



TOWN OF PORTOLA VALLEY Page 1

7:00 PM – Special Joint Meeting of the
Town Council and Planning Commission
Wednesday, October 27, 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 shanton@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/89379347823?pwd=QWJTWEFaUWNNeS9NanNrT2hHcXFLdz09>

Webinar ID:

893 7934 7823

Passcode:

489768

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
Commissioner Goulden, Commissioner Hasko, Commissioner Targ, Vice Chair Kopf-Sill, and Chair Taylor

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.

1. **PRESENTATION** – Words from Father Martin Mager, Woodside Priory (3)

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.

2. **Approval of Minutes** – Action and Detailed Summary for October 13, 2021 (4)
3. **Approval of Warrant List** – October 27, 2021 (34)
4. **Request by Finance Committee** – Charter Revision (40)
5. **Request by Parks & Recreation Committee** – Charter Revision (42)
6. **Recommendation by Town Attorney** – Adoption of a Resolution Confirming Emergency Findings and to (44)
Continue Conducting Town Council, Commission, and Committee Meetings Remotely under AB 361
 - (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. __)

REGULAR AGENDA

7. **Recommendation by Assistant to the Town Manager** – Update on State’s New Recycling Requirements (48)
(SB 1383), Adoption of Resolution Authorizing the Town Manager to Execute a Memorandum of Understanding with County to Establish an Edible Food Recovery Program, Adoption of Updated Environmentally Preferable Purchasing & Practices Policy and Direction to File Waiver of SB 1383 Collection Requirements
 - (a) A Resolution of the Town Council of the Town of Portola Valley Authorizing the Town Manager to Sign and Execute the Memorandum of Understanding with the County of San Mateo to Establish an Edible Food Recovery Program in Portola Valley (Resolution No. __)
8. **JOINT MEETING OF THE TOWN COUNCIL AND PLANNING COMMISSION** – (75)
STUDY SESSION – Housing Element Update
9. **Council Liaison Committee and Regional Agencies Reports** (79)
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.*
10. **Town Manager Report** (80)

WRITTEN COMMUNICATIONS

11. **Town Council Digest** – October 14, 2021 (81)
12. **Town Council Digest** – October 21, 2021 (105)

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).

There are no written materials for this item



TOWN OF PORTOLA VALLEY

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

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

MINUTES

WEDNESDAY, OCTOBER 13, 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

Vice Mayor Hughes called the meeting to order at 7:02 P.M.

Roll Call

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

Absent: Mayor Derwin

Open Communications

The following members of the public addressed the Town Council:

- Greg Franklin
- Danna Breen
- Liz Babb
- Kristi Corley

Consent Agenda

1. Approval of Minutes - Action and Detailed Summary for September 22, 2021
2. Approval of Warrant List – October 1, 2021
3. Recommendation by Town Manager - Amendment to GreenWaste Contract Agreement
4. Recommendation by Town Manager - Flexible Work Schedule/Town Hall Public Reopening Update
5. Proclamation of the Town Council - In Support of United Against Hate Week in November

6. Recommendation by Town Manager - Response to San Mateo County Grand Jury: "Building Greater Trust between the Community and Law Enforcement via the Racial and Identity Profiling Act"
7. Appointment by Mayor – One member to the Equity Committee
8. Appointment by Mayor – Two members to the Sustainability Committee
9. Appointment by Mayor – One member to the Trails and Paths Committee
10. Request by Wildfire Preparedness Committee - Review and Approval of Amendment to Wildfire Preparedness Committee Charter *[Removed from Consent Agenda]*
11. Recommendation by Town Attorney - Adoption of a Resolution Confirming the State of Emergency and 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. 2868-2021)
12. Recommendation by Town Manager – Temporary Art Donation at Town Center
13. Recommendation by Town Manager – 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

Councilmember Richards pulled item 10 from the Consent Agenda.

MOTION

Councilmember Aalfs moved to approve Consent Agenda items 1-9 and 11-13. Seconded by Councilmember Richards, the motion carried 4-0, by roll call vote.

Item 10

Request by Wildfire Preparedness Committee - Review and Approval of Amendment to Wildfire Preparedness Committee Charter

Councilmember Richards shared a concern from a member of the Wildfire Preparedness Committee who didn't feel the amendment to the Charter had been debated and voted on by the entire committee. Town Manager Dennis, Councilmember Aalfs and Dale Pfau, Vice Chair of Wildfire Preparedness Committee affirmed that the item was discussed at length at their meeting on October 5th.

ITEM 10 MOTION

Councilmember Aalfs moved to approve item 10, the Charter Revision to make the Wildfire Committee a permanent committee. Seconded by Councilmember Wernikoff.

Vice Mayor Hughes clarified that the change being made is to set the date to be the first Tuesday of every month at 4:00 p.m.

The motion passed as clarified, 4-0, by roll call vote.

REGULAR AGENDA

14. Council discussion - New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10, Exempting Certain Rezonings from Environmental Review.

The Council held a study session on SB 9 and discussed SB 10. The Council directed staff to develop an urgency ordinance for review at their December 8th meeting that preserves the Town's discretionary review of local development and maximize safety/wildfire objective standards.

15. Recommendation by Public Works Director - Study Proposal for Bicycle, Pedestrian and Traffic Safety Committee Parking Recommendations on Portola Road and on Willowbrook Drive.

The Council discussed a study proposal for finalizing parking restrictions along Alpine, Portola, and Alpine Roads due to increased use at Windy Hill Open Space Preserve.

MOTION

Councilmember Wernikoff moved to approve the proposal by Krupka Consulting. Seconded by Councilmember Aalfs, the motion passed, 4-0, by roll call vote.

16. Recommendation by Public Works Director - Request Approval of an Agreement with Coda Technology Group for the Installation of Audio Video Equipment to facilitate Zoom Meetings in the Historic Schoolhouse.

The Council discussed a contract to install remote meeting technology in the Historic Schoolhouse.

Councilmember Wernikoff moved to approve the agreement with Coda Technology Group. Seconded by Councilmember Aalfs, the motion passed, 4-0, by roll call vote.

17. 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.

18. Town Manager Report

Town Manager Dennis had no report at this meeting.

Written Communications

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

Adjournment – The meeting was adjourned at 10:55 P.M.

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. xxx, October 13, 2021

CALL TO ORDER AND ROLL CALL

Mayor Derwin called the Town Council's Special Teleconference-only meeting to order at 7:02 p.m. Ms. Hanlon called the roll.

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

Absent: Mayor Maryann Derwin

Others: Jeremy Dennis, Town Manager
Cara Silver, Town Attorney
Howard Young, Public Works Director
Brandi de Garneau, Assistant to the Town Manager
Laura Russell, Planning & Building Director
Cindy Rodas, Finance Director
Sharon Hanlon, Town Clerk

Attendees: Rebecca Flynn
Alex Casbara
Angela Hey
Anne Kopf-Sill
Betsy Morgenthaler
Bob Turcott
Conrad Morhenn
Dale Pfau
Danna Breen
David Cardinal
Lorrie Duval
Marcin Pawlowski
Mark Rosen
Monika Cheney
Nan Shostak
Patty Dewes
Pete Chargin
Robert Younge
Sandra Patterson
Don Bullard
Gary Hanning
Jon Goulden
Kristi Corley
Leslie Kriese
Liz Babb
Rita Comes

ORAL COMMUNICATIONS

Greg Franklin, Applewood Lane, said he noticed they had an item on the agenda related to parking issues associated with Windy Hill. He asked for a debriefing on where the Town Council is on the undesirable parking situation at the Alpine inn. Vice Chair Hughes replied, since the subject is not on the agenda, they won't be addressing it tonight, but they have been discussing it regularly at the Bicycle Pedestrian Traffic Safety meetings, and that is probably the best venue for comments, thoughts or updates as they work through it.

Danna Breen said she objects to the format and process of the upcoming Housing Element meeting. She felt frustrated and upset that the residents were not notified until today, and also that residents will not know who is at the meeting or be able to hear other's comments, fears and worries about their General Plan. She said breakout sessions with nonresident facilitators is not the way concerned residents want to give feedback on the General Plan, and she doesn't like facilitators managing and speaking on their behalf. She expressed that the General Plan was carefully crafted, internally consistent and consistently applied, in developing and using the implementing ordinances, including zoning, site development, subdivision, and they need to be careful not to impact any of the provisions that support the ordinances and how they were applied. Her concern was that any changes to the plan need to respect the history and the key provisions in the document. Ms. Breen said updating the Housing Element could lead to changes in the General Plan and, if adopted prior to changing the General Plan, could lead to inconsistencies in the document or with state planning law. She said any concepts and objectives for any changes should be developed through an open public process, with community input, and approved by the Planning Commission and Council after public input and agreement on where they want to go. These concepts and objectives should then serve as a guide as they proceed to consider actual revisions to the General Plan and any update to the Housing Element. She reiterated that this is a town effort and not something to be driven by a particular vision of staff or consultants. She suggested the Town think look at possibly hiring Tom Vlasic as an emeritus planner to come and work with the residents of the town so they can work together on any changes to the General Plan. She remarked that meetings with him would help quell residents' concerns and make them feel they are actually being heard.

Liz Babb commended the Council for working towards creating a hybrid meeting where people could be in person as well as on Zoom. She asked for an estimate on when that might be completed. Vice Mayor Hughes said that item is on the current agenda, item 16.

Kristi Corley commented regarding the Cal Fire maps projected to come out at the end of 2021. She hopes the maps are adopted by the Town and taken into consideration prior to decisions on the location of the RHNA allocation of 253 units. She said she thinks the updated fire maps are extremely important and she hopes the Council utilizes them prior to decisions. Secondly, she said any time there are revisions to anything she asked that they be put in red so that the residents know what was changed. She said she would also love to be able to see how many people are attending a meeting.

Town Manager Dennis addressed the comments related to the Housing Element meeting the next night. It is intended for those who are unfamiliar with the Housing Element process to learn more about it. There are three distinct Housing Element meetings this month. Two are related directly to development of the Housing Element. It is not a staff or consultant-driven process but driven by residents through a committee that the Council chose earlier this year. They met last week and there will be a joint meeting of the Planning Commission and the Council on October 27th to get input. The Housing Element Committee meets monthly, and it is a great opportunity for people to get detailed analysis of the work they are doing and provide commentary that all can hear.

CONSENT AGENDA

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- (4) **Recommendation by Town Manager** - Flexible Work Schedule/Town Hall Public Reopening Update
- (5) **Proclamation of the Town Council** – In Support of United Against Hate Week in November

- (6) **Recommendation by Town Manager** – Response to San Mateo County Grand Jury: “Building Greater Trust between the Community and Law Enforcement via the Racial and Identity Profiling Act”
- (7) **Appointment by Mayor** – One member to the Equity Committee
- (8) **Appointment by Mayor** – Two members to the Sustainability Committee
- (9) **Appointment by Mayor** – One member to the Trails and Paths Committee
- (10) **Request by Wildfire Preparedness Committee** – Review and Approval of Amendment to Wildfire Preparedness Committee Charter *[Removed from Consent Agenda]*
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Vice Mayor Hughes invited comments on the Consent Agenda from the public.

Rita Comes said on number four, concerning flexible work schedules, she said she knows the public is not usually part of staff schedules, but she works for a large software company, and one of the issues they had when they ran out of space and needed people to work from home was liability issues. She was concerned about what the Town’s liability with this type of scheduling. She asked if the item could be taken off the Consent Agenda and put on the Regular Agenda, as the public would be paying for any extra liability. Vice Mayor Hughes said any member of the Council can pull any item to discuss it if they want, so if a member wants to, they may do so.

Pete Chargin commented on item number 11, concerning the state of emergency. He asked if there is any information on when that is hoped to end and when they would go back to a normal type of meeting. Vice Mayor Hughes said the Town Attorney’s report includes an analysis on what state needs to exist, so it would probably cease to exist when the condition is no longer met, but it needs to be reviewed every 30 days. If a Councilmember wishes to pull the item to discuss it, they may do so.

Vice Mayor Hughes invited comments on the Consent Agenda from the Commissioners.

Councilmember Richards pulled item 10 from the Consent Agenda.

Councilmember Aalfs moved approve Consent Agenda items 1-9 and 11-13. Seconded by Councilmember Richards, the motion carried, 4-0, by roll call vote.

- (10) **Request by Wildfire Preparedness Committee** – Review and Approval of Amendment to Wildfire Preparedness Committee Charter

Councilmember Richards said he got a call from a member of the Wildfire Preparedness Committee, concerned because they didn’t feel the amendment to the Charter had been debated and voted on by the entire committee. Having not been part of the committee, Councilmember Richards was not privy to how it was handled. Councilmember Aalfs thought they did go through this at the last meeting. Town Manager

Dennis advised that the item was on two agendas, August 17th and October 5th. On August 17th there was a discussion about the committee status, and that was a direction that would change the Charter from an ad hoc to a standing committee. Timing of the meetings was decided at the last meeting. Councilmember Aalfs said on their meeting on October 5th, item nine was committee status, the standing committee and the item before that was a discussion of date and time for those monthly meetings. Town Manager Dennis said the Charter was not brought forward with the dates that had already been approved by the committee. He understood that the committee was directing him to put the Charter on. Councilmember Wernikoff asked if the only concern was the time and date of the meetings, or if there was more within the Charter that there was concern about. Councilmember Richards said there may have been more to it than that. It may have been someone who didn't feel that they had participated in the original one. They didn't have a specific complaint. Vice Mayor Hughes asked when they are scheduled to meet. Town Manager Dennis replied the first Tuesdays of the month. Vice Mayor Hughes said they can meet on the first Tuesday of next month, and then if they would like to change to another time, they can always do that. Councilmember Aalfs said it would be fine if someone has an objection and wants to bring it back to the Committee to discuss another revision, but he saw no reason not to move forward with it now, because it was discussed twice at the committee.

Vice Mayor Hughes invited public comment on this item.

Kristi Corley said if this is truly a comment from someone on the committee, she thought they should respect them.

Dale Pfau, Vice Chair, Wildfire Preparedness Committee, said he concurs with Councilmember Aalfs and Town Manager Dennis. The item was discussed at length. The longest discussion was about finding the time for a meeting, and he saw no reason to send it back to the committee. Councilmember Aalfs added the committee could bring it up again if there's some other change to the Charter that they are not aware of.

Councilmember Aalfs moved to approve item 10, the Charter Revision to make the Wildfire Committee a permanent committee. Seconded by Councilmember Wernikoff.

