot of progress right now. She thinks the two consultant planners that are each 20 hours a week will be able to handle almost half of the projects so that Assistant Planner Parker could handle the other half. If that works, she thinks they will be back to pre-pandemic levels in a few more months. Town Manager Dennis added that it is probably more on the Planning side than the Building side. They have simply seen more building activity than anticipated. He would not anticipate that changing in the short term, given that they are not sure what that's about. They don't yet know what has caused such an increase. He said it's not a function of Planning projects being in the cue and then moving forward, because many things require a building permit only and don't need a Planning permit, so it's an area that he thinks may take longer. Councilmember Wernikoff asked if part of it is that they feel they have the right team in place, but some are still getting up to their full efficiency level. Director Russell said they are still training the new consultant planner and trying to refine their current system to make sure it's working, and then she will have a little more information about where they're at.

Mayor Derwin invited questions from the public.

David Cardinal was curious regarding the Code Enforcement, and which parts of the Code are being enforced. He said it's great, but is there a lot of the Code they don't enforce. Director Russell said the range of things for Code Enforcement varies. Some are relatively small, such as lighting. Others are construction without permits. Larger ones include people doing significant additions or remodels onto their homes without proper permits.

Rita Comes said it seems that with the pandemic and people being at home more, they are looking around their homes and seeing what they can improve, getting ideas from watching home improvement shows. Some homes needed to be upgraded, and she said people finally had the time instead of flying around with busy lives and putting things off, so this is a good time to do those things. However, she lives on Westridge and starting at about 5:45 a.m., big trucks come up the road. They are not supposed to be working until 8:00 a.m. She said she appreciates all the work done when her house was being built, but she has talked to Mr. Young, sent letters, and asked if there was someone that drives around enforcing this. There was a huge cement truck that came up about 7:15 and went back down at 8:10. With the noise of changing gears she is having to close windows, because people are coming up the hill starting at 5:45 a.m. She wondered if there is a process or someone to check on this. Mr. Young suggested that she stand outside and take down license plate numbers, but she thought there has to be a better solution. Town Manager Dennis responded that virtually every city he knows of has a reactive code compliance functionality. They rely on residents or others to contact them and let them know what the issue is, and they will go out, investigate and enforce if necessary. He said the larger cities may have a proactive force that are driving around, but the Town does not, and probably never will, have that capability. He expects that if they had such capabilities that there would be pretty significant backlash about allocation of Town resources and looking for problems. He said, in the end, they do rely on residents letting them know what

the issue is and giving as much information as possible so they can follow up. He acknowledged that the construction traffic is an incredibly challenging issue in terms of knowing where the vehicles are going. If they know, they will go talk to them. He said they have shut down projects because of noise issues and other things in the past.

Councilmember Wernikoff asked for clarification on the rule. She asked if there are rules against construction trucks being on a public road before 8:00, because it seems like a harder thing to manage. Planning and Building Director Russell agreed that is very difficult to manage people driving vehicles on the public road. They work with contractors regularly to talk to them about trying to time the trucks and deliveries to not arrive early. Sometimes workers sit and wait for the construction time to start, so they've been trying to address that through more friendly outreach. When they know for sure that work is occurring and people are arriving and doing work at a specific site, they then have more authority to enforce and they have done that, such as a one-day stop work order and then having meetings to talk to the contractors and the subs. A big part of it is the sub-contractors that work on the jobs, and getting the message from the main contractor to the subs. Councilmember Wernikoff said it seems like it is out of the Town's control to prevent restrict people using public roads. Town Manager Dennis agreed and said if they know that there's a construction project that has workers getting to the site early, making noise, they will have those conversations, but the enforcement to and from, while they encourage people to come right around the start time, it would be hard to enforce.

Caroline Vertongen asked Director Russell to give examples of an increased demand for general services and what the services would be. Director Russell said it would be around things like considering putting your home up for sale, getting permit records, considering purchasing a property and looking into the development regulations of the Town, the policies, the process for building permits, the process for planning applications. She said they also do a lot more public document requests than they used to. A lot of the things that are associated with buying and selling properties and improving properties, all of those people have initial conversations with them that are not projects yet, just general customer service. Town Manager Dennis added that these things are not reimbursable. They don't charge people for coming in and asking questions. There is no tool to do that. They are able to start doing that in the pre-application process, but prior to that people are entitled to ask, and they are happy to answer any questions that they have, but that can be a considerable amount of time. Ms. Vertongen said, based on personal experience with what is going on with Palmer Lane, she didn't understand how a big project has been approved without addressing the issues that they had with their water pressure on Palmer Lane and all the other things that need to be done before a project can actually start. She was told she has addressed the problem way before the project started in the last couple months. She said she had addressed the problems before the project started and thought everything was under control, until they discovered all of the water issues. Town Manager Dennis asked Ms. Vertongen to send him an email about this specific topic and he would be happy to try to get answers. She wanted to know if staff came together on a weekly basis to discuss which projects are ongoing and which issues need to be addressed. Mayor Derwin advised Ms. Vertongen to take this issue up offline.

Kristi Corley asked what the two larger developments coming to the town next year are. It seems that Town Manager Dennis and the Mayor know, but she thinks the public wants to know. Secondly, for larger mixed use for mixed family developments she asked if it would be reasonable to expect a higher development fee than a developer overseeing an ADU and if the fees are changing for larger developments. Town Manager Dennis said until an applicant files the formal applications and paperwork, they are not at liberty to discuss specific projects, and would be irresponsible as it relates to the privacy of someone asking questions before they've made a formal decision to move forward. He asked Ms. Corley to email him, and he would be happy to try to understand and answer her question. Director Russell said generally speaking if there were multi-family developments permitted at some future time in the town, there would typically be more fees associated with that than with something like an ADU.

Mayor Derwin invited comments from the Councilmembers. She said they are doing a great job and they see amazing improvements since being slowed down by the pandemic. She said she is proud of the work Director Russell and the Planning Department is doing.

Vice Mayor Hughes said he appreciates the updates from Director Russell, since planning and building are one of the major components of what goes on in Town Hall. He suggested that having regular updates from other departments would also be useful. An update on the financial side and how things are going is a useful insight for them into how things are running. Town Manager Dennis said he would be happy to have a regular program of staff coming forward, and he will start to program that in going forward. Director Russell thanked the Council and recognized it is no small thing to come and ask for resources and have good conversations about how they are providing services and meeting the residents' needs. She appreciated the tone the Council set in these conversations and she appreciates their support. Councilmember Aalfs thanked her and said he underestimated how complicated things have gotten, and that she is managing a very complicated situation very well.

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

Councilmember Wernikoff reported on Cultural Arts. Their meeting was a continuation of planning for the PV Live Revive, which seems to be moving along well. She also attended the second Housing Element Committee meeting, where they started getting into some of the meat of things. She shared some of the agenda items covered, including the goals of the Committee. Their goal is to update the Housing Element in a way that meets the State mandate and the RHNA numbers. There was recognition of agreement that that is their goal. There was discussion that this means they need to do planning in the Housing Element to enable that level of building, but it doesn't mean necessarily that the things are being built or that the Town is necessarily building these buildings. She wanted to mention this because she thinks there are people in the community that are a little confused about that.

Councilmember Wernikoff said the Committee also had a nice discussion about making sure the Housing Element is consistent with the town values and appreciation for their natural environment. They talked about the importance of respectful decorum in the meetings. There is a lot of passion surrounding these topics. They got into the meat of the agenda and reviewed the structure of the Housing Element and progress that had been made since the current Housing Element was crafted in 2015. They had a nice discussion led by Lauren Adrian based on updates to their demographics, information they had gotten from the census showing the demographic trends in terms of housing in town. They discussed all of the income levels for affordable housing categories. She said much of the information will be posted on the website. The income level is a good example of something that they could post in that section. She thought the meeting was well run and productive and the team did a great job.

Councilmember Richards attended an Emergency Services Council meeting last week. There was discussion about a resolution to grant authorized designee status for certain emergency service workers. There was a technicality on how they are validated every time they go out to serve, and this makes it so that they could be certified by EMC staff directly so they wouldn't have to come back and get sworn in again over and over. There was a little bit of housekeeping. There will be a County Mass Evacuation Center opened on October 4th. It may have something to do with the third vaccinations. That has not been decided yet. He said the most interesting portion was discussion of the Zonehaven evacuation training that brings together all the fire, sheriffs and hazmat teams from the entire county to participate in setting up regional plans for evacuation on a wider basis than just a single town at a time, which makes sense given the way wildfires and earthquakes might occur. They broke up the county into several sectors. Portola Valley and Woodside are in Sector E. the Coast is A, B, C and D. They are conglomerations of larger areas than a town by itself in order to make sure that they can evacuate the more difficult parts of the county. The Coast has a lot of dense wooded areas, as Portola Valley does. They are starting on the Coast to set up these plans and working their way over to the Bay side, which in the more developed areas, is going to be last in this process, because they are not in quite as high a danger area.

Councilmember Richards reported that there is a new County Drought Taskforce that has been working with the cities and the PUC to discuss the sustained effects of the drought. There has been approval by the Air Quality Management Group for 60 large air purifiers to use in shelters, which will be determined by each jurisdiction.

Councilmember Aalfs attended the Housing Element Committee covered by Councilmember Wernikoff. Last week he attended the Planning Commission on Monday, which reviewed two projects. The most noteworthy thing was on one of the projects there was a difference of opinion on whether the applicant had shared their plans with a neighbor. There was a reasonable solution, in that there was time to schedule a brief site visit for the ASCC to look at the story poles onsite and reconsider the impacts on the neighborhood. The upshot of it is that staff has decided maybe they need to start policing the “share the plans with your neighbor” provision a little more actively and verify that applicants have actually talked to their neighbors before the meeting so that there’s not a last-minute surprise like what appeared to have happened on this project.

Councilmember Aalfs said that on Wednesday the Planning Commission reviewed two separate lot line adjustments, one on Wayside, where a couple of small parcels that had been foreclosed on by the Town decades ago was amalgamated into one larger parcel for a project. There was also one over on Grove Drive, where there was a land-locked parcel that had been subdivided a long time ago. They basically swapped land with their neighbor so they could have a driveway. He said it was quite straightforward and nice to see the neighbors work together to trade some land. They had to keep both parcels above one acre, and they were both right at the limit, so they had to cut a driveway into the landlocked lot and then cut a little strip off the side of it to keep the other lot a one-acre, but it all worked out well.

Councilmember Aalfs said Paul Heiple did his gall talk last night. He was not able to attend, and he hasn’t gotten feedback on how well-attended it was. He said the Nature and Science Committee is going to take a little break, but they want to continue with the talks. They’re doing some good work.

Mayor Derwin had a C/CAG meeting on the 9th. They recognized a longstanding employee who left, took a job in San Mateo, Matt Fabry, who was the Stormwater/Green Infrastructure guru in that area, and she was sad to see him go. He will be the number two position in Public Works there. C/CAG had a presentation on construction of the ExpressLanes project. They are aiming to open the lanes in December. She said the Legislative report was old news. Since the meeting several bills have been signed, most notably SB 9 and 10. The other bills that were of concern to C/CAG tended to be more transportation bills. One is the SEAMLESS Bill which has turned into a two-year bill (AB 629). She said C/CAG is doing their Equity assessment. They have staff training on historical perspectives led by a consultant, exploring the definition of equity, discussing their programs related to historically disadvantaged communities, and a draft definition of equity. Other items included a draft update of the Congestion Management Planned Land Use Impact Analysis Program TDM Policy. There was a draft STIP (State Transportation Improvement Program). This is where they get a lot of their money, \$16 million, of which \$3 million is COVID response, which will be programmed for the future, starting in 2022. These are big projects, and there was a list of the recommended projects. Sean, the new Executive Director, spoke at his first meeting. He is exploring options for a “room with Zoom,” the hybrid model. They will also be transitioning to action minute summaries.

There was an Express Lanes meeting on the 10th. They approved an agreement to extend the policy program management services contract for the Equity Program implementation update. They are trying to pump a little more money into the different fee-loaded toll tags or the Clipper cards and are talking about how they are going to get the benefits to the community through core service agencies. There was an update on the BAIFA and BATA agreements. There was a branding update. They chose a logo which they will see when they drive on the Express Lane. They talked about the toll commencement south of Whipple. They had a closed session with no reportable action.

Mayor Derwin said the Portola Valley’s Equity Committee met on the 14th. One member has resigned. They approved their charter and would like to be called Race and Equity rather than Equity. They will have a table at the picnic with some interactive activities and books. The Committee had to get a new liaison for the Housing Element Committee because Karen Vahtra resigned, so the new liaison is Andrew Pearce and the alternate is Lucy Neely. They did a draft budget. They did not get to the last items which were of great interest to her. One was neighborhood watch signs, and she wasn’t sure what that was about. One was about the Town seal. She did ask about this, and if you look at the Town Seal, it has

Portola, the Spanish explorer who was one of the instigators of the mission system which enslaved native peoples, so there will be some talk about perhaps changing their seal. She said it was a good meeting.

Mayor Derwin said the Sustainability Committee is meeting at night now. They have a new member, Scott Elrod, who has an engineering background and had been interested in sustainability since middle school. Stephan ran the meeting. Ms. De Garneau gave an update about her work on the SB 1383 issue. The software program is being previewed in Woodside and will help do all the things they will have to do to comply with the new law. The Climate Action Plan and Green Building Ordinance is still moving along slowly. The book group subcommittee has picked the top 12 recommended books, and a handout with those books will be available at the picnic. The Blackout Protection subcommittee will have a flyer there. They are buying a yeti battery and a little solar panel, the idea being that people could borrow it. She said they need to talk to the library to see if they will house it there and check it in and out. She said every committee has had to pick someone to serve on the Committee of Committees for the Housing Element, for this committee will be Rebecca Flynn and Scott Elrod.

She attended the Library JPA meeting, which included final approval of the \$72 million budget. There was lengthy, somewhat controversial discussion with a member from Woodside. They gave the summer learning report. Inspiring Summers, the Big Lift Program. They worked in seven elementary districts. They increased the length of the program, and they had 91 percent attendance, and had at least one point gain in early literacy for the children, and two-point gain in early math for the children, with 509 families attending the entire series. They produced a wonderful video. She was supposed to get a link to it, so the Council could watch it. One of the reasons the program was so successful was timing. Stanford has its teacher training program, and a lot of them were poised and ready to go into the classroom but they couldn't because of COVID, so they were able to snatch the Stanford teachers up for the program.

Regarding the Library Directors Report she said we are in Phase Four of the new normal. Focus is now on programming. They are doing a lot of story times outdoors and one-on-one tutoring. The plan is to increase hours or fully restore hours to pre-pandemic levels. The number one thing people are asking for is in-person programs, especially for children. She said there was a closed session having to do with personnel. Town Manager Dennis, Ms. De Garneau and she met with Don. AMI are the new Smart Water meters. This project was eight years in the making, and they are finally working on it. Cal Water will handle two projects, one in Los Altos, one in Bear Gulch. Most will be in Bear Gulch. They are assembling a team to install the meters, but it is taking time to find qualified people. New meters will not be replaced but will have this endpoint program put into them. Old meters will be replaced. The hope is that they will at least get one meter in the ground by year end. The next meeting is November 15.

(11) **TOWN MANAGER REPORT**

Town Manager Dennis said he will have lunch with Sheriff Bolanos later this week, rescheduled from August. Today he had lunch with the relatively new General Manager, and the Town's appointment to the San Mateo County Mosquito and Vector Control District. Ray Williams is the Town's appointment and Brian Weber, brother of Scott Weber, runs the Mosquito Vector District. He said they do some amazing work that is quite underappreciated. Mr. Weber told him that on a per capita basis they get more calls from Portola Valley than any other city, which was fascinating given that other cities have very similar sets of issues. Town Manager Dennis said, to help promote the great activities that they do, there will be a variety of things in the Town's newsletters and otherwise in coming weeks and months. He has also asked them to come to a Council meeting in January to talk about what they do.

He said they had a new police captain for about two days, who was then reassigned to cover a health-related absence on the Coast. So, Mark Myers, who was in Portola Valley for a few months, is back, his guess is for four to six months. Town Manager Dennis said in the short time he was in the town it was great working with him, so he is delighted they picked him again.

Town Manager Dennis reported that he recently met with the Headmaster at the Priory, Father Martin. He asked if Father Martin might be interested in attending a future Council meeting to share positive words of collaboration with the community. Father Martin readily agreed. This was an idea that came from the

Mayor and Vice Mayor, and he was happy to take the message to Father Martin. They have also been reaching out to some other leaders in the religious community as well, and it have received a very positive set of responses from people, so he thinks they will see more of that, with guests just saying a few nice words at the start of the Council meetings.

Town Manager Dennis said one of the best meetings he's attended in a long time was between the Farmer's Market operator, the Portola Valley School District, and the library on an idea of how they can take all the great things the different organizations do and combine them into an event for kids. They coalesced around the idea of having a kid's movie night. For example, they pick a movie, "Cloudy with a Chance of Meatballs." They do something at the Farmer's Market that has something to do with Italian food or meatballs. There are books there related to that, and then they show a movie. He is looking into rental of a large screen, which is relatively affordable to do that within the budget for these activities. They would like it to be a regular activity and are looking at December to do this. He has contacted the chair of the Cultural Arts Committee to bring them into the conversation. He said he wasn't sure if it was going to go anywhere initially, but now he plans to bring in their voices for support and sponsorship.

He met with his counterpart in Palo Alto, Ed Shikada, for lunch a couple weeks ago. Mostly it was a discussion about the extensive fire mitigation work they are doing at Foothills. Town Manager Dennis asked him to connect him with the folks who are managing that, so they can put that on the Town website, because they want to build out a suite of resources, not just ones about what the Town is doing on issues, but the Town's partners as well, so folks can know what's going on. There is a lot of good work in this field, particularly around defensible space, and he wants to make sure that gets promoted.

Jon Myers, who is the Chair of the Parks and Rec Committee shared a statistic with him today. With two weeks out from Zots to Tots, they have had almost 100 pre-orders for shirts. A full quarter of them were kid's shirts including a number of kids extra small, which they guess would be for something like three-year-olds, so they are delighted at the outpouring of interest in this. This will be the first year in a long time that they are going to close the entire street. They haven't been promoting it as such, but when people hear more about it, he thinks more will sign up for it. They have also called out for volunteers to help ensure that folks don't drive through any of the barriers that will be on the side streets. The outpouring has been fantastic. He said thank you to a couple people attending the meeting who have already volunteered.

In early November the Town will be participating in a countywide emergency preparedness exercise called Golden Eagle. He is not sure yet what the disaster is that they will prepare for, but it will be the Town's debut of the Veoci Emergency Operations Control Software tool. Ms. De Garneau is working up the details for that.

Town Manager Dennis reported that last week the Town put up a new suite of resources, an FAQ related to the Stanford Wedge Project. He will provide an update on that to the Council at the next meeting.

He had a kickoff meeting for the Town's Evacuation Study work today with regional partners of Woodside Fire, County OES, the Sheriff's Office and two principals at Fehr and Peers. It was a very productive meeting to start refining scenario planning for the effort. They will also be reaching out to Zonehaven He has been speaking to their leads about connections between the Evacuation Study and how Zonehaven can support it in some capacity in the future.

He said he has made an offer for the Assistant Town Manager position. He is going to have a conversation with the applicant on Friday. He said he is feeling good about it and hopes to make an announcement about it very soon.

Kristi Corley asked about the Committee of Committees and what they will do. She asked for an explanation of that and whether it's for the Housing Element. Mayor Derwin said the Committee made this appointment, not her, and she knows nothing about it.

Councilmember Wernikoff thanked Town Manager Dennis for the FAQs on the Stanford project. She had noticed there's been a lot of chatter on the Forum about the Stanford Project. She thinks it is a great resource. She said she hasn't heard feedback about the FAQs and asked if they have heard from people in the community about them. Town Manager Dennis said he has heard from multiple residents who have reached out and thanked them for having a resource. He also noticed that the discussion on the Forum seemed to cease after publication of that material, so he thinks it has been a useful guide for people who were asking questions.

Town Manager Dennis said in regard to Ms. Corley's question, the Committee of Committees is related to the Stanford Wedge Project. It is an opportunity for all of the committees to have a joint meeting with their representatives, who are picked from Sustainability and all of the committees that have a relationship to development projects in town. They will be able to discuss the project and the elements where each have responsibilities for making recommendations to the Planning Commission and Council. Vice Mayor Hughes asked if this is because of the subdivision process. Town Manager Dennis said that was correct. It is something that is identified in the Code. It is highly unusual, but he felt that they would probably have done something similar anyway, given the valuable input from the committees. It will also help reduce meetings to a reasonable number, particularly for residents to be able to come to and hear everything at once.

Ms. Corley she did not catch the names of the person that resigned and who was appointed that name that Mayor Derwin had referred to. The Mayor repeated this information. Ms. Corley said five days ago SB 9 and 10 were signed, and she wondered if the Mayor could comment on how the Town will be dealing with some of the issues, such as a three-year occupancy and how the Town would be monitoring that, as well as other issues regarding those two bills. She said she would appreciate the Town making some statements to educate the public on them and asked if there is a plan to do that. Mayor Derwin said she does not have a plan.

WRITTEN COMMUNICATIONS

(12) **Town Council Digest** – September 9, 2021

Mayor Derwin said she can't believe Ruth Ann Wrucke is still around. William took piano lessons from her, and he is going to be 32 years old. Mayor Derwin thought it was a nice memo that she sent.

(13) **Town Council Digest** – September 16, 2021

ADJOURNMENT [9:58 *p.m.*]

Mayor Derwin adjourned the meeting.

Mayor

Town Clerk

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11011-000						
1543	39	ASCAP	367.00	10/13/21		
1544	44	BANK OF AMERICA	3,844.19	10/13/21		
1545	49	BAY AREA GEOTECH GROUP	11,553.00	10/13/21		
1546	71	BW CONSTRUCTION	1,250.00	10/13/21		
1547	124	COMCAST	172.47	10/13/21		
1548	129	COTTON SHIRES & ASSOC. INC.	58,401.87	10/13/21		
1549	135	CSG CONSULTANTS INC	4,320.00	10/13/21		
1550	184	FRIENDLY PONY PARTIES	1,250.00	10/13/21		
1551	195	GOOD CITY COMPANY	20,717.50	10/13/21		
1552	200	GRANICUS	10,200.00	10/13/21		
1553	213	HILLYARD INC	627.72	10/13/21		
1554	233	IZMIRIAN ROOFING	1,000.00	10/13/21		
1555	275	KRUPKA CONSULTING	3,975.00	10/13/21		
1556	276	KUTZMANN & ASSOCIATES	16,042.98	10/13/21		
1557	290	LOS GATOS ROOFING	2,000.00	10/13/21		
1558	293	LYNGSO GARDEN MATERIALS INC	45.94	10/13/21		
1559	295	LYNX TECHNOLOGIES INC	550.00	10/13/21		
1560	326	MUNICIPAL CODE CORPORATION	204.00	10/13/21		
1561	334	NOLTE ASSOCIATES INC	12,960.29	10/13/21		
1562	364	PERS HEALTH	11,785.30	10/13/21		
1563	372	PINNACLE BUILDING & DESIGN	1,000.00	10/13/21		
1564	373	PITNEY BOWES INC.	130.15	10/13/21		
1565	375	PLATINUM FACILITY SERVICES	8,200.69	10/13/21		
1566	380	PURCHASE POWER	559.98	10/13/21		
1567	403	RON RAMIES AUTOMOTIVE INC.	771.92	10/13/21		
1568	430	SHELTON ROOFING	2,000.00	10/13/21		
1569	445	STANDARD INSURANCE CO.	572.54	10/13/21		
1570	447	STAPLES CREDIT PLAN	648.92	10/13/21		
1571	476	TOTLCOM INC.	862.00	10/13/21		
1572	489	VERIZON WIRELESS	524.81	10/13/21		
1573	522	NEW PATH LANDSCAPE SERVICES	20,105.50	10/13/21		
1574	636	PORTOLA VALLEY RD LLC	1,000.00	10/13/21		
1575	642	CYBERTARY.COM	593.85	10/13/21		
1576	710	FOUR OHM PRODUCTIONS	2,665.00	10/13/21		
1577	711	ALLEN BENITEZ	59.50	10/13/21		
1578	712	BAYSIDE EQUIPMENT COMPANY	500.00	10/13/21		
1579	713	COSMOS ROOFING	1,000.00	10/13/21		
1580	714	DANA HALL	1,000.00	10/13/21		
1581	715	GINGER & BANDITS	1,000.00	10/13/21		
1582	716	JAMES ASHFORD	1,172.00	10/13/21		
1583	717	JULIE SCHATZ	121.00	10/13/21		
1584	718	KENT ROOFING COMPANY	1,000.00	10/13/21		
1585	719	KEVIN FORD	137.75	10/13/21		
1586	720	MIKE GRANT	386.65	10/13/21		
1587	721	R E ROOFING & CONSTRUCTION	1,000.00	10/13/21		

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
1588	722	RICHARD D. LEE MD	341.25	10/13/21		
1589	723	EVITA TWERDAHL	100.00	10/13/21		
Check totals:			208,720.77			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			208,720.77			
Check totals:			208,720.77			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			208,720.77			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 10/13/21	39 1543	ASCAP Music License FY 2021-2022	367.00	367.00	2022_RENEWAL
Vendor:	44 1544	BANK OF AMERICA August Statement	3,844.19	3,844.19	1388-AUG21
Vendor:	49 1545	BAY AREA GEOTECH GROUP 2021-2022 Street Resurfacing - Field Density Testing	11,553.00	11,553.00	52548
Vendor:	71 1546	BN CONSTRUCTION Debris Boxes - Road Clean Up 05/21	1,250.00	1,250.00	1035
Vendor:	124 1547	COMCAST WIFI 09.21.21 - 10.20.21	172.47	172.47	1945-OCT21
Vendor:	129 1548	COTTON SHIRES & ASSOC. INC. May Applicant Charges June Applicant Charges August Applicant Charges September Applicant Charges	58,401.87	15,477.33 19,227.83 21,455.68 2,241.03	2021-MAY 2021-JUNE 2021-AUG 2021-SEPT
Vendor:	135 1549	CSG CONSULTANTS INC Dec. '19 Applicant Chrgs. Remaining Balance	4,320.00	4,320.00	DEC-2019
Vendor:	184 1550	FRIENDLY PONY PARTIES Ponies & Petting Zoo for Picnic 10/09/21 - Final Pmt.	1,250.00	1,250.00	100921_PICNIC-2
Vendor:	195 1551	GOOD CITY COMPANY Planning Consultant Svcs - August	20,717.50	20,717.50	2485
Vendor:	200 1552	GRANICUS Gov Access Plus Edition 9/24/2021 - 9/23/2022	10,200.00	10,200.00	143738
Vendor:	213 1553	HILLYARD INC Janitorial Supplies Janitorial Supplies	627.72	315.96 311.76	604472069 604457652
Vendor:	233 1554	IZMIRIAN ROOFING Deposit Refund, 36 Minoca	1,000.00	1,000.00	BLDR0019-2021
Vendor:	275 1555	KRUPKA CONSULTING On-Call Traffic & Transportation 06/21/21 - 08/31/21	3,975.00	3,975.00	1294
Vendor:	276	KUTZMANN & ASSOCIATES			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
10/13/21	1556	August Plan Checks	16,042.98	16,042.98	72291
Vendor:	290	LOS GATOS ROOFING			
	1557	Deposit Refund, 100 Meadowood Deposit Refund, 197 Portola	2,000.00	1,000.00 1,000.00	BLDR014-2021 BLDR0010-2021
Vendor:	293	LYNGSO GARDEN MATERIALS INC			
	1558	TH/Library Tree Planter Mulch	45.94	45.94	610
Vendor:	295	LYNX TECHNOLOGIES INC			
	1559	August Maintenance/ GIS Services/ Parcel Updates	550.00	550.00	9430
Vendor:	326	MUNICIPAL CODE CORPORATION			
	1560	Electronic Update to Code of Ordinances	204.00	204.00	00363435
Vendor:	334	NOLTE ASSOCIATES INC			
	1561	August Applicant Charges & PW Support	12,960.29	12,960.29	AUG_2021
Vendor:	364	PERS HEALTH			
	1562	October Health	11,785.30	11,785.30	100000016558306
Vendor:	372	PINNACLE BUILDING & DESIGN			
	1563	Deposit Refund, 501 Portola #4F	1,000.00	1,000.00	BLDR0012-2021
Vendor:	373	PITNEY BOWES INC.			
	1564	Replacement Ink Cartridge for Postage Meter	130.15	130.15	1019085070
Vendor:	375	PLATINUM FACILITY SERVICES			
	1565	Deep Cleaning in Buildings	8,200.69	2,816.00	42131
		September Friday Disinfection Svcs		448.01	42096
		August Janitorial Svcs		4,488.67	41885
		August Friday Disinfection Svcs		448.01	41886
Vendor:	380	PURCHASE POWER			
	1566	Postage Meter/Fees	559.98	559.98	7931-SEPT2021
Vendor:	403	RON RAMIES AUTOMOTIVE INC.			
	1567	August Fuel Statement	771.92	771.92	M20210831-05
Vendor:	430	SHELTON ROOFING			
	1568	Deposit Refund, 8 Valley Oak Deposit Refund, 14 Sandstone	2,000.00	1,000.00 1,000.00	BLDR0143-2020 BLDR0144-2020
Vendor:	445	STANDARD INSURANCE CO.			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
10/13/21	1569	LTD/Life Premium	572.54	572.54	2021-SEPT
Vendor:	447	STAPLES CREDIT PLAN			
	1570	August Statement	648.92	648.92	2814-AUG21
Vendor:	476	TOTLCOM INC.			
	1571	Annual Service Contract FY 2021-2022	862.00	862.00	312981
Vendor:	489	VERIZON WIRELESS			
	1572	September Cellular	524.81	524.81	9889243256
Vendor:	522	NEW PATH LANDSCAPE SERVICES			
	1573	Weed Abatement Re-issue FY20-21 Void Ck#55883	20,105.50	20,105.50	V29712
Vendor:	636	PORTOLA VALLEY RD LLC			
	1574	Deposit Refund, 848 & 850 Portola	1,000.00	1,000.00	BLDR51/52-19-2
Vendor:	642	CYBERTARY.COM			
	1575	August Transcription Svcs	593.85	593.85	4409
Vendor:	710	FOUR OHM PRODUCTIONS			
	1576	Sound Equipment for Picnic on 10/09/21 - Final Pmt.	2,665.00	2,665.00	1010-2
Vendor:	711	ALLEN BENITEZ			
	1577	Deposit Refund, 320 Corte Madera	59.50	59.50	PLN_STE0003-202
Vendor:	712	BAYSIDE EQUIPMENT COMPANY			
	1578	Annual Service Maintenance on Back-up Generator	500.00	500.00	78650
Vendor:	713	COSMOS ROOFING			
	1579	Deposit Refund, 70 Palmer	1,000.00	1,000.00	BLDR0023-2021
Vendor:	714	DANA HALL			
	1580	Deposit Refund, 123 Santa Maria	1,000.00	1,000.00	BLDR0036-2021
Vendor:	715	GINGER & BANDITS			
	1581	Musical Performance - 10/09/21	1,000.00	1,000.00	100921_PERFORM
Vendor:	716	JAMES ASHFORD			
	1582	Deposit Refund, 1330 Westridge	1,172.00	1,172.00	PLN_EX0001-2021
Vendor:	717	JULIE SCHATZ			
	1583	Facility Refund, Special Event - Tour de Menlo	121.00	121.00	SEP-21-2

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor:	718	KENT ROOFING COMPANY			
	1584	Deposit Refund, 205 Georgia	1,000.00	1,000.00	BLDR0018-2021
Vendor:	719	KEVIN FORD			
	1585	Deposit Refund, 235 Nathorst	137.75	137.75	PLN_STE0001-202
Vendor:	720	MIKE GRANT			
	1586	Reimb, WHRMD, Drainage Pipe	386.65	386.65	PIPE_REIMB
Vendor:	721	R E ROOFING & CONSTRUCTION			
	1587	Deposit Refund, 203 Wyndham	1,000.00	1,000.00	BLDR0033-2021
Vendor:	722	RICHARD D. LEE MD			
	1588	Deposit Refund, 3 Portola	341.25	341.25	PLN_ZONP0001-21
Vendor:	723	EVITA TWERDAHL			
	1589	Facility Refund, Picnic Rental - Woodside Priory Picnic	100.00	100.00	PROF21-5
Check Date Totals			208,720.77		
Grand Total			208,720.77		

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 13, 2021

Claims totaling \$208,720.77 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date _____

Jeremy Dennis, Treasurer

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

Signed and sealed this (Date) _____

Sharon Hanlon, Town Clerk

Mayor



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: October 13, 2021

RE: Amendment to GreenWaste Contract

RECOMMENDATION

Staff recommends that the Town Council authorize an amendment to the franchise contract with GreenWaste for solid waste disposal service to reflect a company change in control.

BACKGROUND

In 2019, the Town of Portola Valley entered into a 10-year franchise agreement with GreenWaste to continue to provide solid waste disposal service to Town residents.

Last month, GreenWaste officials reached out to Town staff¹, informing them of a recapitalization agreement between GreenWaste, their sister company Zanker Road Resource Management, Ltd., the respective equity holders, and MIP V Waste, LLC, a Delaware limited liability company indirectly owned by investment vehicles ultimately controlled by Macquarie Group Limited, a publicly-traded company incorporated in Australia. Under this recapitalization, MIP V Waste will purchase the GreenWaste stock and its sister company's partnership shares. GreenWaste staff and operations are expected to remain the same. The Town's Franchise Agreement requires Town approval for this type of reorganization. Once this initial purchase occurs, it is also possible that MIP V Waste, LLC will reorganize its holdings within its affiliated companies. If this occurs, an additional amendment will be required to be approved by the Council.

No changes to services are expected as a result of this change of control.

DISCUSSION

As a result of the change of control of GreenWaste to MIP V Waste, LLC, amendments to the current solid waste disposal agreement are necessary.

FISCAL IMPACT

None.

ATTACHMENT

1. [Amended Agreement](#)

¹ As required under Section 20.4 of the Franchise Agreement.

**CONSENT AND FIRST AMENDMENT TO FRANCHISE AGREEMENT FOR
COLLECTION AND PROCESSING OF MIXED COMPOSTABLE MATERIALS,
RECYCLABLE MATERIALS AND YARD TRIMMINGS**

This Consent and First Amendment (“Consent and Amendment”) dated for reference October 13, 2021 is entered into by and among the Town of Portola Valley, a municipal corporation organized and existing under the laws of the State of California (“Town”), MIP V Waste, LLC, a Delaware limited liability company (“Company”) and GreenWaste Recovery, Inc., a California corporation (“Contractor”).

RECITALS

WHEREAS, Town and Contractor entered into that certain Franchise Agreement for Collection and Processing of Mixed Compostable Materials, Recyclable Materials and Yard Trimmings dated November 13, 2019, including any duly executed amendments thereto (“Agreement”); and

WHEREAS, on September 8, 2021, Contractor notified Town that Contractor had entered into an agreement dated as of August 28, 2021 to sell all or substantially all of its outstanding capital stock to Company, which would result in a change of control of Contractor (“Transaction”); and

WHEREAS, pursuant to Section 20.4 of the Agreement, no assignment or other transfer, including a change of control of Contractor, is permitted under the Agreement without the prior consent of Town; and

WHEREAS, Contractor has requested that Town approve the change of control of Contractor to Company; and

WHEREAS, pursuant to Section 20.4 of the Agreement, Town requested and/or Contractor provided information regarding the proposed change of control from Contractor and Company and its affiliates, Contractor and Company or its affiliates complied with such requests, and Town reviewed the information submitted by Contractor and Company and its affiliates; and

WHEREAS, Town has considered the proposed change of control, including but not limited to the qualifications of the Company, and is willing to approve the change of control of Contractor to Company pursuant to the terms of this Consent and Amendment; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals; Definitions. The foregoing recitals are true and correct, and incorporated into this Consent and Amendment by this reference. Capitalized terms used in this Consent and Amendment and not otherwise defined herein shall have the meaning assigned to them in the Agreement.

2. Approval of Change of Control. The City Council of the Town of Portola Valley approves and consents to the change of control of Contractor to Company pursuant to Section 20.4

of the Agreement (“COC Approval”) and shall in no event be deemed an “event of default” or cause or result in any default or violation under, termination of, or any other effect on the Agreement. The COC Approval shall become effective immediately upon execution by Town of this Consent and Amendment (“Approval Date”) unless Contractor furnishes written notice to Town that it will not consummate the Transaction, at which time the COC Approval shall be deemed null and void.

3. Due Execution. The person(s) executing this Consent and Amendment on behalf of a party hereto warrant(s) that (i) such party is duly organized and existing; (ii) such person(s) are duly authorized to execute and deliver this Consent and Amendment on behalf of said party; (iii) by so executing this Consent and Amendment, such party is formally bound to the provisions of this Consent and Amendment; and (iv) entering into this Consent and Amendment does not violate any provision of any other agreement to which said party is bound.

4. Entire Amendment. This Consent and Amendment contains the entire agreement and understanding between the parties with respect to the subject matter of this Consent and Amendment and supersedes any and all prior or contemporaneous oral and written representations, warranties, agreements, and understandings between the parties concerning the subject matter of this Consent and Amendment.

5. Full Force and Effect. Other than as set forth in this Consent and Amendment, the terms of the Agreement shall remain unchanged and in full force and effect. In the event of any conflict between the Agreement and this Consent and Amendment, this Consent and Amendment shall apply.

6. Counterparts. This Consent and Amendment may be executed in counterparts, each of which shall be considered an original.

TO EFFECTUATE THIS CONSENT AND AMENDMENT, each of the parties has caused this Consent and Amendment to be executed by its authorized representative as of the date set forth below the authorized signature.

[signatures begin on next page]

TOWN:

TOWN OF PORTOLA VALLEY,
a municipal corporation

By:

Its: Mayor
Date: _____

COMPANY:

MIP V Waste, LLC,
a Delaware limited liability company

By:

Its:
Date: _____

ATTEST:

By:

Its: City Clerk
Date: _____

By:

Its:
Date: _____

APPROVED AS TO FORM:

By:

Its: City Attorney
Date: _____

CONTRACTOR:

GreenWaste Recovery, Inc.,
a California corporation

By: _____
Its: _____
Date: _____



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: October 13, 2021

RE: Flexible Work Schedule/Town Hall Public Reopening Update

RECOMMENDATION

Staff recommends that the Town Council accept an update on the opening of Town Hall to the public and the flexible work schedule.

BACKGROUND

On July 12, Town Hall was reopened to the public for the first time in nearly sixteen months. In advance of the reopening, the conference room was converted into a temporary lobby to maximize COVID-19 protections for staff and the public alike. A variety of new online systems were implemented or enhanced, and the Planning/Building counter hours were adjusted to provide staff with more reliable project work time. Most activities that could be provided for over the counter are now available online; while there is a relatively longer time between scheduling a meeting and service provision that what may have been available at times over the counter, time certainly for those services has been appreciated by most applicants.

On the same day as the public reopening of Town Hall, a pilot flexible work schedule was initiated to test its viability. Staff were offered predetermined work hours to choose from, and staff were also afforded the option to work from home up to two days a week. Careful considering was provided to ensuring the right staff were on site to provide expected levels of service from residents and visitors alike, as well as support for line staff from managers.

Both the public reopening and the implementation of the pilot flexible work schedule have been successful.

DISCUSSION

In advance of the formal adoption of a flexible work schedule policy, staff implemented a pilot program based on the drafted policy (Attachment 1). Staff is seeking input from the Town Council prior to finalizing the policy for adoption.

ATTACHMENT

1. [Draft Flexible Work Schedule Policy](#)

Portola Valley Flexible Work Schedule Policy
6-14-2021

1. Overview of Purpose and Scope of this Policy.

- 1.1. This policy provides employees with written guidelines on flexible work schedules that may be selected and committed to by eligible employees and must ensure compliance with the Town's Personnel Handbook and applicable State and Federal laws. Departments may implement flexible work schedules for an employee or group of employees where feasible. The Town, when possible, encourages flexibility options to eligible employees to do their work while in no way interfering with the quality of service provided to better serve residents of Portola Valley
- 1.2. The Town Manager shall have authority to implement this policy.
- 1.3. All existing policies, rules and regulations shall continue to apply. If any conflict or problem results from the alternative work schedule, the existing policies, rules, and regulations shall prevail over this policy.
- 1.4. All flexible schedules and telework policies in this policy are a privilege, not a right or entitlement.