Vice Mayor Hughes clarified that the change being made is to set the date to be the first Tuesday of every month at 4:00 p.m.

The motion passed as clarified, 4-0, by roll call vote.

REGULAR AGENDA

(14) Council Discussion - New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10, Exempting Certain Rezoning from Environmental Review. Town Manager Dennis introduced the opportunity to discuss primarily SB 9 and its potential impacts on the town and solutions related to both issues around discretionary review and safety issues. He said it is a very complicated and challenging issue for any municipality, including Portola Valley's, to work through dense and nuanced sometimes contradictory state legislation that comes down the pipe. He said in an average year, 2,500 pieces of legislation are introduced into the Legislature, and you don't know which ones are going to become law until the Governor signs them, which means analysis for some of them comes later than anyone is comfortable with.

Town Attorney Silver gave a presentation focused on the State Legislature's efforts in the arena of housing, focusing on SB 9 and SB 10 in particular. She said they will preview a solution that staff has been considering that would regain some of the local control that they believe SB 9 took away from local agencies and preview the next steps that are required to accomplish that. She shared that in 2021 there were 38 bills related to housing. Many of the bills focus on three primary categories. First, the removal of barriers to housing production at the local level. One of the primary barriers they have addressed in previous bills, and in particular with SB 9, is discretionary review that local agencies have over housing

projects. The bills also focus on floor area ratio (FAR) limits that many local agencies have built into their zoning codes. They see that addressed in SB 478. Another theme is the removal of CEQA review which they see as delaying housing projects. This is seen in SB 9 and SB 10 as well as in the ADU legislation. The Legislature has adopted a couple of bills, AB 571 and AB 602, that attempt to further regulate the imposition by local agencies of development impact fees related to housing projects. Other trends they have seen and talked about in the past and continue to be a recurrent theme is the Legislature's belief that they should transition away from subjective standards in the land use and zoning arena to more objective development standards. Finally, one of the things that has popped up this session that they are watching is the encouragement of low-density housing, particularly housing projects of less than ten units. Two bills that address low density housing projects of less than ten are SB 10 and SB 478.

Town Attorney Silver then focused on SB 9; a bill sponsored by Tony Atkins. The intent of the bill is to transition from subjective discretionary land use standards to objective standards when local agencies are considering low density housing. An objective standard is defined by SB 9 as "those that involved 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." Objective standards are things like building code standards, things that are numerically quantified. Objective standards need to be published in advance and cannot be a catch-all phrase, such as "and any other relevant factor applicable to the property." They have to be very concrete standards that are knowable by both the applicant and the public official that is implementing the standards.

Town Attorney Silver said there are two components of SB 9. First is referred to as the "urban lot split." The second component is the ministerial approval authority of up to two units on each lot. These two components can be combined, such as an urban lot split and also seek development approval for two units on each of those lots for a total of four units. The Urban Lot Split Criteria provides that an applicant can create two lots of at least 1,200 square feet and permits cities to permit lots of less than 1,200 square feet, although she didn't think that would be viable in Portola Valley. The split must be of approximately equal size and no more variance than a 60/40 lot split. The lot split cannot involve the demolition of affordable housing. The lot subject to the split must be zoned as a single-family residential lot. Town Attorney Silver said there is not a definition in the particular legislation of what a single-family residential lot is. Typically, it is considered one single family dwelling on a lot, but they have seen with state intervention in the ADU arena that sometimes single family lots can accommodate up to three units of housing. The lot in question may not be historic. It must be within a city that has an urbanized area or an urban cluster. Portola Valley does qualify as an urban area for purposes of this bill. The development may not be farmland, wetlands, a hazardous site, a very high fire hazard severity zone, and there are some other locational restrictions. The Legislature later added a requirement that there can be no serial lot splits. Finally, any lot split under the provision is exempt from CEQA.

Regarding the fire safety exception, Town Attorney Silver explained that the fire safety exemption exempts properties located in very high fire severity zones. Two exceptions to this exemption are cities that have not accepted Cal Fire's fire maps, so at this point, Portola Valley has not accepted the old version of the Cal Fire fire map, so it would not apply to Portola Valley. When the new fire maps come out – hopefully at the end of the year or the end of next year – if Portola Valley accepts those designated maps, then the fire safety exception would apply to Portola Valley. However, there is a second exception relating to developments that comply with Chapter 7A of the Building Code. Because Portola Valley has enacted Chapter 7A town wide, this exception kicks out the fire safety exemption. Currently, staff's opinion is that this fire safety exception does not appear to apply in Portola Valley.

Town Attorney Silver said, in terms of the Urban Lot Standards, the Town may only impose objective criteria, but only to the extent that those standards do not physically preclude construction of two units of at least 800 square feet. This is the same number seen in the ADU state legislation. Any lot splits only need to require one off-street parking per unit and none if the site is close to transit or car share. The legislation requires no more than four-foot side and rear setbacks, which is also taken from the ADU state legislation. Towns must prohibit non-residential use of new lots that are created. No right-of-way dedications or offsite improvements may be required by a town, and the owner must sign an affidavit. The

affidavit originally was enacted to prevent speculative development, and it requires that the owner intend to live in one of the units for at least three years. Unfortunately, the language is that the owner only needs to commit to intending to live there and does not require the actual living in the unit, so it is not as effective as it was first envisioned.

Town Attorney Silver went on to the second component of SB 9 – the by-right approval of two-unit developments. This provision, known as the “Duplex Provision,” authorizes the approval of up to two units, which would be a duplex, but for Portola Valley’s applicability it also requires the Town to permit just one single family unit. Essentially, this means all single-family home development will be subject to objective criteria as required by SB 9 moving forward. The qualifying criteria for this component to apply is similar to the urban lot splits. There is one additional criteria, which is that it must not involve the demolition of more than 25 percent of the walls of the existing dwelling unless the site has been occupied by a tenant in the last three years. This is a typical tenant protection measure seen in other legislation. The standards are similar to the urban lot split provision. The legislation requires the city to impose only objective criteria to the extent they do not physically preclude the construction of two units of at least 800 square feet, and at least four-foot setbacks must be allowed, as with ADU legislation. No setbacks are required for existing structures or structures constructed in the same location provided that the structure keeps all of the existing dimensions.

Town Attorney Silver next addressed grounds for denial. A local agency must make two findings in order to deny either an urban lot split or the two-unit development. The first finding is that the project would have a specific adverse impact on public health and safety or the physical environmental. In other legislation, she said they have seen courts interpret this language to mean that these impacts must be objective criteria and not just a vague reference to a general plan policy that is subjective but must point to some objective standard. Secondly, there is no feasible satisfactory mitigation for these types of impacts.

Town Attorney Silver gave a brief overview of SB 10, which was sponsored by Senator Wiener. It authorizes town councils to adopt an ordinance to upzone a parcel for up to ten units if it is in a transit-rich area or an urban infill site. The difference between this legislation and SB 9 is that this is just an authorization, not a mandate. The Council does not have to upzone any property. So far, the local agency continues to exercise that authority on their own and the Legislature is not at this point requiring the Town to upzone any property. If the Council were to decide to upzone particular pieces of property in accordance with this authorization the ordinance would be exempt from CEQA. If the parcels are located in a very high fire severity zone, they would be exempt from the authorization, but the language has the same carve-out that is contained in SB 9, which essentially nullifies this exception. It does not apply to open space or parks that are protected by a local initiative and the Council must make a finding that the ordinance affirmatively furthers their housing and that that is the intent behind enacting the ordinance.

Vice Mayor Hughes invited questions from the Commissioners of Town Attorney Silver.

Councilmember Wernikoff asked her to further explain the 1,200 square-foot piece. Town Attorney Silver said lot splits can only divide a property in two. There cannot be three separate lots, and each of the two lots have to be at least 1,200 square feet. For example, for a 2,400-square-foot parcel could be divided into two of 1,200 square feet. The urban lot split cannot be used for any parcels less than 2,400 square feet.

Councilmember Aalfs was confused about the ministerial approval of a single-family residence. While it might eliminate their discretionary approval, it also allowed for ministerial approval of a single-family residence up to 800 square feet. He thought the language seemed contradictory, because if someone wanted an 800-square-foot residence, it would have to be approved ministerially, but they could have an objective condition such that if they want anything larger than 800 square feet, they would have to go through a discretionary review. Town Attorney Silver said Director Russell would be getting into that scenario.

Vice Mayor Hughes asked if his understanding was correct that if they do nothing before January 1st under SB 9, any single-family residence application – even 10,000 square-foot – would have to be approved ministerially with objective rules. Town Attorney Silver affirmed this was correct and very similar to the way the ADU legislation was implemented. Vice Mayor Hughes questioned that unless they do something before January 1st, an application coming in on January 2nd for a typical Portola Valley house like they see all the time would no longer be able to go to the Planning Commission and the ASCC. Town Attorney Silver said that was also correct and it is why they believe SB 9 would have a particular impact on Portola Valley, given that most of their single-family homes undergo a very rigorous discretionary design and review process.

Vice Mayor Hughes asked, regarding the fire severity hazard for the lot split, what it means for developments complying with Chapter 7A and if it means existing units on the site at the time of the split have to comply with 7A or have to have been built in compliance with 7A, since someone can do a lot split without a development. Town Attorney Silver said that is a good question. She thought there might possibly be some elements of 7A that perhaps apply to streets, but more typically it would apply to the construction of the homes in the approval. She said the language is confusing, and they have been in discussions with the Fire District as to their understanding of it. There are scenarios they have not thought through yet. Vice Mayor Hughes reflected on certain other scenarios that may come up relating to the exemption, lot splits and properties not currently complying with Chapter 7A.

Vice Mayor Hughes questioned setback requirements on lot splits and asked if it applies to existing buildings on the lot. For example, if a lot is split, could the new lot lines be drawn four feet from the existing buildings? Town Attorney Silver said it anticipates that there will be existing structures on the property during the lot split, so you could separate a lot right along the border of an existing structure. Vice Mayor Hughes asked what the penalty would be if an applicant signs the affidavit saying that they intend to live there for three years, but there is no intention to do this. Town Attorney Silver said the legislation does not address this. Vice Mayor Hughes wondered if they could potentially be charged with perjury or if there would be reversal of the lot split or the development that was built there. Town Attorney Silver thought this was unlikely.

Regarding the grounds for denial Vice Mayor Hughes asked how an applicant would prove that there is no feasible satisfactory mitigation, or how they would prove a negative. He wondered what would prevent and applicant from saying, "There's a feasible mitigation. I just didn't do it. Town Attorney Silver said that's an implementing question. Town Attorney Silver suggested that would be an implementing question to be resolved.

Councilmember Aalfs asked about the three-year clause. If a lot is subdivided and then the lot is sold and the person who buys it wanted to buy a duplex, does the owner have to sign something saying they're going to live in one of those two units for three years also? Town Attorney Silver said no. originally when the law was discussed she thought the general understanding was that the owner needed to live in one of the units for three years. That was the general understanding by the public, but when the law got codified, they see it much more watered down affidavit requirement that only applies to initial intent. Councilmember Aalfs asked for clarification that you can't demolish a house if there's been a tenant in the last three years, but if it's been sitting empty for 20 years and someone comes in and buys it then there's nothing to stop them. Someone could in and buy a house that's been sitting empty for 20 years and build a duplex. Town Attorney Silver said yes as long as there aren't any other...51:34 as long as it were never rented. Or a building that was occupied by the owner.

Councilmember Richards commented that, regarding setbacks and other existing structures, he sees a situation where it would also be possible where you would have an existing non-conforming building right up against a property line. You could do a lot split and have big setbacks around the new building but not have to change the non-conforming structure. He thought there was some language about not having to bring existing structures up to code in other ways. Town Attorney Silver said there is a particular provision that says that the agency does not have to require that the building be brought up to other zoning code standards. Councilmember Richards said he thinks there are cases like that which would be applicable in the town, potentially.

Planning and Building Director Russell presented staff's proposal which attempts to preserve some of the local control. She said their fundamental assumption in the proposal is that discretionary review of large single-family homes by the ASCC is an important part of the Town's process and values and helps to ensure appropriate development. From the Town's General Plan, houses should complement the natural environment and be subordinate to the natural environment.

Director Russell said there are physical conditions that the Town addresses on a case-by-case basis, such as topography, fire safety, geologic conditions and grading quantities, which vary by site, so it has become very important, not just for aesthetics and quality of life, but also for safety and other consideration to have this case-by-case review of single-family homes. She said they are looking at the application of this law and trying to apply it to the town's context. As they understand it, the law intends to increase housing production in general, the sheer number of units. It tries to encourage smaller units that are more affordable due to their size. It also represents a further move towards ministerial review. This is a reduction in the regulations and the timeframe that comes with ministerial review as it is taking away some of the regulatory barriers. Also, the direction is moving toward more things being exempt from CEQA, the California Environmental Quality Act. She explained that for years there was interest in revising CEQA itself to be less of a barrier to housing projects. In recent years the Legislature has gone in another direction of making more projects ministerial so that CEQA doesn't apply. She said they think the intent was not really to address large individual single-family homes on large lots in this type of context where there are so many variables in play; rather, a general statewide approach to this type of regulation, so it makes more sense to them in a typical suburban context maybe where there's grid patterns or traditional subdivisions that have standard-shaped lots, limited or no topography and without fire safety issues.

Director Russell described their proposed approach to preserve discretionary review for the large single-family homes to allow the Town to continue considering them in their specific context on a case-by-case basis. The idea would be to create regulations that would allow two units of up to 800 square feet each on each lot in all of the single-family zoning districts, which is the majority of the town. In addition, they would create objective standards to regulate things like the building envelope and the exterior materials to improve the fire safety of those units and regulate the things they can. Those units would be subject to a ministerial process. Director Russell said they think that this would meet the state law's intent of allowing two units on properties that are small and would have a ministerial review that would be streamlined and subject to objective standards. She proposed that they maintain the current requirements for projects that do not fall under this category. One or two units that are greater than 800 square feet each would be subject to the Town's normal discretionary review process. She said they are not 100 percent sure how all of this will play out, but they are making their best interpretations based on their reading of the law and conversations with colleagues. Certain aspects would have to be worked out, but they think this approach is at least worth considering in order to preserve discretionary review and the case-by-case review of projects that has been important to the community.

Town Manager Dennis said they would like to hear from the Council around the issues and suggestions that staff has made in the three areas to act on urban lot splits and adoption of a process. They feel the best path is an urgency ordinance that they could bring to the Council by the December 8th meeting that would allow them to preserve the Town's discretionary review process and also have the objective criteria as described by Director Russell. He said they would also suggest that the germane portions of the conversation be inserted into the Housing Element process underway right now.

Vice Mayor Hughes invited questions from the Commissioners.

Councilmember Richards noted that Director Russell didn't specifically identify the issue of lot splits and he wondered how that would work into the language of the new ordinance. Director Russell said they think the lot split language is fairly straightforward, and they would just have to codify it. They don't see any apparent options that would allow them to keep any other local control over it; however, they did learn a lot through the recent ADU updates related to incentives, so there may be ideas around incentives that they could build into both lot splits and the two-unit portion of SB 9 to encourage the type of

development that the town would want to see, although there is a tremendous amount of complexity in trying to bring all those elements together.

Vice Mayor Hughes asked what would happen under the proposal in the fairly common circumstance in Portola Valley where someone came in and applied for one housing unit on a site that exceeds 800 square feet and one that is less than 800 square feet. He wondered if they would guide people to their ADU process for the small one, or if they chose to, have the small one reviewed under the SB 9 small building process, with the larger one presumably going through the discretionary review process. Director Russell said generally it would be something staff would work out. They would have to think about how they classify different units because an 800 square-foot additional unit on a single-family home lot is substantially similar to an ADU, and even smaller than what is often allowed for ADUs in the community. On the largest lots, the Code already allows two ADUs. Director Russell commented that they would have to develop the terminology processes to ensure that ADUs that are required to be ministerial under state law are processed in a ministerial fashion, as well as the SB 9 units, and then figure out the different rules between them and how they would interplay. She said they don't have a specific answer as there is still a lot to figure out in the mechanics.

Vice Mayor Hughes asked if SB 9 makes any attempts to integrate itself with the ADU laws passed in the last couple years. For example, if someone were to build two units under SB 9, could they also then have their ADUs as well? Director Russell said the law addresses this somewhat, but it is a topic up for a lot of interpretation, so they are waiting to hear what other attorneys and planning directors have to say. Right now, their best interpretation is if you do a lot split, you can build two units on both of those two new lots. No ADUs would be allowed, so a total of four units where there was one before. Or, possibly one, plus two ADUs; potentially several different combinations. Vice Mayor Hughes and Director Russell conversed in regard to a number of different scenarios and how they could be handled with regard to the applicability of the different components of SB9, as well as new ADU laws. Director Russell commented that they will have to get on the whiteboard and draw every imaginable scenario because it becomes very complicated. Town Attorney Silver added that another synchronization issue between ADU law and SB 9 that still needs to be worked out is the ownership models. ADU law says that an ADU may not be separately sold unless there's a specific exception for it. However, under SB 9, units can be separately sold, either as a duplex or condominium-type ownership or as a single-family home if a lot split is done. Town Attorney Silver reflected that when an applicant is considering which proposal to pursue, this would factor into the decision as well.

Vice Mayor Hughes said for the lot splits he thinks there still are some things they would want to put in the implementing legislation. For example, if someone did a lot split and put their lot line four feet from a 30-year-old house that was not built under Chapter 7A, they might want to impose conditions or other restrictions, if possible, some version of the carrot-and-stick approach they took with the ADUs. Vice Mayor Hughes posed the question, would it be possible to impose any restrictions on two lots once they are subdivided? Could you allow the subdivision to happen, but say any future development on either of those two lots would have to go through the discretionary review process? Then make that part of either the zoning for those two new lots or some other mechanism for applying controls to an SB 9 divided lot? This would allow them to perhaps manage fire safety and other related issues. Director Russell said they are excellent questions whether the law allows any mechanism for the Town to impose restrictions on the lots, or whether it says they have to do a clean lot split without conditions on it.

Councilmember Aalfs wondered about if they were to build two units and sell them separately on one lot, if the owners of both units would own the land. In the long run, if he buys one of those two units, can he then turn around and scrape and rebuild the house in a few years if he wanted to? Would it be subject to the same restrictions as the initial sale if it's called a condo? He noted that the state law says allow short-term rentals are not allowed on either the divided lots or the duplexes but wondered if that meant a deed restriction for each of them. Director Russell said in terms of the two units, there would have to be an appropriate legal instrument or mechanism like a condominium arrangement. Depending on how the units are arranged on the site, they may be attached, they may be detached, so there may be a situation where there are access easements granted between the two parties and they individually own the land, or they may jointly own some part of it and individually own their units. She said there are a couple different legal

mechanisms where that would be possible. Town Attorney Silver said they would probably expect to see condominiums in that situation. In terms of the short-term rental restriction, she said the way those are typically enforced is through a deed restriction, so they would have to develop a template and record that with each of the projects.

Councilmember Richards asked for clarification about the current restrictions on the use of properties in town that are related to geological conditions and if they would still be in effect, so you couldn't necessarily split a lot and build a house on a landslide hill. He asked whether those areas would still be in effect with restrictions for earthquake setbacks, and those sorts of things would not be affected by SB 9. Town Attorney Silver said the geological restrictions are still technically in effect. However, the state law would override and require approval of at least an 800-square-foot home on these geologically restricted sites, and then the building official would probably not issue the permit under the health and safety findings.

Councilmember Wernikoff said it seems to her that the ADU ordinance and SB 9 with the 800-square-foot units seem very redundant. She questioned if it would be a situation in which a property owner could pick which route, they want to take when they're developing their property. She asked what defines and categorizes something as an ADU, versus one of the 800-square-foot units? Town Attorney Silver said she thinks the ownership is the distinguishing characteristic. It is up to the property owner to decide which route to take, whether they want to go through the ADU process or go through this process, assuming that the Council does direct them to create this 800-square-foot demarcation process that would allow discretionary review. It would be up to the property owner to decide which process to take. Town Attorney Silver said her sense is that it would probably be dependent on whether they want to use the ADU as a rental, or whether they want to use it is a condominium.

Vice Mayor Hughes invited questions and comments from Commissioners. Hearing none, he invited comments from the public.

Nan Shostak commented that from informal discussions with friends and neighbors she knows many Portola Valley residents are concerned about potentially uncontrolled development in the town, development that is not under control of the Town. Regarding the timing, she said if the Town is to have any control over zoning for new development, they need to have objective standards supporting the local zoning in place before January 1, 2022, so they have to move fast. She strongly urged the Council to opt out of SB 10, so that they can continue to make good decisions for the community and have more control, stating that no one wants ten-unit buildings built on formerly single family lots without any notice to the neighbors. She acknowledged this is the extreme case, but it could happen if they decide to stay under SB 10. Regarding SB 9, she said the ministerial lot splitting her understanding is that to avoid more than four units the local ordinance needs to have very carefully crafted language specifying a maximum of two units on each split lot, or four units total per original lot. She asked them to please look at adding that language if that is the case. Regarding public safety, she commented that, even with SB 9 enacted with all its restrictions, the Town does continue to have the authority and responsibility to ensure that the public safety isn't compromised by any new development, and they need to be able to apply the fire safety exception under SB 9. She is very concerned about this. The National Fire Protection Association Standard 1140 sets objective standards for wildland fire protection. Ms. Shostak felt that the Town should adopt the relevant sections of NFPA 1140 and commission a new fire hazard and risk assessment that incorporates the new Cal Fire hazards maps. She said as a member of the town's Geologic Safety Committee she mentioned the issue as discussed. Portola Valley has many lots that, if split, would have an unfavorable geologic condition on the new split, and they cannot allow new construction on geologically hazardous ground.

Dale Pfau commented that several months ago he reached out to three members of the Council and the Town Manager asking that SB 9 and SB 10 be discussed and be put on the agenda at a Council meeting, and it did not happen. Therefore, they are behind the eight ball with less than 60 days to solve the issue. He said 36 percent of the towns in California opposed the adoption of SB 9 and SB 10, but their Council was completely silent, and he finds this inexcusable. Regarding the safety issue, he said he is exceedingly concerned about SB 9. He feels SB 9 and wildfire safety are completely incompatible and

mutually exclusive. He said the NFPA 1140 document requires in wildland areas a 30-foot setback and 30 feet between buildings. He said it has been shown by several studies that there is no higher correlation to knowing when a building burns down than how close it is to an adjacent building. This comes out of best practices, and SB 9 completely abrogates that safety factor. He said they must find a way to get around this ridiculous bill, and maybe it is adoption of 1140 to take them completely into a fire safe community, because as far as he is concerned that is the most pressing issue they have, and it has not been completely taken care of in their ordinances to date.

Bob Turcott said home hardening and vegetation management, the approach to wildfire safety that Portola Valley has embraced, are necessary steps but not sufficient. He said prudent municipal planning is critical. Poor planning can't be mitigated with home hardening and vegetation management. By Cal Fire's analysis, home hardening under Chapter 7A building standards would have saved 40 percent of unhardened homes that were destroyed in recent wildfires but would not have prevented the destruction of the other 60 percent. In burning, each of those structures greatly intensified the fire and posed an extreme hazard to the lives and property around them. Mr. Turcott remarked that prudent municipal planning is critical for safety, including identifying where it is safe to build and where it is not; what structure separation is required; evacuation capacity and the impact additional housing will have on it. He said the Legislature was careful not to preempt the Town Council's authority and responsibility for protecting public safety, and SB 9 explicitly lays out a framework for the Council to exercise this authority. It calls for an objective, written set of standards against which a development proposal can be compared to determine whether the increased risk is acceptable. Mr. Turcott felt that the NFPA 1140 standards for wildland fire protection should be adopted by the Town as the objective written standard against which proposals are judged, and it should be implemented and administered by the fire safety professionals at the Woodside Fire Protection District. Mr. Turcott said if the Council doesn't implement the framework outlined in SB 9 there will be no mechanism to exercise its authority and responsibility to protect the health and safety of Portola Valley residents, which is a primary reason for the Council's existence.

Karen Vahtra, Wildfire Committee, commented that this is the second time a proposal has been put forward requiring homes that they don't like to be built to be fire safe, but actually, all homes being built should be built with home hardening in mind, not just the few they don't like. Two years ago, the Town Council approved the Wildfire Committee's recommendation for home hardening to be written in the Building Code. Those recommendations are stronger than the aforementioned NFPA codes. The carrot-and-stick approach should not apply to fire, as all new homes should be built with fire safety. Otherwise, the town is simply not taking fire safety seriously. Ms. Vahtra said that two years has been far too long for the new building code, and she asked them to do that now.

Vice Mayor Hughes observed that on the roll-forward agenda – a schedule of what will be on the Council agenda – home hardening code is scheduled for the December 8th Council meeting. If that is adopted at that meeting, that would be in place on January 1st for all construction in Portola Valley, SB 9 or not.

Councilmember Richards pointed out there has been a discussion about 1140 NFPA. Evidently there is a section of 1141 which is rolled into 1140 that does call for a 30-foot separation between buildings, but it also in the next section says that if you have a fire-sprinkled building with fire sprinklers installed that you are recommended to have 15 feet, which is something people should understand as they refer to that advice.

Caroline Vertongen agreed with the previous speakers that these are very important issues that they have addressed several times. She added that Director Russell mentioned something about the importance of the ASCC. However, at the last ASCC meeting there was some confusion and a reminder to residents that Portola Valley had adopted a policy that would make ASCC subordinate to the decision made by the Planning Commission. She said she needed more time to find out when that was adopted, but ASCC and Planning Commission are the two most important committees that help residents preserve the governing documents, and she hopes they will abide by them. She asked to have Town Attorney Silver explain to the residents what kind of rule was adopted and when it happened.

Rita Comes said as a newbie in town buying her property in 2009 it frightens her to hear that CEQA and high fire zone areas are not going to be in consideration with these new builds in their beautiful town. She said there have been incredible comments concerning SB 9 and SB 10 by the residents in different meetings. She asked how they can find out what is being followed up on in the town, which committee, which person, who to send an email to on the different scenarios being discussed, the next steps and what it means to them. If a neighbor were to start one of these processes, she wondered if she would receive a message. She said she hopes something changes so that the residents can find out what is going on with these different processes. She worries that there could be a ten-unit subdivision or condos or ten ADUs right next to her home. She said this isn't the town that she bought into in 2009, and it makes her question what the plan is for the next 10 or 20 years.

Kristi Corley said she has been following SB 9 and 10 for a year. One house can be demolished, and that one house can turn into eight units. She encouraged the Council to adopt what they are talking about, an ordinance to limit what could happen with SB 9. She said the lot-splitting allows two units on each new split. A local jurisdiction can allow more. They need to write an ordinance making it clear that only four units are allowed on these two lots combined. She noted that SB 9 allows some local control, and they need to make their community state clearly in those circumstances what they will allow. No more than two units on each split. Do not activate SB 10. Objective zoning standards are permitted if they don't preclude the building of two 800-square-foot units on each split. As long as the Town allows two 800-square-foot units, they can then apply local zoning standards, their fire zone ordinance, but they believe the jurisdiction has to state their objective standards. Once those are on the books, the ministerial approvals will take those standards into account. Ms. Corley urged the Council to write those objective standards that protect against eight units on each lot split. She was disappointed that they did not adopt the Cal Fire maps, and she urged them to adopt them or look into currently still adopting the old maps and use them. The three-year clause, you can also write how you are going to implement the three-year clause. She believes they have to sign something, and if they don't abide by it, it could be a felony. You have to live in your house for three years if you're doing a lot split. Vice Mayor Hughes recommended she and anybody else who has extended comments to submit them the Council at any time or contact any Councilmember to talk to them at any time. Written comments are circulated to all Councilmembers.

Don Bullard wanted to clarify Councilmember Richards' comment that the 15-foot setback was in the old version NFPA 1140. He said last year it was 1141 or 1142, but those have now been combined and brought into one version, the newest version, 1140. The separation between structures is now 30 feet unless the structure is un-sprinkled and taller than 30 feet. Then they increase it to 50 feet, which would be the maximum.

Liz Babb said she doesn't understand the why the Town didn't adopt the fire maps in 2008, and she encouraged someone to figure out how they could get the new ones early. She said she is confused also that if they had gotten them early and the entire town was determined to be very high fire hazard zone versus where she lives, would that mean that it doesn't matter because of the exemption, and therefore it wouldn't apply because of the Chapter 7 and things? She said the Council has a lot of work to do to create this ordinance to get the town out of this, and she would be rooting for them all the way. She moved here for the rural adventure from San Francisco, where she lost her house to fire in 2008. Her entire house was completely burned down. She said nobody was hurt, but she wants a rural experience and is very concerned about fire hazard. There has been banter thrown about that the Town Council could opt out in some way of SB 10. That's also flying around among residents, and she asked that they address that in some understandable format. Vice Mayor Hughes responded briefly on the Cal Fire maps that weren't adopted back in 2008 and subsequent years. Both the Woodside Fire Protection District and Portola Valley through the Moritz Report did their own more detailed maps that really assess local conditions at a much finer resolution than Cal Fire had done. They have had fire maps, just ones that are modified for local conditions.