2. Background.

- 2.1. The Town recognizes the increasing demands and stress placed upon each employee in attempting to balance work and personal obligations while maintaining the desired performance level.
- 2.2. Flexible work schedules have been recognized to provide improved employee morale and job satisfaction, and other environmental benefits (such as alleviating traffic congestion, reducing vehicle trips and reducing greenhouse gas emissions).
- 2.3. The COVID-19 Pandemic has demonstrated that working from home is a viable option for public employees.
- 2.4. The Town Manager shall provide each department the opportunity to implement the Flexible Work Schedule Policy at their discretion in an effort to provide flexibility to employees in a manner that directly benefits the residents of Portola valley. The purpose of this policy is to guide the conversation between supervisors and employees to collectively provide the most efficient and productive service to the community.
- 2.5. The flexible work schedule shall not interfere with services to the public;

shall meet the needs of the department; be to the advantage of both the Town and employees; and, as much as possible, be complementary to the schedule of other departments. If the flexible work schedule involves an entire work unit, it shall be preferably supported by a majority of the employees affected. If requested by members of a work unit, the supervisor is entitled to implement it for the entire unit considering the factors identified in this policy.

3. Responsibility.

3.1. Employee Responsibilities:

- a. Any employee desiring to participate shall submit a written request to participate to their immediate supervisor for consideration.
- b. Employees must provide sufficient information for the supervisor to determine if the proposed flexible work option is feasible. Employees understand that participation in the flexible work schedule may be revoked by the supervisor for any reasons and at any time upon concurrence with the Town Manager.

3.2. Employer Responsibilities:

- a. Supervisors shall review the written request and evaluate its feasibility based on the established criteria such as work unit load, staffing coverage and other factors. Supervisors may recommend approval to the Department Director or return the request to the employees indicating that the flexible work schedule is not recommended. Director shall approve or deny the supervisor's recommendation.
- b. Supervisors shall provide written feedback to employees no later than ten (10) working days upon receipt of the written request.
- c. Supervisor shall forward the approved request for a compressed work schedule to Finance Department via Personnel Action Form (PAF). Approvals for all other options shall be filed with the Department. Decisions by the Department Director to approve or deny proposed work schedules are final, non-negotiable, and not subject to appeal.

4. Eligibility.

- 4.1. All non-probationary employees are eligible to apply to participate in this Policy.

- 4.2.** Eligibility to participate in this program shall be evaluated based on the following criteria:
- a. Achieve the Department and work unit objectives;
 - b. Provide adequate coverage, including supervision, to continue the Town's high standard of service to the public and other departments;
 - c. Not result in overtime coverage for non-exempt employees based on design and structure;
 - d. Not compromise the safety of any employee or the reliability of services;
 - e. Not violate the provisions of any Town operations or functions. Employees participating in the Flexible Work Schedule Policy must agree to abide by all provisions of the policy.
 - f. Must comply with all applicable State and Federal laws and regulations, the Town's Personnel Manual and personnel policies adopted by the Town Manager.

5. Flexible Work Schedule Options

The following are the flexible work schedule options available under the Town's flexible work schedule policy.

- 5.1. 9/80 Schedule** An employee may elect to continue working in compliance with the 9/80 schedule set forth in Personnel Rule 2.22.

5.2. Flex Work Schedule

- a. Employees on flexible work schedules must work during the Town's "core work hours" of 9:30 AM to 3:30 PM.
- b. Employees may pick from the following four flex work schedules:
 1. 6:30 AM - 3:30 PM
 2. 7:00 AM - 4:00 PM
 3. 8:00 AM - 5:00 PM
 4. 9:00 AM - 6:00 PM
- c. Managers may determine that a department should share the same flex work schedules.

5.3. Flex Time Schedule

- a. Employees on flex time schedules must work during the Town's "core work hours" of 9:30 AM and 3:30 PM. However, employees on this schedule may complete the remainder of their regularly-scheduled workday before and after "core work hours" as they see fit as long as all work is completed between 6:30 AM and 6:00 PM.
- b. The supervisor may set restrictions on flex time as needed.

- c. Employees on flex time schedules must record all their time on a daily basis, including start and stop times throughout the day.
- d. Employees on flex time schedules work the required number of assigned hours (for example a total of 8- hour daily if on a standard 5 days per week/8 hours per day schedule) and must complete their regularly expected amount of work.
- e. Lunch (between 12-1) may not be skipped to allow for a later start time or earlier end time.

5.4. Telework

- a. Recognizing that organization and employee needs may vary, the Town offers telework opportunities.
- b. Subject to supervisor approval, employees may elect to work a maximum of two days per week from home or other approved off-site location.
- c. All participating employees must understand and agree that telework is a privilege, not a right or entitlement. Telework is to be cost neutral, creating absolutely no additional cost to the Town or the participating department in administering, implementing, and monitoring it.
- d. The opportunity to telework is offered with the understanding that the employee must create and maintain a proper work environment at home or other approved location that is suitable for performing official business and maintained in a safe condition and free from hazards. Employees shall make sure confidential data is not released to third parties.
- e. The employee shall designate a contact phone number and an email address or other methods of communication. The Town's information technology system (computer, network, phone, and other related technology) is for use by telework employee in the course of Town business only as outlined in the Town's Technology Use Policy.
- f. Employees who telework shall be available to work at the regular worksite during telework days, if needed, with advanced notice if possible. Conversely, occasional requests by an employee to change their regularly scheduled telework day in a particular week or bi-weekly pay should be accommodated by the supervisor, if practicable.
- g. Supervisor may verify a telework employee's time spent working by contacting the employee at their designated contact information. The

telework employee shall not work more hours than those agreed upon by the supervisor without the supervisor's prior approval.

6 Changes to/Termination of Schedule.

- 6.1. Any work agreement under this policy may be cancelled at any time by either the employee or supervisor by written notification.
- 6.2. Employees shall be notified of the need for change/termination of the schedule a minimum of ten (10) working days in advance except in emergency situations. In the latter situation, changes may be implemented effective immediately. When possible, schedule changes will occur at the beginning of a pay period.
- 6.3. If an employee desires a change to his/her approved Flexible Work Schedule Policy option, the employee shall amend and re-submit their Request for Participation form to the supervisor for approval.

7 Evaluation of Program Participation.

- 7.1. The supervisor will review the employee's participation in the policy at least on an annual basis and more frequently, if needed, to ensure that the department and work unit objectives are met (Attachment 2).
- 7.2. An employee's non-compliance with this Policy, or abuse of said policy, may result in the employee's removal from the Flexible Work Schedule Policy and disciplinary action, up to and including termination of employment.

8 Overtime, Timekeeping and FLSA Compliance.

- 8.1. Unless exempt from FLSA overtime provisions, work performed by non-exempt employees in excess of forty (40) hours in a workweek will be compensated as overtime in accordance with the FLSA.
- 8.2. A 9/80, flexible schedule and flexible time schedule are all authorized work schedule for purposes of determining eligibility for overtime according to the Town's personnel rules.
- 8.3. Participating employee shall follow all existing policies and rules on timekeeping, payroll procedures, overtime, and the requirement to secure prior to approval prior to working extra hours. Employees may work overtime only when directed to do so and approved in advanced

by the supervisor. If employees work overtime without prior supervisory approval, the employee may be subject to administrative or disciplinary action.

PROCLAMATION

The Town of Portola Valley Recognizing November 14-20, 2021 as

United Against Hate Week

WHEREAS, the County of San Mateo is home to a diverse population of more than 700,000 people from dozens of cultures and countries around the world; and

WHEREAS, there has been an alarming increase in hate crimes against people of color, women, religiously-affiliated individuals, the LGBTQ community, and other groups in the United States in recent years; and

WHEREAS, deep divisions in our country have their basis in extreme ideology, which can further strengthen the cycle of mistrust and fear; and

WHEREAS, continued engagement, compassion and education are critical to eroding these malignant principles; and

WHEREAS, the United Against Hate Week Campaign is a vital component of this engagement, compassion and education;

NOW, THEREFORE, the Town Council of the Town of Portola Valley, California hereby designates November 14-20

United Against Hate Week

Be It Further Resolved, The Town of Portola Valley urges all residents to join in efforts to bridge differences and heal communities impacted by hate crimes.


Maryann Derwin, Mayor
October 13, 2021



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager 

DATE: October 13, 2021

RE: Response to San Mateo County Grand Jury, Law Enforcement

RECOMMENDATION

Staff recommends that the Town Council authorize the Mayor to sign a letter to the San Mateo County Grand Jury in response to the report “Building Greater Trust between the Community & Law Enforcement via the Racial and Identify Profiling Act”.

BACKGROUND

Every year, the San Mateo County Grand Jury issues reports to each city and the County to address a wide range of topics. The Grand Jury, in the attached report, has shared its thoughts on law enforcement agencies in San Mateo County beginning to collect stop data under the Racial and Identify Profiling Act (RIPA, Assembly Bill 953) (Attachment 1).

DISCUSSION

The Grand Jury report makes the following recommendations:

1. Each Law Enforcement Agency (LEA) must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.
2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.
3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.
4. Each LEA should provide regular updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021. Using RIPA Data for Transparent Community Trust Building – don't wait for the annual report

5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.
6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.
7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian 2020-21 San Mateo County Civil Grand Jury Page 25 review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.
8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff's stop data.

The recommended draft responses to these recommendations, and the Grand Jury's findings, are in Attachment 2. As the Town contracts with the San Mateo County Sheriff's Office for law enforcement services, staff discussed this report and its recommendations with the Sheriff's Office and hereby incorporates the Sheriff's responses to the Town's responses. The Sheriff's Office also provided an update earlier this month on their preparations to fulfill RIPA requirements (Attachment 3).

FISCAL IMPACT

None

ATTACHMENTS

1. [Grand Jury Report, "Building Greater Trust between the Community & Law Enforcement via the Racial and Identify Profiling Act"](#)
2. [Town Response](#)
3. [Sheriff's Office Memo, RIPA Update](#)



BUILDING GREATER TRUST BETWEEN THE COMMUNITY & LAW ENFORCEMENT VIA THE RACIAL AND IDENTITY PROFILING ACT

[Issue](#) | [Summary](#) | [Glossary](#) | [Background](#) | [Discussion](#) | [Findings](#) | [Recommendations](#)
[Requests for Responses](#) | [Methodology](#) | [Bibliography](#) | [Appendices](#) | [Responses](#)

ISSUE

California enacted the Racial and Identity Profiling Act in 2015 (RIPA, Assembly Bill 953), to highlight one of the more serious problems that can obstruct effective and fair law enforcement: implicit bias and racial and identity profiling. By requiring “stop data,” be documented and reported, law enforcement agencies will gain a tool to improve racial and identity awareness in law enforcement.

Are San Mateo County Law Enforcement Agencies (LEAs) ready to collect and report the RIPA stop data? Will the LEAs use the data to build trust within the community and improve their departments?

SUMMARY

Professor Paul Butler of Georgetown University Law Center in an NPR interview shared:

In my class at Georgetown, I have a real-life police officer come and talk to my students about what it's like to be a cop in D.C. And to demonstrate how much power he has, he plays a game with the students where he invites them to come on a ride-along, sit in the back seat of his car for a night, and the game is called “**Pick That Car.**” And he tells the student, **pick any car you want on the street, and I'll stop it. He's a good cop. He waits until he finds a legal reason.** But he says that he can follow any car for four or five minutes, and he'll find a reason. There are so many traffic infractions that any time you drive, you commit one. And **that gives police an extraordinary amount of power**, and we know that they selectively use this power against Black and brown people.¹

¹ NPR Interview with Paul Butler, April 16, 2021, <https://www.npr.org/transcripts/987956420> (emphasis added)

Peace officers² have a great deal of individual discretion on who they stop. And, as is true of all humans, they have implicit biases. Addressing implicit bias is key to addressing racism, reducing inequities in policing, and helping to eliminate needless or unwarranted peace officer-initiated shootings.³ The connection between racism and implicit bias is well documented,⁴ as is the fact that racism is present at individual and institutional levels.⁵

California's 2015 Racial and Identity Profiling Act, AB 953, seeks to address potential racial and identity profiling by peace officers.⁶ RIPA requires law enforcement agencies (LEAs) to collect data on every stop⁷ and capture the officer's *initial perception* of the people stopped. This data can help identify whether one demographic group is being stopped and searched more frequently than others due to implicit biases. The data collection requirement began in 2018 for the State's largest LEAs and expanded each year to the next largest LEAs. Every LEA in the County must collect stop data starting January 1, 2022 and submit stop data to the California Department of Justice (CA DOJ) annually, starting April 1, 2023.

The RIPA Advisory Board (RIPA Board) publishes an annual report examining the stop data and complaint data collected in the prior year. The report notes problems, shares successes, and offers informed recommendations on preventing and addressing racial and identity profiling. The report is released to the public at the end of the year or start of the next year. Thus, there is a significant lag time between the data collection and the RIPA Board report. Accordingly, the 2021 report, issued in January of this year, covers the stop data from 2019. If an LEA submits data identifying a potential problem but takes no action until the Board report is issued, it will be a reaction to the data versus a proactive response by the LEA in a timelier fashion.

² The terms peace officer and police officer are used interchangeably in this report. The RIPA Board prefers "peace officer."

³ Racial Equity Tools, Act, Communicating, Implicit Bias

<https://www.racialequitytools.org/resources/act/communicating/implicit-bias>

⁴ Gaertner S, Dovidio JF. "The aversive form of racism." In: Dovidio JF, Gaertner S, editors. *Prejudice, discrimination, and racism*. Orlando: Academic Press; 1986. pp. 61–89

⁵ Jones CP. "Levels of racism: a theoretic framework and a gardener's tale." *Am J Public Health*. 2000;90(8):1212-1215. doi:10.2105/ajph.90.8.1212

⁶ RIPA definition: "[P]eace officer,' ... is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. "Peace officer," as used in this section, does not include probation officers and officers in a custodial setting." (Gov. Code, § 12525.5 (g)(1).)

⁷ RIPA definition: "'[S]top' means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control." (Gov. Code, § 12525.5 (g)(2).)

For this Grand Jury report, all seventeen of the County’s LEAs were surveyed and subsequently interviewed to ascertain their progress and plans for:

- RIPA data collection and reporting;
- using insights gained from the RIPA data to improve the operation of their departments by combating implicit bias in policing; and
- pursuing greater community trust by implementing the RIPA Board’s growing list of policing best practices.

Those best practices include “community-based accountability.”⁸

The Board encourages law enforcement agencies to partner with local community-based organizations or colleges or universities to help with analyzing the data that drives the implementation of these best practices.⁹

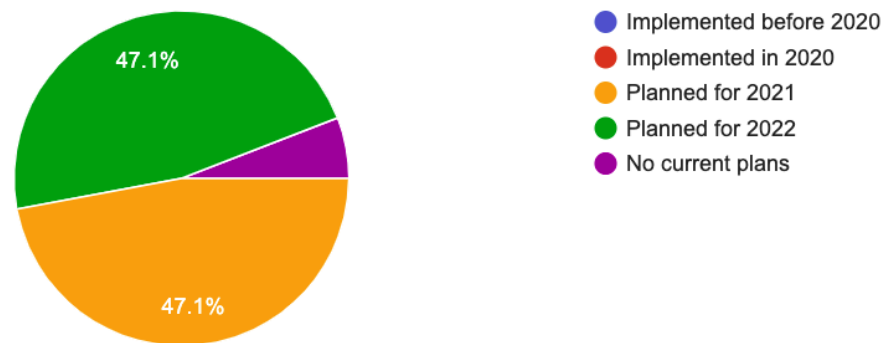
The Grand Jury found, as of the first quarter of 2021, two of the County’s LEAs are ahead in preparing for RIPA data collection, others are on track and should be able to comply, and a few are lagging in implementation. The Grand Jury survey asked each LEA their “plans for RIPA recommendation: ‘regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population.’” Their responses are summarized in the chart below:

⁸ Racial & Identity Profiling Advisory Board, 2021, “Annual Report 2021,” at p. 91, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>

⁹ 2021 RIPA Report Best Practices (ca.gov) <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf>

What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

17 responses



The Grand Jury recommends that all LEAs, in collaboration with their governing bodies:

1. finalize, implement, and test departmental systems and processes to collect and analyze RIPA stop data;
2. *start* collecting RIPA stop data *as soon as possible*, including earlier than the mandatory data collection date, to gain time to test, validate, and improve processes, and begin evaluating the collected data to identify possible signs of biased-policing;
3. plan how to analyze the RIPA stop data to improve local policing activities by “regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population;” and
4. evaluate and consider RIPA Board recommendations and peer-LEA examples of community engagement and transparency to build community trust and provide bias-free policing, sought by all stakeholders.¹⁰

¹⁰ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

GLOSSARY

Bias – prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.¹¹

Bias by proxy – “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.”¹² The bias starts outside the agency.

BOS – Board of Supervisors, San Mateo County.

CAD – Computer Aided Dispatch; used by public safety agencies to dispatch public safety personnel and to respond to calls.

CA DOJ – California Department of Justice.

Contracting Entities – The Sheriff’s Office “provides contract law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos ... the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District.”¹³ This report restricted itself to the contracting entities that are towns and cities.

County – San Mateo County.

Implicit Bias – The RIPA Board defines implicit bias as “the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner.”

LEA – Law Enforcement Agency – a police department or the County Sheriff’s Office.

POST –The California Commission on Peace Officer Standards and Training (POST), established by the Legislature in 1959.

RIPA – The Racial and Identity Profiling Act of 2015, California Assembly Bill 953.¹⁴

RIPA Advisory Board – Racial and Identity Profiling Advisory Board, created by AB 953.

¹¹ Unconscious Bias | diversity.ucsf.edu <https://diversity.ucsf.edu/resources/unconscious-bias>

¹² Racial & Identity Profiling Advisory Board, “2021 Best Practices,” p. 3, available at Racial and Identity Profiling Advisory Board | State of California - Department of Justice - Office of the Attorney General <https://oag.ca.gov/ab953/board>

¹³ San Mateo County Sheriff’s Office. “Patrol Services.” Undated. <https://www.smcsheriff.com/patrol-services>

¹⁴ An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

SDCS – Stop Data Collection System, the CA DOJ RIPA data input portal.

SMC – San Mateo County.

Stop – “means (1) any detention by a peace officer of a person; or (2) any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.”¹⁵

Stop data – the specific racial and identity data required to be collected under RIPA.

BACKGROUND

RIPA: The Racial and Identity Profiling Act (AB 953) & the RIPA Advisory Board

The 2015 Racial and Identity Profiling Act (AB 953) is designed to address potential racial and identity profiling by peace officers. Key provisions of RIPA:

1. required all LEAs in the State to collect peace officer *perceived* demographic and relevant data on all pedestrian and traffic stops and provide that data to the CA DOJ for public reporting and analysis purposes;
2. created the Racial and Identity Profiling Advisory Board (RIPA Board) to oversee RIPA implementation and guide LEAs on appropriate procedures, training and best practices; and
3. changed existing laws on the reporting of civilian complaints (Pen. Code, § 13012) and updated POST training guidelines.¹⁶

This report focuses on the first two provisions. The *annual* data collection requirement began with the State’s largest LEAs, which submitted their initial data, covering the last half of 2018, to the CA DOJ in 2019. RIPA expanded each year to smaller LEAs each year. All County LEAs are required to start collecting RIPA data on January 1, 2022 and to submit the data to CA DOJ by April 1, 2023. The data collection focuses on implicit bias by capturing the officer’s *initial perception* of the person’s race, sex, gender identity, sexual preference, age, physical or mental handicap, and English fluency.

Unlike existing data on traffic citations, arrests, and other interactions, the focus of the RIPA data is on the officer’s observation and *perception* of the stopped person’s race and identity. AB

¹⁵ Cal. Govt. Code § 12525.5(g)(2)

¹⁶ California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act” for the California Police Chiefs Association. October 21, 2020.

953 also expanded and clarified the definition of racial and identity profiling as “the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description.”¹⁷

The law specifically requires that “the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped.”¹⁸ RIPA also requires that *any detention* of a person by a peace officer, *or any peace officer interaction with a person in which the officer conducts a search, including a consensual search, is recorded.*¹⁹ Thus, a traffic stop that only resulted in a warning also generates a RIPA data record, unlike previous practice where citations resulted in a record, but warnings did not.

In California there are two main types of local law enforcement agencies: first, police departments, which operate in cities and towns (or special districts) and are headed by a police chief. The police chief is hired by and reports to a city or town manager, who in turn are governed by a city or town council. The other LEA in a county is the county sheriff. A sheriff is elected by the county residents. The Sheriff does *not* report to the county board of supervisors. And a county board of supervisors is specifically barred from obstructing the “constitutionally and statutorily designated investigative ... functions of the sheriff of the county...”²⁰

The 19-member RIPA Board includes a wide range of stakeholders, representing law enforcement, academia, religious clergy, and the community.²¹ Annually, the RIPA Board:

- analyzes the stop data information, by LEA;
- analyzes current law enforcement training;
- works in partnership with State and local law enforcement agencies to review and analyze racial/identity profiling policies/practices across geographic areas in California;

¹⁷ <https://oag.ca.gov/ab953> The entirety of the new definition can be found in Penal Code section 13519.4, subdivision (e).

¹⁸ Govt. Code §12525.5(b)(6)

¹⁹ California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act” for the California Police Chiefs Association. October 21, 2020.

²⁰ California Government Code Section 25303

²¹ California Penal Code Section 13519.4(j)(2)

- makes policy recommendations for eliminating racial and identity profiling,²² and
- publishes the following three reports:

**RIPA | RACIAL AND IDENTITY PROFILING ACT
2020 REPORT QUICK FACTS**

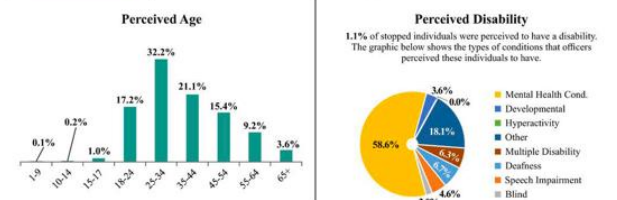
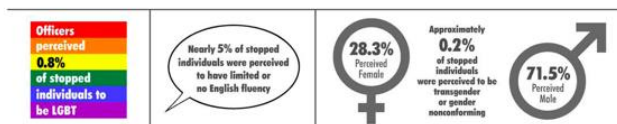
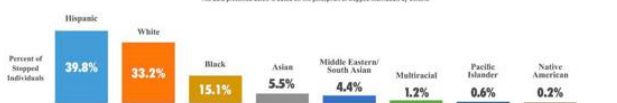
Between July 1, 2018 to December 31, 2018 the eight largest agencies in California collected data on vehicle and pedestrian stops. RIPA defines a stop as a detention or search.

California Highway Patrol
Los Angeles County Sheriff's Department
Los Angeles Police Department
Riverside County Sheriff's Department

San Bernardino County Sheriff's Department
San Diego County Sheriff's Department
San Diego Police Department
San Francisco Police Department



Demographics of Stopped Individuals
The data presented below is based on the perception of stopped individuals by officers.



- An Annual Report detailing the past and current status of racial and identity profiling,
- A Quick Facts document showing a statewide summary of the stop data (see Appendices F and G), and
- A Best Practices document²³ This Grand Jury report examines: 1) the status of local LEA preparation for compliance with the RIPA data collection and submission requirements, 2) LEA plans to use the data to improve their agency, and 3) LEA willingness to adopt RIPA Board recommendations and peer-LEA examples to build trust between their departments and the community.

To investigate their readiness to implement and utilize RIPA to identify and/or address bias and improve relationships between law enforcement and the communities it serves, the Grand Jury surveyed and

followed-up with interviews of all seventeen LEAs in SMC. The aggregate results are available in the Discussion section.²⁴

²² California DOJ webinar presentation “Reporting Stop Data for the Racial & Identity Profiling Act”

²³ [RIPA Board Reports and Videos | State of California - Department of Justice - Office of the Attorney General](#)

²⁴ As previously mentioned, the Grand Jury is not allowed to reveal information it obtained during interviews, or via the survey, in ways that might identify the source.

Implicit Bias

The RIPA Board defines implicit bias as “the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner.”²⁵ These biases could be favorable or unfavorable assessments, and they are activated involuntarily and without an individual’s awareness or intention. Implicit biases differ from explicit biases, which are known to the individual and include biases that the individual may not be comfortable revealing.²⁶

All humans have biases. Explicit bias is easier to identify and address, if people are willing to speak up and have a growth mindset.²⁷ Overt racism and racist comments are examples of explicit biases.²⁸

Implicit bias affects our decision making, even when we are unaware of it. Multiple academic studies, dating back into the 1990s and repeated many times since, show that when an identical resume is sent to a large and diverse set of evaluators for a clearly defined job, a majority of evaluators – regardless of their own race, age, sex, etc. – offer the job to white males more often, and at a higher salary. The only difference is the candidate names on the resume. The researchers intentionally used names that are historically connected to a particular sex/gender, or race/ethnicity.²⁹

Similarly, orchestras that recognize the problem of implicit bias switched to curtained live auditions, thus blinding the evaluator’s view of the auditioning musician’s visible race or gender. The result: more women and people of color were hired into nationally renowned orchestras.³⁰ A pop-culture acknowledgement of the role of implicit bias is seen in the TV show “The Voice,” where the coaches conduct blind auditions of contestants.³¹

²⁵ RIPA Board 2021 Report, p. 23.

²⁶ RIPA Board 2020 Report – Best Practices; see also Eberhardt 2020 Ted Talk.

²⁷ Great Schools Partnership, “Glossary of Education Reform, Growth Mindset” August 29, 2013, <https://www.edglossary.org/growth-mindset/>

²⁸ Lorie Fridell, “This Is Not Your Grandparents’ Prejudice: The Implications of the Modern Science of Bias for Police Training,” *Translational Criminology*, Fall 2013: 10-11, <http://cebcp.org/wp-content/TCmagazine/TC5-Fall2013>

²⁹ Steinpreis, R.E., Anders, K.A. & Ritzke, D. The Impact of Gender on the Review of the Curricula Vitae of Job Applicants and Tenure Candidates: A National Empirical Study. *Sex Roles* 41, 509–528 (1999). <https://doi-org.stanford.idm.oclc.org/10.1023/A:1018839203698>

³⁰ *Orchestrating Impartiality: The Impact of “Blind” Auditions on Female Musicians*, Claudia Goldin and Cecilia Rouse *AMERICAN ECONOMIC REVIEW* VOL. 90, NO. 4, SEPTEMBER 2000 (pp. 715-741)

³¹ [https://en.wikipedia.org/wiki/The_Voice_\(American_TV_series\)](https://en.wikipedia.org/wiki/The_Voice_(American_TV_series))

Although we generally associate implicit bias in policing with racial biases, implicit bias can also be expressed in relation to non-racial factors such as gender, age, religion, or sexual orientation. As with all types of bias, implicit bias can distort one's perception and subsequent treatment either in favor of or against a given person or group. Although most police officers do not intentionally discriminate, we as a nation have been confronted with multiple episodes of officers relying on racial stereotypes in judging who to stop and search. Last year's heavily reported incidents of police violence show that implicit biases may unconsciously link African American motorists and pedestrians with crime or with a propensity towards violence or hostility. The result could explain a tendency for police to shoot unarmed black people at a higher rate than white people (per capita).³²

What is Bias-Free Policing?

LEAs committed to bias-free policing provide services and enforce laws in a professional, nondiscriminatory, fair, and equitable manner. This keeps the community and officers safe and protected. It requires LEAs to recognize explicit and implicit biases can occur at individual and institutional levels, and a focused commitment to examining and eradicating both. This results in greater effectiveness of the LEA and builds mutual trust and respect with the diverse communities the LEAs serve.³³

Why Stops Matter

A 2020 guidebook³⁴ for LEAs and stakeholders on RIPA data collection, analysis and response, prepared by New York University researchers, notes: "Despite the prominence of stops, there is much we still do not know about them, including their efficacy in achieving public safety and their impact on the public. These questions, asked by law enforcement executives and communities alike, go largely unanswered because the data needed to answer them are lacking."³⁵ This research indicates that vehicle stops and pedestrian stops disproportionately burden non-white communities and the operational realities of stops—particularly vehicle stops—pose dangers both to those stopped and to law enforcement officers.³⁶ This research concludes that collecting and analyzing stop data can shed light on all of these issues.³⁷ By

³² The Stanford Open Policing Project, <https://openpolicing.stanford.edu>

³³ RIPA Board 2020 Report – Best Practices, p.2

³⁴ Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf

³⁵ Pryor, *Guidebook for LEAs*, *ibid.*, at 7.

³⁶ Pryor, *Guidebook for LEAs*, *ibid.*

³⁷ Pryor, *Guidebook for LEAs*, *ibid.*

embracing stop data collection and analysis in a transparent way, law enforcement can realize a range of benefits, such as:

- obtaining concrete evidence about whether stops are achieving law enforcement and public safety objectives;
- providing a better understanding of how stops impact the community and whether certain groups bear a disproportionate burden from those stops;
- permitting agencies to better assess the conduct of individual officers; and
- building community trust through improved transparency and dialogue about policing practices.

Again, the only way to answer these questions is to collect and analyze data.”³⁸

RIPA data: What is collected? And why *perceived* identity information?

For each stop the officer will collect RIPA Data regarding the stop, the officer’s perception of the person(s) stopped, and information about the officer. The 2021 RIPA Board report groups the information as shown in the table.³⁹

Officer Reporting Requirements
Information Regarding Stop
<ol style="list-style-type: none"> 1. Date, Time, and Duration 2. Location 3. Reason for Stop 4. Was Stop in Response to Call for Service? 5. Actions Taken During Stop 6. Contraband or Evidence Discovered 7. Property Seized 8. Result of Stop
Information Regarding Officer’s Perception of Person Stopped

³⁸ Ibid.

³⁹ 2021 RIPA Board Annual Report, p. 21

Officer Reporting Requirements
<ol style="list-style-type: none"> 1. Perceived Race or Ethnicity 2. Perceived Age 3. Perceived Gender 4. Perceived to be LGBT 5. Limited or No English Fluency 6. Perceived or Known Disability
Information Regarding Officer
<ol style="list-style-type: none"> 1. Officer's Identification Number 2. Years of Experience 3. Type of Assignment

A full list of the fields for which data is collected is available in Appendix A.

The RIPA-recorded perception is intended to be the first one the officer has of the stopped person. For example, in a traffic stop of a car with tinted windows, or at night, the officer may not see the driver until they roll down the window. The perception is the one at that moment, when the officer first sees the driver.⁴⁰ Capturing perception allows implicit biases to be examined. It does not matter if the actual identity information differs; what counts is how the officer perceives the person and deals with them.

Data Integrity & Is Data Collection a Burden?

Any set of data is only as useful as the quality of its components. Incomplete and contradictory data must be minimized to make the data useful. Recognizing the importance of RIPA data integrity, the CADOJ produced a five-minute video on the subject in May 2019. [RIPA – Data Integrity](#), available on YouTube.⁴¹ A LEA that collects data without following the CA DOJ requirements will have its data rejected, requiring reexamination of the data and resubmission.⁴²

How much time does it take to gather this valuable data? Experienced LEAs elsewhere in California have found that data collection, on average, only took three- to -five minutes per

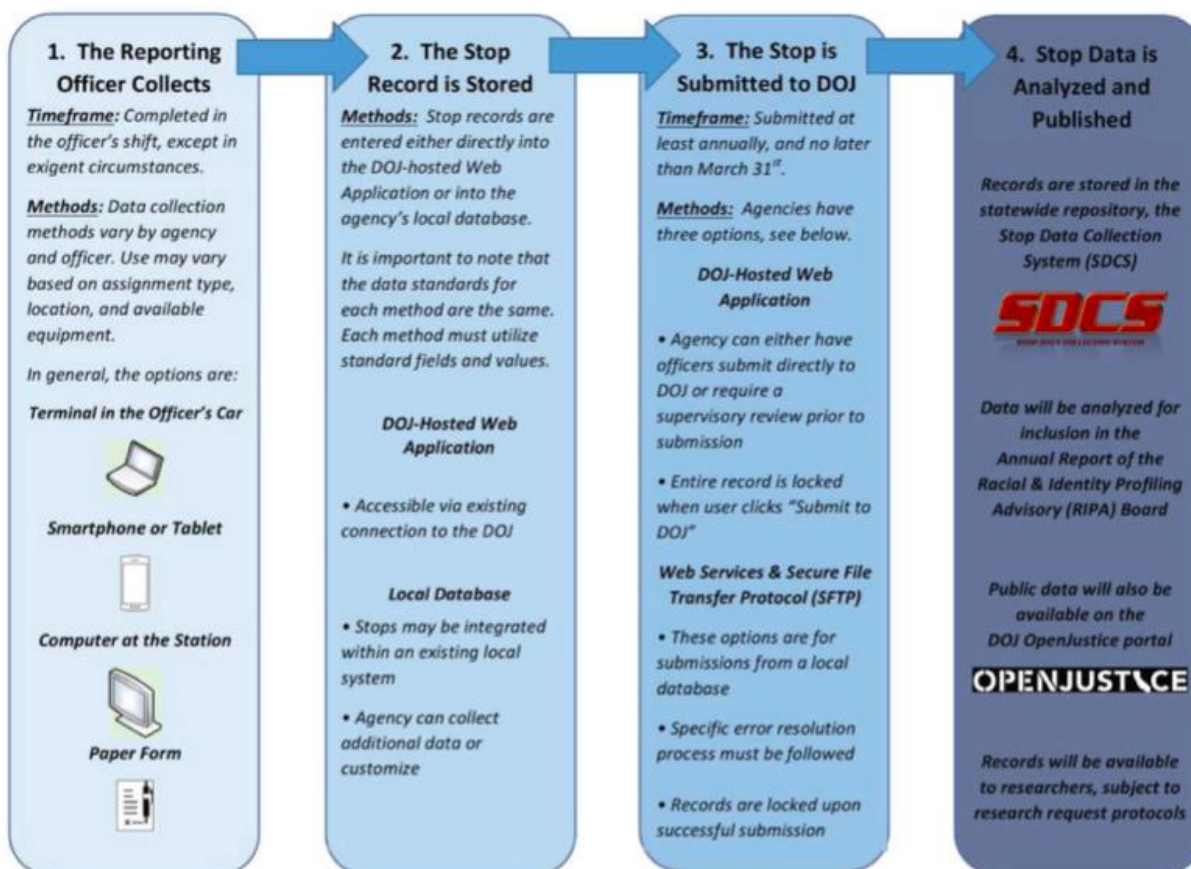
⁴⁰ DOJ webinar, “Reporting Stop Data for the Racial & Identity Profiling Act (RIPA / AB 953)”, slide 42 of 111.

⁴¹ RIPA Data Integrity, California Department of Justice, May 2, 2019, available at <https://youtu.be/F2evSciOFo0>

⁴² RIPA Stop Data Collection Stop Presentation, 2018, Slide 14 of 16

person stopped.⁴³ Private software vendors have created RIPA solutions for LEAs. See Appendix B for screenshots of one vendor's RIPA application.

The illustration below, from the 2019 RIPA Board report, illustrates the collection, submission, and analysis process:



RIPA Board Best Practices and Learning from Peer LEAs

The RIPA Board offers “policy recommendations for eliminating racial/identity profiling” via an annually published RIPA Board Best Practices Report. An outline of the 2020 and 2021 Best Practices Report is available in Appendix C.

⁴³ Grand Jury Interviews.

The RIPA Board Best Practices Report includes recommendations for policies, training, and interactions with the community to eliminate “racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement.”⁴⁴

Many peer LEAs have begun implementing community advisory boards for community-based accountability and trust building, unrelated to RIPA. These include, but are not limited to, the University of California, Berkeley⁴⁵, Chula Vista⁴⁶, Davis⁴⁷, Walnut Creek⁴⁸, Fremont⁴⁹, Hayward⁵⁰, Salinas⁵¹, and others. The RIPA Board notes: “For law enforcement agencies to fully practice accountability, the community must be included in those efforts to keep individual officers and the agency as a whole accountable. The Board will review avenues for community involvement, including community participation in oversight, advisory, or disciplinary boards.”⁵²

The RIPA best practices and Statewide LEA actions intended to promote transparency and trust building that are most relevant to the scope of this report include:

- **Accountability practices** to improve police and community relations composed of a comprehensive system which includes: data tracking and transparency, early intervention systems, supervisory oversight, clear policies, and community-based accountability.⁵³
- Peer-LEA examples of community engagement and transparency, including use of **community advisory boards** as a mechanism to build community trust and provide bias-

⁴⁴ Penal Code §13519.4 (j)(1)

⁴⁵ “Recommendation 15 states each campus would create independent advisory boards with representatives from the campus who can facilitate and enhance communication between the police department and the greater campus community as well as work collaboratively with the departments on issues involving campus safety and security” University of California, UC Berkeley, “Update On Campus Safety Task Force” March, 2021.
<https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/campus-safety/updates-on-campus-safety-task-forces.pdf>

⁴⁶ Chula Vista Police Department. “Community Advisor Committee” Accessed May 2021.

<https://www.chulavistaca.gov/departments/police-department/programs/chief-s-advisory-committee>

⁴⁷ Davis Police Department, “Community Advisory Board”, (board formed in 2005), Accessed May 2021.

<https://www.cityofdavis.org/city-hall/police-department/administration/community-advisory-board>

⁴⁸ Walnut Creek, City of. “Chief’s Community Advisory Board.” Undated. Accessed May 2021.

<https://www.walnut-creek.org/government/commissions-committees/chief-s-community-advisory-board>

⁴⁹ Fremont Police Department. “Community Advisory Group (CAG).” Undated.

<https://www.fremontpolice.gov/about-us/office-of-the-chief-of-police/community-advisory-group>

⁵⁰ <https://www.hayward-ca.gov/your-government/boards-commissions/hpd-community-advisory-panel>

⁵¹ <https://www.cityofsalinas.org/our-government/boards-commissions/police-community-advisory-committee>

⁵² Racial & Identity Profiling Advisory Board, *2021 Annual Report*, p. 91,

⁵³ Racial & Identity Profiling Advisory Board, *2021 Best Practices*, p. 2,

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf?>

free policing, sought by all stakeholders⁵⁴. The 2021 RIPA Board notes: “13 of the 25 agencies surveyed indicated that they have a civilian review board. Of those agencies, five reported discussing the RIPA Board’s findings with their civilian review boards.”⁵⁵

- **A Stand-alone Bias-free Policing Policy** which should: use clear language, including definitions of relevant terms; express the agency’s responsibility to identify and eliminate racial and identity profiling; include references to relevant training that agency personnel receive on racial and identity profiling and bias; include components on encounters with the community, data analysis, accountability, and supervisory review; be easily accessible to both agency personnel and the public; and include cross references to other relevant agency policies on subjects such as civilian complaints, stops, use of force, training, and accountability.⁵⁶
- **Processes to Address Bias by Proxy** which occurs “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.”⁵⁷ The RIPA Board recommends that all LEAs adopt a policy to prevent bias by proxy or bias-based call by filtering out the biased information.
- **Civilian Complaints practices** - The RIPA Board has in- depth recommendations on how a LEA should handle complaints from members of the public so that they are not all dismissed as unfounded.⁵⁸
- **Training on Bias** - The RIPA Board also makes recommendations related to Racial and Identity Profiling training. In California, the Commission on Peace Officers Standards and Training (POST) creates training programs and materials for use by LEAs Statewide. The RIPA Board specifically recommends that POST training: uses stop data findings from RIPA reports to examine the disparities between racial and identity groups to identify topic areas of concern for future course development; provides courses with deeper discussions on possible officer bias that leads to a stop, how the situation evolves during the stop, and communication skills to prevent stops from escalating; provides guidance and discussion about the legal implications and consequences of bias; connects recruitment academy training to field officer training and determines how implicit bias

⁵⁴ Stakeholders include local governance leaders (city/town councils, Boards of Supervisors), residents, local community leaders and organizers, to name a few.

⁵⁵ RIPA Board 2021 Annual Report, p. 85

⁵⁶ RIPA Board 2021 Best Practices, *supra*, at p. 2

⁵⁷ RIPA Board 2021 Best Practices, *supra*, at p. 3

⁵⁸ RIPA Board 2021 Best Practices, *supra*, at p. 5

and racial and identity profiling and cultural awareness training are being applied; and, ensures that field training officers have up-to-date racial and identity profiling training.⁵⁹

RIPA Stop Data Impact on New Legislation

RIPA data has triggered the creation of new legislation. For example, early in 2021, a California assemblyman proposed a change in the State's laws regarding jaywalking (AB-1238, 2021, Ting and Friedman).⁶⁰ The bill was prompted, in part, by RIPA data showing that African Americans were four and one-half times more likely to be ticketed for jaywalking than whites. A ticket for jaywalking can escalate into a violent confrontation with law enforcement.⁶¹ On June 2, 2021, AB-1238, passed in the Assembly, it has moved to the State Senate.

DISCUSSION

Do SMC LEAs Have a Bias Problem?

It is easy to believe that biased policing is only a problem of big cities in other counties. Los Angeles, Oakland, Sacramento, San Francisco, and San Jose have all had publicized problems with documented episodes of their respective peace officers exhibiting biases in their interactions with civilians.⁶²

⁵⁹ RIPA Board 2021 Best Practices, *supra*, at pp. 4-5

⁶⁰ Bill Text - AB-1238 Pedestrian access. (ca.gov)

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1238

⁶¹ Ting Proposes to Eliminate Jaywalking Tickets In California | Official Website - Assemblymember Phil Ting Representing the 19th California Assembly District (asmdc.org) <https://a19.asmdc.org/press-releases/20210325-ting-proposes-eliminate-jaywalking-tickets-california>

⁶² Edwards, Ezekiel, "San Francisco Is a Hotbed of Illegal Race-Based Policing" San Francisco Is a Hotbed of Illegal Race-Based Policing | American Civil Liberties Union (aclu.org) 2018, <https://www.aclu.org/blog/criminal-law-reform/reforming-police/san-francisco-hotbed-illegal-race-based-policing> ; Louie, David, (April 10, 2015) "Report: SJPd has a big problem being racially biased," ABC, KGO-TV, <https://abc7news.com/san-jose-police-department-sjpd-report-racial-bias/649558/>; Eberhardt, Jennifer, "To end racial disparities in policing, we must look beyond the data" The Guardian, April 18, 2019, <https://www.theguardian.com/commentisfree/2019/apr/17/race-policing-oakland-biased-jennifer-eberhardt>; Bretón, Marcos, "'Implicit bias' replaces the 'R' word. This is how we explain cops killing black men." Sacramento Bee, April 8, 2018, <https://www.sacbee.com/news/local/news-columns-blogs/marcos-breton/article208230624.html>; Times Editorial Board, "Editorial: The more LAPD changes...", Los Angeles Times, May 28, 2021, <https://www.latimes.com/opinion/story/2021-05-28/lapd-changes-reform-needed> ; see also FiveThirtyEight, February 4, 2021, <https://fivethirtyeight.com/features/the-biden-administration-wants-to-address-racial-bias-in-policing-what-cities-should-it-investigate/>

When asked, SMC LEAs generally do not think they have a problem with biased policing, based in part, on how few public bias-complaints they get.⁶³ Few departments have more than a small handful of complaints annually alleging any type of bias. All have both policies and training designed to eliminate biased policing.

Analysis of data shows that speaking up or complaining to authorities such as the local police are not reliable indicators of bias-free policing. For example, in Los Angeles, from 2012 to 2014, there were 1,356 allegations of biased policing. None of the complaints were upheld.⁶⁴

“AB 953 expanded the type of complaints that agencies are required to report to the Department of Justice, as well as the specific data to be reported for complaints.”⁶⁵ Complaint data for the County’s LEAs shows that while there were a total of 43 racial or identity profiling complaints reported during 2016 to 2019, none were sustained. The complaints were examined and resolved by the LEAs. (See Appendix H).

Are the County’s LEAs prepared for RIPA?

As previously mentioned, the RIPA timeline for County LEAs requires official data collection to begin on January 1, 2022, and submission to the CA DOJ by April 1, 2023. In order to comply, each individual LEA must have processes, technology, training, and system debugging completed before the end of 2021.

Are County LEAs prepared for RIPA data collection and submission? Do they have qualified personnel to analyze and use the data? How will they use the data for greater local transparency, training, and trust building? These are the questions this investigation set out to answer. The data for all local LEAs is based on the Grand Jury’s survey⁶⁶ and subsequent interviews with the leadership of all seventeen LEAs that took place in January and February 2021. The LEAs will have moved ahead with specific RIPA-related plans since the interviews.

The survey and interview results indicate levels of preparedness across LEAs that fall along a classic bell curve.⁶⁷ Some LEAs began collecting RIPA stop data in early 2021. The majority

⁶³ Grand Jury Interviews.

⁶⁴ Mather, Kate. “LAPD found no bias in all 1,356 complaints filed against officers.” Los Angeles Times, Dec. 15, 2015.

⁶⁵ AB 953: The Racial and Identity Profiling Act of 2015 | State of California - Department of Justice - Office of the Attorney General <https://oag.ca.gov/ab953#complaints>

⁶⁶ See Appendix D for the survey form.

⁶⁷ Grand Jury Confidentiality rules dictate that the identity of individuals interviewed is kept confidential.

have begun looking at solutions to comply, and a few are lagging and relying on other LEAs to lead the way. As of the first quarter of 2021:

- Burlingame announced it would begin collecting RIPA data early.⁶⁸
- Menlo Park indicated it purchased the necessary software.⁶⁹
- Most LEAs had either decided on their technology platform for RIPA data collection or had narrowed their approach to two or three alternatives.
- A few of the LEAs had barely begun their RIPA preparations.
- At least one of the contracted entities did not know about RIPA nor that it will be able to request RIPA data from the Sheriff.⁷⁰
- Some LEAs were confused and believed the County Dispatch System would collect the RIPA data. The dispatch system is part of the existing traffic citation writing procedure. The Grand Jury did not find any technology platforms that rely on County-level dispatch systems for RIPA data collection and question the efficacy of such a system.
- None of the LEAs had a firm plan for what personnel will be needed to ensure accurate data collection and analysis. Some thought they might add the task to the existing command group while others indicated a possible need for a data analyst. For the smaller departments, sharing one data analyst may make sense.

While each LEA is responsible for its own RIPA compliance, the LEAs in SMC can consult each other through the San Mateo Police Chiefs & Sheriff Association. The group meets monthly and has a RIPA Subcommittee.⁷¹

⁶⁸ Walsh, Austin. “Police address policy reforms in Burlingame - Chief details variety of efforts department has adopted in the wake of George Floyd’s killing.” The Daily Journal. December 28, 2020. https://www.smdailyjournal.com/news/local/police-address-policy-reforms-in-burlingame/article_4ff4a732-48ca-11eb-9dcf-f3b429ebbeb7.htm

⁶⁹ Menlo Park City Manager’s Office. “Staff Report 20-150-CC: Add institutionalized bias reform as a top priority for City staff in 2020-21 and provide input to staff on how to address police” for July 16, 2020 meeting. <https://menlopark.org/DocumentCenter/View/25679/F2-20200714-CC-Institutionalized-bias-reform>

⁷⁰ Grand Jury interviews.

⁷¹ Grand Jury interviews.

Costs

The range of technology solutions for RIPA compliance include using existing systems without the purchase of new software or hardware, using the CA DOJ option which requires human labor, or acquiring technology for budget and time-friendly solutions.

City and town LEAs anticipated initial *direct* costs to range from \$0 - \$30,000. Some had existing systems which offer RIPA add-ons as part of the annual software fee, others expected to purchase either an add-on or standalone solution. None expressed budgetary concerns.⁷²

The County's largest LEA, the Sheriff's Office, has designated patrol services for the unincorporated parts of the county. The Sheriff's Office also provides contracted law enforcement services for the cities of Half Moon Bay, Millbrae, San Carlos, for the towns of Portola Valley and Woodside, as well as for the Peninsula Corridor Joint Powers Board and the San Mateo County Transit District.⁷³ Its preliminary estimate of RIPA costs range from \$15,000 to \$250,000, depending on the technology platform.

There are also *indirect* costs involved in complying with RIPA. They include:

- basic startup costs of any new program: installation of software and debugging, which may, or may not, be included in the direct costs mentioned above;
- training of officers on the use of the software, the purposes of RIPA, RIPA compliant data collection, etc.;
- personnel costs to audit the data collection to ensure, at a minimum, accurate data collection and reporting; and
- resources required to regularly analyze and use the data for improving bias-free policing.

Technology cost miscalculations can occur as evidenced by the experience of larger agencies. For example, a 2018 San Diego Police Department news report shared that the Peace Officers Research Association of California and the California State Sheriffs' Association had raised concerns that the RIPA requirements, which began in July 2018 for the State's largest agencies, would be expensive. In February 2017, then-Police Chief Shelley Zimmerman mentioned potential RIPA-related expenses to the city council. Later in May, council members budgeted an additional \$200,000 to cover the cost of implementation. SDPD Lieutenant Jeff Jordon said the money was intended to pay for the development of new tools to meet the mandate, but the agency instead received a free mobile application and program from the San Diego County Sheriff's Department. Ultimately, the department spent \$6,228, Jordon said, and the remaining

⁷² Grand Jury interviews.

⁷³ <https://www.smcsheriff.com/index.php/patrol-services>

\$193,772 went back to the city’s general fund at the end of the fiscal year in June, a mayor’s office spokesman confirmed.⁷⁴

To prevent such miscalculations and deliver on community and local-governance expectations, SMC LEAs would benefit from early planning and consultation with peer-LEAs that are leading in this effort.

RIPA’s Bias Free Policing Opportunity

The RIPA Board recommendations map out a path for local LEAs to deliver on the aspirations of bias-free -policing. The 2020-Summer-of-Race-Reckoning and ongoing national coverage of the subject⁷⁵ reinforces the need for racial equity in policing everywhere, including San Mateo County.

The Annual RIPA Report summarizes and publishes stop data findings along with recommendations to improve bias-free-policing. Local LEAs, in collaboration with their city/town councils and residents, can review their local RIPA data. A quarterly review, engaging internal and external stakeholders, can identify opportunities for addressing potential biases and course-correcting before the Annual RIPA Report is published. The appended table below summarizes: 1) legislated requirement (**bold**), and 2) RIPA Board intent and recommendations (italics).

RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA ⁷⁶	Delivering on RIPA goal of Bias-Free-Policing
Stop Data	Collection & Reporting to CA DOJ (legislated)	<i>Regularly analyzing RIPA data at the LEA level</i>	<i>Training and mentoring officers and dispatch teams; evolving policies, etc.</i>

⁷⁴ Mento, Tarryn. “SDPD Didn’t Need Additional \$200K To Implement New Anti-Racial Profiling Law.” KPBS. December 20, 2018. <https://www.kpbs.org/news/2018/dec/20/sdpd-didnt-need-additional-200k-implement-new-anti/>

⁷⁵ Chang, Ailsa, Rachel Martin, Eric Marrapodi. “Summer of Racial Reckoning.” KQED. August 16, 2020. <https://www.npr.org/2020/08/16/902179773/summer-of-racial-reckoning-the-match-lit>

⁷⁶ Grand Jury Interviews

RIPA Components	Understanding the RIPA Opportunity for Moving Toward Bias-Free Policing	Suggestions for Implementing RIPA ⁷⁶	Delivering on RIPA goal of Bias-Free-Policing
<i>Technology Platform</i>	<i>Easy plug-in for quick data collection</i>	<i>Ongoing and auto-auditing</i>	<i>Sophisticated, regular reporting at LEA level for local management via neighborhoods, etc.</i>
<i>Training front line officers for data collection; Training Supervisors for data collection & auditing</i>	<i>A mindset shift whereby all LEA teams understand the need to address implicit bias aka perceptions. Noting: we're all human</i>	<i>Awareness via ongoing Implicit bias training and discussions. Creating safe and brave spaces for learning from human frailty of implicit bias.</i>	<i>Transparency with external stakeholders on the need for the journey to learn and grow in order to deliver bias-free-policing</i>
<i>Community Engagement</i>	<i>Community is aware of stop data reports via annual RIPA Reports and easily accessible online data</i>	<i>LEAs engage City or Town Councils and the public on local RIPA data on a regular basis. Data should be easily accessible</i>	<i>Engage diverse stakeholders to advise, inform, guide collaborative bias-free-public safety</i>

Analysis of Stop Data

The RIPA stop data will require analysis using statistical or analytical tools. The RIPA Board's annual analysis compares the stop data-breakdown by race and identity against that of the community. But that comparison can be misleading when the diversity of day visitors doesn't match that of the residents. For example, populations vary in Half Moon Bay with a high beach-day-use or seasonal-agricultural workers; and Colma has day-work, transient populations. When the day-population diversity is different from the fulltime resident population, RIPA data could either suggest or hide biases.

The mandated data collection creates an opportunity for local LEAs to use their data on a regular basis as an early alert of possible individual or unit bias. Collection and analysis could promote early addressing of potential issues via training or mentorship. Sharing the data with the local

community on a regular basis, and engaging them in ascertaining possible solutions, is a RIPA Advisory Board recommendation implemented by many California LEAs.

Using RIPA to Improve Law Enforcement

A few SMC LEAs have plans to review the data monthly or quarterly, to identify patterns of bias; but a majority don't. Pryor, et al. *Guidebook for LEAs, supra*, recommends:⁷⁷

- Data analysis is crucial; thus LEAs should either allocate resources to hire experts or look to partner with universities or researchers;
- Analysis can be used to assess both the effectiveness of specific tactics and any disparities in how those tactics are applied in the community; and
- Three levels of explanation for police-data analysis, namely: *community, department, and relationship* between community and department.

What Could Governing Bodies Expect of Their LEAs Regarding RIPA?

Municipal governing bodies (city or town councils) should already be aware of RIPA, *and* of the plans of their respective LEAs to implement it. This is important because the LEA interviews raised the following concerns:⁷⁸

- LEA may request additional funding to implement RIPA data collection;
- LEA may need to reassign personnel to enable it to make use of RIPA data to improve its operation;
- LEA may show an initial drop in traffic citations and other interactions with the public when it starts collecting RIPA data;
- RIPA data will be analyzed by CA DOJ and department deficiencies will become public for citizens, advocacy groups, and academic researchers to view and further analyze and question; and

⁷⁷ Pryor, Marie, Phillip Atiba Goff, Farhang Heydari, and Barry Friedman. 2020. "Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities." New York. https://policingequity.org/images/pdfs-doc/COPS-Guidebook_Final_Release_Version_2-compressed.pdf

⁷⁸ Grand Jury Interviews

- RIPA data may bring to light a policing problem that is not otherwise apparent to the council.

IN SUMMARY

RIPA provides LEAs with an opportunity to improve operations. Explicit bias is readily identified in the words and actions of individuals, as well as in organizations. Implicit bias, in contrast, operates subtly, often without awareness by the person whose behavior the bias affects. Collecting and analyzing stop data can shed light on ways in which implicit biases are leading to uneven and unfair law enforcement. Once the problem is known, steps can be taken to minimize the bias and reduce its impact. It is crucial for the community to trust law enforcement.

FINDINGS

All seventeen LEAs responded to the Grand Jury survey on RIPA-readiness and participated in one or more interviews. Grand Jury confidentiality rules prevent specific identification of the responses of each LEA. The Grand Jury's aggregate relevant findings are:

RIPA Data Collection and Reporting

- F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.
- F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA's RIPA-preparedness correlates to their understanding of RIPA requirements.
- F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.
- F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.
- F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Using RIPA Data for Transparent Community Trust Building

- F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

- F7. Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.
- F8. Between now and 2022, sixteen county LEAs have plans for “regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population.”

RECOMMENDATIONS

RIPA Data Collection and Reporting – Milestones for January 1, 2022 compliance

- R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.
- R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.
- R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.
- R4. Each LEA should provide regular updates to their governing entities, on their progress *toward preparing* for the required RIPA data collection starting on October 15, 2021.

Using RIPA Data for Transparent Community Trust Building – don't wait for the annual report

- R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.
- R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.
- R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of “academics, police commissions, civilian

review bodies, or advisory boards” as a mechanism to build community trust and provide bias-free policing.

R8. In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff’s stop data.

REQUEST FOR RESPONSES

Penal Code Section 933.05 (emphasis added)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

- (1) The respondent **agrees** with the finding.
- (2) The respondent **disagrees** wholly or partially with the finding, in which case the response shall **specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.**

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, **with a summary regarding the implemented action.**
- (2) The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe for implementation.**
- (3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, **with an explanation therefor.**

Pursuant to Gov. Code § 933.05, the Grand Jury requests responses from the following entities, for the listed **Findings**:

Responses to FINDINGS from City/Town Councils and the Sheriff								
FINDINGS	F1	F2	F3	F4	F5	F6	F7	F8
Atherton	X	X	X	X	X	X		X
Belmont	X	X	X	X	X	X		X

Responses to FINDINGS from City/Town Councils and the Sheriff									
FINDINGS	F1	F2	F3	F4	F5	F6	F7	F8	
Brisbane	X	X	X	X	X	X		X	
Burlingame	X	X	X	X	X	X		X	
Colma	X	X	X	X	X	X		X	
Daly City	X	X	X	X	X	X		X	
East Palo Alto	X	X	X	X	X	X		X	
Foster City	X	X	X	X	X	X		X	
Hillsborough	X	X	X	X	X	X		X	
Menlo Park	X	X	X	X	X	X		X	
Pacifica	X	X	X	X	X	X		X	
Redwood City	X	X	X	X	X	X		X	
San Bruno	X	X	X	X	X	X		X	
San Mateo	X	X	X	X	X	X		X	
South San Francisco	X	X	X	X	X	X		X	
Broadmoor Police District Board	X	X	X	X	X	X		X	
Millbrae	X	X	X	X	X	X	X	X	
San Carlos	X	X	X	X	X	X	X	X	
Portola Valley	X	X	X	X	X	X	X	X	
Woodside	X	X	X	X	X	X	X	X	
Half Moon Bay	X	X	X	X	X	X	X	X	
Sheriff	X	X	X	X	X	X	X	X	

Pursuant to Gov. Code § 933.05, the Grand Jury requests responses **from the following entities for the listed Recommendations:**

Responses to RECOMMENDATIONS from City/Town Councils and the Sheriff									
RECOMMENDATIONS	R1	R2	R3	R4	R5	R6	R7	R8	
Atherton	X	X	X	X	X	X	X	X	
Belmont	X	X	X	X	X	X	X	X	
Brisbane	X	X	X	X	X	X	X	X	
Burlingame	X	X	X	X	X	X	X	X	
Colma	X	X	X	X	X	X	X	X	
Daly City	X	X	X	X	X	X	X	X	

Responses to RECOMMENDATIONS from City/Town Councils and the Sheriff								
RECOMMENDATIONS	R1	R2	R3	R4	R5	R6	R7	R8
East Palo Alto	X	X	X	X	X	X	X	
Foster City	X	X	X	X	X	X	X	
Hillsborough	X	X	X	X	X	X	X	
Menlo Park	X	X	X	X	X	X	X	
Pacifica	X	X	X	X	X	X	X	
Redwood City	X	X	X	X	X	X	X	
San Bruno	X	X	X	X	X	X	X	
San Mateo	X	X	X	X	X	X	X	
South San Francisco	X	X	X	X	X	X	X	
Board of the Broadmoor Police Protection District	X	X	X	X	X	X	X	
Millbrae	X	X	X	X	X	X	X	X
San Carlos	X	X	X	X	X	X	X	X
Portola Valley	X	X	X	X	X	X	X	X
Woodside	X	X	X	X	X	X	X	X
Half Moon Bay	X	X	X	X	X	X	X	X
Sheriff	X	X	X	X	X	X	X	X

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

Documents

Reports, presentations, and other documents from the California RIPA Board were reviewed, along with websites for the Sheriff's Office, police departments, and city and town councils. In response to the survey (below) certain LEAs provided additional documents. The California Department of Justice also provided materials to inform the investigation. For a comprehensive list of the documents reviewed and consulted, see the Bibliography below.

Site Tour(s)

Due to the Covid-19 pandemic, no physical site tours were scheduled for this report.

Interviews & Surveys

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

All interviews were conducted by videoconference using Zoom or Google Meets. For this report the Grand Jury interviewed:

- Law enforcement personnel at the commander, captain, or chief level, or equivalent from each LEA in the County
- Current and past members of the RIPA advisory boards
- Members of law enforcement with experience outside of the County
- At least one city manager

A comprehensive survey on RIPA preparedness and bias-free policing was sent to all 17 active LEAs in the County. All 17 responded. Appendix D shows the form used in the survey. Some of the answers from that survey, anonymized, are shown in Appendix E.

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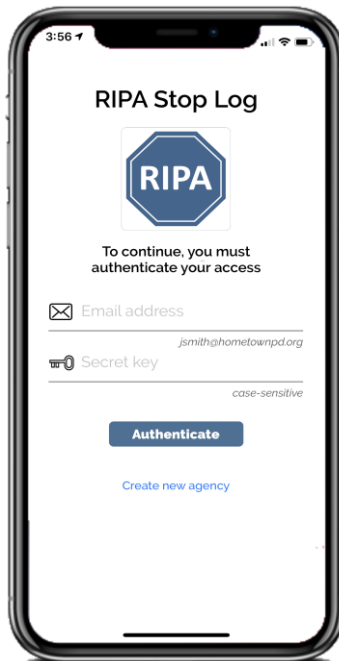
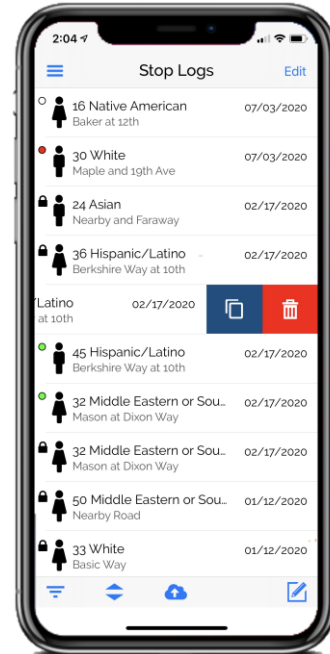
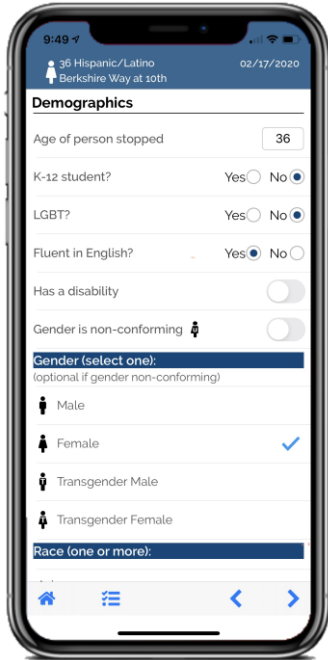
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APPENDIX A: List of RIPA Data Fields and Variables

[RIPA Data Fields and Variables.pdf](#)

APPENDIX B: Screenshots of RIPALog Software



APPENDIX C: Outline of RIPA Board Best Practices Documents for 2020 and 2021

2020 Best Practices Document (21 pgs.) - [Best Practices - 2020 RIPA Board Report - Racial and Identity Profiling Advisory \(RIPA\) Board \(ca.gov\)](#)

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf>

- 1) Model Bias-Free Policing Policies
 - a) Policy Language
 - b) Definitions
 - c) Exception language - when characteristics may be considered
 - d) Encounters with Community
 - e) Training
 - f) Data Collection & Analysis
 - g) Accountability & Adherence to the Policy
 - h) Supervisory Review
- 2) Bias by Proxy Recommendations
 - a) [multiple subparts]
- 3) Civilian Complaint Forms best practices
 - a) Background
 - b) General Complaint Information
 - c) Complaint Information
 - d) Incident Information
 - e) Processing of Complaints
- 4) Lack of Uniformity in what is a complaint and how to quantify
- 5) Accessibility & Knowledge of LEA's Complaint Process
- 6) Barriers to Reporting Civilian Complaints
- 7) Complaint Access for the Disabled

2021 Best Practices Document (6 pgs.) [2021 RIPA Report Best Practices \(ca.gov\)](#)

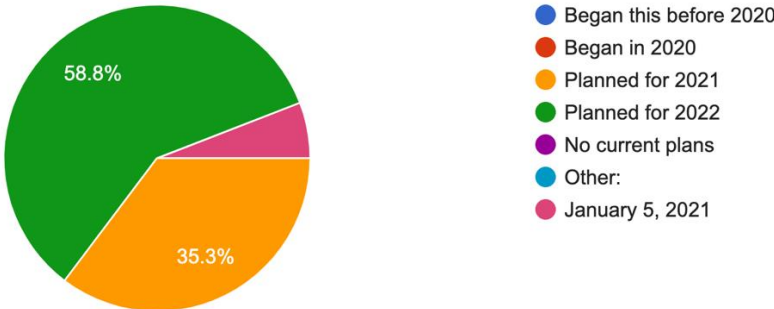
<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2021.pdf>

- 1) Explicit Bias, Implicit Bias, and Other Driving Forces for Stop Data Disparities
- 2) Racial and Identity Profiling Policies and Accountability
- 3) Calls for Service and Bias by Proxy
- 4) Civilian Complaints: Policies and Data Analysis
- 5) California Commission on Peace Officer Standards and Training (Post) Training Related to Racial and Identity Profiling

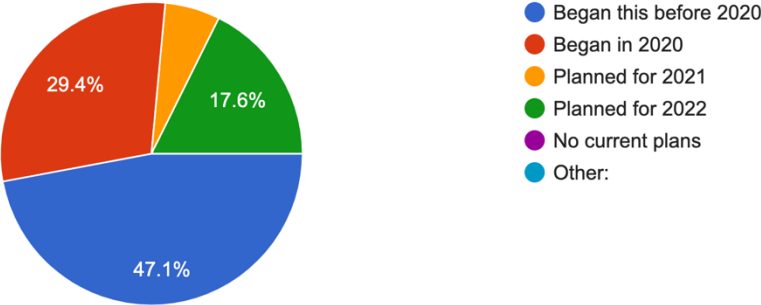
APPENDIX D: Grand Jury Survey – Delivering on DEI & Ready for RIPA
[Survey Form for Grand Jury Survey of LEAs.pdf](#)

APPENDIX E – Selected LEA Responses to GJ RIPA Survey

When did you begin collecting stop data with race and identity, as defined by RIPA demographics?
17 responses

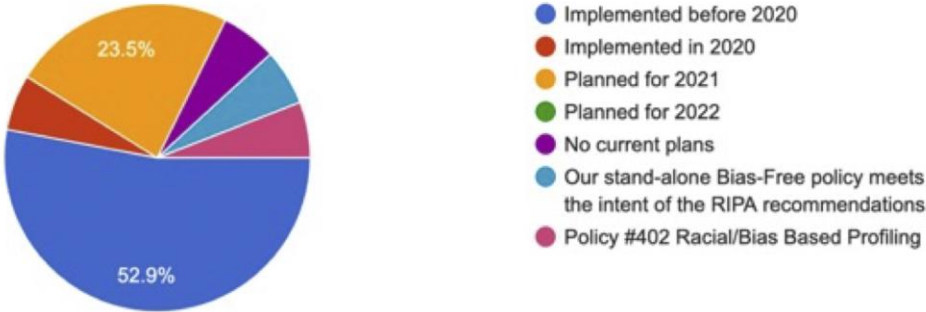


Has your LEA started preparing for compliance with Racial and Identity Profiling Act of 2015 (AB 953)? *
17 responses



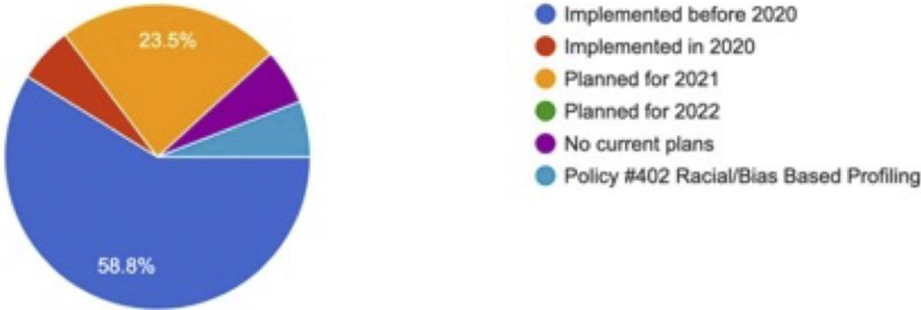
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which is clearly written and easily accessible by all employees?

17 responses

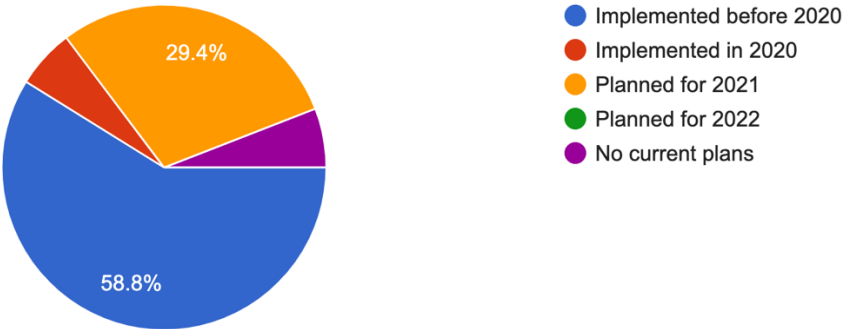


Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which uses concrete definitions of Bias-Free Policing and/or Racial & Identity Profiling?

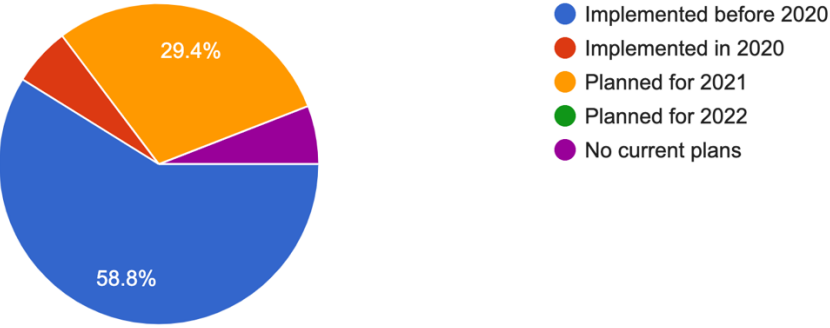
17 responses



Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on limited circumstances in which characteristics of individual may be considered?
17 responses

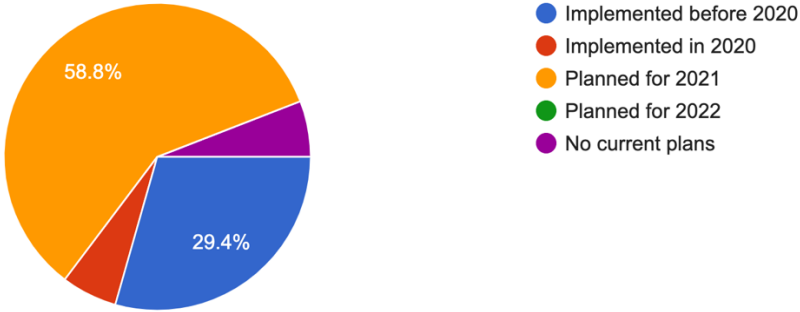


Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on encounters with community?
17 responses



What is the status of your LEA's RIPA recommended: "Agencies should have a policy detailing how sworn personnel and dispatchers should respond to ...or integrated into the bias-free policing policy."

17 responses



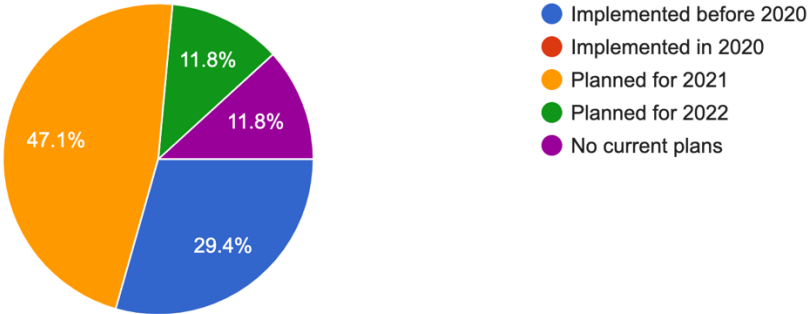
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Racial and Identity Profiling Training?

17 responses



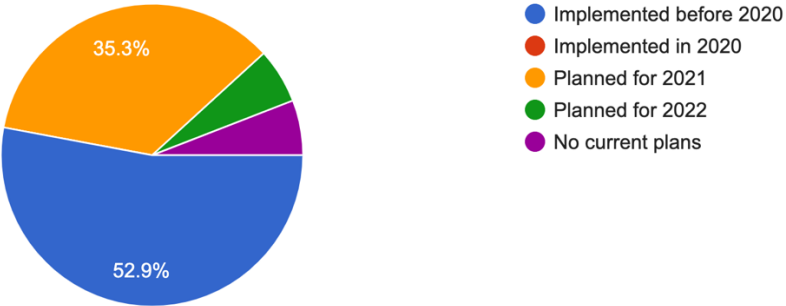
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on Data Analysis?

17 responses



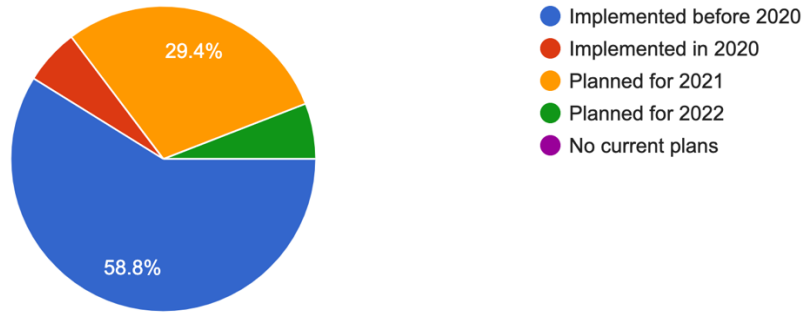
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on requiring accountability?

17 responses



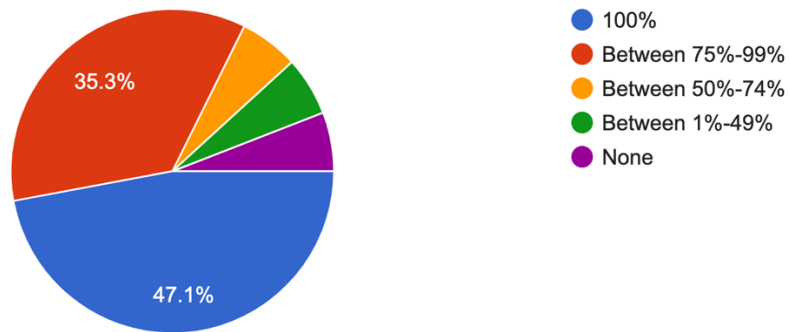
Does your LEA have a RIPA recommended Stand-Alone Bias-Free Policing Policy which includes a component on required Supervisory Review?

17 responses

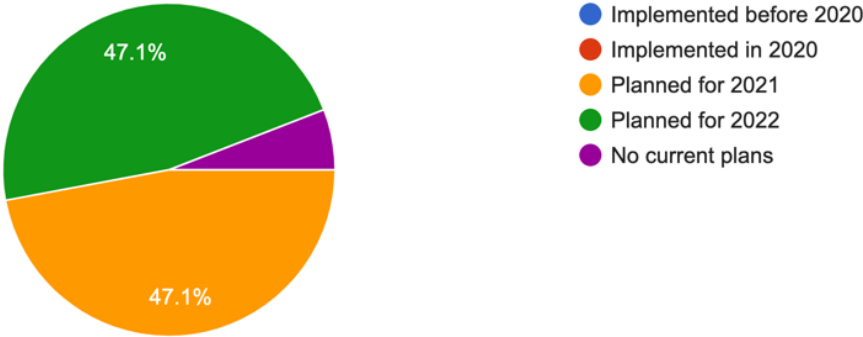


What percent of your officers have completed comprehensive training on bias free policing in the last 2 years?

17 responses



What are your plans for RIPA recommendation: "regularly analyze data, in consultation with [academics, police commissions, civilian review bod... on any group relative to the general population."
17 responses

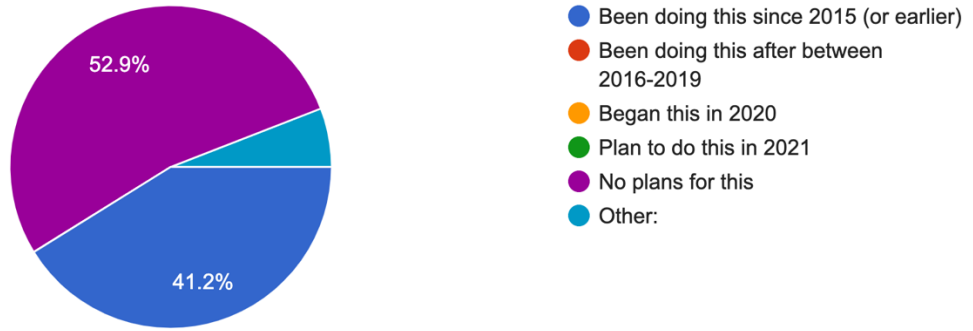


RIPA Model Policy Language for Supervisory Review: " Supervisors shall ensure that all personnel under their command, including dispatchers and no...s and procedures for review should be included."
17 responses



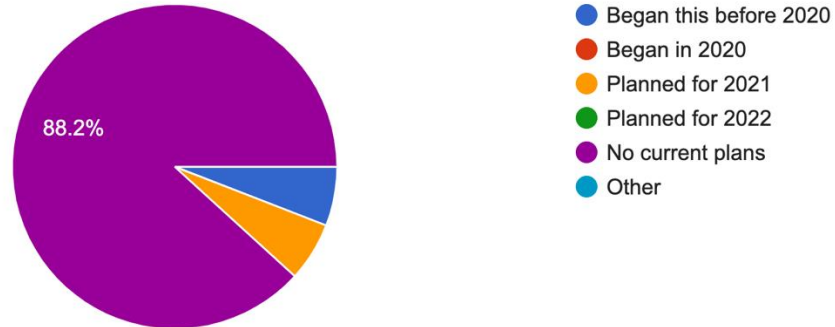
Do you currently proactively and formally seek community input when making decisions about hiring and resource allocation?

17 responses



Do you currently have a formal community advisory board for your LEA?

17 responses



APPENDIX F: RIPA Quick Facts 2020[RIPA-quick-facts-2020.pdf](#)**APPENDIX G: RIPA Quick Facts 2021**[RIPA-quick-facts-2021.pdf](#)**APPENDIX H: Summary of Profiling Complaints for San Mateo County Law Enforcement Agencies 2016-2019**

AB 953 amended “Penal Code section 13012 pertaining to the collection and reporting of Citizens’ Complaints Against Peace Officers (CCAPO).” To add as a separate category “complaints involving racial or identity profiling.” This took effect January 1, 2016. For more information see [Information Bulletin: Citizens' Complaints Against Peace Officers \(ca.gov\)](#)⁷⁹

Total Racial or Identity Profiling Complaints SMC LEAs 2016-2019						
Reported	Exonerated	Not Sustained	Unfounded	Pending	Sustained	(missing)
43	9	9	19	4	0	2

Source: CA DOJ, OpenJustice Data, Citizens Complaints Against Peace Officers, file: CCAPO_2016-2019_Agency_0.xlsx
from <https://openjustice.doj.ca.gov/data>

File was sorted by agency name, the SMC LEAs Identified and separately totaled, for the Racial Profiling Complaints category, which was defined in the Readme file^[1] as “The total number of complaints reported with a racial or identity profiling component.” The number of complaints for any particular agency ranged from 0 to 5 per year. Some agencies had none for the four years of available data.

⁷⁹ https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-2015-06.pdf?



ANN O'BRIEN KEIGHRAN, MAYOR
RICARDO ORTIZ, VICE MAYOR
MICHAEL BROWNRIGG
DONNA COLSON
EMILY BEACH

The City of Burlingame

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September 21, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Subject: City of Burlingame's response to Civil Grand Jury Report entitled "Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act"

Dear Judge Lee:

After reviewing the Grand Jury report entitled "Building Greater Trust between the Community & Law Enforcement via the Racial and Identity Profiling Act," the following are the City of Burlingame's responses to the Grand Jury's findings:

Findings F1-F6 and F8: The City of Burlingame agrees with these findings.

The following are the City of Burlingame's responses to the Grand Jury's recommendations:

Recommendations R1-R4 have been implemented. The Burlingame Police Department began developing a plan to comply with the Racial and Identity Profiling Act (RIPA) in early 2020; acquired the necessary software and hardware in July of 2020; tested the plan, software, and hardware during a five-month pilot program between August and December of 2020; and fully implemented the plan on January 1, 2021 (one year earlier than required by law). Updates were routinely given to governing entities, including publicly during a Police Reform Presentation given by the Chief of Police at the December 21, 2020, Burlingame City Council Meeting.

Recommendation R5 has not yet been implemented but will be implemented in the future (by the beginning of the second quarter of 2022).

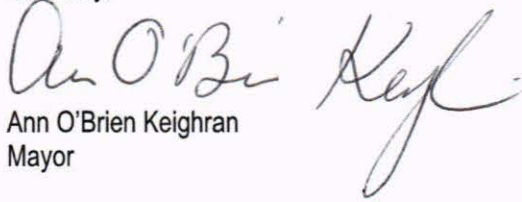
Recommendation R6 has been implemented. The Burlingame Police Department is always considering ways to use the insights gained from the RIPA data to improve departmental operations, combat implicit bias in policing, and pursue greater community trust. This includes considering implementing some or all of the RIPA Board's growing list of policing best practices.