David Cardinal said he thought they are doing a great job getting on top of this. He said SB 9 is hard to read and understand. He said on the fire maps they should be careful what they wish for. Many people are cheering for the town to be rated extremely high fire danger for zoning reasons, but that's exactly what would cause them to not be able to get homeowner's insurance.

Monika Cheney said it's like she woke up in a bad dream. She is stunned by the legislation. She asked if they would have a General Plan anymore when this takes effect. She recalled when she was building her house, they had to deal with things like the light reflectivity index for the color of their house. But now, all of a sudden, it's going to be okay to build up to eight units on the same property. She expressed that it is mind boggling that they are relinquishing that level of control over their own community. She stated that she is nervous about the notion that the SB 9 units are going to be controlled at 800 square feet, as she could see them getting built much larger. She said it is also a huge disaster from a fire safety standpoint as well as the capacity of the town to manage that much infrastructure, whether it's the roads, the emergency exits, or the fire stations. She feels unsure that they even have the capacity to manage potentially eight times the number of residential units in the town. She said she feels it is not just a planning issue, but something they need to be looking at litigation about and doesn't understand how the town should just take this. She said the community is not really aware of the what the implications are, and she thinks they need to preserve every legal remedy at their disposal and retain legal counsel in terms of litigation as soon as possible. Vice Mayor Hughes commented that the proposal being discussed is for putting together a detailed list of objective requirements, like reflectivity indexes, for any SB 9 housing allocations.

Pete Chargin reemphasized the idea of creating detailed, verifiable standards totally within their control of fire safety for any additional unit, whether it be on a lot split or any lot. His understanding was that as long as they are verifiable, they can have the standards that are appropriate for their town, and the standards that are appropriate for the fire danger within the town. He thought they had heard a lot of concern from people about being able to exit the town in case of a wildfire, and he would like to make sure that those concerns are included in the regulations they create.

Rebecca Flynn agreed with previous comments regarding establishing standards. She said it seems odd that some of the fire safety standards can't be used but she thought one thing they should incorporate is the reality that quite a few of the homeowners living, particularly on the western hillside, are no longer able to even get fire insurance. She felt properties that are unable to get normal fire insurance should preclude their being able to be further split. She said it seems that would definitely qualify as a health and safety finding if a property can no longer get fire insurance except through the emergency California insurance program. She encouraged them to look at incorporating this into the standards, as there areas in town where it's not safe to build additional structures.

Town Attorney Silver clarified a couple of points. First, the question about the ASCC roll-up policy which came up at a previous ASCC meeting. She explained that it was adopted by the Town Council, and it does not abrogate all ASCC decisions to the Planning Commission. What it says is that, for projects that are reviewed by both the ASCC and the Planning Commission, the ASCC will make an advisory recommendation to the Planning Commission on the design issues, and the Planning Commission will ultimately rule on all of the design issues. All of the discretionary criteria and the Design Guidelines must be followed under that roll-up policy. She said, with respect to the fire map exception, even if the Town Council were to adopt the fire map that was published by Cal Fire, staff interpretation is that the fire safety exception does not apply to Portola Valley because the statute exempts all developments that comply with fire safety mitigation measures promulgated by the building code. In other words, since the Town applies Chapter 7A to all projects in town, it essentially eliminates the ability of the Town to take advantage of the fire safety exception. With respect to the fire standard 1140 and the 30 feet, she noted that it is a national fire safety standard that has not yet been adopted by the Fire District nor the Town. There is a process for adopting that provision, and it would have to be initiated by Woodside Fire Protection District and ratified by the Town Council, but as of now it is not legally binding in Portola Valley. She referred to the request for clarification on opting out of SB 10. She said the statute does not have such a provision, the point being SB 10, unlike SB 9, is not a mandate. It is just the Legislature giving local agencies additional authority. The Town Council does not have to exercise that authority, and they do not anticipate that they would exercise that authority. Vice Mayor Hughes restated that in effect they are opting out by never using it.

Vice Mayor Hughes suggested the Council might want to direct staff to bring the Council an ordinance, if that's what they want, by no later than the December 8th meeting. He asked the Council to be ready to give staff direction for that. He invited discussion from the Council.

Regarding next steps, Councilmember Wernikoff asked staff if they feel through the discussion that they have the feedback they need to go ahead and develop some language around an ordinance. Town Manager Dennis said the most basic direction they would like to hear is whether they should be preparing an urgency ordinance, assuming that would be Council's direction, but they would like to hear that. Secondly, he said they would like to understand whether or not the ideas around the design review process articulated by Director Russell are a path they would like to include in the ordinance. Third, he said the discussion that Town Attorney Silver laid out related to safety issues, and now that they've heard from the public, staff would like direction on how to approach some of those issues as well. Vice Mayor Hughes said given the fairly short timeline they might want to think about either appointing a subcommittee or have the Mayor and Vice Mayor be delegated to work with staff on issues that may come up. A check-in could be agendaized at a Council meeting before the actual ordinance if they have major questions, but in the interest of getting something as solid as possible before January 1st they might want to designate a subcommittee or Mayor/Vice Mayor to work with staff on some of these questions, of which there will be many. Town Manager Dennis concurred with this and thought a subcommittee is a great idea. He offered to suggest on two Councilmembers, Vice Mayor Hughes for one.

Councilmember Wernikoff agreed and liked the idea of a subcommittee or Mayor/Vice Mayor. Vice Mayor Hughes asked to hear where they would like to see this go. He said Director Russell had laid out a broad scheme in which, if you opt in to taking your rights under SB 9 you only get two under 800-square-foot houses, maximum. He asked if there was anything in terms of things, they would like them to pay particular attention to. Councilmember Wernikoff said she is curious if there are things that staff has considered that they haven't brought up at the meeting, or what options were considered but not proposed. Vice Mayor Hughes said he had floated one by staff earlier, which was to just rezone everything to be called, not R-1, but R-1 Plus, which is no longer single-family residence but has all of the exact same allowances that they have now. The Zoning Code itself would not change. What they are allowed to do under the code would not change. They would just call it, because of the fact that every lot is allowed to have a residence and an ADU, it would be R-1 Plus, which is multi-family, one main residence and one ADU. Staff could give their input on that, but he thought the two 800-square-foot houses fits better with how SB 9 is designed and is what the intent of the law is, which is to allow more small houses, but not completely remove controls over large mansions.

Town Manager Dennis said there were a lot of ideas, since they have been talking about this for months, waiting to see whether or not the bill was actually going to be signed. One of their challenges is allocating where they spend their limited amount of time and whether it should be spent on a whole suite of bills that may not even get signed. They had many discussions about many bills that didn't end up going anywhere. He said for SB 9, they had two areas that were concerning from a staff perspective. One, how to maximize protection of their valued discretionary review process, and two, how they could also use the process to incorporate additional fire safety measures as appropriate. He reminded them that the home hardening ordinance that will be coming before the Council in the next couple months is a significant step that would capture anything in what would be a preserved discretionary review process, new buildings or remodeled. The most recent conversation involved how to treat this onerous and challenging bill as a gift, a way to do some of the things that they really want to do and using it as a vehicle to do them, regarding fire safety-related elements. Planning and Building Director Russell added that it is very challenging, and they are waiting to hear if any of their colleagues have any other ideas to bring to the table. This is their best effort so far after all of the things they have talked about internally.

Town Attorney Silver added that at a minimum they will have to come up with some objective standards, because the State is mandating that, and it is the direction and the trend they have noticed in other legislation as well. However, it is very difficult to anticipate all cases and specific lot circumstances, so there may need to be two tiers of objective standards. The first one would be incorporated into the urgency ordinance if the Council moves forward with it, but there would need to be a second allowance of additional objective standards that will come forward from some of the experiences they have in

implementing the ordinance. There may need to be a procedure for very quickly codifying those standards and getting them published so that they can be binding on subsequent projects.

Town Manager Dennis noted that, having spoken to colleagues in other counties in the Bay Area who are dealing with this, he did not think they were late to the game at all. He said he has had conversations with colleagues who are only just recognizing in the last week the challenge of this bill. He feels they are positioned to do something very useful very quickly, based on input from this meeting. Vice Mayor Hughes said in conversations the Mayor, Town Manager and he have had over the last number of months as all of the bills were percolating through, they've had updates in Council meetings on the status of many of them and limited discussion of those, but SB 9 and 10 were on the "more likely to pass and get signed" pathway. They have been discussing, and staff has been thinking and planning for what would they do. He said it is not like they only started thinking about this today, or last week, but it has been an ongoing process.

Councilmember Richards remarked that he appreciated the staff's efforts on trying to retain their discretionary review process at some level. He agreed with most of the speakers that it is a difficult thing to deal with and challenges the Town's longstanding processes and standards. Clearly, they need to address it, and he thinks an urgency ordinance is the right thing to do. He thought they should take some comfort in the fact that there were a lot of people there complaining about it. He didn't expect that any of them would want to split their lots. He didn't think it would be as bad as an eightfold multiplication of homes in Portola Valley, judging by current attendance, although there will be some people who take advantage in order to try to make a little extra money. He doubted a severe impact from it, but said it is something they should try to head off as much as possible.

Councilmember Aalfs supported the urgency ordinance and the steps taken to make ensure retaining the discretionary review made sense. It is similar to what they did with the ADU ordinance, and he completely supports it. Regarding the safety questions, he said obviously they don't want a huge expansion of building in town, especially in certain areas. The home hardening ordinance, which they are anxious to see, is a big step towards this. In the previous Housing Element, they did not expand ADU access in certain areas of town, but it wasn't based specifically on fire. He was thinking of what other safety options they might have. He recalled that the reason they previously excluded Woodside Highlands had to do with entrance/egress on single egress, narrow streets, and he wondered where in town they might be able to make an objective finding that a lot split or a duplex in a certain area might become a hazard, such as narrow single egress roads or narrow roads would create particularly dangerous conditions. He said they would have to make significant findings to start limiting property rights there, so it was something to consider for the longer-term. It will be discussed as part of the Housing Element. For the moment, he thought the urgency ordinance and the steps proposed to maintain the discretionary review were the key things between now and December.

Town Manager Dennis emphasized that staff's goal is to bring forward a package that maximizes public safety in every way that they can. They believe they will pass muster. They are willing to take some level of risk associated with folks who may not like where they make some proposals on public safety because they think it limits some development abilities, but calculated smart risks associated with that. He said their pledge to the Council is to ramp that up as much as they possibly can.

Vice Mayor Hughes said they definitely want to create an emergency ordinance to implement a plan. His inclination was to give as much carrot and as much stick as possible and encourage people as much as possible to not opt to have two 800-square-foot houses, but to go through the process they're all used to for developing in Portola Valley. Essentially, for the bigger-than-800-square-foot process, to direct people through a process that is as much like the current ASCC review with the same rules and same process that they've always had as much as possible. If approved in December, he advocated including the new home hardening rules and whatever other fire safety measures they take now or in the future for any development in town. For the two 800-square-foot units, he felt there will be special circumstances with four-foot setbacks and other elements that state law requires them to allow that may indicated the need for an enhanced public safety checklist, or whatever form it has for the objective ministerial review. If someone wants to take the SB 9 path, they're welcome to, but they will face a potentially extra-aggressive

public safety checklist in order for the findings to be made and the project allowed. There will always be the option of going through the ASCC and Planning Commission process and discussing with them exactly why it is that, because of the materials you're using or whatever that you can build within four feet of another structure. If you can talk them into it, you can build it.

Vice Mayor Hughes felt that Councilmember Richards was right in that many long-time residents who intend to continue living in town for a certain number of years will probably not do this, but if he were moving out of town and planning to sell his property, he might do it to increase the value of the property, since he would not be living in the town anymore anyway. He said he thought it is an issue they need to pay attention to, because even if it's not a lot of properties that do this in a short time period, it might be exactly the one that they don't want, the worst possible circumstance, that takes advantage in the worst possible way, unless the Town puts some well-thought-out rules in place. He thought the emergency ordinance would ensure that if an application comes in on January 2nd they're not stuck. He felt it is going to be an ongoing process, including longer-term integration of this with the Housing Element process, reviewing what happens, and re-visiting if necessary. As they saw with the changing ADU law, he feels the SB 9 is not the last change the State will make, and there will be issues they didn't necessarily anticipate where people come in with applications and say, "But I want to do this." And "How does your process deal with that?" and they won't have a checkbox for it. His inclination would be to start out as tightly as they possibly think they can get away with. If somebody sues and says, "You can't do that," and HCD comes and complains, then they can revisit it and loosen the rules. If they find that projects that they think should be allowable are not getting allowed, they can loosen things where appropriate. He thought the general direction of minimizing what is allowed through the ministerial process and maximizing encouragement for people to choose to go through the ASCC and Planning Commission process is the general direction he would like to see. Regarding a subcommittee, the Councilmembers agreed to the Mayor and Vice Mayor working with staff on this.

Director Russell said it was a useful and productive discussion, with great public comments.

[The Council took a five-minute break and reconvened at 9:17]

(15) Recommendation by Public Works Director – Study Proposal for Bicycle, Pedestrian and Traffic Safety Committee Parking Recommendations on Portola Road and on Willowbrook Drive.

Mr. Howard Young, Public Works Director, presented this item which was a follow-up to a Council direction with a study proposal for the BPTS Committee parking recommendations on Portola Road and Willowbrook Drive. At the September 8th Council meeting the BPTS Chair submitted a number of recommendations for parking control on Portola Road and Willowbrook Drive, generally consisting of red curb, no parking signs and potentially "Park Off Pavement" signs. Also in attendance at the meeting was Paul Krupka, the Town's Consultant Traffic Engineer, who has worked on the Town's Pedestrian Safety Study which defined signs and pavement markings that are currently being installed at nine locations as part of the Town's resurfacing project. Mr. Young said those things are underway. The markings are down already, and the signs are going up later on in the week. He said at the conclusion of that meeting the Council directed staff to work on putting a proposal together for an engineering study and subsequently a design and implementation plan for addressing the traffic and parking issues in the areas identified.