Recommendation R7 will not be implemented. The City of Burlingame and its Police Department are already very engaged with the community and practice transparency. Therefore, the use of police commissions, civilian review boards, or advisory boards is not a consideration at this time.

The Honorable Amarra Lee
September 21, 2021
Page 2

The Burlingame City Council approved this response letter at its public meeting on September 20, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann O'Brien Keighran". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Ann O'Brien Keighran
Mayor



TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212
Tel 650.997.8300 • Fax 650.997.8308

September 22, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 County Center; 8th Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "Building Greater Trust Between the Community & Law Enforcement via the Racial Identity and Profiling Act"

Dear Judge Lee,

The City Council received the July 27, 2021 San Mateo Civil Grand Jury report titled, "Building Greater Trust Between the Community & Law Enforcement via the Racial Identity and Profiling Act."

The Town of Colma was requested to submit comments regarding the findings and recommendations no later than October 27, 2021.

The City Council of the Town of Colma has reviewed the recommendations in the Grand Jury Report that affect the Town and approved the responses at its public meeting on September 22, 2021.

Findings:

The Town agrees with findings F1, F2, F3, F4, F6 and F8. The Town partially agrees with findings F5 as follows:

F5: Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Response: The Town of Colma partially agrees with this finding. The Town of Colma is aware that the County Dispatch System will not handle its RIPA data collection, but currently the Town does not have specific information regarding the collection expectations of other municipalities who utilize San Mateo County Communications.

Recommendations:

R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures,

Diana Colvin, Mayor
Helen Fiscaro, Vice Mayor
Raquel P. Gonzalez, Council Member • Joanne F. del Rosario, Council Member • John Irish Goodwin, Council Member • Brian Dossey, City Manager

roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.

Response:

The recommendation has been implemented. As of July 7, 2021, the entire Colma Police Department, including police officers, supervisors, dispatchers, command, and executive staff have been trained in the implementation and collection of RIPA data. The collection of data is currently in the testing processes with the expectation that all officers are currently collecting data. The Town therefore has a fully developed implementation plan for RIPA compliance which has been reviewed and approved in advance of the October 30, 2021 deadline.

R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, to complete testing within 30 days and to go live by January 1, 2022.

Response:

The recommendation has been implemented. The Colma Police Department currently utilizes the RIMS Management System by Sun Ridge Systems, Inc. in conjunction with the South San Francisco Police Department. Upgrades to the information management system have been implemented by Sun Ridge Systems to allow for the collection, storage, and dissemination of data. The Town therefore has all necessary software and hardware required to comply with RIPA in advance of the January 1, 2022 deadline.

R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

Response:

The recommendation has been implemented. As stated above the Colma Police Department began collecting data and testing the system since early July, 2021.

R4. Each LEA should provide regular updates to their governing entities, on their progress *toward preparing* for the required RIPA data collection starting on October 15, 2021.

Response:

The recommendation has been implemented. The City Council is to be informed via the City Manager who will be given updates from the Colma Chief of Police.

R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

Response:

The recommendation requires further analysis. At this time, it is the Town's understanding that all data is going to be collected and disseminated by the California Department of Justice. Once the Town of Colma can visualize / understand the manner in which the DOJ will make RIPA data available, we will in turn make a determination on whether to forward the data and report to DOJ via the Town's website, or create our own method of reporting the data, along with its utilization.

R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

Response:

The recommendation has not yet been implemented. The Town of Colma has every intention of utilizing the insights gained through the RIPA data to improve the operations of the police department. The Town of Colma will need to evaluate the data once obtained to proceed with any substantial change to policy or procedure. The uniqueness of the Town of Colma, having under 2000 residents but as many as 30,000 people a day coming into the town, creates a challenge as to how to set a baseline for statistical analysis. The demographics of people coming into the Town of Colma may be different than the demographics of the Town. For this reason, the Town of Colma may be looking at regional demographics as opposed to strictly Town of Colma resident demographics to make an evaluation on policy. Nevertheless, the Town is committed to implementing this recommendation and plans to comply by beginning to consider using insights gained from RIPA data to improve its police department's operation by February 1, 2022.

R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.

Response:

The recommendation has not yet been implemented. The Town of Colma agrees with the recommendation and once the data is collected, looks forward to working with a multitude of entities who can give us insight into the meaning of our data.

The Town appreciates the efforts of the Grand Jury. Please contact City Manager Brian Dossey should you require any additional information. He can be reached at (650) 997-8318 or by email: brian.dossey@colma.ca.gov.

Sincerely,



Diana Colvin
Mayor



OFFICE OF THE MAYOR

330 W. 20th Avenue
San Mateo, CA 94403-1921
Telephone: 650-522-7048
FAX: 650-522-7041
www.cityofsanmateo.org

September 7, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Sent via email to grandjury@sanmateocourt.org

Subject: The City of San Mateo response to the Grand Jury Report “Building Greater Trust Between the Community and Law Enforcement via the Racial and Identity Profiling Act”

Honorable Judge Lee;

Thank you for the opportunity to respond to the Grand Jury report entitled “Building Greater Trust Between the Community and Law Enforcement via the Racial and Identity Profiling Act.” At a public meeting on September 7, 2021, the San Mateo City Council approved this response document, which outlines San Mateo’s responses to both the findings and recommendations from the Grand Jury’s report.

Responses to Grand Jury Findings:

F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.

Response:

The City of San Mateo and San Mateo Police Department are confident in our understanding and awareness of RIPA requirements. We cannot answer on behalf of other city and county jurisdictions, and we defer to them to address their awareness.

F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA’s RIPA-preparedness correlates to their understanding of RIPA requirements.

Response:

The City of San Mateo and San Mateo Police Department are confident in our understanding and awareness of RIPA data collection requirements, technological options for data collection, and the need for procedures and training to appropriately conduct this program. That said, we cannot answer on behalf of other city and county jurisdictions on their degree of understanding.

F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

Response:

The City of San Mateo and San Mateo Police Department are confident in our own level of preparation, planning, and testing that we have implemented to optimally design our RIPA program. We are not sufficiently aware of the status of other entities' RIPA preparatory efforts to respond to this finding on their behalves.

F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.

Response:

The City of San Mateo and San Mateo Police Department agree with this finding.

F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Response:

The City of San Mateo and San Mateo Police Department have no belief or expectation that the San Mateo County Dispatch System will handle any component of our RIPA data collection or overall program. We cannot answer on behalf of other city and county jurisdictions, and we defer to those entities to address their beliefs.

F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

Response:

The City of San Mateo and San Mateo Police Department enjoy a strong relationship with our community, and we seize opportunities to build on this relationship and increase community trust. We are fully aware that implementing RIPA Board recommendations will help in this endeavor.

F8. Between now and 2022, sixteen county LEAs have plans for “regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population.”

Response:

The City of San Mateo and San Mateo Police Department have plans for analyzing RIPA data in partnership with the listed groups as well as possibly others to improve practices and better serve our community. We cannot answer on behalf of other city and county jurisdictions, and we defer to those entities to address their plans.

Responses to Grand Jury Recommendations:

R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.

Response:

The City of San Mateo and San Mateo Police Department already have implemented plans to design our RIPA program, which include all elements listed in the recommendation. We are currently in a testing phase and expect to be fully prepared in advance of 2022.

R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.

Response:

The City of San Mateo and San Mateo Police Department already have implemented this recommendation, and we will be using the RIPA data collection and reporting platforms through our current Record Management System – Sunridge RIMS.

R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

Response:

The City of San Mateo and San Mateo Police Department have already begun testing our RIPA data collection mechanisms and are confident our program will be ready before 2022.

R4. Each LEA should provide regular updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021.

Response:

The City of San Mateo and San Mateo Police Department plan to update our City Council before the recommended deadline.

R5. Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

Response:

The City of San Mateo and San Mateo Police Department plan to implement this recommendation within the listed deadline.

R6. By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board’s growing list of policing best practices.

Response:

The City of San Mateo and San Mateo Police Department plan to implement this recommendation within the listed deadline.

R7. By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of “academics, police commissions, civilian review bodies, or advisory boards” as a mechanism to build community trust and provide bias-free policing.

Response:

The City of San Mateo and San Mateo Police Department plan to implement this recommendation within the listed deadline. We have a strong track-record of community engagement and transparency, and we plan to build on the success of our existing Data Transparency Portal by considering this recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Rodriguez". The signature is stylized and cursive.

Eric Rodriguez
Mayor



COUNTY OF SAN MATEO
OFFICE OF THE SHERIFF

Page 103

A TRADITION OF SERVICE SINCE 1856

CARLOS G. BOLANOS, SHERIFF
MARK C. ROBBINS, UNDERSHERIFF

September 16, 2021

Honorable Amarra A. Lee
Judge of the Superior Court
C/O Jenarda Dubois
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: Grand Jury Report – “Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act”

Dear Judge Lee:

The San Mateo County Sheriff's Office (SMCSO) would like to thank the Civil Grand Jury for its report titled "Building Greater Trust between the Community & Law Enforcement via Racial and Identity Profiling Act." Furthermore, we would like to acknowledge the obvious time and effort reflected in this report. As a follow up to the Grand Jury's findings and recommendations, the SMCSO is providing you with its response as follows.

The SMCSO understands that the Grand Jury's findings are aggregated from the various responses of the law enforcement agencies (LEAs), and that the Grand Jury's confidentiality rules prevent specific identification of which response was provided by which LEA. The SMCSO has limited information on other law enforcement agencies' knowledge of the Racial and Identity Profiling Act (RIPA) or RIPA implementation plans. While each finding (F1-F8) appears to draw a reasonable conclusion, the SMCSO cannot agree or disagree with the findings to the extent that the findings relate to other LEAs. The SMCSO's responses to the findings are based solely on its own understanding of RIPA and its own implementation plans.

FINDINGS

RIPA Data Collection and Reporting

Finding #1 – LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.

The respondent agrees with the finding.

Finding #2 – County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA's RIPA preparedness correlates to their understanding of RIPA requirements.

The respondent agrees with the finding.

Finding #3 – Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

The respondent agrees with the finding.

Finding #4 – The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.

The respondent agrees with the finding.

Finding #5 – Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

The respondent agrees with the finding.

Using RIPA Data for Transparent Community Trust Building

Finding #6 – LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

The respondent agrees with the finding.

Finding #7 – Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.

The respondent agrees with the finding.

Finding #8 – Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

The respondent agrees with the finding.

RECOMMENDATIONS

RIPA Data Collection and Reporting – Milestone for January 1, 2022 compliance

Recommendation #1 – Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.

This recommendation will be implemented within the timeline outlined by the Grand Jury.

Recommendation #2 – Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.

This recommendation will be implemented within the timeline outlined by the Grand Jury.

Recommendation #3 – Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

This recommendation will be implemented within the timeline outlined by the Grand Jury.

Recommendation #4 – Each LEA should provide updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021.

This recommendation will be implemented within the timeline outlined by the Grand Jury.

Using RIPA Data for Transparent Community Trust Building – don't wait for the annual report

Recommendation #5 – Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

The Sheriff's Office will post the RIPA stop data quarterly as recommended by the Grand Jury. The posting of the data will begin after the close of the second quarter of 2022. However, this recommendation will not be fully implemented. It is not operationally feasible to evaluate the RIPA stop data and issue a report each quarter on how the data is being used. Because the Sheriff's Office provides law enforcement services to a number of areas throughout the County with differing demographics, the County will require more than 3 months of data to gain meaningful insights. The Sheriff's Office will evaluate the data on an ongoing basis

to determine what insights can be gained and assess operational or procedural changes that are needed. Annual reports will be produced and posted on the Sheriff's Office website that will address how this data is being used. These reports will be posted each April, beginning in 2023.

Recommendation #6 – By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its department by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

The San Mateo County Sheriff's Office is currently pursuing ways to combat implicit bias and enhance community trust as recommended by the Grand Jury. Implicit Bias Training is currently in progress for all personnel in the agency. The RIPA Board's list of police practices will be evaluated and compared to our existing policies and training by February 1, 2022. This recommendation will still however require further analysis. By February 1, 2022, the Sheriff's Office will have only one month of RIPA data to evaluate. The evaluation of the RIPA data and any insights gained will be an ongoing process. RIPA data will be reviewed beginning with the second quarter of 2022 to determine how to use any insights gained.

Recommendation #7 – By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.

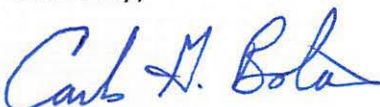
The San Mateo County Sheriff's Office is currently considering ways of enhancing community engagement and transparency through the use of academics as recommended by the Grand Jury. The use of academics will be implemented by February 1, 2022, as recommended by the Grand Jury.

Recommendation #8 – In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff's stop data.

The Sheriff's Office will provide stop data for our contracting entities, separate from the Sheriff's Office stop data, to the extent that the data is requested. If requested, the stop data will be provided within the timeline outlined by the Grand Jury.

The San Mateo County Sheriff's Office appreciates the efforts of the Civil Grand Jury and has cooperated fully with its requests.

Sincerely,



Carlos G. Bolanos, Sheriff



TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 - Tel: (650) 851-1700 Fax: (650) 851-4677

October 13, 2021

Hon. Amarra A. Lee
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice
400 County Center, 8th Floor
Redwood City, CA 94063

Honorable Judge Lee,

Thank you for the opportunity to respond to the Grand Jury report entitled “Building Greater Trust between the Community & Law Enforcement via the Racial and Identify Profiling Act”.

Below are the Town’s responses to the report’s findings and recommendations. Please note that the Town contracts with the San Mateo County Sheriff’s Office for law enforcement services. The Town has discussed this report and its recommendations with the Sheriff’s Office and hereby incorporates the Sheriff’s responses to the Town’s responses below.

Findings

F1. LEAs in SMC are aware of RIPA data requirements, including the requirement that data collection starts on January 1, 2022.

Response: The Town agrees with this finding.

F2. County LEAs vary in their degree of understanding of: RIPA data collection requirements, technological options for collecting the data, and the need for procedures and training to collect and report the data. The LEA’s RIPA-preparedness correlates to their understanding of RIPA requirements.

Response: The Town agrees with this finding.

F3. Burlingame and Menlo Park are to be commended for publicly announcing their plans for early implementation of RIPA data collection and reporting to the CA DOJ. The other fifteen LEAs were in various stages of planning and acquiring their RIPA data collection system.

Response: The Town agrees with this finding.

F4. The San Mateo County Police Chiefs & Sheriff Association RIPA Subcommittee provides a convenient forum for LEAs to benefit from peer learning and collaboration for RIPA planning, testing, deployment and best practices.

Response: The Town agrees with this finding.

F5. Some LEAs mistakenly believe the County Dispatch System will handle their RIPA data collection.

Response: The Town agrees with this finding.

F6. LEAs vary in their understanding that implementing RIPA Board recommendations would build greater trust with their communities.

Response: The Town agrees with this finding.

F7. Some contracting entities were unaware of the RIPA requirements, and that RIPA data breakdown for their respective cities could be requested from the Sheriff's Office beginning in the spring of 2022.

Response: The Town agrees with this finding.

F8. Between now and 2022, sixteen county LEAs have plans for "regularly analyzing data, in consultation with [academics, police commissions, civilian review bodies, or advisory boards], to assist in identifying practices that may have a disparate impact on any group relative to the general population."

Response: The Town agrees with this finding.

Recommendations

R1. Each LEA must have a fully developed implementation plan for complying with RIPA. The plan should include data collection and reporting, training methods, policies and procedures, roll-out plans, personnel allocation, systems testing and data auditing. The plan should be reviewed and approved by October 30, 2021.

Response: The Town agrees with this finding.

R2. Each LEA needs to acquire the necessary software and hardware required to comply with RIPA by October 30, 2021, in order to complete testing within 30 days and to go live by January 1, 2022.

Response: The Town agrees with this finding.

R3. Each LEA must test and confirm their readiness for RIPA data collection by November 30, 2021.

Response: The Town agrees with this finding.

R4.Each LEA should provide regular updates to their governing entities, on their progress toward preparing for the required RIPA data collection starting on October 15, 2021. Using RIPA Data for Transparent Community Trust Building – don't wait for the annual report

Response: The Town agrees with this finding.

R5.Each LEA should, on a quarterly basis, starting in the second quarter of 2022, provide reports on RIPA data and how it is being used to address potential identity biases, including supervisory oversight (as defined by the RIPA Board). The report should be posted and easily viewable on the entity's website.

Response: The Town agrees with this finding.

R6.By February 1, 2022, each LEA should begin considering how to obtain and use insights gained from the RIPA data to improve the operation of its Office by combating implicit bias in policing and pursuing greater community trust by implementing the RIPA Board's growing list of policing best practices.

Response: The Town agrees with this finding.

R7.By February 1, 2022, each LEA should consider community engagement and transparency, including the possible use of "academics, police commissions, civilian 2020-21 San Mateo County Civil Grand Jury Page 25 review bodies, or advisory boards" as a mechanism to build community trust and provide bias-free policing.

Response: The Town agrees with this finding.

R8.In the second quarter of 2022, each of the contracting entities should begin requesting RIPA stop data for its jurisdiction, separate from the rest of the Sheriff's stop data.

Response: This recommendation has not been implemented, but the Town will begin requesting RIPA stop data in the second quarter of 2022.

Thank you for the opportunity to respond to this Grand Jury report.

Maryann Moise Derwin
Mayor, Town of Portola Valley

cc: Members of the Town Council
San Mateo County Sheriff's Office



SHERIFF'S OFFICE

Page 110

A TRADITION OF SERVICE SINCE 1856

CARLOS G. BOLANOS, SHERIFF
MARK C. ROBBINS, UNDERSHERIFF

DATE: October 1, 2021
TO: President Canepa, Members of the Board of Supervisors
CC: Michael Callagy, Iliana Rodriguez
FROM: Sheriff Carlos G. Bolanos
SUBJECT: RIPA Update

California State Assembly Bill (AB) 953 enacted the Racial and Identity Profiling Act of 2015 (RIPA) into law. This law requires law enforcement agencies to report "stop data" on an annual basis to the California Attorney General's Office. The data collected is based on "perceived" demographic data and is meant to be used to help combat racial and identity-based biases in policing. This data will be collected during any detention of a person by a peace officer as well as during any interaction where a search (consensual or otherwise) is conducted.

The San Mateo County Sheriff's Office has been carefully reviewing and planning for RIPA for several years. Early on, a committee including members of both Operations and Support Services was formed in order to engage, review, and select a RIPA vendor and best determine how we would ensure compliance with the law both effectively and efficiently. The project team conducted extensive research into various RIPA solutions and ultimately decided to move forward with our current vendor for electronic citations, Turbo Data Systems, Inc.

Turbo Data was the only vendor reviewed that offered a reporting mechanism on all desired platforms including as a native mobile application available on cell phones and tablets and as a web-based browser which can be accessed on mobile computers in patrol vehicles, laptops, and/or desktops. Turbo Data also scored highest amongst our pilot users and was found to be the most user-friendly, familiar, and intuitive. Because the Sheriff's Office already uses Turbo Data devices for electronic citations, some of the required information will auto-populate, increasing efficiency and functionality for the deputies.

Based on our size, the Sheriff's Office is required to begin collecting RIPA data January 1, 2022, with our first round of annual reports due on April 1, 2023; however, our intention is to begin reporting to the State of California concurrent with our collection.

Over the next several weeks, we are scheduled to receive additional devices from Turbo Data and will provide in-house training to our staff throughout October. We will collect and submit test data in November and December, ensuring we are adequately prepared come January 1, 2022. The plan is that deputies and sergeants will have most, if not all, of

November and December to practice data collection, entry into Turbo Data's software solution, and the approval and submission of those entries.

One of the benefits of RIPA is that both agencies and members of the public will have timely access to this data, which we will publish on an ongoing basis to promote transparency and accountability. The Sheriff's Office will continue to review our policies, practices, and training efforts to combat all forms of perceived or actual biased policing.

Sharon Hanlon

From: webmaster@portolavalley.net <webmaster@portolavalley.net>
Sent: Monday, October 4, 2021 7:13 AM
To: Town Center <TownCenter@portolavalley.net>
Subject: Committee Application

A new entry to a form/survey has been submitted.

Form Name: Committee Application
Date & Time: 10/04/2021 7:13 AM
Response #: 144
Submitter ID: 5971
IP address:
Time to complete: 10 min. , 5 sec.

Survey Details**Page 1**

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

(o) Equity Committee

Applicant Information

Full Name Cole Kawaja
Email Address
Street Address Tagus Court
City/Zip Portola Valley
Number of years in 15
Portola Valley
Cell Phone
Home Phone
Other Phone
Emergency Preparedness Not answered

Preferred Phone Contact Number

(o) Cell

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

I am interested in this committee, because I feel like teenagers should be more involved inside of our town. I would act as a liaison between my high school, and I could easily gather lots of volunteers if there were any projects or things like that. I have lots of ideas that I would love to share with the committee, and I would really appreciate it if I could join.

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

No, I don't have any conflicts of interest.

TIME COMMITMENT: Generally committees meet monthly and require a significant time commitment and participation at regular meetings. Please consider this level of commitment when evaluating your interest in serving on one of the Town's Committees.

Sharon Hanlon**From:** webmaster@portolavalley.net <webmaster@portolavalley.net>**Sent:** Thursday, September 16, 2021 2:07 PM**To:** Town Center <TownCenter@portolavalley.net>**Subject:** Committee Application

A new entry to a form/survey has been submitted.

Form Name: Committee Application**Date & Time:** 09/16/2021 2:06 PM**Response #:** 142**Submitter ID:** 5968**IP address:****Time to complete:** 16 min. , 23 sec.**Survey Details****Page 1****Name of committee which I am interested in serving on (please note that only committees currently seeking volunteers are listed):**

(o) Sustainability

Applicant Information

Full Name Zeenia Framroze
Email Address
Street Address Valencia Ct.
City/Zip Portola Valley, CA 94028
Number of years in 1
Portola Valley
Cell Phone
Home Phone
Other Phone Not answered
Emergency Preparedness Not answered

Preferred Phone Contact Number

(o) Cell

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

I'm a new resident in Portola Valley, and likely on the younger side at 28. Like many people my age, I worry about climate change, and am often struck by the relationship between built and natural environments and individual health. I have a graduate degree in Social Policy, and spent the last three years working with connected vehicle technology and energy companies around the world to help accelerate EV adoption. Today, I work in the clinical research space, building a tool that allows any research to gather real-world evidence via a smartphone. While my work doesn't interact with sustainability directly, health and patient experiences are intricately tied to how we approach sustainability - climate change anxiety, walkability of neighborhoods, the type of food we eat, the places we make available to congregate and socialize are all good examples. Portola Valley is a wonderful place to live. In my work and life, I would like to join this committee to understand how a deliberate approach to sustainability keeps it wonderful, and how that might impact other communities.

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

N/A

Sharon Hanlon

From: webmaster@portolavalley.net <webmaster@portolavalley.net>
Sent: Thursday, September 16, 2021 3:32 PM
To: Town Center <TownCenter@portolavalley.net>
Subject: Committee Application

A new entry to a form/survey has been submitted.

Form Name: Committee Application
Date & Time: 09/16/2021 3:31 PM
Response #: 143
Submitter ID: 5969
IP address:
Time to complete: 5 min. , 1 sec.

Survey Details

Page 1

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

Sustainability

Applicant Information

Full Name Jason Saleh
Email Address
Street Address Prado Ct.
City/Zip Portola Valley, CA 94028
Number of years in 1
Portola Valley
Cell Phone
Home Phone
Other Phone Not answered
Emergency Preparedness Not answered

Preferred Phone Contact Number

Cell

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

My family and I have made sustainability a cornerstone of our lifestyle, placing as much emphasis on this as on any other issue. We have researched several areas heavily including electrification, soul health, landscaping, diet, building materials etc. I also run a specialized medical sustainability group at Stanford. Portola Valley has the resources to be at the forefront of sustainability and it should be.

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

No

TIME COMMITMENT: Generally committees meet monthly and require a significant time commitment and participation at regular meetings. Please consider this level of commitment when evaluating your interest in serving on one of the Town's Committees.

Sharon Hanlon**Subject:**

A new entry to a form/survey has been submitted.

Form Name: Committee Application
Date & Time: 08/17/2021 1:08 PM
Response #: 139
Submitter ID: 5932
IP address:
Time to complete: 10 min. , 40 sec.

Survey Details**Page 1**

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

(o) Trails & Paths

Applicant Information

Full Name Liz Babb
Email Address
Street Address Trinity Lane
City/Zip Portola Valley, CA 94028
Number of years in 2 full time and before that 2 part-time
Portola Valley
Cell Phone
Home Phone
Other Phone Not answered
Emergency Preparedness Not answered

Preferred Phone Contact Number

(o) Cell

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

I am an avid trail walker and am interested in helping maintain (in many different ways) the wonderful trails of Portola Valley as a resource for ALL of our residents, as well as future generations.

I believe the trails are also important to this town from a safety perspective. In a horrible fire situation, if I had to hike out, I am blessed that I could hike down hills on several different trails, and I want to help ensure that others are aware of that as well.

Recreationally, PV has no sidewalks and residents depend on well-maintained trails to avoid walking and riding horses on the streets. I've noticed trails are essential for the safety of children walking to and from school, as well.

Portola Valley has volunteerism at its roots! I want to help and contribute in that way.

* Local: grew up in Atherton, high-school in Palo Alto (Castilleja), parents have lived at the Sequoias for 10 years. Moved to Portola Valley from 25 years in San Francisco four years ago to help my parents and for a more rural life. However, I had visited them regularly at the Sequoias for the last decade, so I became quite familiar with the town as it is now and fell in love with it.

* Have worked on and run large groups in the business world over a 25 year career, developing strong collaborative, group meeting skills. Strong technical and computer skills. Have been responsible for running large meetings of scores of people, presenting in front of hundreds of people, managing 7 figure budgets etc. I am also an entrepreneur and run two of my own businesses now (beauty and tech related), so I am comfortable wearing many hats and pitching in/helping where needed!

* Live and hike within the Woodside Highlands as well as all the other areas of the Town. Have a goal for myself to hike every trail on the Portola Valley map.


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

No

TIME COMMITMENT: Generally committees meet monthly and require a significant time commitment and participation at regular meetings. Please consider this level of commitment when evaluating your interest in serving on one of the Town's Committees.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council
FROM: Wildfire Preparedness Committee 
DATE: October 13, 2021
RE: Wildfire Preparedness Committee Charter Amendment

RECOMMENDATION

The Wildfire Preparedness Committee recommends that the Town Council adopt an amendment to their charter to reflect a regular meeting date and time (Attachment #1).

BACKGROUND

At the September 8, 2021 meeting, the Town Council considered and approved an amendment to the committee charter, from ad-hoc to a standing committee, with a meeting date and time to be determined.

At their October 5 meeting, the Committee voted to approve a regular meeting date and time of the first Tuesday of every month at 4:00 pm.

DISCUSSION

The attached charter has been amended to reflect the Committee's recommendation to the Town Council. Reflecting this permanent meeting date and time, the Committee will hold its next regular meeting on Tuesday, November 2, 2021, at 4:00 pm.

FISCAL IMPACT

None.

ATTACHMENTS

1. [Proposed Wildfire Preparedness Committee Charter](#)
2. [Redlined version indicating edit to the Charter](#)

Wildfire Preparedness Committee Charter

MISSION

Given the inherent risk of wildfire in Portola Valley and the changing character of wildfires due to climate change, the Wildfire Preparedness Committee shall advise the Town Council, on a limited duration basis, on ways to reduce wildfire danger, and increase resident resiliency in a wildfire emergency

DUTIES & FUNCTION

To provide the Town Council with short-, medium and long-term recommendations to:

1. Ensure residents have the tools to understand what to do in a wildfire emergency, including expectations on how communications work before, during, and after a wildfire;
2. Prepare residents for evacuation due to a wildfire, and the information needed to maximize success in an emergency;
3. Advise on the most effective and appropriate vegetation management practices to reduce wildfire danger;
4. Suggest opportunities to harden existing homes from wildfires, and regulations for future construction;
5. Determine potential sources of funding to implement any programs adopted by the Town Council;
6. Advise on new or more effective ways to coordinate efforts between partner agencies, volunteer groups, town committees, and state work;
7. Analyze additional options for improving wildfire preparedness as requested by the Town Council or resulting from research.

RESPONSIBLE TO

Town Council

COORDINATION

Staff Liaison – Town Manager and other assigned staff as needed

MEMBERSHIP

The membership of this Committee shall consist of nine (9) members appointed by the Mayor in concurrence with the Town Council. Five (5) members shall be from the public at large, and four (4) members shall be from the Town Council, the ASCC, the Emergency Preparedness Committee, and the Conservation Committee respectively. In addition, a technical advisory committee made up of experts from Town partners, agencies, and issue-area specialists shall be created and participate as needed.

MEETINGS

Monthly meetings

REPORTS

The Committee will work with their staff liaisons to determine how frequently it will make reports to the Town Council

Wildfire Preparedness Committee Charter

MISSION

Given the inherent risk of wildfire in Portola Valley and the changing character of wildfires due to climate change, the Wildfire Preparedness Committee shall advise the Town Council, on a limited duration basis, on ways to reduce wildfire danger, and increase resident resiliency in a wildfire emergency

DUTIES & FUNCTION

To provide the Town Council with short-, medium and long-term recommendations to:

1. Ensure residents have the tools to understand what to do in a wildfire emergency, including expectations on how communications work before, during, and after a wildfire;
2. Prepare residents for evacuation due to a wildfire, and the information needed to maximize success in an emergency;
3. Advise on the most effective and appropriate vegetation management practices to reduce wildfire danger;
4. Suggest opportunities to harden existing homes from wildfires, and regulations for future construction;
5. Determine potential sources of funding to implement any programs adopted by the Town Council;
6. Advise on new or more effective ways to coordinate efforts between partner agencies, volunteer groups, town committees, and state work;
7. Analyze additional options for improving wildfire preparedness as requested by the Town Council or resulting from research.

RESPONSIBLE TO

Town Council

COORDINATION

Staff Liaison – Town Manager and other assigned staff as needed

MEMBERSHIP

The membership of this Committee shall consist of nine (9) members appointed by the Mayor in concurrence with the Town Council. Five (5) members shall be from the public at large, and four (4) members shall be from the Town Council, the ASCC, the Emergency Preparedness Committee, and the Conservation Committee respectively. In addition, a technical advisory committee made up of experts from Town partners, agencies, and issue-area specialists shall be created and participate as needed.

MEETINGS

Regular meetings **are to be held on the first Tuesday of every month at 4:00 pm.**

REPORTS

The Committee will work with their staff liaisons to determine how frequently it will make reports to the Town Council



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Cara Silver, Town Attorney

DATE: October 13, 2021

RE: Adoption of Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely

RECOMMENDATION

Staff recommends that the Town Council adopt the attached Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely.

BACKGROUND

On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021 and expires on January 1, 2024 (portions of the bill applying to the State legislature and school districts expire earlier). The bill extends the teleconference procedures authorized in Executive Order N-29-20 (set to expire September 30, 2021) during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Effective October 1, 2021, cities must comply with AB 361 if they want to conduct entirely remote meetings.

AB 361 varies from Executive Order N-29-20 in several key areas, including:

- Scope: AB 361 applies to meetings during a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing. ("State of emergency" is defined as a state of emergency declared by the Governor under Government Code Section 8625.) It also applies to other states of emergency proclaimed by the Governor where holding in person meetings would "present imminent risks to the health or safety of attendees". An example of this is an ongoing wildfire in the area. The legislative body must make an initial finding that meeting in person would "present an imminent risk to the health or safety of attendees".
- Requirements during meeting: AB 361 requires several procedural safeguards, such as giving the public ability to address the legislative body directly, providing information on how to address the body, providing either a call-in or internet-based service option, requirement to stop meeting if call-in or internet-based option fails, comments may not be required to be

submitted in advance, and pre-registrations (except as required by call-in or internet platform) are prohibited.

- Comment periods: Public members must be given a reasonable time to register to provide public comment and agencies that provide a timed public comment period shall not close the public comment period until that timed period has expired.
- Renewal of emergency findings: If the legislative body desires to continue using the teleconference exception, it must confirm the circumstances of the state of emergency 30 days after the first teleconference meeting and every 30 days thereafter.

DISCUSSION

Staff is planning on returning to in person meetings soon. However, some members of the Council, its commissions/committees, staff and the public may want to continue attending remotely. To accomplish this, staff has been working with a vendor to install equipment in the Schoolhouse to accommodate hybrid remote meetings. Until that service is installed, staff recommends that all public meetings continue to be remote.

SB 361 requires the Council to make a regular finding confirming the state of emergency and the need for continued remote hearings. Staff will therefore be agendaizing this finding on every Council meeting agenda until a decision to transition to in person meetings has been made. Council will also be requested to make these findings on behalf of its commissions and committees as well, so there is a uniform policy on public meetings.

FISCAL IMPACT

There is no fiscal impact associated with continued remote meetings. There will be a cost associated with the new hybrid meeting platform and staff will be bringing forward a separate funding request for that contract.

ATTACHMENT

1. [Resolution](#)
2. [AB 361](#)

RESOLUTION NO. _____

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY CONFIRMING EXISTING STATE EMERGENCY AND AUTHORIZING CONTINUED REMOTE PUBLIC MEETINGS UNDER AB 361

The Town Council of the Town of Portola Valley does RESOLVE as follows:

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic and the State of Emergency remains in effect;

WHEREAS, beginning in March 2020, the Governor’s Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting;

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021;

WHEREAS, the Town Council and the Town’s boards, commissions, and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020;

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules during a declared state of emergency if: (i) State or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body is meeting to determine whether, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; or (iii) the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) require certain employers to implement social distancing requirements in the work place during the current COVID-19 pandemic; the Santa Clara County Public Health Department currently recommends measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; the San Mateo County Public Health Officer has directed face coverings to be worn, regardless of vaccination status, over the mouth and nose, in all indoor public settings, venues, gatherings, and workplaces, such as, but not limited to: offices, retail stores, restaurants and bars, theaters, family entertainment centers, conference centers and government offices serving the public; and on July 12, 2021, the Town Manager issued work place guidelines imposing safety protocols on persons attending Town Hall facilities;

WHEREAS, in the last few months, the Delta variant has surged in the United States and become the predominant COVID-19 variant, accounting for more than 99% of COVID-19 cases and higher hospitalization rates;

WHEREAS, the Delta variant is believed by medical experts to be twice as contagious as previous variants, and data has shown the variant has increased transmissibility even among some vaccinated people;

WHEREAS, due to uncertainty and concerns about the Delta variant and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date until later in the year or next year;

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Portola Valley that:

1. The Town Council adopts the recitals set forth above as findings of fact.
2. The Town Council hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.
3. In accordance with AB 361, based on the findings and determinations herein, meetings of the Town Council and Town commissions and committees will be held virtually, with Brown Act teleconferencing rules suspended.
4. This resolution shall be effective upon adoption and remain in effect so long as the Council confirms the continuing state of emergency and need for remote meetings as required under AB 361.

PASSED AND ADOPTED this 13th day of October, 2021.

By: _____
Maryann Derwin, Mayor

ATTEST:

Sharon Hanlon, Town Clerk



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager

DATE: October 13, 2021

RE: Temporary Art Donation at Town Center

RECOMMENDATION

Staff recommends that the Town Council accept a donation of art from Corte Madera School students for continued display at Town Center and Triangle Park.

BACKGROUND

Earlier this year, by a teacher at Corte Madera School contacted staff on behalf of her 8th grade students regarding art they wished to donate to the Town on a temporary basis. The art is a number of hearts placed around Town properties at Town Center and Triangle Park (Attachment 1). The original proposal was modified to allow for use of the Performance Lawn.

The proposal was reviewed under the Town's Art Donation Policy (Attachment 2) and was enthusiastically approved by the members.

The initial installation was expected to be removed by the end of the summer, and the timing of its installation did not allow for a Council review.

DISCUSSION

The students who designed the heart displays have requested that the art remain at Town Center and Triangle Park for the remainder of the calendar year. Residents have reached out to both staff and the Corte Madera students on their appreciation for the installation, and the Art Donation Committee fully supports their request.

FISCAL IMPACT

None.

ATTACHMENTS

1. [Heart Installation](#)
2. [Art Donation Policy](#)

The CMS Heartwork Project

Proposal for a Temporary Installation in Portola Valley, CA

The 8th grade students of Corte Madera School, under the guidance of art teacher Brigid Horgan, would like to place heart sculptures they have mosaiced in different locations in Portola Valley.

Each sculpture measures 28" tall from the bottom of the stand to the top of the heart, and the hearts themselves are 16" wide and 8" deep.

Because these will be placed temporarily, we are proposing to stabilize the stands by weighting them with approximately 6 large river rocks. One of these rocks will be painted with a brief description of the title of the project and 1st names of students involved.

In mid-April, we are proposing to place 3 hearts (pictured below) at Triangle Park at the intersection of Alpine and Portola.





On Wednesday, June 2, 2021, we would like to place 8 hearts (the 3 pictured here and 5 currently in progress) in the lawn at Town Center for 2 months. See proposal 2 photo below.



TOWN OF PORTOLA VALLEY

POLICY GOVERNING ACCEPTANCE OF
DONATIONS OF ART

With its rolling hills, heritage oaks, and tranquil open space, Portola Valley is fortunate to enjoy a spectacular setting. The buildings at the Portola Valley Town Center, with their simple yet elegant architecture, have been designed to blend into the natural surroundings. This simplicity of design and preservation of the natural setting reflect essential values of the Town.

The Town Council recognizes that from time to time residents may wish to make donations of artwork for the enjoyment of the community. The desire to protect the simplicity of design of the Town Center and other public places in Town, as well as the limitations of space available to display artwork, necessitate the establishment of guidelines for the acceptance of donated art. The following policy sets forth the process and criteria to be used in considering gifts of artwork to the Town.

A. Process

Offers to donate artwork to the Town shall be considered utilizing the following process:

1. A panel shall be convened whose purpose shall be to evaluate each piece of artwork that is offered for donation to the Town. The panel shall be comprised of:

Town Manager
Chair or designee of the Cultural Arts Committee
Two members of the Cultural Arts Committee appointed by the Chair
Council liaison to the Cultural Arts Committee (or alternate)

For art that has been offered for outdoor display at the Town Center or other Town-owned property, the following representatives shall be added to the panel:

Chair or designee of Parks & Recreation Committee
Chair or designee of ASCC

2. Upon receipt of an offer of artwork by a donor, the offer will be forwarded to the Town Manager.

3. The Town Manager will convene a meeting of the panel to evaluate whether or not the artwork should be accepted.
4. Once convened, the panel shall evaluate the piece of artwork that has been offered to the Town, utilizing the criteria set forth in this policy. The panel may include a meeting with the donor as part of its deliberations.
5. Following the evaluation process, the panel shall vote to either approve or decline the offer of artwork.
6. The Town Manager shall place the panel's recommendation to accept or decline the artwork, together with a recommendation for its placement if accepted, on the next available Town Council agenda for its consideration and final determination.

B. Criteria

The following criteria shall be considered in reviewing an offer to donate artwork to the Town:

1. Artistic merit.
2. Availability of a suitable site for display of the artwork that is compatible with other public uses and functions.
3. The aesthetic or historical significance of the artwork to the Town.
4. The artwork's physical condition and whether the object is of exhibition quality.
5. Whether the Town already has another example or a better example of the type of artwork offered.
6. Whether the Town has the facilities necessary to properly care for and keep the artwork secure. Gifts of high value may create added security concerns and insurance costs for the Town. If there are any special costs or methods associated with maintaining the artwork, such costs and methods must be made known to the Town prior to a decision to accept the artwork.
7. Signage for the artwork to be displayed on public property shall be limited to the artist's name, title and date of work, and where appropriate, a dedication. The name of the donor may be part of the installation.
8. Whether the artwork is appropriate for the general public.
9. Whether or not the artist is or has been a Portola Valley resident.

10. Whether or not the donor has offered the artwork with restrictions (clear and unrestricted gifts are encouraged).
11. Only artwork that has been offered for donation shall be accepted. Offers to loan artwork for display shall be declined.

C. Acceptance Procedures


Upon Town Council determination that a piece of artwork should be accepted by the Town, the Town Attorney shall prepare an agreement to be executed by the donor and the Mayor setting forth the following terms:

1. Any restrictions to which the Town Council has agreed.
2. Any arrangements regarding payment by the donor for costs to maintain the artwork.
3. Any agreement that has been made relative to provision of signage identifying the artist, the work and the donor.
4. That upon acceptance, the artwork will be deemed to belong to the Town of Portola Valley, and the donor and/or his heirs, successors and assigns shall have no rights to the artwork or in dictating its display.
5. That the artwork will be accepted with no guarantee of exhibition in perpetuity.
6. That in the event the Town chooses to discontinue display of the artwork, the Town may dispose of the item in any manner it deems appropriate, including but not limited to making the artwork available for sale in connection with fund raising events that will benefit the Town (i.e. Blues and Barbecue auction to benefit open space acquisition).