He said they understand that time is of essence. Staff and Krupka Consulting prepared the study in response to the Council's request. He pointed out the study area on Portola Road, which is approximately 2,700 linear feet of roadway that will be looked at from Stonegate Road to Brookside Drive. On Willowbrook, it will be approximately 550 linear feet of roadway. Additionally, he emailed the memo and proposal to the Chair of BPTS, Ed Holland, and Secretary, Angela Hey, last Thursday for comment. In the proposal, Krupka Consulting will be applying engineering judgement and study to define potential improvements suitable for early improvement and further study for items requiring design prior to implementation. They put together a short timeline, what they think is a reasonable timeline, of 20 working days after approval. After that, weather permitting, five to ten days for implementation of the easy items. On the more difficult items, they will identify them through the study as well as solutions for the parking on Portola Road and run them through the BPTS or the ASCC as required. He pointed out that the proposal

is on a time limit materials basis. There will be a mixture of using engineering judgment and study, but they had to put an amount in the proposal to allocate funds, since it is not an item in the current budget.

Vice Mayor Hughes asked him if the product of this process, if approved, would be a plan that could be handed to a contractor to go out and paint and put the signs in, or if it would be more of a preliminary report identifying the areas where signs are needed. Mr. Young said both. For some of the easier things Mr. Krupka would use engineering judgment, such as red curb and placement of signs. If those are easy items and clear solutions those would be a field direction that they would do and then implement that either with their own crews or with a contractor. For areas where a solution needs to be determined – specifically on the 2,700 feet on Portola Road – those things would need to be studied, so a plan would come back to the Council on that.

Mr. Paul Krupka responded that the intent is that he would be able to apply what he knows, including codes, standards and guidance, existing conditions, his own knowledge from the subcommittee, and essentially look at a situation and say, “Yes, the curb painting on Willowbrook is reasonable, Howard, Let’s do it.” That would be his engineering judgment because it all fits. He said, generally speaking, as described in the proposal, the items on Willowbrook probably fall into the category that won’t require much study on his part to make a good determination for Mr. Young. The rest of the work done in parallel will require data collection, some counts, some observations, some detailed review of the BPTS subcommittee’s work and consultation with guidance. What he would come up with would be a set of findings that say there are or are not needs here. If there are needs, he would determine a conceptual solution and conceptual cost which will require additional time and effort to properly dimension and locate the improvements. He said it is a staged piece, but the intent is to, within the first four weeks of study, deliver a traffic report to Mr. Young laying everything out, which they can then bring to the BPTS and move it forward as deliberately and expeditiously as possible.

Vice Mayor Hughes acknowledged comments posted by the BPTS Chair, Ed Holland, and the subcommittee member. He asked if they had anything else they would like to say. Mr. Holland said he hoped by this point they could be much closer to the engineering design portion of things and much further away from the study, which many people, including the committee, would probably agree with. Many members of the public have also weighed in on this. He said they understand the problem and think, “Let’s just go out and measure the linear feet and see where the signs need to go.”

Vice Mayor Hughes invited questions from the Council on this item.

Councilmember Wernikoff asked for clarification on the difference between the two approaches, if it is just that the BPTS committee study seems more robust than what is needed, and they would need a recommendation just going into execution, or what the crux of the issue is. Mr. Krupka said, generally speaking, the guidance that he follows as a professional traffic engineer and civil engineer is to apply either engineering study or engineering judgment to define a need and therefore a solution. Engineering judgment does not require any documentation. As a professional engineer, he considers all necessary factors of safety, traffic movements, pedestrian movements, parking movements, site distances, site lines, accidents and so forth. After considering all the facts and the guidance and any required codes, he may say, “Improvement A from the recommendation is something that I support. In my opinion, it should be implemented.” That requires no more study or documentation. The other things do require him to look in the field, do some observations, do some counts, consider the actual activities, movements and the like, relative to safety and implications on traffic flow. All of this is required because parking controls, parking regulations, actually act to control traffic movements, so he needs to study, provide analysis and come up with findings which indicate need, possible solutions, and possible costs. That needs to be documented in a study, which is the appropriate means to an end.

Councilmember Aalfs said this came up a few years ago in his neighborhood. When talking about the parking along Portola Road and whether it meets the standards, their adherence to those standards is actually a liability protection for the town. If they put something in, such as speed bumps, if they put in too many speed bumps they would be out of compliance and would actually lose their liability protection in certain cases. This is an extra step to make sure that we are not violating laws and not doing anything to

actually expose the Town to additional liability. Mr. Krupka agreed with this interpretation. It is very important to keep in mind that what they are doing is making certain improvements aimed at reducing risk and applying the standards and the guidance cited in the proposal are essential to protecting the Town's risk.

Mr. Young said most things they do in the right-of-way they do to some standard as part of risk management. He pointed out in the schedule that once this is approved, they don't want any long drawn out process. They are looking at 20 working days to look at some of the early items and two weeks after that to implement some of the early items. He said, once again, they are trying to move as expeditiously as possible.

Vice Mayor Hughes invited comments from the public.

Caroline Vertongen didn't understand why there is a missing piece in the summary. In 2018, the Town of Portola Valley allowed a study to be done by Consultant Krupka. She misquoted in her previous note at the last meeting that Consultant Krupka did present a very expensive study in August 2019, not 2018. She didn't understand why it is not addressed in the summary. She also wanted to share that the Neely project also used consultants, and she believes the Portola Valley paid for this study. She didn't understand why they chose to do the traffic study during COVID and, even though they did manipulate the study with data from 2019, in her observation it does not equal the amount of traffic currently on Portola Road. She was puzzled with the findings and felt they need to have solutions. She said Willowbrook is not the only problem. There are problems on Portola Road which they have been working on for years. There are problems on Alpine Road, and they have done study after study starting in 2012, and nothing gets accomplished. Vice Mayor Hughes responded that the 2018 study was on a different issue. It had to do with pedestrian intersections at various locations in town that were not this parking issue.

Angela Hey said it would be great if the study could be done within 20 days, not 20 working days, because they have their BPTS committee meeting on November 3rd, three weeks away. She said she thinks they've missed one thing, which is the will of the people, and she wondered how much that was considered. She said in a democracy if everyone wants something, they will think the will of the people would also bear into this. She said the Town Council is elected by the people, and when nearly everyone on Willowbrook says they want no parking she feels it establishes a need and has some weight, and it is not just engineering.

Betsy Morgenthaler said she has been there for a few iterations of this conversation. She acknowledged and thanked Councilmember Aalfs for his questions because she appreciated hearing that a part of the study would relate to state law and compliance with it for liability protection. They are very much aligned in concern for potential liability. She also acknowledged that the Town was founded on volunteer participation in part because of the ethic of it and also in part as a major cost saving device. She said since the committees have been so remarkably dedicated she has appreciation for the lifetime of donation, so she was disappointed to hear Mr. Krupka's suggestion that he would be using his own data and not the data collected by the committee. The reason is related to cost, because of the painstaking collection of this data over years and years and over various seasons, which does change things – the weather, the air quality, the green change, the way Portola Road is used. She urged them to make good use of the volunteer committee-collected data.

Hearing no more public comments, Vice Mayor Hughes brought the item back to the Council.

Councilmember Aalfs responded to Ms. Hey's comment, stating they are discussing this because it is important to many people. It does not free them from the need to follow state laws, and this is part of a process that establishes that they are following state laws in something they believe the public does feel strongly about. He stated, yes, the public matters, but they also have to go by the science and the engineering, and in this case, the law. He is happy to move forward and does hope to move as quickly as feasible, because the committee has put a lot of work into this, for which he is grateful.

Councilmember Richards agreed with Councilmember Aalfs and felt they need to move ahead. He felt it was a reasonable proposal, given the stakes with the comments on liability. He acknowledged that the solution has eluded them for a long time along Portola Road, so it is a good idea to get some professional insight on it.

Vice Mayor Hughes addressed Ms. Morgenthaler's point, stating it is probably Mr. Krupka's intent to use as much of the data that has been collected as he can and then supplement it with whatever he is required to by law and training. He said they are very thankful for all of the work the volunteers on the committee have put in over the years as the situation has changed a number of times since 2012, with various attempts to solve it and various underlying shifts in the behavior of the people parking there. He said they have a lot of data over time, and they don't want to rush and do something in 20 days and not look at the bigger picture and changing seasons and how people use Windy Hill in the winter versus the summer, et cetera. He said he thinks they now have enough information about this that they can move forward and make some changes. He said maybe this will be the final ultimate solution that makes the parking situation perfect, but more than likely they will have to revisit it again and make incremental changes as situations evolve.

Councilmember Wernikoff moved to approve the proposal by Krupka Consulting. Seconded by Councilmember Aalfs, the motion passed, 4-0, by roll call vote.

(16) Recommendation by Public Works Director – Request Approval of an Agreement with Coda Technology Group for the Installation of Audio Video Equipment to facilitate Zoom Meetings in the Historic Schoolhouse

Mr. Young presented this request. A/V Consultant, Ben Shemuel, was also intendance to help with technical questions in this discussion of installation of equipment to make the Schoolhouse Council Chambers equipped for hybrid Zoom meetings. Due to COVID, the Town moved to a Zoom platform for online meetings, which forced the cities to add technology and equipment that they previously didn't have to allow the Town to continue doing business, and increase flexibility to participate among Councilmembers, staff, Commissioners and the public. Mr. Young said this has increased expectations and the desire to continue with that flexibility in using Zoom. The Town Clerk, through the San Mateo Clerk's network, did some research on what other jurisdictions are using presently and found the company called Coda Technologies. Many cities right now are rushing to do this same thing, because Zoom Room is the platform of choice. Staff reached out to get a proposal on what they needed to do that. Many of the agencies have broadcasting capabilities and more advanced displays and projectors, which the Town does not have right now, so they are starting almost at ground zero. They do have an existing microphone system that was installed a number of years ago. Staff understood that time was of essence on this, so Coda has provided a Scope of Work and a proposal to integrate the existing mics to create a Zoom Room. He mentioned that, unfortunately, Code could not make it to the meeting, but the A/V consultant, Ben, could assist on technical items.

Mr. Young explained that a Zoom Room enables what is happening in the room to be broadcast out and what is happening on Zoom to be displayed in the room. On the hybrid meetings, there would be live audience in the Schoolhouse and an audience on Zoom. The system would integrate this and allow people at home online to view what is in the Schoolhouse and allow folks in the Schoolhouse to view what is on Zoom. It would continue to provide remote participation and a hybrid meeting to occur with public participation and comment. He said it would be a nice experience for people to return to. He referred to the floor plan in the packet, showing five cameras. There would be a number of cameras in the back and a camera in the front. These are voice-activated and pre-positioned. The more cameras there are, the less lag time there will be. There would be a display in front of the dais for Councilmembers looking out to see what is in the Zoom Room. There will also be a display on the wall for the audience to see the rest of the Zoom and presentations.

Mr. Young said the proposal includes scheduled trainings for staff, the Council and the committees. Staff would then train others as needed. He said there is a schedule in the report. Due to the pandemic, concerning equipment, it can take some time to order the system. He said Coda indicated two to eight

weeks to order and receive materials due to shortages. The work itself could take two to four weeks. Unfortunately, Coda is booked and has indicated they've picked up a bunch of contracts because there are many jurisdictions rushing to do this right now. They are likely booked until the beginning of the year, so scheduling at this point may be an issue due to equipment and timing.

Mr. Young continued, for A/V expertise they called Siegel and Strain, the architects for the Town Center, to recommend a third-party A/V consultant to review Coda's proposal. Ben was there, and he provided a writeup to Mr. Young. In general, he indicated that the proposal represented a good value and that the system was generally appropriate for the town. He said it is something they needed to do because they are starting with no system at all. Mr. Young wanted to determine that what they are doing is the right step for now and into the future. The consultant also recommended the built-in speakers in the ceiling which they will explore in the future. Many other council chambers have a better sound system than the Portola Valley does. The Schoolhouse has one speaker in the back right now, and they added one similar speaker to provide more sound. The consultant recommends in-ceiling built-in speakers. The proposal was run by Vice Mayor Hughes, who provided input on the placement and the rack, which were incorporated into the proposal. Mr. Young said he believes the American Rescue Plan Act could pay for this, and as such they have budgeted \$100,000 in the current budget for the project.

Vice Mayor Hughes invited questions from the Councilmembers.

Councilmember Aalfs posed several questions. If three Councilmembers are in the Schoolhouse and two are remote for some reason, can they see any panelists or Councilmembers that aren't there? There are cameras pointing at them, so can somebody at home see whoever is remote and also see whichever person in the Council room is talking and if the three in the Council room at that point would all be on the Zoom screen at the same time, or just whoever is talking? Consultant Ben Shemuel responded to the questions, explaining that the experience for people at home would be like the experience they are having currently – a Zoom experience. Just as they each have a display of multiple people, people at home would have that as well so that they could see other participants that have their cameras on as well as whoever is currently speaking at the dais, or whoever is presenting to the Council. He said what the person at the dais will see is a display that is essentially in the well of the dais in front of them. The confidence monitor, the thing in the middle of the arch of the dais, would display whoever is currently speaking the way they are used to with Zoom. If someone is presenting remotely or presenting within the room, then that would be displayed on that confidence monitor as well.

Councilmember Aalfs asked if the cameras in the back are just there to show the whole room in general. Mr. Shemuel said not exactly. The camera at the far right behind the dais would be to show the whole room. Often cameras like this are used prior to the beginning of a meeting so that people who are remote can get a sense of people in the room, and after a meeting as well, basically to contextualize the meeting. The cameras on the left side, towards the entrance, would be controlled automatically by the microphones at the dais, so as a person at the dais starts to speak, a moment later one of the cameras will point at them. As somebody else at the dais speaks, or a presenter at the lectern speaks, after a deliberate pause, a camera would show their face. The camera on the right side of the room, behind the dais, would also be used to catch the face of the person who was speaking to the Council. The reason for multiple cameras rather than just one camera showing the images of the Council, he said is to minimize the camera shifting and panning and panning from one speaker to another. He said all have experienced in this year-and-a-half or two the excessive Zoom where somebody is using the camera on their phone for a presentation. There is a lot of motion, and it can get hard to watch. He explained that the way the camera works with the microphone system, when a person starts to speak there is a deliberate pause in case maybe that person is just clearing their throat, or if somebody tries to interject but they don't continue because they don't have the floor, after a brief pause when somebody new starts to speak, then a camera which has moved to catch their image is turned on, so there would be no flying video images with cameras swooshing back and forth. An image would only be broadcast once the camera has settled into place.

Councilmember Wernikoff asked if the people on Zoom at home would see each Councilmember in a separate box or just the camera capturing the group. Mr. Shemuel said to think of the system as working

behind Zoom's back. In a Zoom Room typically there would be a single camera, more or less like what you have at home. A single camera, a single microphone, single display, single speaker. What they are doing is, behind Zoom's back they present it with one image at a time from multiple cameras and one voice at a time from multiple microphones. So, Zoom just goes about its business sending one person's picture at a time until a new person speaks, and is captured by the camera. He said it's not like a constant Hollywood Squares experience of all the people at the dais, irrespective of whether they're talking or not. Vice Mayor Hughes asked if there would be one square for each member of the public but one square for the whole of the Council. Mr. Shemuel said yes, they could think of the Schoolhouse as being one participant.

Councilmember Wernikoff inquired about the timeline, as it looks like this could be 12 weeks, but then she heard that Coda doesn't have availability until next year. Mr. Young replied that once the contract is signed, his intent is to start ordering the equipment right away. Once the order is placed, Coda would let them know what the time from the vendors will be, whether two weeks or eight weeks. Then when the equipment does come in, the two to four weeks would start. If, in the best case scenario, the vendors say it's coming in at the end of November, then once they receive the equipment, inspect and calibrate it, they would then schedule installation with the Town, which would take two to four weeks. Due to demands on Coda from many agencies, at this moment they are booked out until the first of the year, but they will try to squeeze them in when possible. Vice Mayor Hughes said the equipment should arrive well before the end of the year unless there's a chip shortage or an unforeseen logistics problem nationwide. The work would probably start in January unless somebody cancels, or they hire more people before then. Mr. Young agreed. Councilmember Wernikoff said, realistically then, it would be around February before they would be using this in the best case scenario. Mr. Young pointed out there would also be some systems and testing integration also, as well as training. Once things progress, they provide updates to the Town Manager, who will then update the Town Council as to the progress.

Town Manager Dennis noted that decisions they need to make fairly quickly include, whether or not in conjunction with any state guidance regarding doing in-person meetings without this equipment if they are really looking at that kind of timeframe if they continue to see a decline in COVID cases and the State continues to loosen things up in ways everyone feels comfortable with, and they can start holding Council, Committee and Commission meetings in the Schoolhouse. He said one of the reasons they have been holding off going into the facility is that it has become a real comfort to residents as it relates to participation, and if they didn't have the technology to be able to do that, they didn't want to force people who are making decisions about their health choices. However, they might be reaching a point where they need to have a more serious conversation about that. He offered to agendaize this for a discussion at the next meeting so the Council can provide staff with some direction on next steps.

Vice Mayor Hughes agreed and said it ties into the AB361 item that was on Consent as well, in which they have determined that it's not safe to have meetings right now. That may cease to be the case at some point before the system is actually installed. At that point they would have to decide if, even though they feel they could meet in person, they want to meet in on Zoom because the public may not feel safe. He said they may get a more concrete sense of timeline from Coda and might want to agendaize and talk about if it becomes an issue because they can't meet the requirements of AB 361 anymore.

Councilmember Richards remarked that he understands the need for this kind of system, and thinks it is necessary for the high level of participation in the town. He was concerned about how it will impact the building and wondered if there would be a 75-inch monitor suspended from the wall, and if it would be at an angle coming out from the wall or flat on the wall, and those kinds of questions. He said he would hope it could be integrated as carefully into the old building as possible, since it will be a substantial change to the rather quaint old space. Vice Mayor Hughes said he did not disagree but suggested if he thinks of it as a Schoolhouse, in modern schools there are TVs and big screens. He said they do want to do this in a way that doesn't destroy the old building, but he didn't think it is completely out of place. He added that the cameras are tiny and will be barely seen. The big screens would be the most noticeable change. Town Manager Dennis said when they first decided at Council's direction to put some additional equipment into the Schoolhouse they engaged with the Town Historian, Nancy Lund, to ensure it was being done in a manner that respected the building, and they will continue to do so.

Vice Mayor Hughes commented that he had seen the proposal before in a different form. The company had made some tweets based on some of his comments. They had spec'd some high-end televisions and some other things they didn't need, so it brought the cost down by a few thousand dollars. He asked if this is a Zoom-specific system and if it will still work for whatever they want to do five or ten years from now if it for something that is not Zoom. Mr. Shemuel replied that none of these video conferencing systems will be the king forever. For example, he said the town's existing microphones are going to be reused. A microphone, for all intents and purposes is a microphone. The cameras are not specific to Zoom. The programmable component is somewhat specific to Zoom, in order to provide as consistent a user experience for people who are familiar with Zoom as possible. He said it is a programmable system, so in six months or five years they decide to move to teams or something else, then he thought in the worst case, a contractor would have to come in and reprogram that one component. The components are Crestron components, the rack mount and the software system shared between the two. Vice Mayor Hughes thought this was a fairly small component of the overall system, roughly \$2,000 to \$3,000 of the total, plus some labor to program it. Mr. Shemuel concurred that it is the labor he was talking about, not the components. He said the same hardware is in use in other places running team meetings now. It is not specific to a particular platform, but the programming of it is.

Vice Mayor Hughes said the staff report mentioned that the consultant had a comment about an extra camera. He asked if this meant they should have one fewer camera or one more camera. Mr. Shemuel said he hasn't had feedback yet from Coda on this. It was his suggestion that they respond to the question of whether there would be any impairment of the system if there were one fewer camera on the entrance side of the Schoolhouse, a total of four. Vice Mayor Hughes said he had the same thought. If those three are all pointing at Councilmembers and there is one on while the other one is moving, what is the third one for? Coda may respond and say they only need two.

Mr. Young said at this point Coda made a proposal. The standard way of doing things is to have everything designed and bid out, and because they didn't do that, due to time constraints. They went straight to the contractor to determine the best system. He said once they get into contract then they can look at either adding or deducting as necessary.

Vice Mayor Hughes invited comments from the public on this item.

Rita Comes wondered if they had looked into using the Community Hall, because it's hard to think about nails and structures being put in the walls and the ceiling. She asked if they had thought about building a frame structure to put all of the pieces on and meeting in the Community Hall. She said for people who haven't seen a hybrid system working, the Town of Woodside and the City of Palo Alto are now using it. Also, any church in the Bay Area will have a hybrid system to look at. She said they've been waiting a long time to have some type of hybrid meeting to be able to see how many attendees are in a particular meeting if there is a big issue going on in town, and it would be nice to see each other. She said it was nice to see some people at the Zotts to Tots, but there are important issues going on, and it would be nice to see each other before February while dealing with these big issues. She said other places are doing it, and Portola Valley is pretty smart and should be able to find a way, and not be stuck waiting on one person to give them a call back.

Angela Hey thought \$18,000 for a 30x Zoom camera seemed like a lot, and she wasn't sure a small place like the Schoolhouse needed 30x Zoom. She was not sure the rack is the most convenient. She said they are running hybrid at Christ Church, and while she knows the Town wants something more professional, it's basically her iPhone and her laptop. She has a volunteer with an iPhone who can point it at the right place and do it on a laptop, which costs next to nothing. They're broadcasting it to YouTube as well. She said they could have five used iPhones with directional microphones, which would be much less than a camera that moves. Regarding the ceiling rack mount, she thought they may have one at home. She questioned whether there might be a company that has gone bust with equipment that the town could pick up, as she feels it seems excessively expensive for what they could do.

Liz Babb said it has been repeated at many meetings that people want to see who is on Zoom. She questioned, for someone attending in person, if they would be able to see how many attendees are on

Zoom. Secondly, people on Zoom want to know who is in the room. She was confused when they talked about how the Schoolhouse would be one Hollywood square, and people on Zoom would be able to see how many people were in-person in the audience. Thirdly, she said this is low-hanging fruit for a lot of tech companies out there, and she wondered if there is an opportunity to go to somebody other than Coda to get this done more quickly.

David Cardinal said he has done a lot of A/V design work and he thinks overall this is a great proposal. As for the cameras, he said there are six \$3,000 cameras. One reason they cost that much is because there are at the back of the room and they zoom and pivot very quickly, that particular model. They are expensive cameras, and he said maybe five is okay. He commented that if they need to get started sooner because of the supply chains being screwed up, they've been having a lot of hybrids at Stanford with meeting rooms, where you can put one of them up on a dais for the six people and it could give a panorama of them and record them. That might meet the minimum requirements of a hybrid meeting, at least to get through until the other gear is bought and installed. He did think it is the kind of gear they should have as a town, assuming the town has the money, which they seem to.

Betsy Morgenthaler was interested in hearing and separating what is intended from the unintended consequences. She commented on what was in the staff report, the one sentence that under this hybrid model, Councilmembers, the public and staff would have the option to participate in person at the Schoolhouse, or at home virtually, and that the Schoolhouse would join as one participant, essentially. Her next comment was thanking the consultant, Mr. Shemuel. Ms. Morgenthaler questioned what he had said about the experience for people at home, that it would be as they see it here. Also, she was having a hard time reconciling the one square for each member of the public. She asked if there is an intent to try to relate to what they lost with the COVID quarantine, which was ready access to the faces that are present and know one another, because they are such a small town. She wondered if Mr. Shemuel had worked with other clients that have had that desire and if he could make it possible. She questioned the Councilmembers about establishing critical mass. She hoped that there would be a palpable presence and it would be a rarity that one would opt not to go there, apart from health consequences. She said she looks forward to getting back together in person for the warmth.

Kristi Corley said this is important to her, and the sooner the better that they get to meet in person. She said at this time they can go into grocery stores and restaurants with their masks, so it should be their choice whether those that want to can gather. She said they care about their community and care about talking with each other after the meeting. She remembered sitting on the floor once. Given that they have some big projects coming up, she hopes that residents can be comfortable during longer meetings. She hoped they could consider using the larger room and would like to see everyone's faces if she was away and needed to be on Zoom. If she is in town, she wants to be able to walk into the room with a mask. She noticed that the proposal says May 24th, so it surprised her that four months later they're still working on it and are now delayed in getting the equipment. She asked that the Council put the resident's gathering as a priority.

Town Manager Dennis advised that the conversation at the staff level was not either/or related to which of the two facilities. It was always both and how to use the monies made available through the American Rescue Plan Act in the best fashion over the next couple years. The focus in this round was for the historic Schoolhouse. The next round will be for the Community Hall so that all of the facilities used for public meetings would be made available. There has been no direction from the Council, nor did he expect there to be, to regularly use the Community Hall for more intimate gatherings. Regarding the delay, he said this was primarily related to the consultant asking for time to make sure their system was working, as opposed to a staff-related delay. Woodside was the first city in San Mateo County to do this, and they wanted to make sure everything worked. They were involved in helping ensure that it was working with visits to their facility and beta testing it.

Mr. Young commented concerning Community Hall, saying that right now they are trying to get the Schoolhouse up and running. He said they may need to look at long range improvements of the Schoolhouse. The Community Hall is sometimes used as Council Chambers and larger meetings as well, so that's something they will have to look at in the future and plan for in the long term, and when they are

not rushed and can utilize consulting to determine what is correct or the Community Hall. He responded to the comment concerning making sure they keep the Schoolhouse quaint. He said this is always one of the top priorities of the Town. He said they are fishing the lines into the walls and not using any wire molding or conduits. Concerning Coda's cost and possibly looking at other consultants, he said the concern is that time is of essence now. He said Coda, because they work for many jurisdictions and at the time, they saw studies that others did, looking at solutions and costs from other A/V consultants, and it looked like Coda was low and had the best proposal of the ones they saw, and is also why they used an A/V consultant to peer review this system.

Vice Mayor Hughes also responded regarding the cost, stating he looked at options for different cameras. The cameras are only 1080p, not 4k, and they need a high zoom level because of that lower resolution and the distance where they will be. He said there are cheaper cameras out there that have roughly the same specs, some considerably cheaper, but the Coda representative that he talked to convinced him that using the same equipment that they're used to on other projects they are familiar with and know how to maintain and program and have experience with is the better path, rather than saving a thousand bucks or so on the cameras and then having the cameras not work or not perform well. He said he thinks that in considering this system, they should think about not just the installation but also maintenance and updating of it over the coming decade or so, which he hopes would be the minimum life of the system. He said they did knock down the price of the TV, because a Samsung TV is close to the price of a Panasonic TV, and they swapped them. They also swapped the server rack and a couple other pieces of equipment. With some of the components, he thought it was a good idea to go with the recommendations of the installer, so they can maintain and guarantee that it will be reliable.

Mr. Young mentioned that there was an additional optional service level agreement that was rather costly. They are opting not to take that right now, but they could change their minds later on, depending on the support needed. He pointed out there are two recommendations on the first page of the staff report.

Vice Mayor Hughes invited discussion among the Councilmembers.

Vice Mayor Hughes had a question regarding the additional speakers that might be ceiling-mounted and asked if Coda would do that as part of this project, or go with their proposal and then potentially add those in the future. If so, he asked what the capacity of the system is for adding extra things. Mr. Shemuel answered that they are conventional speakers, not amplified. He would find out if the amplifier would be compatible. He suspected the amplifier provided in the proposal would be sufficient to use for the ceiling speakers, as they tend to be fairly equivalent. He explained that the benefit of the ceiling speakers, that the objective with the sound system is that everyone in the audience hear the same level and quality of sound. When there is single loudspeaker at one end of a room, then people closer hear a louder and better sound than people further away. If there are speakers at opposite ends of the room that is somewhat mitigated, but still the case. He said the most democratic way of handling this is ceiling speakers, which is why they are seen in so many utilizations. Vice Mayor Hughes said they have had commentary in the past from the public when people spoke on a microphone and some people can hear them and some can't.

Mr. Young said, regarding the question of whether to have the ceiling speakers or not, it was not included in the quote. The speaker that is currently in the back of the room was to facilitate people in the back of the room hearing the Councilmembers. It was a minimal system, and Coda recommended adding a minimalist system of adding a speaker in the front. He said he agreed with Mr. Shemuel after he reviewed it, but they have not gotten the cost yet, so that is what the contingency is for, to request Coda to come up with a design or speaker system and to analyze what the cost would be and whether they need to come back to the Council or not. It is a number of speakers recessed into the ceiling and is delicate work, which they do, but is not included in the proposal. Their intent was to go into contract first, and then start talking about adds.