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager 

DATE: October 13, 2021

RE: Request from Local Government Commission to Sign onto a Request to the California Air Resources Board to Conduct GHG Inventories for All Cities and Counties across the State

RECOMMENDATION

Staff recommends that the Town Council authorize the Mayor to sign onto an effort requesting the California Air Resources Board conduct GHG inventories for all California municipal jurisdictions

BACKGROUND/DISCUSSION

Mayor Derwin received the attached request from the [Local Government Commission](#) to join an effort to sign onto an effort requesting the California Air Resources Board to conduct GHG inventories for all California municipal jurisdictions (Attachment 1). Many jurisdictions in California are not currently tracking GHG emissions.

While the initial October 6 deadline to sign onto this effort has passed, the LGC indicated that a second letter would be made available, similar to the attached, for submittal on October 21 (Attachment 2).

ATTACHMENTS

1. LGC request email
2. Draft letter

Begin forwarded message:

From: Local Government Commission <

Subject: Sign On to Group Letter Requesting CARB to Conduct GHG Inventories for CA Local Governments

Date: October 5, 2021 at 11:01:44 AM PDT

Reply-To:



Local
Government
Commission

Dear California Local Government and Climate Change Leaders,

We would like to invite you to join us in **requesting the California Air Resources Board to conduct GHG inventories for all cities and counties across the state**. This centralized effort would ensure comprehensive coverage across the state, data and methodology consistency for meaningful cross-jurisdictional comparisons, and visibility into patterns and progress to inform State and local policies, investments, and actions.

State-led GHG Inventories Request Letter
Sign on deadline*: Wednesday, October 6th at 12:00 PM PT

[VIEW LETTER**](#)

[SIGN ON FORM](#)

*We will be organizing a second letter for those who may need more time to obtain approval to sign on. The deadline to sign on to the second letter will be October 21st.

**While the core messages in the letter will remain unchanged, additional background may be included in the final submitted letter.

We thank you for taking the time to consider joining this effort and encourage you to share this opportunity with local government leaders in your network.

If you have any questions, please contact Julia Kim and Michael McCormick .



TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 - Tel: (650) 851-1700 Fax: (650) 851-4677

October 13, 2021

Rajinder Sahota
Deputy Executive Officer for Climate Change and Research
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Request for GHG Inventories for California Local Governments

Dear Ms. Sahota,

The IPCC 6th Assessment is a stark reminder that we need to act urgently. Even the leading jurisdictions in California, that have adopted climate action plans and supportive elected officials, struggle to put their plans into action. Part of the impediment is that a disproportionate amount of time and effort is directed toward planning and evaluation, rather than direct implementation and action. Your agency has an opportunity to relieve some local data burdens, which would increase local government capacity for implementation, while simultaneously improving data consistency and utility.

We request that, as a first step, CARB conduct GHG inventories for all cities and counties in California. This statewide initiative would yield the following benefits:

- Comprehensive coverage across the state. According to your [CAP-MAP](#), 40% of cities do not have any GHG inventories on record. A GHG inventory is a precursor to developing CAPs and ensuring investments in climate action strategies and programs target local pollution sources. This is particularly critical for communities that are disproportionately impacted by poor air quality and with limited resources and capacity to mitigate GHG emissions. Filling the gap for these jurisdictions will enable them to get closer to taking action.
- Data and methodology consistency. Currently, cities and counties have different levels of access to quality data and use different methodologies to conduct their GHG inventories. These inconsistencies prevent meaningful cross-jurisdictional comparisons and aggregation for effective regional planning. A centralized effort led by CARB would address this issue and enable local and regional agencies throughout the state to plan, coordinate, and accelerate climate mitigation efforts in a more effective, data-informed manner.
- Visibility into patterns and progress. The State would gain visibility into the different emissions profiles across the state to identify key policy and programmatic opportunities for rapid and equitable climate mitigation measures. Tracking local

inventories over time would also provide insights into the effectiveness of targeted State investments and local programs to measurably reduce emissions.

Leading local governments have been conducting individual GHG inventories for over a decade, spending hundreds of thousands of dollars collectively. In addition to yielding the benefits listed above, centralizing inventories would allow these public dollars to be redirected toward action. Local governments want to be key partners in meeting the State's ambitious GHG emissions goals. As a recent reflection on [The State of Local Climate Planning](#) suggests, having a state agency take on inventories is an important step in evolving our collective practice. It is a critical part of improving the efficiency and effectiveness of climate action by focusing each level of government's efforts on their unique role, in concert with the other levels of government.

There are several existing platforms and tools that could be leveraged to support a statewide, State-led approach to conducting local GHG inventories, including tools developed by academics (UC Berkeley's [Cool Climate Network](#) and UCLA's [Energy Atlas](#)), nonprofits (ICLEI's [ClearPath](#)), the private sector (Google's [Environmental Insights Explorer](#)), regional public agencies ([Vital Signs](#) in the Bay Area), and other existing platforms.

Thank you for your time in considering our request and comments. Please do not hesitate to contact staff at the Local Government Commission who coordinating this group letter if you have any questions or would like to discuss any of our comments further: Julia Kim, Climate Change and Energy Program Director (jkim@lgc.org) and Michael McCormick, Special Advisor (mmccormick@lgc.org).

Sincerely,

Maryann Moise Derwin
Mayor, Portola Valley


cc: Portola Valley Town Council
Portola Valley Sustainability Committee
Richard Corey, Executive Officer, California Air Resources Board
Annalisa Schilla, Chief, Community Action Branch, California Air Resources Board
Samuel Assefa, Director, California Office of Planning and Research
Erik de Kok, Deputy Director, California Office of Planning and Research
Lauren Sanchez, Senior Climate Advisor, Office of California Governor Newsom



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Laura Russell, Planning & Building Director 

DATE: October 13, 2021

RE: Discussion of New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10 exempting certain rezonings from environmental review

RECOMMENDATION

Staff recommends that the Town Council discuss the new housing legislation recently signed by the Governor with particular focus on the steps needed to implement SB 9 before January 1, 2022, to preserve as much local control as possible.

BACKGROUND

This session Governor Newsom signed a series of bills designed to increase housing production and affordability. (Attachment 1.) The bills reflect the State Legislature's perception that local agencies are not doing enough to promote housing and that state intervention is needed at the expense of local control. The bills continue the Legislature's trend of forcing cities and towns to transition from discretionary processes to more streamlined, ministerial processes for residential housing developments. This report focuses on SB 9 and 10, the major two bills. Much like the 2020 legislation governing Accessory Dwelling Units (ADUs), some of the bills, particularly SB 9, are complex and not clearly written. This report represents staff's collective effort to provide the most up to date interpretation of this new legislation, but note that interpretations are still evolving.

DISCUSSION

1. SB 9

SB 9 requires cities and counties in urbanized areas to ministerially approve two units on a lot and so-called "urban lot splits" in single-family residential zones. SB 9, effective on January 1, 2022, is another legislative effort to increase housing production and affordability through "by right" zoning. The bill prevents local agencies from applying a discretionary hearing or considering subjective factors, such as design review and neighborhood character, for

qualifying applications that meet basic criteria. The bill has two major components: discussed below: (1) urban lot splits and (2) by right two unit development projects.

By-right “Urban Lot Splits”

Under SB 9, local agencies must ministerially approve certain subdivisions of one lot into two without discretionary review or a hearing.¹

Qualifying Criteria:

Each new lot is at least 1,200 square feet, (though the local agency may set a lower minimum).

1. The split results in two new lots of approximately equal size (60/40 split at most).
2. The split does not involve the demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
3. The lot to be split is zoned single-family residential.
4. The lot is not a historic landmark or within a designated historic district.
5. The lot is within an urbanized area or urban cluster, or within a city that has an urbanized area or urban cluster, as identified by the U.S. Census Bureau. (This is most every urban and suburban city in California).
6. The development is not located on a site that is any of the following:
 - Farmland
 - Wetlands,
 - Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51 179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.²
 - A hazardous waste site;
 - Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards;
 - Located in areas contained prescribed flood risk;
 - Lands identified for habitat conservation or containing protected species as prescribed; or
 - Lands under conservation easement.
7. The original lot was not established through a prior SB 9 lot split. (This was added to prohibit “serial” lot splits.)

¹ Senate Bill 9 (2021), Sec. 2, adding Gov. Code 66411.7.

² It is not clear what types of fire hazard mitigation measures “pursuant to existing building standards” or “state fire mitigation measures” this carveout is referencing. Note similar language is also used in SB 10.

8. Neither the owner nor anyone acting in concert with the owner previously subdivided an adjacent parcel through an SB 9 lot split.

Standards

The following standards apply to urban lot splits:

- *Objective only.* Under SB 9, local agencies may only impose *objective* zoning standards, *objective* subdivision standards and *objective* design standards on an eligible project³—and even then, only to the extent that the standards do not physically preclude the construction of two units of at least 800 square feet.
- *Limited parking.* Local agencies may require only one off-street parking space per unit—none if the site is close to transit or a car share vehicle location.
- *Setbacks of four feet or less.* Side and rear setbacks are limited to four feet or less generally, but none at all may be imposed on an existing structure or one that is constructed in the same location and to the same dimensions as an existing structure. (This mirrors recent amendments to state ADU law.)
- *Residential only.* Local agencies must prohibit non-residential use of the new lots.
- *No dedications or offsite improvements.* No right-of-way dedications or construction of offsite improvements may be required.
- *No corrections of nonconformities.* Local agencies may not require the correction of nonconforming zoning conditions.
- *Three-year owner occupancy.* The applicant-owner must sign an affidavit stating that the owner intends to occupy one of the housing units as the owner's principal residence for at least 3 years following the lot split. Community land trusts and qualified nonprofit corporations are exempt. No other owner-occupancy requirement is allowed.
- *Report to State Department of Housing and Community Development.* Local agencies must include the number of SB 9 lot split applications in annual housing element reports.
- *Limited grounds to deny.* A local agency may only deny a qualifying SB 9 lot split if it finds that the resulting housing development project would have a specific, adverse impact on public health and safety or the physical environment and there is no feasible, satisfactory mitigation.

By-right Two-Unit Development Projects

In addition to the lot splits described above, SB 9 would require a local agency to ministerially approve up to two residential units on a lot in a single-family residential zone without discretionary review or a hearing.⁴ This applies to building two new units or adding a second one. It also applies to building a single residential unit on a lot. Thus, going forward, the Town would not be able to apply subjective design review to any

³ "Objective standards are defined by State law as "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." (Government Code § 65589.5(h)(8).)

⁴ Senate Bill 9 (2021), Sec. 1, adding Gov. Code 65852.21.

single family home proposed on a single lot, regardless of whether it is associated with an urban lot split.

Qualifying Criteria

To qualify for a ministerial SB 9 two-unit development approval, criteria are similar to those for a lot split.

1. The site is in a single-family residential zone.
2. The lot is located within a city that has an urbanized area or urban cluster.
3. The project does not involve demolition or alteration of affordable housing, rent-controlled housing, housing that was withdrawn from rent within the last 15 years or housing occupied by a tenant (market-rate or affordable) in the past 3 years.
4. The project does not involve demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless a) the local agency chooses to allow otherwise or b) the site has not been occupied by a tenant in the last 3 years.
5. The site is not a historic landmark or within a designated historic district.
6. The site does not fall under the location prohibitions discussed in Criteria 6 above (e.g. farmland, waste site, etc.)

Standards

As with SB 9 lot splits, local agencies may only impose *objective* zoning standards, *objective* subdivision standards and *objective* design standards on an eligible two-unit development project. Even then, it can only be to the extent that the standards do not physically preclude the construction of two units of at least 800 square feet. Local agencies may not require off-street parking if the site is near transit or a car share vehicle location. As with urban lot splits and ADU legislation, side and rear setbacks are limited to four feet or less generally, but none at all may be imposed on an existing structure or one that is constructed in the same location and to the same dimensions as an existing structure.

One or two unit homes on a single lot may be denied only upon a written finding that the proposed housing development project would have would have a specific, adverse impact on public health and safety or the physical environment and there is no feasible, satisfactory mitigation.⁵

Short Term Rentals Not Allowed

Local agencies must prohibit short-term rentals in any dwelling created under SB 9 (whether through the lot split or two-unit development approval, or both).

ADUs Not Required

When not combined with an urban lot split, an accessory dwelling unit or junior

⁵ Interestingly, under the two-unit residential project section of the law this finding must be made by the “building official”, whereas under the urban lot split provision, the finding must be made by the “local agency.” It is not clear whether this distinction was intentional.

accessory dwelling unit may be added to each unit. When combined with an urban lot split, no accessory dwelling unit or junior accessory dwelling unit may be developed on the site.⁶

CEQA Exemption

Because approval under SB 9 is ministerial, the California Environmental Quality Act does not apply. In addition, the bill creates a new statutory exemption for an ordinance adopted to implement SB 9.

Subdivision Map Extension

SB 9 also changes the lifespan of tentative subdivision maps. Local agencies may now extend map expiration by an additional year—up to 2 years generally and up to 4 years for maps that are conditioned on significant public improvement obligations.

SB 9 applies to towns which include some portion of an urbanized area⁷ or urban cluster⁸ as designated by the United States Census Bureau. SB 9 applies to the Town because the Town contains an urbanized cluster. (See https://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua78904_san_francisco--oakland_ca/DC10UA78904_000.pdf.)⁹

Impact on Portola Valley

Terner Center Analysis

In July of this year, the UC Berkeley Terner Center for Housing Innovation published an [analysis](#) of SB 9 on the state of California. Their work concluded that of the 7.5 million available single-family housing parcels, 714,000, or .12 of available lots, would be market-feasible under SB 9. (See Attachment 4.)

The Terner Center also conducted a city-by-city analysis, but did not include cities with less than 5,000 single-family housing parcels. Thus Portola Valley's housing stock was not analyzed.

Staff Analysis

Staff also considered impacts associated with SB 9 on Portola Valley. The Town has many physical constraints for development, including steep slopes and geologic hazards that were considered prior to the construction of existing homes on those lots. In many parts of Town,

⁶ The question of whether an ADU or JADU may be added to a lot only utilizing the urban lot split or the two unit-development provision is still not clear.

⁷ An urbanized area consists of densely settled territory that contains 50,000 or more people.

⁸ An urban cluster consists of densely settled territory that contains at least 2,500 people, but fewer than 50,000 people.

⁹ One of the open interpretation issues is whether the city or the parcel itself must be partially located within an urban area or cluster.

it may not be feasible to create additional housing space while still keeping the existing home intact. Additionally, as single-family home development changes over time in the state, existing single-family residences will likely become scarcer, increasing their value as-is.

While it is possible that SB 9 will encourage more speculative development and will result in a few additional urban lot splits or construction of two smaller units on a single lot, staff does not view this as a realistic scenario at this point. Instead, the removal of subjective design review over single family homes is likely to be the most impactful aspect of SB 9 in Portola Valley. Most cities do not have as robust a discretionary review process for single family homes as Portola Valley. For example, Palo Alto only requires discretionary design review for two story homes. The intent of the legislation does not appear directed at removing design review for a stand alone single family home, but on its face the new legislation appears to mandate ministerial review for a stand alone single family home not exceeding 800 square feet with 4 foot setbacks (similar to the ADU regulations).

Timeline for Drafting Implementing Ordinance

SB 9 becomes effective on January 1, 2022. Ideally, the Town would have an implementing ordinance in place by this time. To comply with this deadline, it is likely staff will be bringing forward an urgency ordinance. The local implementing ordinance would need to do the following:

- Provide a process for acting on “urban lot splits”.
- Adopt objective standards for these mandatory, ministerial lot splits and two-unit development projects

2. SB 10

Senate Bill 10 eases the process for local governments to rezone neighborhoods near mass transit or an urban infill site to increase density with apartment complexes of up to 10 units per parcel. The new legislation also exempts such ordinances and projects from review under the California Environmental Quality Act in an attempt to reduce costs and time it takes for projects to be approved. The key provisions of this bill are:

- The Town Council may adopt an ordinance to upzone a parcel for up to 10 units of residential density per parcel if the parcel is located in (1) a transit rich area or (2) an urban infill site.¹⁰ Portola Valley does not currently have any transit rich areas but does have urban infill sites.

¹⁰ “Urban infill site” means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

- The ordinance shall be exempt from CEQA;
- Parcels located in Very High Fire Severity Zones are exempt unless the sites “have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.”
- The parcel is also exempt if it has been dedicated open space or park by local initiative;
- The ordinance must contain a finding that it is enacted to affirmatively further fair housing; and
- If the ordinance supersedes other zoning restrictions adopted by initiative, it must be approved by 2/3 of the Council.

Since this legislation simply grants authority to adopt such an ordinance –and does not require the Council to do so—it is not expected to adversely impact the Town.

FISCAL IMPACT

Town staff anticipates spending both Town Attorney and planning staff time drafting an SB 9 implementing ordinance to comply with the January 1, 2022 effective date. It is also likely that revenue will decrease slightly as the Town transitions from a discretionary to a ministerial review for most single family home projects.

ATTACHMENT

1. [List of 2021 Housing Bills](#)
2. [SB 9 Legislation](#)
3. [Turner Center Report on SB 9](#)
4. [SB 10 Legislation](#)

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

2021 Legislative Session – Housing Related Bills Signed by Governor

Below is a list of housing related bills signed by the Governor during this legislative session. Staff has not had time to analyze all bills and will provide additional information as available.

- AB 68 by Assemblymember Sharon Quirk-Silva (D-Fullerton) – Department of Housing and Community Development: California Statewide Housing Plan: annual reports.
- AB 215 by Assemblymember David Chiu (D-San Francisco) – Planning and Zoning Law: housing element: violations.
- AB 345 by Assemblymember Sharon Quirk-Silva (D-Fullerton) – Accessory dwelling units: separate conveyance.
- AB 447 by Assemblymember Tim Grayson (D-Concord) – California Debt Limit Allocation Committee: income taxes: low-income housing tax credits.
- AB 491 by Assemblymember Christopher Ward (D-San Diego) – Housing: affordable and market rate units.
- AB 571 by Assemblymember Chad Mayes (I-Rancho Mirage) – Planning and zoning: density bonuses: affordable housing.
- AB 602 by Assemblymember Tim Grayson (D-Concord) – Development fees: impact fee nexus study.
- AB 634 by Assemblymember Wendy Carrillo (D-Los Angeles) – Density Bonus Law: affordability restrictions.
- AB 721 by Assemblymember Richard Bloom (D-Santa Monica) – Covenants and restrictions: affordable housing.
- AB 787 by Assemblymember Jesse Gabriel (D-Encino) – Planning and zoning: housing element: converted affordable housing units.
- AB 838 by Assemblymember Laura Friedman (D-Glendale) – State Housing Law: enforcement response to complaints.
- AB 948 by Assemblymember Chris Holden (D-Pasadena) – Bureau of Real Estate Appraisers: disclosures: demographic information: reporting: continuing education.
- AB 1029 by Assemblymember Kevin Mullin (D-South San Francisco) – Housing elements: prohousing local policies.
- AB 1043 by Assemblymember Isaac Bryan (D-Los Angeles) – Housing programs: rental housing developments: affordable rent.

- AB 1095 by Assemblymember Ken Cooley (D-Rancho Cordova) – Affordable rental and owner-occupied housing: equity in state and local programs.
- AB 1297 by Assemblymember Chris Holden (D-Pasadena) – California Infrastructure and Economic Development Bank: public and economic development facilities: housing.
- AB 1304 by Assemblymember Miguel Santiago (D-Los Angeles) – Affirmatively further fair housing: housing element: inventory of land.
- AB 1398 by Assemblymember Richard Bloom (D-Santa Monica) – Planning and zoning: housing element: rezoning of sites: prohousing local policies.
- AB 1466 by Assemblymember Kevin McCarty (D-Sacramento) – Real property: discriminatory restrictions.
- AB 1584 by the Committee on Housing and Community Development – Housing omnibus.
- SB 263 by Senator Susan Rubio (D-Baldwin Park) – Real estate applicants and licensees: education requirements: fair housing and implicit bias training.
- SB 290 by Senator Nancy Skinner (D-Berkeley) – Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.
- SB 381 by Senator Anthony Portantino (D-La Cañada Flintridge) – Surplus residential property: priorities, procedures, price, and fund: City of South Pasadena.
- SB 478 by Senator Scott Wiener (D-San Francisco) – Planning and Zoning Law: housing development projects.
- SB 591 by Senator Josh Becker (D-Menlo Park) – Senior citizens: intergenerational housing developments.
- SB 728 by Senator Robert Hertzberg (D-Van Nuys) – Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.
- SB 791 by Senator Dave Cortese (D-San Jose) – California Surplus Land Unit.
- AB 1174 by Assemblymember Tim Grayson (D-Concord) – Planning and zoning: housing: development application modifications, approvals, and subsequent permits.
- SB 8 by Senator Nancy Skinner (D-Berkeley) – Housing Crisis Act of 2019.
- SB 9 by Senator Toni G. Atkins (D-San Diego) – Housing development: approvals.
- SB 10 by Senator Scott Wiener (D-San Francisco) – Planning and zoning: housing development: density.

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24

months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

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

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the

housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

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

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be

considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

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

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or

because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Terner Center/MapCraft SB 9 model results, CA jurisdictions with greater than 5,000 single family parcels

Name	Total single-family parcels	SB 9-eligible parcels	Parcels where SB9 would increase the number of market-feasible units (rounded to nearest 100)	Parcels where SB9 changes feasible outcome from no new units to 1+ new units (rounded to nearest 100)	market-feasible new units if SB9 were enacted (rounded to nearest 100)	SB9 Units per Eligible Lot
Adelanto	7,600	7,600	100	-	100	0.02
Alameda	13,000	12,200	500	-	700	0.06
Alhambra	9,700	9,700	600	100	800	0.09
Anaheim	42,900	36,300	2,300	1,000	4,100	0.11
Antioch	27,100	26,300	1,600	500	2,600	0.10
Apple Valley	20,600	20,500	3,000	700	6,100	0.30
Arcadia	10,600	9,500	1,200	600	2,700	0.28
Arroyo Grande	5,200	5,200	500	200	900	0.18
Atascadero	7,600	6,100	800	200	1,800	0.29
Atwater	6,600	6,600	200	-	300	0.04
Azusa	5,800	5,100	300	-	400	0.08
Bakersfield	87,700	87,400	4,800	1,800	9,000	0.10
Baldwin Park	10,700	10,700	800	-	1,000	0.10
Banning	8,500	8,100	400	-	600	0.07
Beaumont	13,500	13,000	700	100	1,100	0.08
Bellflower	8,200	8,200	600	-	800	0.10
Belmont	6,400	5,500	300	100	600	0.11
Benicia	7,200	7,100	400	100	600	0.08
Berkeley	17,700	13,800	800	100	1,100	0.08
Brea	10,400	7,300	400	100	600	0.08
Brentwood	18,400	18,300	1,500	600	2,500	0.14
Buena Park	15,700	15,700	1,100	200	1,700	0.11
Burbank	18,300	15,500	800	300	1,300	0.09
Burlingame	5,500	5,200	200	100	400	0.08
Calexico	6,000	6,000	100	-	100	0.02
California City	5,700	5,700	300	100	600	0.11
Camarillo	18,700	17,500	1,100	100	1,600	0.09
Campbell	7,600	7,600	400	200	700	0.09
Carlsbad	25,200	22,000	1,500	600	2,900	0.13
Carson	17,400	17,400	700	-	900	0.05
Cathedral City	11,000	11,000	800	800	1,800	0.17
Ceres	10,200	10,100	400	-	600	0.06
Cerritos	13,600	13,600	1,100	400	1,800	0.13
Chico	20,000	19,800	800	-	1,500	0.07
Chino	16,300	16,200	1,000	100	1,500	0.09
Chino Hills	19,900	19,200	1,300	200	2,100	0.11
Chula Vista	40,400	38,800	2,100	200	3,100	0.08
Citrus Heights	21,000	20,900	1,700	300	2,600	0.12
Claremont	8,500	7,500	600	200	1,000	0.14
Clovis	30,000	29,900	1,200	200	2,000	0.07
Coachella	6,900	6,900	2,100	2,100	3,600	0.52
Colton	9,000	8,000	200	-	300	0.04
Compton	14,600	14,600	1,000	-	1,200	0.09
Concord	26,300	26,200	1,800	500	3,000	0.11
Corona	29,000	26,200	1,700	400	2,800	0.11
Costa Mesa	15,300	15,300	700	300	1,200	0.08
Covina	9,200	9,000	600	100	900	0.10
Culver City	5,500	5,400	300	-	400	0.07
Cupertino	11,700	11,600	700	400	1,300	0.12
Cypress	11,400	11,400	600	-	900	0.08
Daly City	18,000	18,000	800	-	1,000	0.05
Dana Point	8,200	7,700	400	200	800	0.11
Danville	11,900	11,500	1,500	800	3,400	0.30

Davis	12,400	12,400	900	100	1,200	0.10
Delano	7,500	7,500	200	-	300	0.04
Desert Hot Springs	7,700	7,700	200	-	300	0.04
Diamond Bar	12,700	11,400	900	500	1,800	0.16
Dixon	5,100	5,100	300	-	400	0.08
Downey	18,300	18,300	1,100	200	1,600	0.09
Dublin	12,800	12,700	800	200	1,100	0.09
Eastvale	15,300	15,100	1,200	300	1,800	0.12
El Cajon	12,700	11,400	600	100	1,100	0.09
El Centro	7,500	7,500	200	-	400	0.06
El Monte	10,600	10,600	800	100	1,100	0.10
Elk Grove	47,800	47,400	3,200	700	5,100	0.11
Encinitas	14,500	12,900	1,200	500	2,500	0.19
Escondido	23,500	19,300	1,400	300	2,600	0.14
Eureka	6,300	6,200	300	-	500	0.08
Fairfield	26,700	26,500	1,500	200	2,100	0.08
Folsom	19,800	19,400	1,200	300	2,100	0.11
Fontana	41,500	39,000	4,100	1,400	6,800	0.17
Foster City	6,000	6,000	300	100	500	0.08
Fountain Valley	14,600	14,600	600	100	800	0.06
Fremont	46,300	46,200	2,200	900	4,000	0.09
Fresno	104,200	103,900	2,200	100	3,800	0.04
Fullerton	24,800	23,700	1,200	500	2,500	0.11
Galt	6,600	6,600	400	-	500	0.08
Garden Grove	27,100	27,100	900	200	1,400	0.05
Gardena	8,000	8,000	300	-	300	0.04
Gilroy	11,700	11,600	700	100	1,100	0.09
Glendale	23,000	12,400	700	100	1,000	0.08
Glendora	12,500	11,300	900	200	1,500	0.13
Goleta	6,400	6,300	400	100	500	0.08
Hanford	14,300	14,200	400	100	700	0.05
Hawthorne	6,600	6,600	400	-	500	0.08
Hayward	24,900	24,800	1,400	300	2,300	0.09
Hemet	20,100	19,200	800	200	1,400	0.07
Hercules	5,400	5,400	400	100	600	0.11
Hesperia	24,400	24,400	2,900	300	5,800	0.24
Highland	11,700	9,000	400	300	900	0.10
Hollister	8,300	8,200	900	500	1,700	0.21
Huntington Beach	42,300	38,400	1,600	500	2,600	0.07
Imperial	5,100	5,000	100	-	100	0.03
Indio	20,900	20,900	800	100	1,200	0.06
Inglewood	10,900	10,900	700	200	1,100	0.10
Irvine	39,700	37,800	2,200	300	3,300	0.09
Jurupa Valley	20,400	18,900	2,500	700	4,800	0.26
La Habra	10,200	9,700	300	100	600	0.06
La Mesa	10,600	10,600	700	200	1,200	0.11
La Mirada	11,800	11,600	600	100	800	0.07
La Puente	6,300	6,300	300	-	400	0.07
La Quinta	16,100	16,100	700	200	1,300	0.08
La Verne	7,500	5,300	200	100	400	0.08
Laguna Hills	6,400	6,400	500	200	1,100	0.17
Laguna Niguel	15,500	13,000	800	200	1,400	0.11
Lake Elsinore	15,100	8,000	400	-	700	0.09
Lake Forest	16,800	13,700	600	100	900	0.06
Lakewood	22,100	22,100	1,000	-	1,300	0.06
Lancaster	37,000	37,000	1,800	200	2,800	0.08
Lathrop	6,100	6,100	400	-	600	0.09
Lemon Grove	5,200	5,200	400	100	600	0.11
Lemoore	6,100	6,000	200	-	400	0.06
Lincoln	17,600	17,300	1,200	100	1,700	0.10
Livermore	23,500	23,400	1,300	500	2,400	0.10
Lodi	14,100	14,100	500	100	800	0.05

Lompoc	8,700	8,500	500	200	800	0.09
Long Beach	59,600	58,300	2,800	200	3,600	0.06
Los Altos	9,100	9,100	1,500	1,200	3,500	0.38
Los Angeles	447,700	355,200	23,000	6,000	37,600	0.11
Los Banos	10,600	10,600	100	-	200	0.02
Los Gatos	7,300	5,200	500	200	900	0.18
Lynwood	7,100	7,100	500	-	600	0.08
Madera	11,900	11,900	1,400	1,200	2,700	0.23
Manhattan Beach	9,800	9,800	900	300	1,400	0.14
Manteca	19,800	19,600	1,000	-	1,400	0.07
Martinez	8,900	8,000	800	300	1,400	0.17
Menifee	30,000	25,700	2,100	800	3,600	0.14
Menlo Park	7,000	6,300	400	200	900	0.15
Merced	17,200	17,100	400	100	600	0.04
Millbrae	5,200	5,000	300	100	600	0.11
Milpitas	12,500	12,500	700	100	900	0.08
Mission Viejo	26,300	23,600	1,300	200	1,900	0.08
Modesto	50,400	50,400	2,400	800	3,900	0.08
Montclair	5,500	5,500	600	300	1,000	0.18
Montebello	8,500	8,500	500	-	700	0.08
Monterey Park	9,900	9,900	500	100	900	0.09
Moreno Valley	42,800	41,200	2,700	200	4,000	0.10
Morgan Hill	9,800	8,300	700	300	1,400	0.17
Mountain View	9,100	9,100	700	300	1,100	0.12
Murrieta	27,100	20,000	1,200	300	1,900	0.10
Napa	17,100	16,900	1,500	500	2,700	0.16
National City	5,300	5,300	200	-	400	0.07
Newark	10,400	10,300	500	100	700	0.07
Newport Beach	20,100	13,900	800	300	1,400	0.10
Norco	6,600	6,100	1,200	400	2,600	0.42
Norwalk	19,500	19,500	700	-	900	0.04
Novato	11,500	11,400	900	400	1,900	0.17
Oakdale	6,000	6,000	300	-	500	0.08
Oakland	66,700	51,200	2,800	100	3,700	0.07
Oakley	11,500	10,400	1,000	300	1,600	0.16
Oceanside	39,700	37,700	2,400	600	4,000	0.11
Ontario	27,600	27,500	1,900	700	3,300	0.12
Orange	25,200	21,000	1,200	700	2,400	0.12
Oxnard	30,300	30,300	1,200	-	1,600	0.05
Pacifica	10,500	10,500	800	200	1,300	0.12
Palm Desert	14,100	14,100	1,000	400	1,900	0.14
Palm Springs	12,000	11,500	900	300	1,700	0.15
Palmdale	37,300	35,100	1,900	300	3,100	0.09
Palo Alto	14,800	14,200	1,000	400	1,700	0.12
Pasadena	20,400	16,000	1,200	300	2,000	0.13
Paso Robles	8,500	8,500	900	200	1,600	0.19
Patterson	5,600	5,600	100	-	200	0.03
Perris	15,600	15,400	900	-	1,300	0.09
Petaluma	15,700	15,600	800	200	1,300	0.08
Pico Rivera	12,300	12,300	1,000	-	1,300	0.10
Pittsburg	15,500	15,300	600	100	900	0.06
Placentia	10,700	10,700	500	100	700	0.07
Pleasant Hill	8,100	8,100	700	300	1,200	0.15
Pleasanton	18,400	17,500	1,300	500	2,400	0.14
Pomona	22,900	22,300	1,400	100	2,000	0.09
Porterville	12,300	12,300	600	300	1,200	0.10
Poway	12,100	7,800	900	400	2,200	0.28
Rancho Cordova	16,800	16,300	1,300	200	1,800	0.11
Rancho Cucamonga	36,100	31,200	1,900	200	3,300	0.11
Rancho Mirage	6,100	6,100	600	200	1,200	0.20
Rancho Santa Margarita	9,200	5,400	300	-	400	0.08
Redding	25,200	18,600	1,300	400	2,500	0.13

Redlands	17,300	15,100	1,100	200	2,000	0.13
Redondo Beach	7,700	7,700	400	-	400	0.06
Redwood City	12,000	10,900	700	200	1,100	0.10
Rialto	18,800	17,700	1,400	100	1,900	0.11
Richmond	20,300	19,400	1,300	100	1,700	0.09
Ridgecrest	8,100	8,100	200	-	300	0.04
Riverbank	6,200	6,200	200	-	400	0.06
Riverside	60,400	58,000	4,900	900	8,000	0.14
Rocklin	17,900	17,600	1,000	100	1,600	0.09
Rohnert Park	9,200	9,200	400	-	500	0.06
Rosemead	6,900	6,900	500	-	600	0.09
Roseville	39,600	39,300	2,000	200	2,800	0.07
Sacramento	116,300	116,000	6,700	800	9,600	0.08
Salinas	21,200	21,200	1,100	200	1,600	0.08
San Bernardino	34,500	28,300	1,500	100	2,200	0.08
San Bruno	8,700	8,400	400	100	500	0.06
San Carlos	8,100	6,400	300	100	500	0.09
San Clemente	16,200	12,800	900	300	1,700	0.13
San Diego	203,600	133,200	7,200	2,700	12,900	0.10
San Dimas	8,600	7,100	800	300	1,300	0.18
San Francisco	94,600	93,700	6,400	500	8,400	0.09
San Gabriel	5,800	5,800	400	100	700	0.11
San Jacinto	11,100	10,600	300	-	500	0.05
San Jose	168,600	168,100	10,300	2,500	15,900	0.09
San Juan Capistrano	8,100	7,900	600	300	1,500	0.19
San Leandro	18,600	17,400	1,200	200	1,700	0.10
San Luis Obispo	8,500	8,400	500	100	800	0.09
San Marcos	14,600	10,000	600	100	1,100	0.11
San Mateo	17,100	15,400	700	300	1,200	0.08
San Rafael	10,100	9,300	800	400	1,700	0.18
San Ramon	17,200	17,000	900	300	1,600	0.10
Sanger	5,500	5,500	200	-	300	0.05
Santa Ana	31,000	31,000	1,000	200	1,500	0.05
Santa Barbara	14,900	11,500	900	300	1,700	0.15
Santa Clara	18,100	18,000	700	300	1,100	0.06
Santa Clarita	38,500	23,900	1,600	400	2,500	0.11
Santa Cruz	9,800	9,600	700	200	1,200	0.12
Santa Maria	19,500	19,500	1,000	-	1,300	0.07
Santa Monica	7,200	7,100	200	200	500	0.07
Santa Rosa	40,900	39,700	2,800	800	5,000	0.13
Santee	10,700	7,800	400	100	700	0.08
Saratoga	9,600	7,900	1,100	700	2,600	0.33
Seaside	5,200	5,200	300	-	400	0.07
Simi Valley	32,000	22,600	1,500	200	2,200	0.10
South Gate	10,400	10,400	700	-	900	0.09
South San Francisco	12,300	12,200	700	-	900	0.07
Stockton	63,100	58,100	2,300	400	3,600	0.06
Suisun City	8,000	8,000	300	-	400	0.05
Sunnyvale	21,000	21,000	900	400	1,400	0.07
Temecula	27,000	25,300	2,300	500	3,700	0.15
Temple City	7,200	7,200	600	200	1,000	0.14
Thousand Oaks	32,100	17,300	1,300	500	2,400	0.14
Torrance	27,900	27,900	1,600	200	2,200	0.08
Tracy	21,800	21,700	2,300	1,300	4,200	0.19
Tulare	15,600	15,600	700	400	1,400	0.09
Turlock	15,900	15,900	800	200	1,300	0.08
Tustin	10,500	9,800	500	100	700	0.08
Twentynine Palms	5,100	5,100	400	100	800	0.15
Unincorporated Alameda	33,200	26,900	2,000	600	3,400	0.13
Unincorporated Butte	29,100	7,300	600	-	1,100	0.15
Unincorporated Contra Cost	45,000	32,600	3,400	1,300	7,000	0.22
Unincorporated El Dorado	50,200	18,400	2,200	600	4,400	0.24

Unincorporated Fresno	36,700	19,700	1,600	200	3,200	0.16
Unincorporated Humboldt	21,500	9,500	600	-	1,200	0.13
Unincorporated Kern	89,700	48,300	2,100	300	3,900	0.08
Unincorporated Los Angeles	184,600	143,900	12,400	3,600	20,900	0.15
Unincorporated Madera	20,500	7,200	900	-	1,600	0.23
Unincorporated Marin	19,500	9,300	900	600	2,300	0.25
Unincorporated Merced	15,400	11,900	700	-	1,200	0.10
Unincorporated Monterey	25,200	7,400	900	400	1,900	0.25
Unincorporated Orange	35,400	20,700	1,800	1,000	4,000	0.19
Unincorporated Placer	43,800	14,700	2,200	900	5,400	0.37
Unincorporated Riverside	102,600	60,600	4,400	600	7,600	0.13
Unincorporated Sacramento	141,100	133,900	10,800	2,700	18,900	0.14
Unincorporated San Bernardino	111,300	35,700	3,300	600	5,900	0.17
Unincorporated San Diego	111,300	54,000	7,200	2,400	15,800	0.29
Unincorporated San Joaquin	33,200	21,400	1,700	300	3,100	0.15
Unincorporated San Luis Obispo	34,600	15,200	1,400	500	2,800	0.19
Unincorporated San Mateo	16,600	10,400	800	300	1,500	0.14
Unincorporated Santa Barbara	34,200	22,000	2,300	800	4,700	0.21
Unincorporated Santa Clara	16,400	11,500	1,300	800	3,300	0.29
Unincorporated Santa Cruz	34,700	23,700	2,500	1,000	5,400	0.23
Unincorporated Sonoma	38,800	19,100	2,900	1,200	6,700	0.35
Unincorporated Stanislaus	22,600	15,600	1,000	100	1,700	0.11
Unincorporated Tulare	29,500	12,300	800	100	1,500	0.12
Unincorporated Ventura	24,100	11,000	1,200	400	2,600	0.23
Unincorporated Yuba	13,300	9,700	1,900	1,900	4,000	0.41
Union City	13,100	13,100	600	100	800	0.06
Upland	15,100	14,700	1,900	900	3,500	0.24
Vacaville	25,300	25,100	1,700	300	2,400	0.10
Vallejo	29,400	28,700	1,200	200	1,900	0.06
Ventura	23,900	20,600	1,400	200	2,000	0.10
Victorville	29,900	29,900	1,400	300	2,700	0.09
Visalia	33,900	33,700	1,300	300	2,300	0.07
Vista	15,400	13,700	1,300	400	2,600	0.19
Walnut	8,800	8,400	700	300	1,500	0.18
Walnut Creek	11,200	11,000	1,100	500	2,300	0.21
Watsonville	5,600	5,600	300	-	500	0.08
West Covina	21,500	20,500	1,400	300	2,300	0.11
West Sacramento	12,300	12,300	700	100	1,100	0.09
Westminster	15,900	15,800	1,100	500	1,900	0.12
Whittier	17,000	14,900	900	200	1,600	0.11
Wildomar	10,100	5,800	800	400	1,600	0.27
Windsor	7,600	7,500	700	200	1,200	0.16
Woodland	13,000	12,900	1,100	300	1,600	0.13
Yorba Linda	19,100	15,500	1,100	500	2,600	0.17
Yuba City	15,000	14,900	1,700	800	3,000	0.20
Yucaipa	12,000	11,000	1,100	200	2,100	0.19
Yucca Valley	7,500	6,400	1,000	400	2,100	0.33

Senate Bill No. 10

CHAPTER 163

An act to add Section 65913.5 to the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 10, Wiener. Planning and zoning: housing development: density.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.

The bill would impose specified requirements on a zoning ordinance adopted under these provisions, including a requirement that the zoning ordinance clearly demarcate the areas that are subject to the ordinance and that the legislative body make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing. The bill would require an ordinance to be adopted by a $\frac{2}{3}$ vote of the members of the legislative body if the ordinance supersedes any zoning restriction established by local initiative.