Councilmember Wernikoff said she was comfortable with the proposal as laid out and is ready to make a motion to approve both recommendations.

Councilmember Aalfs said he would second the motion. He was thinking about whether this is the best way to spend some of their relief money. The timeline of when they actually get into the Schoolhouse is not figured out exactly yet, but there is no getting around that a system like this is part of their future. He said people appreciate being able to watch from home, even if they are back in the room, so they need some version of this, and this looks like a good solution and in line with what he has seen elsewhere.

Councilmember Richards agreed they should move ahead.

Vice Mayor Hughes said his thoughts were to support this. They had already put \$100,000 in the budget for this, and this came in at two-thirds of that, so well under the budgeted amount. There are contingencies in the ceiling speakers, et cetera, so possibly somewhat closer to \$100,000, although he thought it might be less. He agreed that this goes beyond the pandemic, and there are a few silver linings with the pandemic, one of which might be learning that the option to be able to meet and interact remotely in new ways has enabled things that were much more difficult before. He noted that as difficult issues have been dealt with, they have seen massively more people involved in the Town's meetings than he has seen for many years. He said providing the option of continuing to have that flexibility while moving back to the collegial atmosphere of the old Schoolhouse, face-to-face, the system will allow them to enjoy the best of both worlds.

Councilmember Aalfs responded to Ms. Morgenthaler's point and shared that he is lying on his back because he injured it earlier, so he apologized if he looked casual at the meeting, but it is the least painful way for him to attend. If not for the hybrid meeting, he wouldn't be there at all.

The motion passed, (4-0), by roll call vote.

(17) COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

Councilmember Wernikoff said all of her work had to do with upcoming meetings – prep meetings. The Housing Element town meeting is tomorrow, which is the open meeting with the town. That meeting is essentially to give a one-on-one of what the Housing Element is and what their approach is. Her work has been preparing for that. Also, she has been prepping for a community meeting with the Sequoias which Town Manager Dennis and she will be running next week. She said none of her liaison groups met since the last Council meeting.

Councilmember Aalfs said ASCC had a follow-up meeting regarding a project on Grove. They had a site visit to address some concerns. The meeting went smoothly, and he said it helped to be onsite and see the separation between the two properties in question, so he thought everyone came away from it with their concerns met. He said Councilmember Richards filled in for him at the last Planning Commission meeting while he attended the Airport Roundtable meeting. The airport traffic is edging back towards pre-pandemic levels, so some of the noise questions are creeping back into consideration from the public. He said, interestingly, there was a proposal from the mall at Tanforan in San Mateo to redevelop it into housing, which is a big problem, because they actually sit at the end of Runway 10 Right, meaning they are well within the area where it is too loud to have housing. They are pursuing this for some reason, and the Airport Director was adamant that it wasn't going to work. Councilmember Aalfs said he was surprised that it got as far as it did, given it obviously sits within the restricted area. The Roundtable is debating whether to allow other jurisdictions to join, particularly Palo Alto. Councilmember Aalfs said he supports that, and Menlo Park supports it. They share a lot of the same issues as Portola Valley in terms of arrival noise. There has been reluctance from the northern part of the county, who want to focus on take-off noise, but there is a group formed to start talking about the logistics of opening membership to other groups. He hoped there would be an answer to that early next year.

Councilmember Aalfs said Wildfire Preparedness Committee met last Tuesday. They have negotiated the move from an ad hoc to a standing committee. They had had a private company come in and talk about services for performing essentially door-to-door mitigation assessments and helping people get the fixes they need to make their properties more fire safe. They discussed further how to work with those companies, as they cannot endorse the companies, but could possibly go out and vet individual

companies. He thought their focus would be having the home hardening subcommittee work with staff on how to come up with vendors they think are worthwhile to work with and also give people the option of doing it themselves. The Fire Marshal has a checklist if some wish to do it themselves. He said another question that came up was additional revenue sources that could be considered to direct towards fire preparedness town wide. They talked about adjusting the utility users' tax, which was lowered from 5.5 percent to 4.5 percent. Raising that would provide a little extra revenue. Vice Mayor Hughes thought the amount was about \$400,000. There was more discussion about using Open Space funds for maintenance which would need more discussion. They talked about things like a parcel tax, which has complications and would take some efforts, or a bond issue. This will be a continuing discussion among them that might find its way to Council. He said any of the things they were talking about would be fairly complicated and require some work.

Councilmember Aalfs said Parks and Rec has moved their meetings to Thursdays, and he might have a conflict with their new time so maybe in January they could think about reapportioning jobs, as he has a standing conflict on Thursday. He said the big thing they were working on was pulling together the Zotts to Tots, the town picnic and the PV Live Revive with Cultural Arts. He added that that was an amazing day. Patty and John from Parks and Rec did a great. The race went well. The road was closed for a shorter period of time than expected, and the logistics were handled very well.

Councilmember Aalfs said he will have a Nature and Science meeting tomorrow. Paul Heiple did his "Gall Talk." They will be taking a break from the webinars they have been doing and then get back to more things. The talk was very well-received.

Councilmember Wernikoff said she will attend Parks and Rec on Thursdays through the end of the year if Councilmember Aalfs can't make it.

Councilmember Richards attended a Conservation Committee meeting. There were some new materials to talk about understory development and coordination with fire safety. There is a rodenticides lecture coming up, but it may have been postponed. The Committee had a table at the Live Revive event that was well attended.

He said the Planning Commission meeting included three items – map modification on Grove Drive that was fairly straightforward regarding potential map medication. This was in conjunction with a project that had already gone through ASCC, and under the regulations they way they've developed of the ASCC, and Planning Commission means they have to go through the entire review again at Planning Commission, and it seems to him like they're kind of wasting some time having the Planning Commission review the entire design, all presented by the application all over again. He feels that they could streamline that a bit. The third item was an undergrounding exception request on Crescent. This brought up some lively discussion about whether or the not the Planning Commission should be making the decision based on cost, which has become more common. It is something that will probably have to be thought about in a bigger discussion, given the issues of fire safety and undergrounding more of the town's electrical system. Vice Mayor Hughes said he thought it was budgeted for this year to do a study of the undergrounding potential in town.

Councilmember Richards reported on Emergency Preparedness. A comment was made that fire fighters are not required to be vaccinated, but over 90 percent of Woodside Fire group is vaccinated. They had a new Battalion Chief promoted and four to five Captain promotions coming up. The statewide fire report said things are calming down a bit, but there are still ten major fires in the state, all on federal land.

Councilmember Richards noted that the relocation of the radio equipment to the Cal Water site is up in the air a bit now because they've had some retirements at Cal Water, and everyone has to re-learn their roles.

He attended an ASCC meeting on Monday. It involved a review of the Neely Winery physical changes to fencing, parking and some signage. They did a pretty good job keeping discussion focused on that, rather than on the bigger picture that will be reviewed by the Planning Commission. They had 18 people

comment during the public comment period, primarily speaking not in favor of the process. They ASCC approved the physical aspects of the project. There was a review of a project on Westridge that had some issues with relocation of some redwood trees and a generator, pertaining to how the process was handled by the application and by the Town. The Town picked up some potential errors by the applicant, who was not happy about it. The ASCC ended up approving with a 2-1 vote.

Vice Mayor Hughes had the Woodside Highlands Road Maintenance District Resident Advisory Committee. They had wrapped up and were doing a final accounting for their paving project. There was discussion of stuff on the street – tree limbs, rock walls, road clean-up days. They have settled into a good pattern of what their committee handles and what their association handles.

Vice Mayor Hughes reported on BPTS that the Ranch came and wanted a new speed limit sign. There is one in one direction but not the other direction on a section of road. There was discussion of their role in the Housing Element process. There was traffic analysis of the Neely Wine proposal, and planning for Zotts to Tots and organizing the volunteers for the road closure. He heard it was very successful.

Vice Mayor Hughes invited public comments on the Liaison and Agency reports. Hearing none, he closed the item.

(18) TOWN MANAGER REPORT

Town Manager Dennis had no report at this meeting.

Vice Mayor Hughes invited public comment. Hearing none, he closed the item.

WRITTEN COMMUNICATIONS

(19) Town Council Digest – September 23, 2021

(20) Town Council Digest - September 30, 2021

(21) Town Council Digest – October 7, 2021

ADJOURNMENT [10:55 p.m.]

Vice Mayor Hughes 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						
1590	20	ALLIANT INSURANCE SERVICES	1,368.00	10/27/21		
1591	21	ALMANAC	263.00	10/27/21		
1592	41	AT&T	287.78	10/27/21		
1593	78	CALIFORNIA WATER SERVICE CO	10,587.88	10/27/21		
1594	80	CALPERS	33,971.50	10/27/21		
1595	94	CED BAY AREA	131.25	10/27/21		
1596	124	COMCAST	249.12	10/27/21		
1597	176	EXCEL LD	23.79	10/27/21		
1598	203	GREEN HALO SYSTEMS	114.00	10/27/21		
1599	212	G. BORTOLOTTO & CO	224,257.00	10/27/21		
1600	213	HILLYARD INC	467.02	10/27/21		
1601	214	HINDERLITER DE LLAMAS & ASSOC	754.47	10/27/21		
1602	223	INFINITE THREADS EMBROIDERY	520.55	10/27/21		
1603	227	INTERSTATE TRAFFIC CNTRL	1,145.94	10/27/21		
1604	251	JETMULCH INC	2,458.20	10/27/21		
1605	269	KATHY WADDELL	3,852.00	10/27/21		
1606	275	KRUPKA CONSULTING	8,850.00	10/27/21		
1607	307	MAZE & ASSOCIATES	10,000.00	10/27/21		
1608	309	S.P. MCCLENAHAN CO	1,450.00	10/27/21		
1609	326	MUNICIPAL CODE CORPORATION	900.00	10/27/21		
1610	367	PG&E	867.63	10/27/21		
1611	375	PLATINUM FACILITY SERVICES	4,488.67	10/27/21		
1612	412	SAN MATEO SHERIFF	342,625.00	10/27/21		
1613	428	SHARP BUSINESS SYSTEMS	110.87	10/27/21		
1614	437	SMALL BUSINESS BENEFIT PLAN TR	3,265.60	10/27/21		
1615	447	STAPLES CREDIT PLAN	727.53	10/27/21		
1616	518	GOT GOPHERS?	2,100.00	10/27/21		
1617	632	ROMERO CONSTRUCTION	5,000.00	10/27/21		
1618	690	CRUZ STRATEGIES	625.00	10/27/21		
1619	725	BROOKTROUT DESIGN	750.00	10/27/21		
1620	726	BLISS POPS POP CULTURE LLC	489.38	10/27/21		
1621	727	JENNIFER FRASER	5,000.00	10/27/21		
1622	728	REBECCA FLYNN	417.62	10/27/21		
Check totals:			668,118.80			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			668,118.80			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 10/27/21	20 1590	ALLIANT INSURANCE SERVICES Annual Town Picnic Insurance, 10/9	1,368.00	1,368.00	1774364
Vendor:	21 1591	ALMANAC September Publishing	263.00	263.00	73977
Vendor:	41 1592	AT&T September Statement September Statement September Statement	287.78	45.12 45.11 197.55	000017144933 000017144935 000017144934
Vendor:	78 1593	CALIFORNIA WATER SERVICE CO Water Service 09/08/21 - 10/08/21	10,587.88	10,587.88	SEPT-2021
Vendor:	80 1594	CALPERS October Unfunded Liability August Retirement - CLASSIC August Retirement - PEPRA	33,971.50	7,631.75 16,838.13 9,501.62	100000016571050 100000016493111 100000016493119
Vendor:	94 1595	CED BAY AREA 26W Lamps	131.25	131.25	7003-1021122
Vendor:	124 1596	COMCAST WIFI 10.16.21 - 11.15.21	249.12	249.12	7290-OCT21
Vendor:	176 1597	EXCEL LD September Telephone LD Service	23.79	23.79	1189756028
Vendor:	203 1598	GREEN HALO SYSTEMS October Hosting/Access	114.00	114.00	3336
Vendor:	212 1599	G. BORTOLOTTO & CO Street Resurfacing Project 2021 - 2022	224,257.00	224,257.00	4925
Vendor:	213 1600	HILLYARD INC Janitorial Supplies	467.02	467.02	604480918
Vendor:	214 1601	HINDERLITER DE LLAMAS & ASSOC Sales Tax Audit Services - Q1 2021	754.47	754.47	SIN011232
Vendor:	223 1602	INFINITE THREADS EMBROIDERY Orange Work Shirts	520.55	520.55	2156
Vendor:	227	INTERSTATE TRAFFIC CNTRL			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
10/27/21	1603	Street Signs	1,145.94	1,145.94	247275
Vendor:	251	JETMULCH INC			
	1604	Playground Wood Chips	2,458.20	2,458.20	16535-0L
Vendor:	269	KATHY WADDELL			
	1605	Fall 2021 Classes	3,852.00	3,852.00	FALL-2021
Vendor:	275	KRUPKA CONSULTING			
	1606	On-Call Traffic & Transportation, 8/19/21 - 9/1/21	8,850.00	8,850.00	1297
Vendor:	307	MAZE & ASSOCIATES			
	1607	Basic Financial Statement & Memorandum on Internal Control	10,000.00	10,000.00	42243
Vendor:	309	S.P. MCCLENAHAN CO			
	1608	Tree Surgery - Rossotti Field	1,450.00	1,450.00	99324
Vendor:	326	MUNICIPAL CODE CORPORATION			
	1609	Annual Web Hosting, 10/1/21 - 9/30/22	900.00	900.00	00364790
Vendor:	367	PG&E			
	1610	September Statements	867.63	867.63	SEPT-2021
Vendor:	375	PLATINUM FACILITY SERVICES			
	1611	September Janitorial Svcs	4,488.67	4,488.67	42095
Vendor:	412	SAN MATEO SHERIFF			
	1612	FY2021-22 Q1 Law Enforcement	342,625.00	342,625.00	PS-INV103960
Vendor:	428	SHARP BUSINESS SYSTEMS			
	1613	September Copies	110.87	110.87	9003497751
Vendor:	437	SMALL BUSINESS BENEFIT PLAN TR			
	1614	November Dental/Vision	3,265.60	3,265.60	NOV-2021
Vendor:	447	STAPLES CREDIT PLAN			
	1615	September Statement	727.53	727.53	2814-SEPT21
Vendor:	518	GOT GOPHERS?			
	1616	Town Fields Gopher Trapping - August 2021	2,100.00	1,050.00	17803
		Town Fields Gopher Trapping - September 2021		1,050.00	19093
Vendor:	632	ROMERO CONSTRUCTION			
	1617	Deposit Refund, 105 Santa Maria	5,000.00	5,000.00	BLDR0110-2019

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 1618	690	CRUZ STRATEGIES Government Relations Consulting - October	625.00	625.00	2001
Vendor: 1619	725	BROOKTROUT DESIGN Schoolhouse AV System Peer Review	750.00	750.00	INV-000016
Vendor: 1620	726	BLISS POPS POP CULTURE LLC Popsicles for Town Picnic 10/9	489.38	489.38	10132021
Vendor: 1621	727	JENNIFER FRASER Deposit Refund, 105 Santa Maria	5,000.00	5,000.00	BLDM0007-2019
Vendor: 1622	728	REBECCA FLYNN Reimb. Raffle Prizes - Town Picnic 10/9	417.62	417.62	FRRC-21-3
Check Date Totals			668,118.80		
Grand Total			668,118.80		

TOWN OF PORTOLA VALLEY
Warrant Disbursement Journal
October 27, 2021

Claims totaling \$668,118.80 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: Finance Committee

DATE: October 27, 2021

RE: Charter Change

RECOMMENDATION

The Finance Committee recommends that the Town Council approve a change to their charter.