The bill would prohibit an ordinance adopted under these provisions from reducing the density of any parcel subject to the ordinance and would prohibit a legislative body from subsequently reducing the density of any parcel subject to the ordinance. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel zoned pursuant to these provisions from being approved ministerially or by right or from being exempt from the California Environmental Quality Act, except as specified.

This bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The people of the State of California do enact as follows:

SECTION 1. Section 65913.5 is added to the Government Code, to read: 65913.5. (a) (1) Notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction that limit the legislative body's ability to adopt zoning ordinances, including, subject to the requirements of paragraph (4) of subdivision (b), restrictions enacted by local initiative, a local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:

(A) A transit-rich area.

(B) An urban infill site.

(2) A local government shall not adopt an ordinance pursuant to this subdivision on or after January 1, 2029. However, the operative date of an ordinance adopted under this subdivision may extend beyond January 1, 2029.

(3) An ordinance adopted in accordance with this subdivision, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that zoning ordinance, shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(4) Paragraph (1) shall not apply to either of the following:

(A) Parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This paragraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(B) Any local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land, as defined in subdivision (h) of Section 65560, or for park or recreational purposes.

(b) A legislative body shall comply with all of the following when adopting a zoning ordinance pursuant to subdivision (a):

(1) The zoning ordinance shall include a declaration that the zoning ordinance is adopted pursuant to this section.

(2) The zoning ordinance shall clearly demarcate the areas that are zoned pursuant to this section.

(3) The legislative body shall make a finding that the increased density authorized by the ordinance is consistent with the city or county's obligation to affirmatively further fair housing pursuant to Section 8899.50.

(4) If the ordinance supersedes any zoning restriction established by a local initiative, the ordinance shall only take effect if adopted by a two-thirds vote of the members of the legislative body.

(c) (1) Notwithstanding any other law that allows ministerial or by right approval of a development project or that grants an exemption from Division 13 (commencing with Section 21000) of the Public Resources Code, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that are zoned pursuant to an ordinance adopted under this section shall not be approved ministerially or by right and shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) This subdivision shall not apply to a project located on a parcel or parcels that are zoned pursuant to an ordinance adopted under this section, but subsequently rezoned without regard to this section. A subsequent ordinance adopted to rezone the parcel or parcels shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code. Any environmental review conducted to adopt the subsequent ordinance shall consider the change in the zoning applicable to the parcel or parcels before they were zoned or rezoned pursuant to the ordinance adopted under this section.

(3) The creation of up to two accessory dwelling units and two junior accessory dwelling units per parcel pursuant to Sections 65852.2 and 65852.22 of the Government Code shall not count towards the total number of units of a residential or mixed-use residential project when determining if the project may be approved ministerially or by right under paragraph (1).

(4) A project may not be divided into smaller projects in order to exclude the project from the prohibition in this subdivision.

(d) (1) An ordinance adopted pursuant to this section shall not reduce the density of any parcel subject to the ordinance.

(2) A legislative body that adopts a zoning ordinance pursuant to this section shall not subsequently reduce the density of any parcel subject to the ordinance.

(e) For purposes of this section:

(1) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(A) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(B) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.

(C) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(2) “Transit-rich area” means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.

(3) “Urban infill site” means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.


(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(f) The Legislature finds and declares that provision of adequate housing, in light of the severe shortage of housing at all income levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director 

DATE: October 13, 2021

RE: Study Proposal for BPTS Committee Parking Recommendations on Portola Road and on Willowbrook Drive

RECOMMENDATION:

Staff recommends that the Town Council:

1. Consider the attached proposal by Krupka Consulting and provide feedback.
2. Provide direction to accept the proposal and authorize staff to approve the expenditure within the Town Managers authority
3. Direct staff to amend the budget to include for this unbudgeted expenditure when appropriate.

BACKGROUND

At the September 8, 2021 Town Council meeting, the Bicycle, Pedestrian, and Traffic Safety Committee Chair (BPTS Committee) presented its request and recommendation for the installation of parking controls on Portola Road and on Willowbrook Drive (Attachment 1- BPTS Presentation). In general, the BPTS recommendations consisted of requests for red curb, no parking signs, and park off pavement signs. Also, in attendance was the Town Traffic Engineering consultant Paul Krupka of Krupka Consulting, who has also worked on the Town Pedestrian Safety Study, which defined signs and pavement markings improvements at nine locations currently being installed as part of the 2020/2021 Street Resurfacing Project.

At the conclusion of the presentation, the Town Council directed staff to work on putting together a proposal for an engineering study and subsequently a design and implementation plan for addressing traffic and parking issues in the areas identified in the BPTS Committees presentation (Attachment 2- Council Minutes 9/8/21).

DISCUSSION

Krupka Consulting, in conjunction with staff, prepared the attached study proposal in response to Town Council direction (Attachment 3 – Krupka Consulting proposal). The

proposal contains background, scope of work schedule and budget to address a substantial study area encompassing Portola Road (approximately 2,700 lineal feet of roadway from Stonegate Road to Brookside Drive, Attachment 4) and Willowbrook Drive (approximately 550 lineal feet of roadway, Attachment 5).

Krupka Consulting will apply engineering judgment to define potential improvements suitable for early implementation – without further study - and engineering study to define potential improvements requiring design prior to implementation. Based on the proposal, staff expects to consider early implementation items, such as those on Willowbrook Drive, in 20 working days (4 weeks). This would allow review and implementation within 5 to 10 working days (1 to 2 weeks) weather permitting. In parallel, Krupka Consulting will study the Portola Road area and issue draft findings for review by staff and the BPTS. The time to finalize the study will depend on results and whether staff determines further reviews by the BPTS or Architectural and Site Control Commission (ASCC), or both are needed and if further approvals are needed by the Town Council.

The Town currently has an established Professional Services Agreement with Krupka Consulting indicating a unit rate of \$150 an hour. The attached proposal is on an hourly time and materials basis. Staff has reviewed the proposal scope and estimated cost and has determined it to be reasonable.

FISCAL IMPACT

The proposal indicates an estimate of \$9,500, an amount within the Town Managers authority. Staff also recommends budgeting a 20% contingency for unforeseen and additions for a total of \$11,400. This project was not budgeted for in the current FY 2021-22 budget. Use of general fund engineering support can be used at the moment, however the budget may have to be amended when appropriate, to backfill the final expense. In addition, future funds for design and implementation may need to be allocated depending on results.

ATTACHMENTS

1. [BPTS presentation from 9/8/2021 meeting](#)
2. [Council meeting minutes 9/8/2021](#)
3. [Krupka Consulting Proposal 10/5/2021](#)
4. [Vicinity Map for Portola Road focus area](#)
5. [Vicinity map for Willowbrook Drive focus area](#)

Portola Road & Willowbrook Parking Recommendations

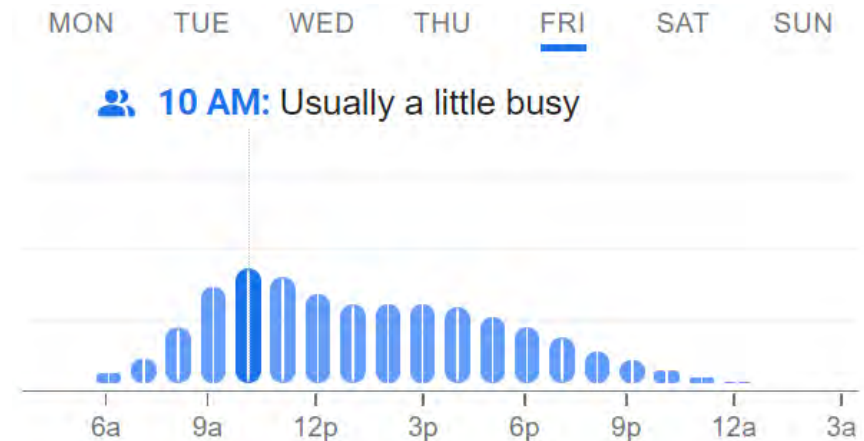
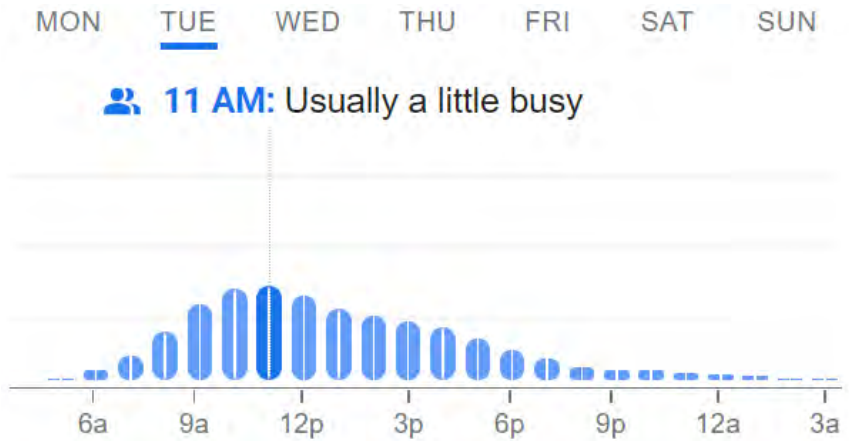
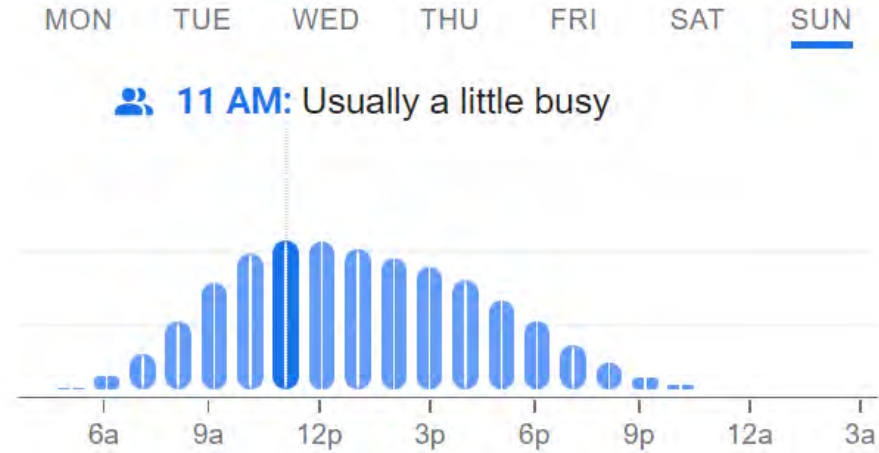
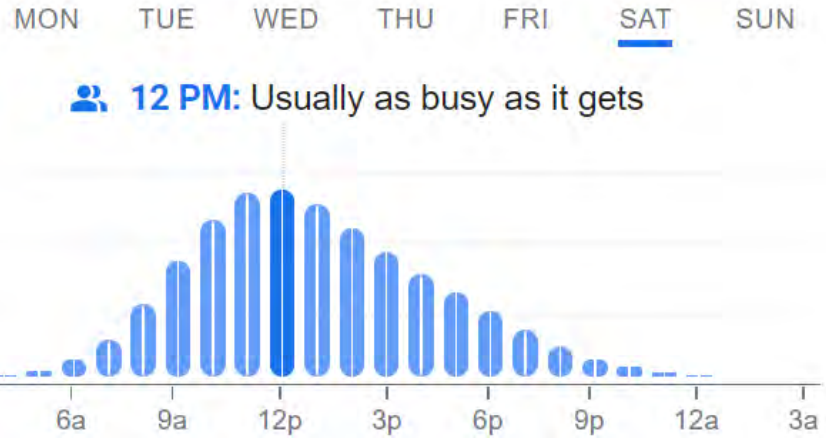
Town of Portola Valley
Bicycle, Pedestrian and Traffic Safety Committee

August 2021

HISTORY

- 2012 – Town Staff and the Bicycle, Pedestrian and Traffic Safety (BPTS) Committee test methods on Portola Road to encourage safe parking, such as temporary signage
- 2013 - March – BPTS Committee votes to recommend No Parking signs by Windy Hill Car Park
 - BPTS Committee Members & Town Staff put out temporary No Parking Signs opposite Windy Hill Car Park on weekends
 - Cars cannot be ticketed for these signs
- 2014 – June – BPTS approves location of No Parking Signs on Portola Road, Council approves No Parking Signs on Portola Road, ASCC discusses plans for No Parking Signs and recommends a rural approach
- 2014 – August – Brown temporary No Parking Signs are put out by BPTS members and/or town staff each weekend
 - Parking is allowed off the shoulder for a short distance opposite the Windy Hill Car Park on Portola Road
 - Drivers take more notice of large brown signs than a smaller sign
- 2015 - Town prints cards with Town & Sheriff’s logos to Place on windshields, advising motorists to not park in the shoulder and to park at Town Center
- 2016 – Ad Hoc Committee recommends No Parking signs that are approved by the Town Council
 - Permanent brown No Parking and Park Off Pavement signs are installed on Portola Road, citing a new town ordinance
 - Cards are reprinted with the town ordinance to put on car windshields
- 2020 – August – BPTS Committee and Town Manager post guidelines for Windy Hill parking on [the town website](#)
- 2021 - July 23rd – Howard Young (Public Works Director), Paul Krupka (Traffic Engineer), Ed Holland (BPTS Chair), Angela Hey (BPTS Member) visit Portola Road and Willowbrook to review potential recommendations that form the basis of this presentation

Weekends Are Busiest Times For Visits To Windy Hill



Saturday & Sunday are busiest days with Friday & Tuesday the next busiest.

Source: Google

Note: some may visit from Skyline, parking starts a little before visitors are actually on Windy Hill.

Goals & Scope

- Goals
 - Increase safety for all road & trail users – pedestrians, cyclists, horses, vehicles
 - Recommend where parking needs to be restricted
- Scope
 - Addressed
 - Roadside Parking On Portola Road, Willowbrook and Alpine Road near Trailheads
 - Not Addressed
 - Long term planning for trail improvements, car park upgrades
 - Red curb painting next to driveways for individual homeowners
 - Exact sign location – a traffic engineer can work with town staff to plan and implement

CONCERNS

- There are designated parking areas but...
 - ... there are more cars than spaces
 - ... some of the cars that park on Portola Road create a hazard for other road users
 - ... they park on the trail and in the shoulder
- If parking space is expanded, will more cars come and there'll always be more cars than available spaces
- If parking is restricted, where will cars park? Will cars go to the town center?
- Cars make U-turns if they see a space on the other side of the road – hazard for cars, bikes, pedestrians
- Families with strollers and small children walk in the shoulder & in the road

Alpine & Willowbrook Intersection

RECOMMENDATIONS

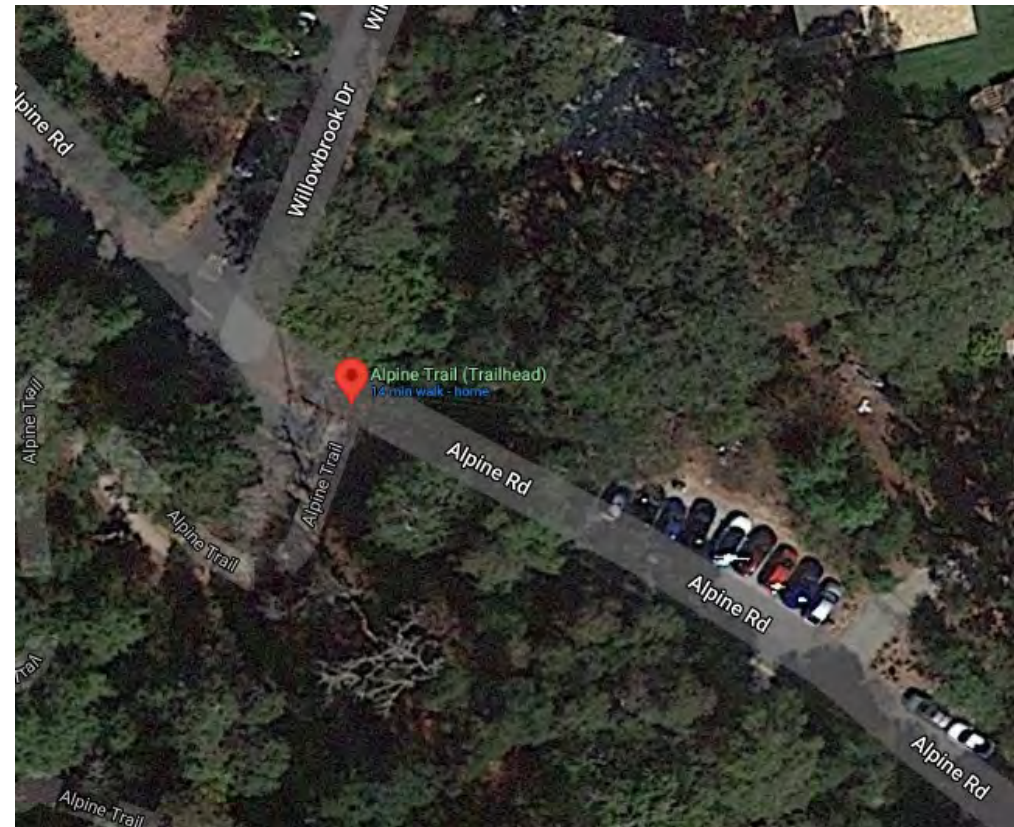
- Paint the curb red on the west side of Willowbrook for one car length and paint the curb for a short distance round the corner on Alpine
- Paint the curb red at the corner on the east side of Willowbrook to match the west side
- Repaint the curb red on the hill on the east side of Willowbrook where there are also No Parking signs

JUSTIFICATION

- Improve line of sight for those exiting Willowbrook
- Alleviate congestion at the junction and promote free traffic flow on Alpine
- Keep the junction area clear for all road users driving, cycling or crossing the road to access trails

LOCATION

@37.3664579,-122.213832



Willowbrook Divided Road Area

RECOMMENDATIONS

- Extend parking restrictions for a distance beyond the divided section to maintain room for traffic flow through the transition
- Paint red curb and use appropriate signage according to highway design standards

JUSTIFICATION

- To ensure free passage for emergency vehicles
- To ensure clear sight lines
- To eliminate potential pinch points at the entry/exit from the divided section that can result from parking adjacent to it

LOCATION

- Between 165 and 180 Willowbrook
- @37.3673192,-122.2160245,140



Portola Rd: Bridge to Willowbrook

RECOMMENDATION

- Restrict parking

LOCATION

- Between 37.375738, -122.217895 and 37.375330, -122.220480

JUSTIFICATION

- To maintain free passage on the pedestrian and horse-riding trail
- If cars park off the shoulder they impact trail users
- If cars park in the shoulder they cause cyclists going slowly uphill to move into the lane of faster moving vehicles which puts them at risk



Portola Rd: Willowbrook To Parking Sign

RECOMMENDATIONS

- Install No Parking signs

LOCATION

From 37.375330, -122.220480 to 37.375543, -122.221985

JUSTIFICATION

- To maintain a clear shoulder for road users
- To maintain sight lines for vehicles on Portola Road
- To ensure cyclists are not forced to leave the shoulder and enter the traffic lane on a corner when they may be going slowly as they reach the crest of the hill



Portola Rd: Parking Area Alongside Road

RECOMMENDATION

- Permit parking after Windy Hill Parking sign
- Extend parking to the north slightly, with signage to indicate vehicles Park Off Pavement

JUSTIFICATION

- Adds one parking space at the north end and a few more at the south end
- Informs drivers to keep the shoulder free for safe use by cyclists

LOCATION

- From Windy Hill Parking Sign to just past current No Parking Sign



Portola Road: Near Stonegate

RECOMMENDATIONS

- Permit Parking
- Provide No Parking On Pavement sign and mark south end of the area to indicate No Parking with arrow pointing outside this area in line with highway standards

JUSTIFICATION

- Adds a few more parking spaces and ensures cars park on the verge and not in the shoulder where they would impede the flow of cyclists

LOCATION

Just before Stonegate on land cleared of brush alongside the NE side of Portola Road
37.3782946945424, -122.22404213747585 to
37.37864804988556, -122.22425095345116



- (7) **Recommendation by Town Manager** - Evacuation Study Request for Proposal Award
- (8) **Recommendation by Public Works Director** - Contract Amendment with Townsend Management, Inc. for Consultant Construction Inspection and Management Services related to the FT 2021-22 Street Resurfacing Project
- (9) **Recommendation by Public Works Director**– Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account Funding and Submittal of a Proposed Project List
- (a) A Resolution of the Town Council of the Town of Portola Valley Adopting a Project List for Fiscal Year 2021-22 Funded by SB 1: The Road Repair and Accountability Act of 2017 (Resolution No. 2865-2021)

Rita Comes said on Item 1, the August 11, 2021, minutes stated that all members were present at roll call, and, having reviewed the video, they were not. Town Manager Dennis verified that the meeting started at approximately 7:00; Councilmember Richards arrived at 7:04; Councilmember Aalfs arrived at 7:05; and Councilmember Wernikoff arrived at 7:06, so Ms. Comes was correct, and the minutes will be corrected to reflect this. Vice Mayor Hughes said no action was taken while there was no quorum.

Vice Mayor Hughes moved to approve Consent Agenda item numbers 1, 2, 3, 4, 6, 7, 8, and 9 with the correction as noted. Seconded by Councilmember Aalfs, the motion carried, 5-0, by roll call vote.

- (5) **Request by Ad Hoc Wildfire Preparedness Committee** – Committee Charter Change from Ad Hoc to a Permanent Standing Committee

Councilmember Aalfs noted a correction on red page #47, under Wildfire Committee's Charter Membership, in the statement, "The membership of this committee shall consist of nine members appointed by the Town Council in concurrence with the Town Council," which should state that they are "appointed by the Mayor in concurrence with the Town Council."

Councilmember Aalfs moved to approve Consent Agenda Item #5 as corrected. Seconded by Vice Mayor Hughes, the motion carried, 5-0, by roll call vote.

REGULAR AGENDA

- (10) **Recommendation by Bicycle, Pedestrian and Traffic Safety Committee** – Portola Road and Willowbrook Parking Recommendation

Ed Holland, Chairman, Bicycle, Pedestrian and Traffic Safety Committee, shared a presentation created by Committee Secretary, Angela Hey, in regard to the recommendation. He related actions that have taken place since 2012, when they first took a look at parking on the Portola Road Corridor. Demand for parking in these two areas has grown, and several residents have attended Committee meetings, wishing to revisit these concerns with a holistic consideration for all visitor parking, largely parking by visitors to Windy Hill, where they see large numbers of cars parked on weekends, both along Portola Road and at the Alpine end of Willowbrook Drive. Weekends are the busiest times.

Mr. Holland explained that the goal of the recommendation is to increase safety for road users and trail users. The recommendation addresses roadside parking on Portola Road, Willowbrook and Alpine Road near the trailheads. The recommendation does not address long-term planning for trail improvements, car parkin upgrades, red curb painting next to driveways or exact sign locations, which can be planned and implements by a traffic engineer. Mr. Holland shared some of the Committee's concerns, including more cars than designated parking spaces; cars parked on the shoulder or on the trail on Portola Road,

creating a hazard for other road users; frequent odd traffic maneuvers such as U-turns on a road that is busy with visitors, cyclists, and people riding or driving through town.

Mr. Holland said the recommendations at the Alpine and Willowbrook intersections include adding red curb painting to the west side of Willowbrook Drive at the intersection with Alpine to mirror what is done on the eastern side and present the sight lines for traffic approaching from all directions and the curb red on the hill on the east side as well to improve the sight line and alleviate congestion at the junction. Another consideration on Willowbrook Drive is the restriction caused by the divided road area. There is not typically parking in this area, but there is a desire in the recommendation to ensure that that is the case, preferably by red curb, to guard against creating a pinch point at the entrance and exits from those in either direction. He said there is also an area where cars park during busy times, along the trail between the bridge across the creek to Willowbrook, further back from Willowbrook towards Priory, where parking ends up on the trail, and there is no parking signage to prevent blockage of the trail.

The recommendation for parking on Portola Road on the side opposite the entrance to Windy Hill, is to expand the "No Parking" area and restrict parking to only the area where the off-pavement area is flattest and most accommodating to vehicles, minimize road congestion and ease the path of cyclists who prefer to use the shoulder as designated in a prior shoulder-widening exercise and prevent it from being blocked by car parking. The recommendation at this point is to permit parking after the Windy Hill parking sign, extend parking to the north slightly, with signage to indicate vehicles to park off the pavement, to create a couple more spaces to make up for the additional restrictions incurred by the changes at the uphill end.

Vice Mayor Hughes commented that someone was asking him about why permit parking would be instituted. He clarified that the sign says, "Permit Parking" but this doesn't mean a permit to display in our car; it means "parking allowed" Mr. Holland agreed and BPTS is recommending making changes to the restriction or allowable parking, not to instigate a permitted parking program.

Mr. Holland said on Portola Road near Stonegate, the recommendation is to allow parking, because there is room off the pavement, with a "No Parking On Pavement" sign and marking the south end of the area to indicate where they should not be parking with an arrow pointing outside this area, which is in line with highway standards. This adds a few more parking spaces and ensures that cars park on the verge and not in the shoulder where it would impede the flow of cyclists.

Mr. Holland said in March he had formed a subcommittee study and made several requests by email to the Town to do a better-defined, near engineering-level study of the situation to recommend distances, sight lines, zones and essentially design engineering. This did not come to pass, and he feels they have fallen behind on that to some degree. In summary, he said the recommendation is to add restriction and better define what is allowable for parking in Willowbrook Drive and areas along Portola Road with the primary purpose of improving traffic safety.

Mayor Derwin invited questions from the Council.

Councilmember Aalfs asked are if the deputies are writing many tickets in these areas of the existing "No Parking" signs. Mr. Holland said the last report from the Sheriff said they are writing a significant number of additional tickets specifically for parking violations, which will have a beneficial effect. It sends a message. They have asked that the citations be for the specific violation of parking on the pavement and not being completely off. Councilmember Aalfs asked if the Sheriff's Office was comfortable with the recommended modifications. Mr. Holland said they have not directly consulted them.

Town Manager Dennis said in this case, while they hadn't asked the Sheriff's Office directly about some of the issues, they felt as though it was important to bring this forward given the work that the Committee has done and what they've heard from residents. He said the Council has the authority to restrict parking without a warrant. He thinks there has been enough input from residents who have been observing

things, and the committee members who have been observing, that this seemed totally appropriate. He said on Saturdays it's evident that the intersection of cars and people and bicycles is potentially a real challenge, and this addresses those issues.

Mr. Young added regarding the Sheriff having an opinion, over the last six months or so they have asked the Sheriff to keep an eye on things, but they hadn't really pointed out any serious violations or issues. He said Gary Nielson [phonetic] has kept track of parking on Portola Road, and there has been a significant decrease since things have opened up. They also asked the Fire Department to look at the situation, but they haven't pointed out anything serious that warrants anything at this point. Town Manager Dennis said at the start of the COVID pandemic, they did restrict parking in that area. He had a conversation with the Fire Department when they started allowing parking back, to make sure that they could get their engines and trucks through, and they said that they could. This was regarding the divided area of Willowbrook.

Mayor Derwin asked who will determine the number and placement of signs and if it will eventually end up at the ASCC. Town Manager Dennis said it wouldn't be a significant number of signs they are contemplating, and it is up to the Council to direct where it goes next, whether it's to staff to work on it or to go to ASCC. Mayor Derwin wondered if the neighbors are happy with this plan. Mr. Holland said they have a majority of support from the neighbors that have approached them.

Vice Mayor Hughes said it was a great presentation by the subcommittee and they did look at this back in the spring. At that time didn't have a concrete enough idea of what was being asked for. He asked Mr. Young if he has enough information now that they could bring back a more concrete proposal about what would be needed to make this happen, or whether there is still more information needed. Mr. Young said they would propose to come back with a cost to do a study to determine needs and some concept of solutions, basic dimensions and general costs, including the study, design and construction. At this point they would come back with a cost for the study, and then based on the study, they could come back with the cost of design and construction.

Paul Krupka stated that the combination of the presentation and good work by the subcommittee and tonight's discussion gives them what they need to frame this and come back with a proposal. Mr. Young acknowledged and thanked the BPTS and their work. He added that there are many traffic items in their queue that are presently approved by the Council, going back to the Pedestrian Safety Study that the Council approved. In the next couple months, of the 15 locations that were approved for improvements, nine locations will be implemented, including upgraded traffic markings, pavement markings, and new crosswalk signs at nine locations. These were incorporated with the street resurfacing project. Of the remaining six items, two of them are the lighted crosswalk areas as well. He said there may be some priority-setting needed at some point with all of the approved projects, including this one.

Mr. Holland pointed out the time spent making the prior changes in 2012 and collecting data since that time for a significant number of years and months, through COVID and now while emerging from it, they still seeing an increasing baseline in demand for visitor parking in those locations, beyond the seasonal variations typically seen. He said he feels the time for study has passed, and the time to simply move towards some design work and proposals is really what he would like to see. Vice Mayor Hughes clarified that what Mr. Young might mean is tactical study to allow the design and engineering work. In order for Mr. Krupka to actually draw something up, there's an element of study that needs to be done.

Mayor Derwin invited comments from the public.

Caroline Vertongen felt it was a wonderful presentation emphasizing how long the work on this has gone on. She encouraged the Council to move forward. Since there have been so many traffic studies over the years, she would prefer not to wait until the other nine projects have been completed.

Danna Breen said the Willowbrook people will be thrilled by the recommendation. She asked about the status of MidPen and the parking lot, stating that for a decade she has asked where the Planning Commission is in terms of looking at the Conditional Use Permit of MidPen. She feels they could easily get another 25 cars in the parking lot. She wondered if the Council members have had any conversations with MidPen. The problem is the cars can't get into the parking lot. Town Manager Dennis said he has had conversations with MidPen going back to 2016. There has been a reluctance on their part to move forward in serious conversation on the parking issues for various reasons, some associated with their impressions of what happened in earlier days. In 1995, the parking lot may have been proposed to be bigger but was made smaller. He said he has on multiple occasions told them that parking is an issue, and the Town would appreciate a conversation about it, as with a number of other issues that the Council is aware of, on the Hawthorne property and the trail. He said MidPen operates at its own speed sometimes, and if the Council wishes him to move in a different direction, he would be happy to do that. He noted that adding additional parking at the Portola entrance would certainly be helpful and would reduce the number of cars parked on the street but would not eliminate them. Ms. Breen said they also have a Conditional Use Permit and asked why that hasn't been challenged. Going forward, she feels it's a very important piece of information. Mayor Derwin pointed out that the Town's representative is not very active in her opinion, and he is up for re-election next year, which might be something to think about.

Betsy Morgenthaler said she has been present at the BPTS meetings for a year-and-a-half, partly due to the significant danger that she sees regularly as she crosses Portola Road in the areas being addressed. She said since this has become a more acute item in the last 18 months or so, the younger bicyclists that either don't have the physical capacity to turn around and look to see if a car is coming when they are forced into the roadway by the parked cars, numerous times she has seen such things happen. When there are cars coming in both directions, and a young person is pulling out, as a mother of a grown son, she is happy he escaped such dramatic possibilities. On behalf of the Town's liability and everyone's hearts, she hoped they would weigh carefully the other 15 projects in the queue for consideration. She feels this project should probably be looked at very carefully.

David Cardinal commented that the Town's parking regulations are rather arcane, but wonderful. However, he doesn't think most visitors to the town have a clue where they can park and not park. Although the town hates signs, if they don't want people to park on the pavement, visitors will have to be explicitly told.

Mayor Derwin asked Town Manager Dennis to clarify his comment regarding the ASCC, when he said it was something the Council could direct, as well as the timeline. Town Manager Dennis said Council can direct any further review by Commissions and committees. Historically the ASCC has participated in conversations around signage, and he thought they would likely have an opinion, having historically wanted to see fewer signs in town. The direction could be for the ASCC to take a look at whatever Mr. Krupka produces for the Town and make determinations around that, or they could send something back to the Council, although that would take longer.

Mayor Derwin invited comments from the Council.

Vice Mayor Hughes said he's been immersed in this since around 2013, having been on the ASCC as well. He said he thinks the BPTS and Council over time have done their best with the situation as it has evolved. They have faced a number of different challenges, which have changed over time. The scale of the issues has changed tremendously in the last year-and-a-half. He said he thinks, because people came and discovered Windy Hill during the pandemic, they will continue to go there. As things reopen there will probably be continuation of increased activity. He agrees with the need to address the area holistically, and with Mr. Young's suggestion to come back with a proposal for essentially the staff work that would be needed in order to develop a solution. If they want to involve the ASCC – which could be appropriate – he recommended this be done similarly to the model of the pedestrian traffic study where Mr. Krupka and Mr. Young brought the ASCC a number of templates and options that they preferred and

let the ASCC approve their choice. As they move forward with the projects, they may need to combine the art with the engineering work, and it would be good for them to know what will pass muster with the ASCC before they spend a lot of time engineering something that the ASCC is opposed to. He thought, given the length of time with the pandemic issues, and amount of effort already put into this, his inclination would be to get to the finish line as efficiently as possible rather than bouncing it to ASCC, back to redesign, back to ASCC again, et cetera. He feels the palette approval approach taken with the traffic safety study seems to have worked well. Mayor Derwin restated what she heard – to come back with a proposal to get to the finish line as efficiently as possible and have Mr. Krupka and Mr. Young bring to the ASCC a template or basically approve a toolkit.

Councilmember Richards saw it as an issue that's been very well-vetted. He said the Committee did a great job and put a lot of time into it. He thought their proposed solution looked fairly incremental, not a demand for big changes, leaving room for potential changes further down the road if things continue to evolve. He said he sees it as a fairly simple set of solutions that probably won't need much in the way of review, and the ASCC has a role in looking at the signage as they have already in several locations. He felt they could come back to them to get some guidance. The few signs needed would be pretty much the extent of what ASCC will need to look at. He felt it was a great start and agreed that there is a need to move ahead. Essentially, he agreed with Vice Mayor Hughes. Mr. Holland said Councilmember Richards touched on an important point they had considered in their proposal regarding signs that would be effective but not shout, and perhaps negotiation over whether to use standard versus modified signage.

Councilmember Wernikoff agreed and thought it has been well-vetted. She liked the ASCC toolkit approach, so in general, she also agreed with Vice Mayor Hughes.

Councilmember Aalfs thought they should move forward on this. His only concern was if the ASCC process can be streamlined so that it doesn't hold things up, then he is fine with it, but if it would cause a undue delay for some reason, he would be okay with staff handling it, especially given that a lot of the signage is going to be consistent with what's already out there

Mayor Derwin said she agrees with the Council on all points. She said she feels the ASCC should be involved in a streamlined way. The standard versus modified signage noted by Mr. Holland should be noted as well. She thanked Mr. Holland for shepherding this issue for so many years.

Mr. Krupka said he expects there may be expectations, based on the discussion, and wanted to clarify context about the work he would do, if approved. First, he said the subcommittee's work on this subject is important – the parking counts, observations, recommendations, and discussion. He said he was part of the last BPTS meeting discussion, listened in, and took a lot of notes. He has been out to the field and driven by on a couple of weekend days during the peak period. He noted that it appears that this group and others think there is a distinct need to install parking restrictions. One of the primary purposes of his study would be to establish need. He said the Town Municipal Code stipulates that the California Vehicle Code govern the use of traffic control devices, and that Code stipulates only those signs and traffic control devices that conform to uniform standards in the *California Manual of Uniform Traffic Control Devices* shall be installed on roadways. That manual also offers guidance to practicing traffic engineers and civil engineers, and that guidance is that, to be effective, a traffic control device should meet five requirements: Fulfill a need. Command attention. Convey a clear simple meaning. Command respect from road users and give adequate time for proper response. He said design, placement, operation, maintenance, and uniformity are all aspects that should be carefully considered by the engineer in order to maximize the ability of a traffic control device to meet the five requirements listed. The matters of vehicle speed, geometry, sight distance, other factors need to be carefully considered, and his objective is to look at this from the standpoint of are there factors not immediately observable by the driver?

Mr. Krupka continued that the use of a traffic control devices at a particular location should be made on the basis of either an engineering study or the application of engineering judgement. In his opinion, based

on all this information, the BPTS recommendation, and his relevant over 40 years of experience, he believes that an engineering study is necessary to establish whether a need exists. If so, engineering design would be required to define the scope of improvements and establish construction details, including layout and specifications. He said it may sound simple, but he guarantees it is not. It is complex. The scope of the work would involve carefully considering all the work done to date, integrating the work that the BPTS Committee has done, field observations, counts, discussions with MidPen Regional Open Space District and the Sheriff's Deputy, collecting data and doing analysis. The end result would be a statement of what the conditions are and in his professional observations, what the needs are. If there are needs, the result would include conceptual solutions and costs.

Mr. Krupka's final point was that there is a need to bring this to the Public Works Director and the BPTS Committee. He said he is most happy and honored to be asked to do this and has been honored to support the Town of Portola Valley in traffic engineering and traffic matters like this. He advised that this kind of thing does take some time, as it needs to be carefully done. He said he doesn't want to leave the impression that his job is clear. He has to do a study to figure out what his job is.

Mayor Derwin thought that was what his proposal is about. Mr. Krupka said yes, it is, he just wants to make clear that, first of all, he wants to establish whether there is a need, and that might be contradictory to what all believe at this point in time. There may be a need, but he has a lot of information in front of him, as well as field observations over a short period of time and he needs to dig in.

Vice Mayor Hughes thought he was on the same page. He said what they have from BPTS is a detailed "back-of-envelope" conception. He thinks they really need Mr. Young to bring back a proposal for a study, and then a design and implementation plan. The study would essentially be to look at the issues that are highlighted by the BPTS report and evaluate what they've suggested, but he is aware that the actual implementation, once there is a design, may be different in certain ways, based on Mr. Krupka's engineering knowledge and expertise, which he feels would be appropriate. He said that scheduling issues may add time to getting to the finish line, but he feels the time is now for moving into the concrete engineering phase.

Mr. Holland reiterated that when this was broken out to the subcommittee in March and he shared emails with Mr. Young and Town Manager Dennis on this, he outlined specific goals that he had hoped would have gotten much further down the path by this point. He is disappointed that more has not been achieved in the intervening time. Town Manager Dennis said he thought from staff's perspective he has a different take on what was being recommended at that time from BPTS. He said there was nothing to react to, and now there is, which is what they are moving forward on. The kind of work that Mr. Krupka needs to do can't happen until there's a recommendation. That has occurred. He understands the comments but has a different take on the order of things.

Rita Comes said they seem to be having many studies going on around town. She has attended many of the meetings. She avoids going down Portola Road on weekends or holidays because she is too busy looking for a cyclist, a horse, a car parked in the lane of people making U-turns. All kinds of things are happening. She said she thinks it's great if they have a traffic study, and put this off again, but she asked if there is anything they can do during the time when the weather is beautiful, because the residents have been asking for some type of relief. During COVID, they were told to go out and walk, and then Foothills Park closed, and people found Windy Hill, and of course will be coming back. She asked if temporary signage could be used to help the residents at least safely drive through the area now. There could still be a parallel study going on if that is approved, but the residents are asking and commenting at every meeting if there is some way to respond to the residents to address their safety. Town Manager Dennis suggested that one direction the Council could provide immediately would be to do some temporary parking restrictions would be appropriate and within the Council's power. He no longer has the authority based on the COVID situation as he had last year with the initial issues. The Council could direct him to put in place some kind of temporary relief if this is going to take a little bit of time.

Caroline Vertongen suggested going back to the history of the latest traffic study from August 2018. They have made several adjustments because many of the suggestions were unsafe and did not respect the scenic corridor. She said, although Mr. Krupka said he would abide by governing documents, they have not seen that. She said the public has made several suggestions, and they have not seen any changes made to the original plan presented in August of 2018. She said, on behalf of all the residents who are burdened by this problem, she hoped the Council will take some temporary steps. She said it is not the residents causing the problem, but it is the people visiting the town. Once they know the town's ethics and governing documents are, she thought they would not need the signs.

Angela Hay thanked the Council for the positive comments on her presentation. Having been a consultant and knowing what it takes to write a proposal and the difference between writing a proposal and actually doing a study, she asked if it was possible for the Council to approve some dollars for Mr. Krupka to start the study that shows the scope of where he's going based on what they've given him, and get that phase done.

Ms. Breen asked if the study could include looking at the MidPen parking lot, which could accommodate, with new striping, another 20 cars. She wondered at what point the Council would ask the Planning Commission to look at the Conditional Use Permit of MidPen. It seemed odd to her to move ahead without ever having taken this step, and she hoped they would. She suggested they may have to move to the other side of the Neely driveway, but it would be great to get all of that parking off of Portola Road.

Town Manager Dennis responded to Ms. Hay that the Council doesn't have in front of them the information in order to make that determination, but he has within his spending authority and flexibility in the budget the ability to do a variety of things. He is comfortable working with Mr. Krupka and Mr. Young to get moving on this now and bringing back an amended budget that includes monies for the process if the Council is comfortable with it. This would reduce delays. Secondly, he said, although there may be merit to having longer-term conversations around the parking lot at Windy Hill, if it is the Council's desire for quicker action, that delay might mean that there won't be restrictions for years.

Vice Mayor Hughes moved to ask staff to work on putting together a proposal for an engineering study and subsequently a design and implementation plan for addressing traffic and parking issues in these areas. Seconded by Councilmember Aalfs.

Mayor Derwin asked for clarification on including the ASCC or temporary signage, et cetera. Vice Mayor Hughes stated this would be part of the proposal he hopes staff would come back with – a timeline and when to go to ASCC, and the scope. Vice Mayor Hughes was not in favor of temporary signage until they've had a study that tells them what to do.

Councilmember Aalfs said the temporary signage seemed reasonable to him. Mr. Holland said there is a precedent for temporary signage in the first round in 2012, of having some experimental signage to help define the restricted area for parking along Portola Road. Town Manager Dennis said he thought the Council could go ahead and give direction to paint the curb red, which he didn't think was too complicated an issue, although the signage issues might be more complicated. He said going through the process Mr. Krupka described, in order to have everything buttoned up and formal, is the way to go. On the other hand, the Council could also give direction tonight to do certain things without that additional study. He said he was not suggesting this but was suggesting that there may be portions they could reasonably go ahead with to potentially provide some immediate relief. He didn't believe it would be a significant issue to do the red striped parking where there are opportunities along Willowbrook. He said there is tension between wanting to get things going to address the residents' issues and also trying to do things as formally as possible, but thought there might be a happy medium.

Vice Mayor Hughes said he thought his motion allows for what Town Manager Dennis was suggesting. It asks for staff to come back with a proposal and hopes that they will exercise judgment in the proposal in

determining what level of study is needed to support whatever changes staff feels are appropriate to implement. If there are things that can be done without a huge amount of study and could move straight to a design and implementation phase, that would be part of the proposal. He hopes that staff has enough information from BPTS and the comments and observations to be able to make those judgments and bring back a proposal that includes those judgments.

Councilmember Aalfs said he is still comfortable with seconding the motion. He asked if Town Manager Dennis and Mr. Young were getting clear enough guidance. Town Manager Dennis said he believed so and that the motion provides them with the ability to move forward. He noted that Mr. Young was correct in saying that there are a number of tasks already underway that have taken priority. There would also be a question of when this could be scheduled for ASCC. It is not as simple as putting it on the agenda in two weeks. He believes the direction is clear and includes getting this going as quickly as possible within the confines of the discussion. He believes Mr. Young and he have appropriate direction on being able to take some interim measures that they feel appropriate as part of the larger plan. Mayor Derwin asked if "interim measure" included temporary signage. Town Manager Dennis said he didn't hear the Council directing to put out temporary signage but does hear that they have authority and judgment to look at some aspects of the situation and do some implementation, potentially including some red curb painting, et cetera. He said he would not be comfortable putting out signs within his own authority because the signage is just more complicated and has a relationship to the character of the community, which is why the Council wanted to take this to the ASCC.

Mayor Derwin called for the vote. The motion carried, 5-0, by roll call vote.

Mayor Derwin asked Town Manager Dennis to look into the MidPen Conditional Use Permit and the parking situation to see if there is any leverage there. Town Manager Dennis said he would do that although these are issues, they have looked into in the past. Councilmember Wernikoff said it made sense, although she didn't have the back story on it. Vice Mayor Hughes said his recollection is that he did look at the Conditional Use Permit when it came up in the past, and it is rather toothless. Really, they are largely dependent on the goodwill of MidPen and their desire to do something, so it's more of a political question than an enforcement issue, but he would be happy for staff to look at the Conditional Use Permit again. Councilmember Richards agreed with this.

(11) Recommendation by Finance Director – FISCAL YEAR 2021-22 Budget, September Revision

Cindy Rodas presented the September Revision of the Fiscal Year 2021-22 annual budget, reviewing the revisions made to the proposed fiscal year 2021-22 budget that was adopted in June, as well as looking at prior year actuals and future projections in a five-year revenue and expenditure forecast. She said the foundation of the budget has not changed. When the proposed budget was adopted in June, the Town had not yet received the federal funds from the American Rescue Plan Act (ARPA). The first of two payments was received on July 15th in the amount of \$564,381. They expect to receive the second payment about the same time next year. A new fund, Fund 225, has been created to track both the revenues and expenditures related to it.

Staff reviewed the criteria of items eligible under the ARPA funds and compared them to expenditures funded by the general fund in both the Operational and CIP budgets and determined that a few items met the criteria. The revised budget remains a balanced operational budget, increasing the operational surplus to \$103,536 compared to the surplus in June of \$83,288. The surplus reduces the impact to fund balance. She shared the summary of sources and requirements for all funds. All sources with total revenues of over \$9 million, as well as use of fund balance and operating transfers for a total of over \$10.7 million. The requirements for all funds total gross appropriations of \$8.1 million, with total operating transfers of \$2.5 million, for a total requirement for all funds of \$10,744,831. In the general fund, total revenues are \$6.2 million and use of fund balance of \$793,544 for total sources of \$7,008,648. The

krupka.

October 5, 2021

Mr. Howard Young *by email only > HYoung@portolavalley.net*
Public Works Director
Town of Portola Valley
765 Portola Road
Portola Valley CA 94028

RE: Study of Portola Road & Willowbrook Parking Recommendations (BPTS, August 2021)
Town/Krupka Consulting Agreement Dated May 26, 2021

Dear Howard:

Krupka Consulting (Consultant) prepared this proposal at your request to study the recommendations advanced by the Town Bicycle, Pedestrian & Traffic Safety Committee (BPTS) at its August 2021 meeting and supported by Town Council at its September 9, 2021 meeting. The purpose of the study is to determine whether traffic safety issues exist and define conceptual solutions for issues identified.

This letter summarizes Consultant's DRAFT scope of work, schedule and budgetary estimate for these services. It is understood that this work would be authorized under the referenced agreement between the Town and Krupka Consulting (Consultant).

Background

The BPTS established a subcommittee to review weekend roadside parking activities on Portola Road, Willowbrook Drive and Alpine Road, which apparently represent Windy Hill Open Space Preserve (Windy Hill) visitors that cannot be accommodated in the Windy Hill parking lot. Based on our communications, this parking demand increased dramatically during the COVID-19 pandemic.

The BPTS Subcommittee conducted parking counts and observations beginning in mid 2020 through July 2021. The Town also monitored parking conditions during this period, and the Town Police Commissioner voluntarily conducted and documented weekend and holiday parking counts in the Windy Hill parking lot, on Portola Road and in the Willowbrook Drive area during February and April through July 2021. Finally, at your request, Consultant conducted drive by observations of parking conditions on two weekend days in June 2021.

The BPTS Subcommittee developed parking recommendations, which were presented to the BPTS on August 4, 2021, that highlighted past activities regarding parking on the subject section of Portola Road and generally defined concerns and related proposed parking restrictions on the subject streets. The recommendations included installation of traffic control devices on Town streets under the overarching goal of increasing safety for all Town streets and trails. The BPTS approved a motion to recommend that the Town Council direct staff to engage Krupka Consulting to study the BPTS parking recommendations. The Town Council considered this item during its September 8, 2021 and approved a motion to ask staff to prepare

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a proposal for an engineering study and subsequently a design and implementation plan related to the BPTS recommendations. Use of Traffic Control Devices

The Town Municipal Code stipulates the California Vehicle Code (CVC) governs use of traffic control devices (Municipal Code Town of Portola Valley, California; Chapter 10.12 - Traffic Control Devices). The CVC stipulates only those traffic control devices that conform to uniform standards and specifications set forth in the California Manual on Uniform Traffic Control Devices (California MUTCD or CA MUTCD) published by the State of California, California State Transportation Agency, Department of Transportation (Caltrans) shall be placed upon a street or highway. The CA MUTCD incorporates the Federal Highway Administration's Manual on Uniform Traffic Control Devices (United States Department of Transportation, Federal Highway Administration, 2009 Edition with Revisions Number 1 and 2 Incorporated, May 2012).

Essential guidance in the CA MUTCD follows.

To be effective, a traffic control device should meet five basic requirements:

- A. Fulfill a need;*
- B. Command attention;*
- C. Convey a clear, simple meaning;*
- D. Command respect from road users; and*
- E. Give adequate time for proper response.*

Design, placement, operation, maintenance, and uniformity are aspects that should be carefully considered by the engineer in order to maximize the ability of a traffic control device to meet the five requirements listed in the previous paragraph. Vehicle speed, geometrics and other relevant factors should be carefully considered as an elements that governs the design, operation, placement, and location of various traffic control devices (CA MUTCD, Section 1A.02 Principles of Traffic Control Devices, p. 53).

The decision to use a particular traffic control device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment (CA MUTCD, Section 1A.09 Engineering Study and Engineering Judgment, p. 58).

Based on pertinent information regarding the BPTS recommendations and relevant experience, Consultant believes that engineering study and judgment are necessary to establish needs and define conceptual solutions. Some solutions will require subsequent engineering design to define the scope of improvements and establish construction details including layout and specifications.

Scope of Work

This Scope of Work covers the *study* of BPTS recommendations, which are summarized (paraphrased) below, including definition of conceptual solutions. It does not include subsequent engineering design and implementation.

- Alpine and Willowbrook Intersection
 - Prohibit parking by painting curbs red at the west curb returns, to enhance sight lines
 - Repaint red curb on the east side to highlight existing parking restrictions

- Willowbrook Divided Road Area
 - Prohibit parking by installing red curb and appropriate signage to maintain full roadway width for vehicle and active use
- Portola Road (East Side)
 - Bridge to Willowbrook
 - Prohibit parking by installing appropriate signage to avoid vehicle conflicts with users of adjacent trail and bicyclists using roadway shoulder
 - Willowbrook to Windy Hill “parking ahead” sign
 - Prohibit parking by installing appropriate signage to avoid vehicle conflicts with bicyclists and pedestrians and enhance sight lines
 - Parking Along Road (proceeding North from above location)
 - Permit parking to the existing parking area, and extend northerly limit, to effectively highlight designated parking; this would include appropriate signage advising drivers to park off pavement
 - Near Stonegate
 - Permit parking south of Stonegate Road to effectively highlight designated parking; this would include appropriate signage advising drivers to park off pavement

The work will be coordinated with the Public Works Director and BPTS. Certain signage features may require review by the Architectural & Site Control Commission (ASCC). Consultant intends to establish whether need exists through engineering study and engineering judgement. This approach may allow definition of certain “early improvements” that could be implemented by the Public Works Director *based on engineering judgment without inclusion and documentation in the study report*. Consultant considers the recommendations titled Alpine and Willowbrook Intersection and Willowbrook Divided Road Area, as well as increasing parking in the existing roadside parking area on Portola, as potential candidates for this definition.

Consultant will provide the following services on a time and expenses basis up to the Budgetary Estimate below.

- Confirm Scope of Work
- Assess Physical and Traffic Factors (sight distance, roadway width, pedestrian paths, parking, vehicle access; conditions not readily apparent to drivers and bicyclists and pedestrians)
 - Field observations on Portola, Willowbrook and Alpine
 - Review of data from BPTS Subcommittee
 - Discuss with Midpeninsula Regional Open Space District (MROSD) staff and Sheriff Deputy Andy Hui
- Define Potential “Early Improvements” Using Engineering Judgment
- Collect Data (Weekend Midday)
 - Count parked cars on Portola, Willowbrook and Alpine (include Indian Crossing)
 - Observe and document activity for two hours each on Portola, Willowbrook and Alpine
 - Bicyclist, pedestrian and vehicle volumes
 - Conflicts
- Analysis
- Document Findings in Draft Letter Report
 - Conditions
 - Needs

Registered California Professional Engineer (Traffic TR1574, Civil C47497)

Sole Proprietor

Paul J. Krupka, P.E.

KRUPKA CONSULTING

Sincerely,

I appreciate the opportunity to support you and the Town on this important effort. Please call me if you have any questions or other requests.

- Assessment and Definition of Potential "Early Improvements" - 16 hours
- Data Collection and Analysis - 26
- Reports - 12 hours
- Meetings (BPTS (1), ASCC (1)) - 6 hours

The total estimated budget for the Scope of Work is \$9,500, which includes approximately 60 labor hours, at \$150 per hour, and \$500 in direct expenses. The labor breakdown is summarized below.

Budgetary Estimate

- Authorization of Engineering Study by Town Council - tentatively October 13, 2021
- Notice to Proceed - 5 working days
- Study and Draft Letter Report - 20 working days after Notice to Proceed
- Review and Comments by Public Works Director - 10 working days
- BPTS Committee and ASCC - 20 working days
- Final Letter Report - 20 working days

Consultant will commence work upon receipt of written notice to proceed and complete the Scope of Work as expeditiously as possible. Draft - conservative - schedule durations are summarized below for planning purposes. The actual schedule will be confirmed at commencement of work.

Schedule

- Conceptual Solutions and Costs
- Review and Comments
- Public Works Director
- BPTS and ASCC Meetings
- Prepare Final Letter Report



Focus area starts:
Portola Rd at Stonegate Rd

Vicinity map:
Portola Road focus area

Focus area ends:
Portola Rd near Brookside Dr

Willowbrook Dr. near 175/180 Willowbrook Dr.

Vicinity Map:
Willowbrook Dr. focus area

Willowbrook Dr. at Alpine Rd.





TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Howard Young, Public Works Director
Sharon Hanlon, Town Clerk

A handwritten signature in black ink, appearing to read 'Howard Young', written over the name of the Public Works Director.

DATE: October 13, 2021

RE: Agreement with Coda Technology Group for the installation of audio video equipment to facilitate Zoom meetings in the Historic Schoolhouse

RECOMMENDATION

Staff recommends that the Town Council:

1. Authorize the Town Manager and Town Attorney to negotiate and execute an agreement with Coda Technology Group along the lines of the Town's standard Professional Services Agreement to upgrade and install audio and video equipment to enable the Historic Schoolhouse to function as a Zoom Room in an amount of \$67,641.72
2. Authorize staff to utilize the remaining budgeted amount of \$32,358.28 as contingency for project related unforeseen items and additions as determined by staff.

BACKGROUND

On March 4, 2020, Governor Newsom proclaimed a state of emergency in response to the outbreak of the novel coronavirus (COVID-19). On March 17, 2020, Governor Newsom issued Executive Order N-29-20, easing Brown Act restrictions to allow local legislative bodies to hold their meetings via teleconference.

Beginning in March 2020, the Town moved to Zoom meetings in response to the restrictions imposed by the State and County of San Mateo. This allowed Council and staff to continue to safely conduct public meetings with public participation. Public participation in Town Council meetings increased with the use of Zoom webinar, and in order to maintain that participation once Council returns in part or fully to the Schoolhouse, staff proposes an audio video upgrade to create a Zoom Room in the Historic Schoolhouse.

On September 16, the Governor signed AB 361, amending Brown Act to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021 and expires on January 1, 2024. The bill extends the teleconference procedures authorized in Executive Order N-29-20

(expired September 30, 2021) during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. See related staff report regarding AB 361 on the Council's agenda for more detailed information on AB 361.

DISCUSSION

Staff understood that time is of essence for this project. Through inquires, staff contacted Coda Technologies Group (Coda) to provide a proposal for the requested system and to integrate the Towns existing audio video system. Coda has installed audio-visual systems for numerous Bay Area municipalities, including San Mateo, Redwood City, Woodside, and Brisbane. In addition, the Town Manager, Town Clerk, and Public Works Director recently visited the Town of Woodside to view their newly installed system.

Town staff met with Coda on site to provide the enclosed proposal and cost estimate (Attachment #1) which includes integrating with its existing system, 5 cameras and an additional speaker. Additionally, a portable 55" floor monitor will be placed between the public speaking podium and the dais so that Councilmembers can view presentation and Zoom participants (Attachment #2). The monitor will be lower than the dais and will not obstruct any audience members view of the dais. An additional 75" ceiling mounted display for the public will be installed against the wall window where the current screen resides. A 10" color touch panel will provide Zoom Room controls as well as in-room microphone volume controls and program levels. Also provided is AV cabling, mounting infrastructure, components, engineering, installation, programming, commissioning, staff training and close-out drawings and documentation. The equipment will be permanently mounted within the School House. Field changes in equipment and mounting may occur as needed. Staff has also informed the Historic Resources Committee Chair of the proposed installation.

Under this hybrid meeting model, Councilmembers, members of the public, and staff, will have the option to either participate in person at the Schoolhouse or virtually via Zoom. With a hybrid meeting model, a Zoom Room will enable the Schoolhouse to join the meeting as a participant.

A Zoom Room creates a bridge between the Schoolhouse and the Zoom Webinar. The hardware would have the Zoom app installed, allowing for virtual meetings. It integrates in-room cameras, dais microphones, and loudspeakers with a dedicated computer running Zoom so participants could join the meeting remotely over Zoom (as today) or in-person in the Schoolhouse. Each remote Councilmember would occupy one square in the Zoom Webinar, as current, and the Zoom Room (Schoolhouse) would occupy one square in the Zoom Webinar, for Councilmembers and participants who attend in-person.

Once the contract is executed, Coda has indicated it may take 2-8 weeks to order and receive the materials due to possible shortages. Once received, the installation is expected to take 2 weeks. – 4 weeks. In addition, due to demand for Coda services, Coda has indicated that they are booked until the beginning of 2022.

The proposal includes training sessions, which will need to be scheduled by staff. The contract includes a one-year warranty on hardware with the optional support of a "Service Level Agreement" (SLA) for \$9,120.00 (attachment #2). The SLA provides unlimited remote

and on-site Technical Support. Staff will evaluate the need for the SLA once the installation is complete and if needed, evaluate if it is needed annually after use of the system. Staff currently believes it is not needed but included it in the budget for flexibility. It is not part of the base proposal.

In addition, staff obtained the services of a third party audio video consultant (Ben Shemuel of BrookTrout Design) to provide peer review services of the Coda proposal since the Town does not have existing plans and specifications for the School House building. The consultant indicated the proposal represented a good value and the system was generally appropriate. As for the hardware, the consultant had minor comments, which staff will follow up on, most notable was the questioning of an additional camera. The consultant also recommended built in speakers into the ceiling, which staff may explore in the future. The proposal was also provided to Council Member Hughes for input, which was provided to staff.

FISCAL IMPACT

The American Rescue Plan Act (ARPA) allocates an estimated \$1,100,000 to the Town. Per the interim final rule, ARPA funds can be used to support businesses in the following ways: Technical assistance, counseling, or other services to assist with business planning needs. Staff currently believes that this installation is applicable for the use of the Towns ARPA funds.

Town municipal code section 3.20.040 requires that purchases of \$5,000 or more require multiple proposals. It also states that the bidding requirements contained in the section may be dispensed with in the event that an emergency requires that a purchase be made from the nearest available source of supply or the supplies or equipment to be purchased can only be obtained from a single source. The Town Attorney has indicated that the bidding exception in code section 3.20.040 C (emergency purchases) would apply to this project. Staff believes that the Town can award the contract to Coda based primarily on the experience Coda has working with local governments, their recognition as an Audiovisual Provider of Excellence (APEX Company), time being of essence, to avoid delays in meeting public meeting expectations, peer review of the proposal, and under the Towns Managers authority during this declared Local Emergency.

The adopted 2021/2022 revised budget allocated \$100,000 in ARPA funds for this project including a contingency. The current estimated cost of the project installation is \$67,641.72 not including the optional \$9,120.00 SLA support. Staff recommends the balance of the budget (\$32,358.28) be allocated as project contingency for unforeseen items and additions as determined by staff. A Zoom Room Subscription is also required at \$505 annually.

ATTACHMENT

1. [Proposal for Zoom Hybrid Integration from Coda Technology](#)
2. [Optional Service Level Agreement- SLA](#)
3. [AV Floorplan of the Schoolhouse](#)



Coda Technology Group is pleased to submit the enclosed proposal and to provide outside recognition of its high quality of service, technical expertise and professionalism as an Audiovisual Provider of Excellence (APEX Company) through InfoComm International®. InfoComm International is the trade association for the audiovisual (AV) and information communications industries.

As an APEX company, our organization meets or exceeds requirements set forth in ANSI/INFOCOMM standards for the audiovisual industry. These standards, for system design and coordination, and system verification, show that our company can facilitate communication on all levels of a project, and most importantly, deliver a verified system that meets the client needs.

Established more than 30 years ago, InfoComm International's Certified Technology Specialist™ (CTS®) certification at all levels demonstrates audiovisual knowledge and skills. Certified individuals adhere to the CTS Code of Ethics and Conduct and maintain their status through continued education. Today, there are nearly 10,000 audiovisual professionals who have earned the CTS credential. Companies that have achieved APEX status have demonstrated a commitment to professional excellence by supporting employees who achieve and maintain individual InfoComm International certification credentials.

The CTS for general expertise in AV, the CTS®-D for specialization in AV design and the CTS®-I for specialization in AV installation, set the standard for AV professional credentials. The CTS, CTS-D and CTS-I credentials are accredited (#0770) by the International Organization for Standardization's (ISO) United States representative, the American National Standards Institute (ANSI). ISO/IEC 17024 establishes a global benchmark for the certification of personnel.

The APEX program also requires proven customer satisfaction from our previous clients. Many of our clients have been in contact with InfoComm International's third party survey provider and have completed highly rated customer satisfaction surveys.

Coda Technology Group is proud to be among an elite group of professional companies. We stand behind our company's services, quality solutions, and customer orientation, and have pledged through InfoComm's Core Values Agreement to uphold a strict code of ethics and workmanship practices that we integrate into our daily routine. In this highly technical and complex arena, hiring knowledgeable AV professionals fosters a productive, efficient and effective project experience, mitigating problems and budget overruns.

Coda Technology Group's APEX status offers outside recognition of our staff's expertise and provides customers with confidence that their job will be undertaken and completed in the best way possible.

For more information on the APEX program, please visit www.infocomm.org/apex.

Town of Portola Valley Zoom Hybrid Integration

Thank you for the opportunity to provide this proposal for upgrades to the AV systems in Council Chambers for the Town of Portola Valley. The design of this proposal is to create a Zoom Room and enable Zoom participation for both remote council members and in-person members as well as remote public participation as desired. The new Zoom Room will act as a panelist in the regular Zoom webinar meetings.

New cameras and other video and control components will be integrated with new control, video switching, and existing microphone systems to create a certified Zoom Room. In addition, a low profile, tilted back, portable 55" floor monitor will be provided and can be placed between the public comment microphone and the Dais so that members can view presentations and Zoom participants. This portable monitor will be lower than the table height of the Dais and will not obstruct any audience members view of the Dais. Additionally, a new 75" ceiling mounted display for the public will be install against the window wall.

The cameras will be automatically recalling preset positions and switching based on assigned wireless microphone triggers.

A new 10" color touch panel will provide typical Zoom Room controls as well as in-room microphone volume controls and program levels.

A new larger AV rack will consolidate new and existing equipment.

A new loudspeaker will be installed behind the Dais for Zoom reinforcement.

We will provide all AV cabling, mounting infrastructure, components, engineering, installation, programming, commissioning, training and close-out drawings and documentation. Any new required electrical and data requirements will be by others.

Thank you again for the opportunity to provide this proposal. If you have any questions or need any additional information please don't hesitate to reach out.

Regards,

Mark Latimer, President, CEO
Coda Technology Group

PROPOSAL

Zoom Room Hybrid Upgrade

Town of Portola Valley

Revision: 1
Modified: 9/23/2021



Presented By:

Coda Technology Group

1370 Redwood Way, Ste C
Petaluma, CA 94954
707-795-3522
www.coda-tech.com



Video System



- 1 Chief CMA110**
8" Ceiling Plate

\$60.00



- 1 Chief CMS0608**
6' - 8' Adjustable Extension Column, Black

\$189.00



- 1 Chief LCM1U**
FUSION large flat panel ceiling mount, black

\$302.86



- 1 Chief PFQUB**
Large Confidence Monitor Cart 2'

\$835.00



- 5 Panasonic AW-HE40SWPJ**
AW-HE40SKPJ (Black) / AW-HE40SWPJ (White) SDI Output (AW-HE40S) Power over Ethernet+ (PoE+) 30x Optical Zoom Lens (+1.4 Digital Extender)

\$18,475.00



- 5 Panasonic FEC-40WMW**
Heavy duty wall mount (white) for use with AW-HE/HN38/40 and AW-UE/UN70 cameras PTZ cameras

\$900.00

* Price Includes Accessories



- | | | |
|----------|---|----------|
| 1 | Samsung UN55TU7000FXZA
55" Class TU7000 Crystal UHD 4K Smart TV | \$563.53 |
|----------|---|----------|



- | | | |
|----------|--|------------|
| 1 | Samsung UN75AU8000FXZA
75" AU8000 Crystal UHD Smart TV | \$1,335.29 |
|----------|--|------------|

Video System Total
\$22,660.68
Audio System


- | | | |
|----------|---|----------|
| 1 | QSC AC-S6T-WH
6.5" Two-way surface speaker, 70/100V transformer with 8Ω bypass, 130° conical coverage, includes Yoke Mount. Available in white. Priced individually but must be purchased in pairs. | \$130.00 |
|----------|---|----------|

Audio System Total
\$130.00
Control System


- | | | |
|----------|---|------------|
| 1 | Crestron Electronics TS-1070-W-S
10.1 in. Tabletop Touch Screen, White Smooth | \$2,307.69 |
|----------|---|------------|

Control System Total
\$2,307.69
Infrastructure


- | | | |
|----------|---|----------|
| 1 | Coda Bulk Cable, Terminations and Misc. Hardware | \$838.46 |
|----------|---|----------|

* Price Includes Accessories

Infrastructure Total

\$838.46

Council Chambers Total

\$25,936.83

* Price Includes Accessories

Zoom Room Hybrid Upgrade

Project No : ESTIM-0401

Rev. 1

9/23/2021

Video System



1 AJA U-TAP SDI \$369.64

3G-SDI USB 3.0 capture device

1 Blackmagic Design SWATEMTVSTU/HD \$995.00

ATEM Television Studio HD with SDI, HDMI, multiview, talkback



2 Crestron DM-RMC-SCALER-C \$2,600.00

DigitalMedia 8G+ Receiver & Room Controller w/ Scaler



2 Crestron DM-TX-201-C \$2,400.00

DigitalMedia 8G+ Transmitter 201



1 Crestron HD-DA2-4KZ-E \$307.69

1:2 HDMI® Distribution Amplifier w/4K60 4:4:4 & HDR Support
Splits one HDMI® source to two separate outputs. Supports 4K60 4:4:4 and HDR video signals with high-bitrate 7.1 audio.

Video System Total

\$6,672.33

Audio System



1 QSC Q-SYS Core 110f \$2,857.14

Unified Core with 24 local audio I/O channels, 128x128 network I/O channels, dual LAN ports, POTS and VoIP telephony, 16x16 GPIO, 16 next-generation AEC processors, 1RU.

* Price Includes Accessories

Audio System Total**\$2,857.14****Control System**

1 Cisco SG300-10P **\$378.57**

Small business 300 series 8-port, 2 combo mini-GBIC slot, 10/100/1000 power on ethernet managed switch



1 Crestron CP4N **\$1,866.67**

A rack-mountable control system with a powerful 4-Series control engine and numerous integrated control ports. Features an isolated control subnet that provides a Gigabit Ethernet LAN dedicated to Crestron devices.

Control System Total**\$2,245.24****Infrastructure**

1 Furman P-8 PRO C **\$295.71**

20A Advanced Power Conditioner W/SMP, No Lights, 9 Outlets, 1RU, 10Ft Cord



1 Middle Atlantic BRK16-28 **\$355.88**

16Space(28)Rack, 28 Deep

Infrastructure Total**\$651.59****AV Rack Total****\$12,426.30**

* Price Includes Accessories

Professional Services and Installation Labor



1 Coda ENGINEERING/COMMISIONING/TRAININIG \$2,500.00



1 Coda Labor INSTALLATION \$15,125.00



1 Coda Labor PROGRAMMING \$6,800.00



1 Coda Labor PROJECT MANAGEMENT \$780.00

Professional Services and Installation Labor Total \$25,205.00

Labor Total \$25,205.00

Project Subtotal: \$63,568.13

Miscellaneous Items:

1 **Frieght** \$525.00 \$525.00

Miscellaneous Items Total: \$525.00

* Price Includes Accessories

PROJECT SUMMARY

Equipment:	\$38,363.13
Labor:	\$25,205.00
Sales Tax:	\$3,548.59
Misc. Items:	\$525.00

Grand Total:	\$67,641.72
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May 24, 2021

Service Level Agreement (SLA) Cost Proposal and Contract

Commencement Date: To be determined

Parties

This Service Level Agreement (SLA) contract is between Coda Technology Group (Coda) and Town of Portola Valley (Client).

Term

The SLA is valid for one year (including any calendar "leap" corrections) commencing at 12:01am Pacific Time of the date mutually agreed upon by the parties (the "Commencement Date") and recorded on the signature page of this document, and ending at the same month, day of month, and time the succeeding year.

Service Cost Summary -----

The total cost of SLA services during this term is **\$9,600.00** and broken down as follows:

Systems Certification
N/A

A pre-SLA service required prior to the commencement date. A one-time onboarding requirement for any systems not installed by Coda.

A full system audit to compare drawings to onsite conditions, test all features and functionality, document any potential issues and familiarize tech support staff.

Occurs during regular business hours but scheduling will be aligned with room demand.

Service Premiums
\$9,600.00 for one year

Unlimited prioritized business hours phone and site support.

Phone support available **Monday – Friday, 8am – 5pm (PST/PDT).**

Site visits are guaranteed next business day if arranged after 10am (Monday-Friday) and same day in most cases if arranged before 10am.

After hours and weekend service are billable under this SLA's discounted rate. Holiday response not available. See contract terms and conditions below.

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CA Contractor License #935420

May 24, 2021

Preventive Maintenance (PM)
Included

Biannual visits are included with this SLA. See PM details below for a list of services to be performed.

SLA Grand Total-----
\$9,600.00 All costs are expressed in, and all payments shall be made, in United States Dollars.

Scope -----

This SLA contract is applicable to AV equipment in the following facilities and locations:

Location	Address	Room
Town of Portola Valley	765 Portola Rd Portola Valley, CA 94028	Town Council Chambers
1		

Technical Support Services

Coda's Standard Service Level Agreement (SLA) provides unlimited remote and on-site Technical Support through a dedicated telephone number and email address. Lines are staffed standard business days/hours (Monday – Friday, 8am – 5pm, excluding holidays). A staff member will be reachable outside standard hours in the case of an after-hours technical emergency. **Standard SLA Site Visits are guaranteed next business day if arranged after 10am (Monday-Friday) or same day in most cases if requested before 10 am.**

A first-level service technician answers the phone directly, or returns messages left on the phone within 30 minutes of a message left during weekday business hours 8am to 5pm (PST/PDT).

In consultation with the requestor, new cases are assigned a priority of **Urgent, Routine, or Maintenance**. The levels correspond to Standard SLA nominal resolution time goals of 1 business day, 3 days, or at next scheduled maintenance (independent of materials, manufacturer support, and other availability factors).

Every Technical Support case is entered into and tracked by Coda's internal service call database which combines all case information in a single location to aid in the resolution of a case, including:

- Times and dates including case opening and resolution, and log entries

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May 24, 2021

- Case-related client, technician, engineer, and manufacturer email
- Service Log--Written summaries of phone calls, problem resolutions, and recommendations to prevent similar future cases

If a first-level service technician cannot resolve an issue, cases are escalated to Coda staff AV Engineers, often an engineer who has worked on or who has certified the installation, and are familiar with its specifics. Coda is an authorized dealer of leading brands of professional AV equipment, and staff AV Engineers consult with manufacturer technical support via exclusive dealer-only channels when required.

To speed resolution of cases, technicians and engineers can use tools to virtually visit the site, including online administration features offered by equipment manufacturers, and remote PC desktop tools, which (client permission and network access provision permitting) enable Engineers to directly observe and change configurations of the AV system.

Coda provides a videoconference system (supporting leading videoconference protocols) for clients to test against their SLA-covered videoconference systems.

Some problems just can't be solved (and a few can't be described) without hands-on support. If an Escalated case cannot be resolved by remote means, with the consent of the case requestor, Coda will send a service technician onsite.

Preventative Maintenance Services

Coda can provide all types of preventative maintenance (PM) required to sustain the performance and extend the working life of today's AV equipment. Listed below are typical PM tasks; each PM visit is designed to address the specific installation's comprehensive requirements.

- Update firmware and software as required
- Test main system functions
- Align and adjust display/projection systems
- Inspect and clean projection lenses and mirrors
- Inspect projection screen surfaces, and clean according to manufacturer procedures
- Inspect, test, and clean touch-screen operator interfaces
- Inspect and clean flat screen and TV monitor surfaces
- Inspect and test projection screen mechanical systems
- Inspect and test projector lift mechanical systems
- Clean and/or replace projector air filters and air intakes
- Inspect projector error logs and lamp hours, replace lamps and/or recommend ordering lamp assemblies as required.
- Inspect user connection points (audio/video input panels)
- Inspect and repair system labeling as required
- Clean air filters and air intakes of rack-mounted AV equipment and 'back end' devices
- Inspect uninterruptible power supplies (UPS) for fault conditions and battery replacement alarms
- Interview owners/operators and their designated representatives to document ongoing system performance or operational issues
- Test and inspect audio components (microphones, speakers, wireless systems) with reported problems

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- Provide a written report of field conditions, actions taken, and operational, repair and replacement recommendations

Payment Schedule

Payment Option #1 - Quarterly Service Premium

1st quarter's premium = \$2,400.00 (due prior to Commencement Date)
 Payments #2-4: \$2,400.00 quarterly premium, plus any invoiced out of contract labor or programming labor (due prior to 12:01AM on the first of the service month to which the payment is applicable)

Payment Option #2 Annual upfront contract sum with 5% discount: \$9,120.00

CONTRACT EXECUTION

IN WITNESS WHEREOF, the parties by their duly authorized representatives have executed this Agreement as of the date first indicated below:

To be determined		
_____	Coda Representative Initials	Client Representative Initials
Commencement Date		

Supplier	Client	
_____	_____	
Coda Technology Group	Town of Portola Valley	
Supplier Name	Client Name	
_____	_____	
Mark Latimer, President, CEO		
Representative's Name (Print)	Representative's Name (Print)	
_____	_____	
(Signature)	(Signature)	
_____	_____	
Date	Date	

May 24, 2021

Contract Definitions and Terms

Site Visit Costs ARE included in monthly premiums (PRICING BELOW IS SHOWN FOR NON-INCLUSIVE SLA PROGRAMS)

- **Service Technician**
\$125/hour or fraction, per Technician including travel time, 2 hour minimum.
Discounted from \$140 for non-SLA work.
- **Engineer**
\$130/hour or fraction, per Engineer Including travel time, 2-hour minimum.
Discounted from \$150 for non-SLA work.
- **Programmer**
\$150/hour or fraction, Programmer Including travel time, 2-hour minimum.
Discounted from \$170 for non-SLA work.
- **Familiarization Visit by Coda Staff**
No cost to Client.
- **Parts and Materials**
Invoiced at 15% discount.
- **Travel and Lodging**
Visits beyond the local driving distance from Coda office, invoiced at cost.

Normal service hours are defined as from 8am to 5pm, local time.

Hourly rate discounts apply only to Site Visit work upon equipment and facilities within the scope of the SLA.

Coda reserves the right to refuse work on non-SLA equipment.

Site Visit costs and expenses are invoiced within 7 days of completion, and are due upon presentation and payable within 30 days of an undisputed invoice.

To expedite case resolution, Client agrees to Coda purchasing and invoicing up to \$500 of parts, materials and freight for any one Site Visit without separate approval.

Freight and expediting speed (e.g. FedEx Overnight shipping) shall be chosen when necessary to facilitate a Site Visit schedule at the discretion of Coda staff. Any freight company account numbers supplied by the client will be used by Coda when feasible.

Local driving distance is defined as being no more than 50 driving miles, one-way, as reported by maps.google.com. Site Visits requiring an overnight stay may be subject to an additional per-diem cost. Coda may elect to invoice a standard per-mile rate in lieu of actual cost of non-local driving trips.

Emergency/Weekend and After-Hours Site Visits

Emergency/Weekend Site Visit travel, lodging, freight, and all other expediting shall be chosen at the sole discretion of Coda staff, and all such costs shall be borne by and invoiced to the Client.

Terms and Conditions

1370 Redwood Way, Suite C. Petaluma, Ca. 94954
CA Contractor License #935420

May 24, 2021

SLA Renewal -----

Service Level Agreements are renewable annually, subject to cost revision by Coda. Client shall notify Coda in writing of their intent to renew prior to the end of the current agreement to permit sufficient time for cost analysis and discussion. Upon any lapse in SLA coverage, Coda reserves the right to certify or re-certify the subject facilities and equipment.

Contract Termination

This contract may be terminated, with seven days' advance notice, at any time for any reason (or for no reason) by either party through written notice by Certified Mail or equivalent courier service. Coda recommends advance notice of termination of 60 days or more to permit time for service transition.

Termination without Notice

In the event of termination without advance notice, all services shall cease immediately. The parties mutually agree to return any equipment or other property belonging to the other party promptly, exercising urgency and reasonable care. Coda shall present invoices for any outstanding labor and materials, which shall be due upon presentation. All other unpaid invoices shall also become due immediately.

Preventive Maintenance

A Standard SLA provides for Biannual Preventive Maintenance (PM) Site Visits, though some situations may require a greater frequency (determined in Certification).

Maintenance and repair work costs may be required because SLA-covered systems and equipment have been subjected to:

- use beyond reasonable or intended purpose
- negligence
- attempted repair or modification by anyone other than Coda
- unauthorized or criminal use
- robbery, theft, arson, or seizure
- deliberate or accidental damage
- water and/or wind damage (including but not limited to flooding), whether direct or indirect
- electrical supply fault or failure (including but not limited to lightning)
- acts of God, riot, war, terrorism (declared or undeclared), fire, earthquake, natural disaster, exercise of free speech or political demonstration
- any condition which could be reasonably interpreted as Force majeure are specifically excluded from PM Site Visits.

Coda shall make reasonable notification to Client upon discovery of any of these conditions.

Coda shall invoice at prevailing SLA Site Visit contract rates, terms and conditions any and all costs associated with maintenance, repair, restoration and/or replacement of the affected equipment and/or facilities.

Site Certification Costs -----

Re-certification of the facilities described in the SLA Scope may be required as a consequence of major changes made, during the term of an SLA, to those facilities. Re-certification costs are billable, unless agreed separately, at the prevailing rates and conditions for an Engineering Tech Support Site Visit.

May 24, 2021

Dispute Resolution

Should any dispute arise between the parties as a result of this agreement, the parties mutually agree to resolve disputes, if necessary, exclusively via binding arbitration in lieu of court litigation. The parties further agree to use an arbitrator accredited by and a member in good standing of the American Arbitration Association, to abide by said organization's rules pertaining to an arbitration proceeding, to use said organization to name an arbitrator should the parties fail to do so, and to abide by the arbitrator's ruling on the assignment of costs of arbitration.

Best Efforts and Consequential Damages

Electrical, electronic, and computer system malfunctions by their nature may not be the result of any single or identifiable cause, and may further be as a result of the acts of unrelated third parties (including equipment manufacturers and software vendors). Coda shall therefore provide "best effort" resolution (and restoration to pre-problem condition) of malfunctions reported by the Client, but cannot guarantee a specific result or timeframe. Coda specifically disclaims any responsibility for consequential damages that may be attributable to products and services provided through this Service Level Agreement.

Complete Agreement

This document comprises the complete agreement, and supersedes all others except in cases where specific exception or reference is made. The parties agree that any changes to the agreement be made in writing and signed by their duly authorized representatives.

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

There are no written materials for Town Manager Report

TOWN COUNCIL WEEKLY DIGEST

Thursday – September 23, 2021

1. Agenda – Architectural & Site Control Commission – Monday, September 27, 2021
2. Agenda – Conservation Committee – Tuesday, September 28, 2021
3. Letter of thanks from Housing Leadership Council for Membership Contribution
4. Special Meeting Agenda – San Mateo County City Selection Committee – Friday, October 1, 2021
5. Invitation to the Town Council – San Mateo County Economic Roundtable Series #4 (of 4) – Wednesday, September 29, 2021

Attached Separates (Council Only)

(Placed in your Town Hall mailbox)

1. Invitation to Loaves & Fishes 25th Annual Awards Celebration – Thursday, May 26, 2022



TOWN OF PORTOLA VALLEY

4:00 PM – Architectural Site Control Commission Meeting
Monday, September 27, 2021

**THIS SPECIAL MEETING IS BEING HELD
IN THE FIELD ONLY**

SPECIAL ASCC FIELD MEETING

Meeting is being held at the site – 214 Grove Drive

4:00 PM - CALL TO ORDER

ORAL COMMUNICATIONS

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

OLD BUSINESS

1. Architectural and Site Development Review of a new residence, landscape improvements, and removal of significant trees, File # PLN_ARCH01-2021, 214 Grove Drive, Holmes Residence (J. Garcia)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Report

APPROVAL OF MINUTES

4. ASCC Meeting of September 13, 2021

ADJOURNMENT

AVAILABILITY OF INFORMATION

For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

PUBLIC HEARINGS

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



**TOWN OF PORTOLA VALLEY
Special Conservation Committee
Virtual Meeting
Tuesday, September 28, 2021 – 7:00 PM
Special Videoconference Meeting via Zoom**

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On March 17, 2020, the Governor of California issued Executive Order N- 29-20, suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the statewide Shelter-In-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, Portola Valley Town Council meetings are being conducted electronically. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda

To access the meeting by computer, click on the link below:

<https://us06web.zoom.us/j/86797171731?pwd=b1ZySctwN25wZ3FqVUxvRnREN09uQT09>

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute - press *6*

*Raise Hand - press *9*

Meeting ID: 867 9717 1731

Password: 656408

SPECIAL MEETING AGENDA

1. Call to Order
2. Oral Communications: Persons wishing to address the Conservation Committee on any subject not on the agenda that is appropriately the concern of the Conservation Committee may do so now. Please note, however, that the Conservation Committee is not able to undertake extended discussion or action tonight on items not on the agenda.
3. Approval of Minutes for August 24, 2021
4. Permits
 - a. Site Permits –
 - i. 30 Holden Court completed Chiariello
5. Old Business
 - a. Oversight of Town Owned Properties
 - i. Town Center – Murphy
 - (1) Sophie Horn's creek planting list and QR code
 - (a) <https://spark.adobe.com/page/J1jkdvgs2GQBi>
 - ii. Frog Pond - Zimmerman
 - b. Committee/Town Cooperation
 - i. Public Works – Murphy
 - ii. Trails – Coleman
 - iii. Open Space – Chiariello
 - iv. Fire Ad Hoc - Plunder
 - (1) Understory Subcommittee Richards for approval
 - v. Hawthorns – Zimmerman, Heiple

- c. Backyard Habitat - Plunder
 - d. Tip of the Month – Magill (3 minutes)
 - e. Kudos – Richards (5 minutes)
 - f. What’s blooming now? – Magill (3 minutes)
 - g. Predators/Rodenticides – Chiariello
 - i. Nov 4 evening lecture “Controlling Rodent Pests” flyer for approval Appendix A
 - ii. Rodent trap brochure
 - h. Town Event - October 9 PV-Live/Revive
 - i. Table – rodenticides, weeds? Town Center brochure, link to web page?
 - ii. Who will do what?
 - i. Redwood Guidelines revision – Richards
 - i. Approved in August. Sent to ASCC Appendix B
 - ii. Fee waiver for “stressed redwoods”
 - iii. Map? Walz and Heiple
6. New Business
- a. PV Donates see Appendix C
 - b. Ad Hoc Housing – our input and 2 representatives to Committee on Committees
7. Next meeting Tuesday, October 26, 2021, 7:00 pm via Zoom
8. Adjournment aspirationally 8:30 pm; Hard Stop 9:00



September 16, 2021

Jeremy Dennis
Town Manager
Town of Portola Valley
765 Portola Rd
Portola Valley, CA 94028

Dear Jeremy,

On behalf of the Housing Leadership Council of San Mateo County (HLC), thank you for your organizational membership contribution of \$600.00 which HLC received on September 15, 2021.

As California reopens, San Mateo communities are coming together to ensure people are safe, healthy, and heard. Your membership contribution helps HLC continue our efforts to end evictions and provide homes for people across different income levels, races, abilities, and backgrounds.

Your donation to HLC is fully tax-deductible to the extent allowed by law. HLC is a 501(c)(3) organization, Tax ID number 94-3395945. This letter serves as your official receipt.

Let me know if you have any questions about your [membership benefits](#). Your support is key to our success. Thank you for being part of our team!

Sincerely,

A handwritten signature in blue ink, appearing to read "Evelyn Stivers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Evelyn Stivers
Executive Director

SAN MATEO COUNTY

CITY SELECTION COMMITTEE

Sue Vaterlaus, Chairperson
Regina Wallace-Jones, Vice Chairperson

Sukhmani S. Purewal, Secretary
400 County Center
Redwood City, 94063
650-363-1802

TO: MAYORS OF SAN MATEO COUNTY
FROM: SUKHMANI S. PUREWAL, SECRETARY
SUBJECT: **SPECIAL MEETING OF THE CITY SELECTION COMMITTEE**

Councilmember Sue Vaterlaus, Chairperson of the San Mateo County City Selection Committee called for a ***SPECIAL*** virtual meeting of the Committee at **5:00 p.m. on Friday, October 1, 2021.**

City Selection Committee does not fall under Ralph M. Brown Act; however, on March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. On June 11, 2021, the Governor issued Executive Order N-08-21 extending the suspension of those provisions to September 30, 2021. Thus, pursuant to Executive Order N-08-21, this meeting will be held virtually via Zoom.

To join the Zoom meeting, please click the following link: <https://smcgov.zoom.us/j/99410307895>. The webinar ID is 994 1030 7895. If joining via telephone, please dial +1-669-900-6833 and enter the meeting ID: 994 1030 7895, then press #.

AGENDA

- 1) Roll Call
- 2) Selection of 1 (one) Councilmember, representing San Mateo County City Selection Committee to serve on the Association of Bay Area Governments Regional Planning Committee (ABAG-RPC), for a term starting October 2, 2021 through June 30, 2024.
 - i. Deputy Mayor Rick Bonilla, City of San Mateo, is seeking reappointment*
- 3) Oral Communications and Announcements
 - i. Public Comment – Opportunity for the public to address the San Mateo County City Selection Committee.*
 - ii. Any subject not on the agenda may be presented at this time by members of the City Selection Committee. These topics cannot be acted upon or discussed, but may be agendaized for a later meeting date.*

If you have any questions or require additional information, contact Sukhmani S. Purewal at (650) 363-1802.



CITY OF SAN MATEO
OFFICE DEPUTY MAYOR BONILLA

330 W. 20th Avenue
San Mateo, CA 94403-1338
www.cityofsanmateo.org
(650) 522-7040

September 15, 2021

Re: Reappointment to Association of Bay Area Governments (ABAG) - Regional Planning Committee

Dear Esteemed Colleagues,

I am writing to ask for your support as I seek reappointment to the ABAG-Regional Planning Committee representing cities in San Mateo County.

I have been a member of the San Mateo City Council for almost 7 years and have also been very active in the City of San Mateo's committees and commissions since 2001.

I believe I have the passion, the skills and the experience necessary to continue working with the ABAG Regional Planning Committee to help local governments move into the future while absorbing growth and adapting to change, addressing sustainability, resilience and equity issues along the way.

By way of a little background, I have been working on land use in San Mateo since 2001 when I was appointed to the Bay Meadows and Transit Corridor Citizen's Advisory Committee. Following that three-year assignment, I was appointed to the Public Works Commission where I advised regarding environmental issues with wastewater, storm water, traffic and circulation and infrastructure issues for six years. This was followed by a three-year stint on the Planning Commission before I was appointed to the City Council. I am passionate about sustainability and serve on the Peninsula Clean Energy Board and Executive Committee. In just over 7 years, Peninsula Clean Energy has made great strides in San Mateo County, creating the default electric energy provider, which purchases clean, renewable energy on the open market and provides it to 97.5% of the users in the county at rates lower than PG&E while providing great efficiency and resiliency programs to all ratepayers. In addition, I serve as Vice Chair on the SBWMA board, a member of the board and Chair of the Finance Committee at Commute.Org, Vice Chair at HEART and Vice Chair of the Governance, Transparency and Labor Relations policy committee for the League of California Cities. I have also been San Mateo's voting member of the ABAG General Assembly for 6 years.

Our San Mateo County communities deserve a strong voice on ABAG's Regional Planning Committee as the Bay Area continues to navigate the challenges of growth while balancing the diverse needs of current and future generations. I promise to represent the interests of our San Mateo County residents to the best of my abilities and for the common good, without any self-interest.

I am proud of the excellent work that ABAG has done over these many years and would be deeply honored to have your vote, reappointing me to represent the cities and towns of San Mateo County on the ABAG, Regional Planning Committee. Please feel free to call me at (650) 430-9171 or email me at rbonilla@cityofsanmateo.org if you would like to discuss my candidacy.

Thank you,

Rick Bonilla
Deputy Mayor
City of San Mateo

Sharon Hanlon

Subject: FW: San Mateo County Economic Roundtable Series #4 (of 4)
Attachments: San_Mateo_County_Roundtable_4_Flyer.pdf

From: Randy Torrijos **On Behalf Of** Dave Pine
Sent: Thursday, September 23, 2021 11:22 AM
To: Randy Torrijos
Cc: Jessica Stanfill Mullin ; Danielle Lee
Subject: San Mateo County Economic Roundtable Series #4 (of 4)

Dear Council of Cities Members:

We invite you to join us for an Economic Recovery Roundtable this coming Wednesday, September 29th from 9:00am-11:00am.

The San Mateo County Economic Recovery Roundtable Series explores local economic impacts of the pandemic and opportunities for our economic recovery. On September 29th, subject-matter experts will share perspectives on how worker needs for childcare, housing, and transportation have changed since the pandemic, and what strategies and resources can help address those needs. Please see attached flyer for more details. We hope you can join us!

**Fostering Economic Resilience:
Meeting Worker Needs for Childcare, Housing, and Other Essentials**

September 29, 2021
9:00am – 11:00am

Zoom link:

<https://smcgov.zoom.us/j/93452627078>

Meeting ID: 934 5262 7078

One tap mobile

+16699006833,,93452627078# US (San Jose)

+12532158782,,93452627078# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 934 5262 7078

Find your local number: <https://smcgov.zoom.us/j/93452627078>

For questions about the event, please reach out to Danielle Lee DLee@smcgov.org or Jessica Stanfill Mullin jmullin@smcgov.org

Sincerely,

Dave Pine

San Mateo County Board of Supervisors – District 1

SAN MATEO COUNTY ECONOMIC RECOVERY ROUNDTABLE SERIES



JOIN US FOR THE 4th OF 4 ECONOMIC ROUNDTABLE DISCUSSIONS:

Fostering Economic Resilience

Meeting Worker Needs for Childcare, Housing, and Other Essentials

Wednesday, September 29, 2021

9:00AM - 11:00AM

The San Mateo County Economic Recovery Roundtable Series explores local economic impacts of the pandemic and opportunities for our economic recovery. On September 29th, subject-matter experts will share perspectives on how worker needs for childcare, housing, and transportation have changed since the pandemic, and what strategies and resources can help address those needs.

featuring:



Ted Burgwyn

Director, Rail Network and
Operations Planning
Peninsula Corridor Joint
Powers Board (Caltrain)



Matt Regan

Senior VP Public Policy
Bay Area Council



David Fleishman

Executive Director
4Cs of San Mateo County



Michelle Blakely

Deputy Director
First Five San Mateo County



Christy Wegener

Director of Planning
SamTrans

Click to Join via Zoom
<https://smcgov.zoom.us/j/93452627078>
Meeting ID: 934 5262 7078

San Mateo County Economic Recovery Roundtable Series

A Better Future for All

1

August 12, 2021

9:00AM - 11:00AM

**Understanding the
Economic Impacts of
the Pandemic:
What Has and Has Not
Changed**

2

September 1, 2021

9:00AM - 11:00AM

**Getting Back to Work:
New Models for Quality
Jobs and Workforce
Development**

3

September 15, 2021

9:00AM - 11:00AM

**Supporting Vibrant
Downtowns:
Helping Our Local
Businesses Thrive into
the Future**

4

September 29, 2021

9:00AM - 11:00AM

**Fostering Economic
Resilience:
Meeting Worker Needs
for Childcare, Housing,
and Other Essentials**

SPONSORED BY



TOWN COUNCIL WEEKLY DIGEST

Thursday – September 30, 2021

1. Agenda – Parks & Recreation Committee – Monday, October 4, 2021
2. Agenda – Wildfire Preparedness Committee – Tuesday, October 5, 2021
3. Agenda – Woodside Highlands Road Maintenance District Residents' Advisory Committee -Tuesday, October 5, 2021
4. Agenda – Bicycle, Pedestrian & Traffic Safety Committee – Wednesday, October 6, 2021
5. Agenda – Planning Commission – Wednesday, October 6, 2021
6. Agenda – Emergency Preparedness Committee – Thursday, October 7, 2021
7. Agenda (Special) – Cultural Arts Committee – Thursday, October 7, 2021
8. Email dated 9/27/21 from Caroline Vertongen to Town Council Members re Water Issues

Attached Separates (Council Only)

(Placed in your Town Hall mailbox)

1. None



**Town of Portola Valley
Special Parks & Recreation Committee Meeting
Monday, October 4, 2021, 7:30pm-9pm
Zoom Videoconference**

Meeting Agenda

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Video Meeting:

<https://us06web.zoom.us/j/86581539007?pwd=MWpxYU14SllaOENvZUMxcW9wMVVCZz09>

Phone into Zoom Meeting:

1-669-900-6833 or 1-877-853-5247 (toll-free)

*Mute/Unmute – press *6 / Raise Hand – press *9*

Meeting ID: 865 8153 9007

Password: 917384

1. **Call to Order**
2. **Oral Communications: Persons wishing to address the Committee on any subject, not on the agenda, may do so now. Please note however, the Committee is not able to undertake extended discussion or action tonight on items not on the agenda. Two minutes per person.**
3. **Approval of Minutes:** September 9, 2021
4. **Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely**
 - (a) Adoption of a Resolution of the Parks & Recreation Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)
5. **Town Picnic and Zotts to Tots**
6. **Dog park proposal**
7. **All Sports Court plan/Skateboard ramp**
8. **Field and court user fees**
9. **Parks & Rec meeting schedule**
10. **Parks & Rec membership**
11. **Adjournment**

Next Meeting – November 1, 2021, at 5:30 pm



TOWN OF PORTOLA VALLEY
Wildfire Preparedness Committee
Tuesday, October 5, 2021 5:00 PM
Virtual Meeting

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/86935448894?pwd=VGRCZERoUThBa0psVUp0V0l4bFg1dz09>

To access the meeting by phone, dial:

1-699-900-6833
1-877-853-5247 (toll-free)

*Mute/Unmute - press *6 / Raise Hand - press *9*

Meeting ID: 869 3544 8894

Password: 685792

MEETING AGENDA

1. Call to Order
2. Open Communications for Items not on Agenda
3. Approval of Minutes from August 17, 2021, Meeting
4. Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely
 - a. Adoption of a Resolution of the Wildfire Preparedness Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)
5. Wildfire Best Practices: National Fire Protection Association 1140 Discussion (Dale Pfau)
6. Town Relationship with Private Company to Perform Wildfire Mitigation Assessments (Staff)
7. Funding for Additional Vegetation Management on Town-Owned Property (Karen Vahtra)
8. Discussion of Date/Time for Monthly Meetings (Michael Tomars, Chair)
9. Committee Status – Ad Hoc to Standing Committee
10. Subcommittee Updates
 - a. Resident Communications and Outreach/Evacuation Routes
 - b. Home Hardening/Insurance/Infrastructure Back-up
 - c. Vegetation Management/Defensible Space

11. Standing Items- As Needed

- a. Fire Marshal Update
- b. Staff Updates
 - i. Evacuation Study
 - ii. New Assistant Town Manager
 - iii. Veoci and Upcoming County-Wide Preparedness Drill
 - iv. Other updates
- c. Committee Member Updates
 - i. Table at Town Picnic
- d. Review of Committee Correspondences/Items of Note

12. Adjourn



Town of Portola Valley
Woodside Highlands Road Maintenance District
Residents' Advisory Committee Meeting (WHRMD RAC)
Tuesday, October 5, 2021 – 5:30 PM
Special Videoconference Meeting via Zoom

VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Meeting:

<https://us06web.zoom.us/j/89318392659?pwd=S0FCdVdGNVA3MGd1VGIVT3dTVHI5Zz09>

Phone into Zoom Meeting:

1-669-900-6833
1-877-853-5247 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 893 1839 2659

Password: 450976

1. Call to Order
2. Roll Call: Members present, absent and guests; Assign Secretary for meeting
3. Oral Communications
4. Approval of Minutes from July 27, 2021
5. Business
 1. Projects Schedule & Reports
 - Paving Subcommittee: Cost sharing Owners: Paid?
2nd Phase Planning
 - Drain Subcommittee: Placement
 2. Financial Statement (King)
 3. New Projects
 1. Oak Tree Limb: Santa Maria (at the bottom of the hill) – Isaacson
 2. Paving & Parking in front of 50 Santa Maria – Achtekirchen
 3. Fall Road Days: Oct. 23, 24 (Schule)
 4. Rock Wall Along Santa Maria (Repairs Needed?)
6. Other Business:
 1. Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely
 1. Adoption of a Resolution of the Woodside Highlands Road Maintenance District Residents' Advisory Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No.____)

7. Announcements: Town of PV – Donation Program for Small-Scale Town Projects (Dennis)

8. Adjournment:

Date & Time of Next Meeting



TOWN OF PORTOLA VALLEY
Bicycle, Pedestrian and Traffic Safety
Committee Meeting
Wednesday, October 6, 2021 – 8:15 AM

Zoom Teleconference

SPECIAL VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

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<https://us06web.zoom.us/j/82408149593?pwd=U0RvMmxma1J4OCtYejF6aUdZRWlKZz09>

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 824 0814 9593

Password: 358003

1. Roll Call
2. Review/ Approval of the Minutes of the September 8th, 2021, Meeting
3. Resident and Committee Open Comments
4. Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Meetings Remotely
 - a. Adoption of a Resolution of the Emergency Preparedness Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)
5. Sheriff's report:
 - a. Accidents and Citations:
 - i. Request for statistical details of tickets issued
 - b. Request for Monitoring:
 - i. Speeding
 - ii. Stop sign violations.
 - c. Assistance with Zots to Tots event, October 9, 2021
6. Public Works Update:
7. Ongoing Committee Business
 - a. Next steps: Request from Portola Valley Ranch Association – note correction to travel direction. “To add Speed limit and “limited Sight Distance / Traffic entering from Right” signage in the vicinity of Valley Oak and Ohlone St. This would be in the travel direction away from Alpine Rd, approaching Ohlone.
 - b. Portola Valley Housing Element (HE) update. Please see supporting materials in the Appendix.
 - i. Vote on Committee intent to participate
 - ii. Request for Two Committee Members to participate as BPTS delegates in the HE process
 - iii. Priorities for HE update process as relevant to BPTS – Request for Committee input
 - c. Neely Winery Planning Proposal – Presentation of Town Traffic Analysis

- d. Request for updates on the “Stanford Wedge” EIR
 - e. Committee, Town and Consultation next steps for Portola Rd and Willowbrook Drive Visitor parking. Committee request to establish clear design goals.
 - f. Final review and discussion of parking at Northern end of Golden Oak Dr. associated with Alpine Inn and Rossotti Field
8. Events:
 - a. Zots to Tots – Planning and Organization, Event parking, etc. from Parks & Rec - Update
 - b. Committee presence at Town Picnic
 9. Matters Arising
 10. Next meeting scheduled November 3, 2021. Default time 8:15 AM, Via Zoom
 11. Adjournment

Enclosures:

- 1) Minutes September 8, 2021
- 2) Sheriff’s Reports - Action and Citation
- 3) Memo from Planning & Building Director re proposed Neely Wine Tasting Room
- 4) Memo from Town Attorney and adoption of a Resolution re continuation of remote meetings

Appendix:

Item 6b Housing Element item resources for review and reference:

- 1) Ad Hoc Housing Element Committee agenda packet [Link](#) – See “What is a Housing Element and Why is it Important?” (pg.4) and “Housing Element Frequently Asked Questions” (p.8)
- 2) What is a Housing Element? [Link](#)
- 3) SMC Countywide Trends [Link](#)



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Planning Commission
Wednesday, October 6, 2021

**THIS SPECIAL MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

SPECIAL MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Below are instructions on how to join and participate in a Zoom meeting.

Join Zoom Meeting Online:

Please select this link to join the meeting:

<https://us06web.zoom.us/j/88575906149?pwd=TC9wMzIxZUttQUVYNUpMTTZKdXVldz09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 885 7590 6149 **Passcode:** 292125

Or Telephone:

1.669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID

*6 - Toggle mute/unmute.

*9 - Raise hand.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to dparker@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions using the “raise your hand” feature when the Chair calls for them.

7:00 PM - CALL TO ORDER AND ROLL CALL

Commissioners Goulden, Hasko, Targ, Vice-Chair Kopf-Sill, Chair Taylor

ORAL COMMUNICATIONS

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

NEW BUSINESS

1. Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely (L. Russell)
2. Review of an application for modification to the Town's Ground Movement Potential Map, Architectural Review, Site Development Permit and Tree Removal, File # PLN_GMM0001-2021, 214 Grove Drive, Holmes (J. Garcia)
3. Review of an application for exception to the Town's Utility Undergrounding Requirement, File # PLN_EX02-2021, 180 Crescent Avenue, Carlson (D. Parker)

PUBLIC HEARING

4. Review of an application for lot line adjustment, File # PLN_LLA02-2018, 479 Westridge Drive, Gillett (D. Parker)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

5. Commission Reports
6. Staff Reports

APPROVAL OF MINUTES

7. Planning Commission Meeting of September 15, 2021

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

AVAILABILITY OF INFORMATION

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall.

PUBLIC HEARINGS

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



TOWN OF PORTOLA VALLEY
Regular Meeting of the
Emergency Preparedness Committee
Thursday, October 7, 2021 - 8:00 AM
Via Zoom
765 Portola Road, Portola Valley, CA 94028

MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

To access the meeting by computer, click on the link below:

<https://us06web.zoom.us/j/81133994039?pwd=S3kwbGEweGp0Nm9vMHNMV3lTRWp6UT09>

To access the meeting by phone, dial:

1-699-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute – press *6*

*Raise Hand – press *9*

Webinar ID: 811 3399 4039

Password: 117967

1. 8:00 Call to order
 - Members: Mark Bercow, Dave Howes, Dale Pfau/Chair, Chris Raanes, Ray Rothrock, Jerry Shefren, Craig Taylor, Bud Trapp,
 - Guests: Brandi de Garmaux, John Richards/Town Council, Rob Lindner and Selena Brown WFPD
2. 8:01 Roll Call
3. 8:03 Oral Communications
 - Note that issues brought up under oral communications that are not on the agenda will be limited to 2 minutes
4. 8:05 Review and approval of minutes;
 - Motion; Approve minutes of September 2, 2021
 - Appointment of Secretary
5. 8:06 WPV-CERT/WFPD Report (Brown/Linder)
6. 8:16 Town Report (de Garmaux)
 - Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely
 - (a) Adoption of a Resolution of the Emergency Preparedness Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)
7. 8:20 Sub Committee Reports
 - Communications (Rothrock)
 - Wildfire Preparedness Committee Report (Pfau)

- Outreach (?)
 - CERT/Town/Woodside Integration Committee (Raanes)
 - WPV-Ready Liaison (TBD)
8. 8:30 "PV Live Revive" – Town Picnic October 9
- Staffing
9. 8:35 Housing Element – Committee of Committees
- Appointment of members
 - See attached memo from Laura Russell
10. 8:40 Communications for Virtual EOC (Jeremy/Brandi)
- Interface/radio communications CERT/EOC/County
11. 8:45 Signs for AM Radio
- Entering Town for visitors
12. 8:50 Backup for Town Internet (Jeremy/Brandi)
- Satellite?
13. 8:55 Next meeting is November 4, 2021
- Quorum check
 - Agenda items for next meeting
14. 9:00 Adjourn



TOWN OF PORTOLA VALLEY
Cultural Arts Committee Special Meeting
Thursday, October 7, 2021, 1:00 PM
Videoconference Meeting

CULTURAL ARTS COMMITTEE SPECIAL MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

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Join Zoom Meeting:

<https://us06web.zoom.us/j/89550878555?pwd=OV00QmxRVEdUQ3RnUWpoWmFRRUI3dz09>

Phone into Zoom:

1-669-900-6833
1-877-853-5247 (toll free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 895 5087 8555

Password: 536999

- 1. Call to Order & Roll Call**
- 2. Oral Communications (anything not currently on the agenda)**
 - This should be minimized due to upcoming major event
- 3. Approval of prior meeting minutes:**
 - Thursday September 9, 2021, via Zoom
- 4. New October 2021 Business:**
 - Jeremy – Kids Movie Night
 - PV Donates
 - “PV Live Revive” Updates (just a few days away!)
 - Review remaining punch list items
 - Follow-up on Livia Sohn’s *Coast Live Music* proposal
 - Sue Chaput – Local artists collection and photography / archives
 - Budget update
 - Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely
 - (a) Adoption of a Resolution of the Cultural Arts Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)

Other Business: None

Announcements: None

Date & Time of Next Meeting: October 7, 2021 (One week early due to timing of PV LIVE REVIVE)

Adjournment: 2:00 PM

Mon 9/27/2021 10:16 AM

Caroline Vertongen

To: Maryann Moise Derwin <mderwin@portolavalley.net>; Sarah Wernikoff <swernikoff@portolavalley.net>; Craig Hughes <chughes@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; John Richards <jrichards@portolavalley.net>
Cc: Sharon Hanlon <shanlon@portolavalley.net>

My apologies,
My previous email was supposed to be sent to all PV Town Council members

Begin forwarded message:

From: caroline Vertongen
Subject: Portola Valley
Date: September 27, 2021 at 10:13:03 AM PDT
To: Jeremy Dennis <jdennis@portolavalley.net>
Cc: Howard Young <HYoung@portolavalley.net>, Maryann Moise Derwin <mderwin@portolavalley.net>

Happy Monday Mr Dennis,

I am not sure what question you are referring to since there are so many questions that remain unanswered. Just like so many concerns remain resolved.

I will start with the question I asked during oral communication on September 22, 2021- Why is there an increase in drug and substance abuse disorders and increase in mental health disorders in Portola Valley?

Please make sure that my statement is entered correctly and publish it as "public record"
IN RESPONSE TO YOUR EMAIL REGARDING OUR WATER ISSUES:

Yes PV residents have requested your cooperation for many important issues. You negociate the contracts with private and government agencies to ensure that our basic needs like Water, Energy, Public Safety, etc are taken care off.

I have been a resident of Portola Valley since 1993. Why is it that we, PV residents, have to spend so much of our own time resolving issues that are the Town's responsibility?

!) yes I have been in contact with Ms Smithson for the last 3 years discussing the issues with our water pressure, the proper maintenance of our water hydrants, and the quality of water. She actually finally provided the data taken in March 2021 confirming the inconsistent and low pressure. Ms Smithson confirmed that CalWater takes sample tests at specific locations - these are not in the Sausal/Palmer district - as I stated before we had an independent company test our water and since we obtained the test results we have been using bottled water for consumption.

Ms Smithson told me by email that CalWater will not do any repairs until the road improvements are done, yet suddenly in August the utility companies came to our house to mark their connections by our

house. On September 21 CalWater came without notifying the residents on Palmer Lane to do “emergency repair” - It is after we talked to CalWater Supervisor Neill that notices were put in our mail boxes. He promised to contact the 2 neighbors who were on vacation, but according to their emails he never did. We contacted those neighbors by email to see if they needed help turning off their booster and circulation pumps.

Despite the narrative that CalWater would not turn off our water on September 21, they had to anyway.

CalWater did provide the notice for September 22 and did turn off the water from 9 till about 1 PM.

CalWater Representative Spencer came to our house on Wednesday September 22 and told us he needed to take a sample as it is the requirement after the repair work. . But after I showed him where the main water intake was, Spencer went to the construction site to take a water sample -

Yes it would be helpful to get a full report for the “emergency “ work by CalWater and West Valley construction on September 21 and 22 - affecting several residents, so we understand what has been done and what still needs to be done. It would be very helpful that we coordinate with Ms Smithson and others who are involved to get all the answers and concerns resolved.

2) please provide the documentation confirming the assurance that there are no capacity issues. Again it is not only capacity, but quality of water, water pressure, and availability - it would be helpful to see a copy of the maintenance list of our fire hydrants, see documents confirming the status of CalWater’s infrastructure in Portola Valley.

3) Regarding the road improvements - Referring me to an online “link” did not address the concerns I have brought up. It was thanks to residents speaking up **and ultimately extra efforts by Mr Young to** provide us with updates, make sure that our concerns were taken care of, and make sure that the work was overseen. We, residents, took time on both days to help clean, help protect our own and other resident’s properties, and help coordinate ongoing traffic. This morning I discovered that one utility cover is still covered with plastic - so please ask to have it removed.

PV started by announcing the resurfacing in August - you claim this is an annual project but PV has skipped several of those projects in the last few years even though Town Council had approved the work and had approved the budget to perform the work.

Enclosed is my public statement on September 22 - below you will find some of many email correspondence with CalWater and PV

We need to understand what “emergency work” was done last week and hope you can help us get the full report.

Thank you,
Caroline vertongen

TOWN COUNCIL WEEKLY DIGEST

Thursday – October 7, 2021

1. Agenda – Architectural & Site Control Commission – Monday, October 11, 2021
2. Agenda – Equity Committee – Tuesday, October 12, 2021
3. Agenda (Canceled) – Cultural Arts Committee – Thursday, October 13, 2021
4. Agenda – Nature & Science Committee – Thursday, October 13, 2021
5. Email received by resident Caroline Vertongen re Bicycle, Pedestrian & Traffic Safety Committee Oral Communications
6. Invitation to the Council of Cities Meeting hosted by City of Redwood City – Friday October 29, 2021
7. Western City Magazine – [October 2021](#)

Attached Separates (Council Only)

(placed in your Town Hall mailbox)

1. Invitation to Labor's Holiday Party – Friday, December 3, 2021
2. Labor Newsletter – October 2021



TOWN OF PORTOLA VALLEY

4:00 PM – Architectural Site Control Commission Meeting
Monday, October 11, 2021

**THIS SPECIAL MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

SPECIAL MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Below are instructions on how to join and participate in a Zoom meeting.

Join Zoom Meeting Online:

Please select this link to join the meeting:

<https://us06web.zoom.us/j/86797447214?pwd=L3NmVk93aUhtN2JNajM4UmxOQTgvZz09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 867 9744 7214 **Passcode:** 408466

Or Telephone:

1.669.900.6833

1.888.788.0099 (toll-free) Enter same Meeting ID and Passcode

*6 - Toggle mute/unmute.

*9 - Raise hand.

Remote Public Comments: Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to planning@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Commissioners prior to the meeting. All comments received are included in the public record.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions using the “raise your hand” feature when the Chair calls for them.

4:00 PM - CALL TO ORDER

Commissioners Cheung, Koch, Sill, Vice-Chair Wilson, Chair Ross

ORAL COMMUNICATIONS

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

NEW BUSINESS

1. Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely (L. Russell)
2. Architectural Review of the physical aspects of the proposed wine sale and tasting space project including the proposed sign, driveway and parking lot changes, and fence modification, Neely Winery, Spring Ridge LLC, 555 Portola Road, File # PLAN_USE 4-2018 (L. Russell and L. Costa Sanders)
3. Architectural Review of an application for landscape revisions and site improvements, File # PLN_ARCH09-2021, 228 Westridge Drive, Dolin Residence (L. Russell and D. Parker)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

4. Commission Reports
5. Staff Report

APPROVAL OF MINUTES

6. ASCC Meeting of September 13, 2021

ADJOURNMENT

AVAILABILITY OF INFORMATION

For more information on the projects to be considered by the ASCC at the Special Field and Regular meetings, as well as the scope of reviews and actions tentatively anticipated, please contact Carol Borck in the Planning Department at Portola Valley Town Hall, 650-851-1700 ex. 211. Further, the start times for other than the first Special Field meeting are tentative and dependent on the actual time needed for the preceding Special Field meeting.

Any writing or documents provided to a majority of the Town Council or Commissions regarding any item on this agenda will be made available for public inspection at Town Hall located 765 Portola Road, Portola Valley, CA during normal business hours. Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall.

ASSISTANCE FOR PEOPLE WITH DISABILITIES

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

PUBLIC HEARINGS

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



**Town of Portola Valley
Equity Committee
Tuesday, October 12, 2021 – 7:00 PM**

Special Videoconference Meeting via Zoom

VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On March 17, 2020, the Governor of California issued Executive Order N-29-20, suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the statewide Shelter-In-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, Portola Valley Town Council meetings are being conducted electronically. The meeting is not available for in-person attendance.

Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Video Meeting:

<https://us06web.zoom.us/j/81535711188?pwd=Y TINMzRYQ0RLM0ITVU10K0Q0bnNudz09>

Phone into Zoom Meeting:

1-669-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 815 3571 1188

Password: 620616

1. Call to Order
2. Roll Call:
Committee members: Ali Aalaei, Kim Marinucci (Acker), Patt Baenen, Johnathan Clark, Judith Murphy, Lucy Neely, Andrew Pierce, and Gwendolyn Stritter

Council Liaisons: Maryann Derwin
3. Oral Communications for Items not on the agenda
4. Approve Meeting Minutes for September 14, 2021
5. Old Business:
 - 1) Charter, name on website, approval by Town Council
 - 2) PV Picnic tabling report and appreciations
 - 3) Housing Committee update
6. New Business
 - 1) Adoption of a Resolution Confirming the State of Emergency and Need to Continue Conducting Town Public Meetings Remotely
 - (a) Adoption of a Resolution of the Equity Committee of the Town of Portola Valley Confirming Existing State Emergency and Authorizing Continued Remote Public Meetings (Resolution No. __)
 - 2) New member: Cole Kawaja
 - 3) Annual plan: Members individual 1-2 priority projects
 - 4) Neighborhood watch signs at Town entrances
 - 5) Manzanita Works proposal
 - 6) Town Seal next steps
 - 7) Outreach to locally employed: Process
7. Adjournment



TOWN OF PORTOLA VALLEY
Cultural Arts Committee Meeting
Notice of Meeting Cancellation
Thursday, October 14, 2021 - 1:00 PM

NOTICE OF MEETING CANCELLATION

CULTURAL ARTS COMMITTEE MEETING

Thursday, October 14, 2021

The regular meeting of the Cultural Arts Committee scheduled for Thursday, October 14, 2021, has been canceled.



Town of Portola Valley
Nature and Science Committee Special Meeting
Thursday, October 14, 2021 – 5:00 PM

Special Videoconference Meeting via Zoom

VIDEOCONFERENCE MEETING AGENDA

Remote Meeting Covid-19 Advisory: On September 16, the Governor signed AB 361, amending the Ralph M. Brown Act (Brown Act) to allow legislative bodies to continue to meet virtually during the present public health emergency. AB 361 is an urgency bill which goes into effect on October 1, 2021. The bill extends the teleconference procedures authorized in Executive Order N-29-20, which expired on September 30, 2021, during the current COVID-19 pandemic and allows future teleconference procedures under limited circumstances defined in the bill. Portola Valley Town Council and commission and committee public meetings are being conducted electronically to prevent imminent risks to the health or safety of attendees. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda.

Join Zoom Video Meeting:

<https://us06web.zoom.us/j/87326461350?pwd=ZDRUS3RoT2g2TTZvdGxNelhma1JHQOT09>

Phone into Zoom Meeting:

1-669-900-6833

1-877-853-5247 (toll-free)

*Mute/Unmute – Press *6 / Raise Hand – Press *9*

Meeting ID: 873 2646 1350

Password: 561147

1. Call to Order
2. Oral Communications (Anyone wanting to address the Committee or anyone wanting to speak on an item not on the agenda)
3. Approve Minutes of August 12, 2021, regular meeting
4. Report on August Wildflower talk
5. Planning and discussion:
 - 1) Big Event in January
 - 2) Nature Center plans at Hawthorns
 - 3) Recruiting new members
 - 4) Committee Project leveraging the new fundraiser vehicle
6. Budget Discussion
7. Action Items:
 - 1) Decide big event topic and date
 - 2) Bills to be presented
 - 3) Allocate funds for future events
8. Adjournment:

Next meetings: November 11, 2021, at 5:00 pm on Zoom

Sharon Hanlon

From: caroline Vertongen
Sent: Wednesday, October 6, 2021 2:55 PM
To: Town Center; Edward Holland
Cc: Maryann Moise Derwin; Craig Hughes; Jeff Aalfs; Sarah Wernikoff; John Richards; Sharon Hanlon; Jeremy Dennis
Subject: BPTS Committee [DO NOT CHANGE SUBJECT LINE]
Attachments: BPTS oral communications 10621.pdf

Dear BPTS Chair Holland,

Thanks again for allowing us to express our concerns. I believe that my statement during open comment became reinforced by the sentiments of other PV residents.

Please provide my public comment to Angela Hey and all other BPTS committee members.

Thank you,
Caroline Vertongen

*First of all I would like to thank Angela Key for the detailed summary she presented at the last
Town Council meeting,*

*The summary highlights the ongoing traffic issues, the many years of good intentions, the many
expensive traffic studiesand yet to this day nothing has been done.*

*Residents of PV have raised public safety issues for years - the issues not only remain unresolved,
they are also getting worse*

*Secondly I would like to share my observations and concerns I witnessed during the traffic study
on Saturday Sept 25 by Ford Field and the intersection of Westridge.*

*The traffic study used a female pedestrian - she would walk alongside the road and suddenly cross
Alpine Road using the crosswalk but without stopping and without assessing the road conditions
firstI saw her doing this 4 times - I have no idea what the intentions were, but she was very
irresponsible - she endangered herself and endangered others -*

That was the day PV suddenly had 4 -5 cops stopping cars and writing citations

Hope you can answer our concerns

Thank you



Meeting Announcement
Friday, October 29, 2021
5:30 p.m.

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

Location
 Virtual via Zoom:
<https://redwoodcity.zoom.us/j/92690463420?pwd=VmpvRHRVSVJUc3lLZWZnOFU5ckJJZz09>
Meeting ID: 926 9046 3420
Dial-in Audio: (669) 900-6833

Schedule
 5:15 pm Log in & social time on Zoom
 5:30 pm Business Meeting
 5:45 pm Welcome by Mayor Howard
 and Program
 6:45 pm Adjournment

Please contact Chair Sue Vaterlaus if you wish to bring up an item for group discussion or give a committee report.
 Email: pacificasue@gmail.com

Please RSVP to ydominguez@redwoodcity.org
 or (650) 780-7221 by **Friday, October 22, 2021**.
 RSVPs are not required, but are very much appreciated!

AGENDA

5:30 – 5:45 p.m. Business Meeting led by Chair Sue Vaterlaus

5:45 p.m. – Welcome Remarks by Redwood City Mayor Diane Howard

Program: “Redwood City – A Community for All Ages”

5:50 – 6:00 p.m. Virtual tour of Magical Bridge Park

Brief introduction by Parks Recreation and Community Services Director Chris Beth and video

The Magical Bridge Playground is a world-renowned concept developed first in Palo Alto and now in Redwood City. Designed to be socially inclusive for children and adults of varying physical and cognitive abilities, Magical Bridge Redwood City aims to go beyond typical playground designs, which often inadvertently overlook the growing autistic population, cognitively challenged, visually and hearing impaired, physically limited, and the aging population. The Magical Bridge Foundation has collaborated with Redwood City on its second location due to its progressive parks and recreation program, financial generosity, and diverse community.

6:00 – 6:40 p.m. Presentation of Veterans Memorial/YMCA Senior Center Project

Presentation by: Parks Recreation and Community Services Director Chris Beth with Clarence Mamuyac, President and CEO of ELS Architecture and Urban Design

The Veterans Memorial Building/Senior Center-YMCA project is designed to meet Redwood City's growing needs and enhance the community's fitness, wellness, and recreational resources. By fostering this public-private partnership, the City and the YMCA will leverage their unique strengths to better meet the long-term recreational, health and social needs of the Redwood City community and promote the City's strategic initiative of attaining 'A Community for All Ages.'

The project includes a brand new modern Veterans Memorial Senior Center (VMSC) with a theater, catering kitchen, multi-purpose rooms, senior club room, non-profit partner offices, gardening space, and technology hub. Programs that seniors are receiving right now, for free or low-cost, will continue at the new VMSC.

6:40 p.m. - Closing remarks/Wrap-up by Chair Vaterlaus

6:45 p.m. - Adjournment