BACKGROUND

Over the last year, the Finance Committee has discussed adding additional meetings to their schedule to accommodate new items, including the review of quarterly budget and finance reports.

At their October 19 meeting, the Committee discussed this charter change and an updated Committee name to Finance and Audit Committee.

DISCUSSION

The charter has been amended to reflect a new Committee name and additional meetings (four to six a year) to accommodate quarterly report reviews.

ATTACHMENT

1. Draft Amended Charter

FINANCE and AUDIT COMMITTEE CHARTER**OBJECTIVES**

To develop, recommend and oversee the overall financial policies of the Town.

DUTIES AND FUNCTIONS

1. For Council approval, review and comment and/or recommend approval of annual and five-year budget plan as prepared by Town Administrator.
2. To monitor expenditures in relation to the budgeted amounts.
3. To make recommendations to the Council regarding the Town's investment portfolio
4. Make recommendations to the Town Council regarding appropriate reserve levels.
5. Advise the Town Council on other fiscal-related projects and matters.
6. Provide independent review and oversight of Town's financial reporting processes, internal controls and independent auditors.

RESPONSIBLE TO

The Town Council - all actions are advisory to the Council.

COORDINATION

Town Manager/Treasurer
Council Liaison

COMMUNICATIONS

1. Budget requests from Town officers, Commissions and Committees are received, entered into preliminary budget work sheets, and submitted to the Council.
2. Council decisions regarding the budget are received, translated into revised and final budgets, and submitted to the Council.

MEMBERSHIP

Up to seven members appointed by the Mayor with Town Council concurrence for one-year terms. Rotating chair selected by Committee.

ELIGIBILITY


All members of the Finance Audit Committee should possess or obtain a basic understanding of governmental financial reporting and auditing.

MEETINGS

Four to six meeting a year as required to accommodate annual budget and audit review, as well as meetings to review quarterly budget/finance reports.



TOWN OF PORTOLA VALLEY STAFF REPORT

TO: Mayor and Members of the Town Council
FROM: Parks & Recreation Committee 
DATE: October 27, 2021
RE: Parks & Recreation Committee Charter Amendment

RECOMMENDATION

The Parks & Recreation Committee recommends that the Town Council adopt an amendment to their charter to reflect a change to their regular meeting date (Attachment #1).

BACKGROUND

At their October 4, 2021, meeting, the Committee voted to approve a regular meeting date change to the third Thursday of each month. Their current regular meeting date is the first Monday of every month. The regular meeting start time of 7:30 pm remains the same.

DISCUSSION

The attached charter has been amended to reflect the Committee's recommendation to the Town Council. Reflecting this permanent meeting date, the Committee will hold its next regular meeting on Thursday, November 18, 2021.

ATTACHMENT

1. Redlined version indicating edits to the current Charter

PARKS AND RECREATION COMMITTEE
CHARTER

OBJECTIVES:

To develop, promote and maintain quality recreational and community enrichment programs, recreational facilities and park areas in the Town of Portola Valley.

DUTIES AND FUNCTIONS:

- 1) Advise the Town Council as to park and recreational needs and suggest steps to be taken to fill these needs.
- 2) Review proposals that affect park and recreational activities and/or facilities.
- 3) Advocate for park and recreational issues and assist in providing information to Town residents.
- 4) Assist in advising the residents of Portola Valley as to recreational and enrichment programs available.
- 5) Keep well informed as to use and conditions of playing fields, parks and recreational facilities, as well as to the status of recreational programs. This shall be accomplished through quarterly communications with the Recreational Facilities Coordinator and Presidents of Athletic Leagues.
- 6) Encourage, coordinate and advise citizens and private organizations in establishing local recreational and community enrichment programs.
- 7) Draft and recommend a Parks and Recreation Budget that may be merged into the Town's Annual Budget.
- 8) Recommend use policies concerning parks and recreational facilities (including fees, access, and rules pertaining to use).
- 9) Organize and run an annual fun run (historically: Zotts to Totts)

RESPONSIBLE TO:

The Town Council

COORDINATION:

All Town Committees and Commissions
Town Staff
PV Schools
Presidents of Athletic Leagues and Recreational Clubs

MEMBERSHIP:

Up to thirteen members appointed by the Mayor with Council Concurrence. One-year terms. Rotating chair, vice chair and secretary selected by Committee.

MEETINGS:

Held on **first third Monday Thursday** of each month at 7:30 p.m.



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Cara Silver, Town Attorney

DATE: October 27, 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 went 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 (which expired on 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

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 27th day of October, 2021.

By: _____
Mayor

ATTEST:


Sharon Hanlon, Town Clerk



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council

FROM: Brandi de Garneau, Assistant to the Town Manager 

DATE: October 27, 2021

RE: Update on State's New Recycling Requirements (SB 1383), Adoption of Memorandum of Understanding with County to Establish an Edible Food Recovery Program, Adoption of Updated Environmentally Preferable Purchasing & Practices Policy and Direction to File Waiver of SB 1383 Collection Requirements

RECOMMENDATION

Staff recommends that the Town Council discuss an update on the Town's efforts to comply with SB 1383 relating to new organic waste requirements and take the following actions:

1. Adopt a Resolution authorizing the Town Manager to enter into an MOU with the County to Establish an Edible Food Recovery Program (Attachments 1 and 2);
2. Adopt an updated Environmentally Preferable Purchasing & Practices Policy (EPP) to comply with SB 1383 (Attachment 3);
3. Direct staff to file a waiver of the collection requirements relating to SB 1383; and
4. Direct staff to return with an ordinance implementing the remaining requirements of SB 1383.

BACKGROUND

In September 2016, Governor Brown signed [SB 1383 \(Lara, Chapter 395, Statutes of 2016\)](#) into law, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. The law codified the California Air Resources Board's [Short-Lived Climate Pollutant Strategy](#), established pursuant to [SB 605 \(Lara, Chapter 523, Statutes of 2014\)](#), to achieve reductions in the statewide emissions of short-lived climate pollutants.

As it pertains to solid waste, SB 1383 established targets to achieve 50% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. It also established an additional target of recovering not less than 20%

of edible food that was currently being disposed for human consumption by 2025. In November 2020, the Department of Resources Recycling and Recovery (CalRecycle) published the [Regulation Text](#) that detailed how the State planned to meet these ambitious targets, which included mandates that local jurisdictions implement, maintain, enforce, and report on a number of programs. Given the release of these guidelines in the midst of the pandemic with many cities having financial and staffing shortfalls, Cal Cities sponsored legislation (SB 619) extending the implementation date. Ultimately, the Governor signed a bill which delayed the issuance of penalties for one year, but still required the implementation of programs by January 1, 2022. These programs are described in detail in the Discussion section of this staff report and will be expanded further in the staff presentation to the Town Council:

The implementation timeline for SB 1383 is as follows:

- January 1, 2022 – Regulations take effect and State enforcement begins
- January 1, 2024 – Jurisdictions are required to take enforcement against noncompliant entities
- January 1, 2025 – The State must achieve the 75% reduction and 20% food recovery targets

DISCUSSION

SB 1383 imposes several new mandates on local jurisdictions that are enforceable beginning January 1, 2022. While the State has not yet provided any funding to support the implementation of these new programs, the Town of Portola Valley is in a strong position to comply with many of the mandates by the January 1, 2022, deadline given its working relationship with San Mateo County (County), Woodside and other local cities. Further, the Franchise Agreement with GreenWaste Recovery, Inc. (GreenWaste) that went into effect January 1, 2019, anticipated many of the provisions contained in the CalRecycle Regulation Text.

That said, CalRecycle recognizes that rural, elevation, and low-population jurisdictions have a small organic waste footprint and face significant challenges to collecting organic material. A jurisdiction can apply to CalRecycle for a waiver from the organic waste collection regulations included in SB 1383 if certain conditions are met. Jurisdictions that receive a department-issued waiver will still be required to contribute to the state's organic waste recovery targets by implementing other sections of the regulations.

The following sections summarize the six main mandates put on local jurisdictions by SB 1383 and the Town's related compliance efforts. The most significant impacts to the Town will be the mandatory organic waste collection services provision and the related inspection, enforcement, education and recordkeeping requirements. Staff consulted with CalRecycle and the Town qualifies for a waiver based on the population and disposal thresholds. Staff, in consultation with the Town Attorney, is recommending that the Council direct the filing of a waiver for the Town with respect to this requirement only. This will give CalRecycle time to provide additional guidance on the provisions of SB 1383 as well as additional resources to surface as SB 1383 is implemented across the State. In addition, while staff believes the requirements that apply to the hauler are covered in the

Franchise Agreement, this will give more time to better understand the implications and make necessary adjustments.

Mandatory Organic Waste Collection Services

Arguably the most significant mandate of SB 1383 is the requirement for all local jurisdictions to provide organic waste collection services, including food scraps, to all residents and businesses. Additionally, waste containers used for both curbside programs and indoor waste collection stations must follow a prescribed color scheme of grey/black for trash, green for organic waste, and blue for traditional recyclables. These containers are also subject to labeling and contamination monitoring requirements.

The Town's Franchise Agreement with GreenWaste provides all residents and businesses within the Town a base level of curbside service with separate containers for recyclable materials and "mixed compostable" materials (which includes food scraps). For fully accessible areas, a third yard trimmings bin is offered to further segregate this organic waste and ensure the highest level recycled organic product. The Franchise Agreement also standardized the colors and labeling of curbside carts and bins; however, businesses would need to ensure indoor waste collection stations follow the color scheme and labeling. Staff would work with GreenWaste to further educate businesses that are subject to the indoor waste collection systems requirements to ensure they are compliant with the new mandates.

Edible Food Recovery Program

Jurisdictions are required to establish an edible food recovery program for large surplus food generators to recover as much edible food for human consumption as possible. Implementation of this program is split into two tiers, with Tier One generators having to comply in 2022 and Tier Two generators having until 2024. Tier One generators include supermarkets, large grocery stores, food service providers, food distributors, and wholesale food vendors. Tier Two generators include large restaurants, hotels, health facilities, large venues and events, and state and local education agencies.

The Town is partnering with the County of San Mateo Office of Sustainability (County) to implement a countywide food recovery program. After conducting an initial analysis of the food recovery programs and capacity in San Mateo County, the County determined one countywide program would be more effective than 20 independent programs. Staff agrees that this approach not only provides economy of scale, but also increases the likelihood that the maximum amount of edible food will be recovered.

Under the proposed Edible Food Recovery Program Memorandum of Understanding (Attachment 2 and Exhibit A to the Resolution), the County would operate the edible food recovery program on behalf of the Town of Portola Valley, which would go into effect January 1, 2022.

Capacity Planning

Jurisdictions must secure access to organics processing and food recovery capacity for the programs identified in SB 1383. The Town's Franchise Agreement with GreenWaste includes the assurance that the Town's diverted organic material will be delivered to a permitted organic waste processing facility; however, according to CalRecycle, these

entities have not yet been permitted for SB 1383. Capacity planning for food recovery will happen at the County level as part of the County's edible food recovery program.

Education and Outreach

Jurisdictions must provide linguistically accessible education and outreach to all businesses and residents regarding the mandatory participation in the organics collection service and contamination requirements. Jurisdictions must also educate commercial edible food generators on their edible food donation requirements and available edible food recovery organizations. The Town's Franchise Agreement with GreenWaste includes an annual education and outreach campaign. At the beginning of each calendar year, staff will meet with GreenWaste to outline the campaign for the upcoming year which includes mailers to residents, on-site audits and technical assistance for businesses and workshops on proper waste sorting. The Town is currently working with its community partners – the County of San Mateo, GreenWaste, and CalRecycle to provide education and outreach. GreenWaste has already begun outreach on SB 1383, with information on the new law included in their fall newsletter.

Recovered Organic Waste Product Procurement

Beginning January 1, 2022, jurisdictions must procure recycled content paper products in addition to an annual quantity of recovered organic waste products based on the Town's population. The annual procurement target is assigned by CalRecycle and can be fulfilled by procuring any combination of the following waste products: compost, mulch, renewable energy (transportation fuel, heat, and electricity) from anaerobic digestion and electricity from biomass conversation. Staff is exploring options through GreenWaste, existing programs (e.g., Annual Chipper Program), Peninsula Clean Energy fuel mixture and partnership opportunities with the County and others to determine how the Town can meet its procurement target in an environmentally and fiscally sustainable way.

The Town has had an environmental purchasing policy in place for years. The attached Policy on Environmentally Preferable Practices and Purchasing (EPPP) has been updated to strengthen the language around purchasing recycled content paper products and recovered organic waste products to fulfill the SB 1383 requirements. A provision has also been added to the EPPP to ensure the Town's contractors and vendors also comply with SB 1383.

Inspection and Enforcement

SB 1383 requires local jurisdictions to monitor for compliance and conduct enforcement. Staff has been consulting with CalRecycle to fully understand the requirements of SB 1383. Potential inspection and enforcement requirements include:

- Developing recordkeeping mechanism for all required SB 1383 regulations, including internal procurement by Town
- Annual inspections of both commercial and residential truck routes
- Compliance reviews on all commercial businesses with 2 cubic yards or more of solid waste
- Creating de minimus waiver application for commercial business (e.g., space limitations)

- Creating approval license for all haulers that operate in Town (e.g., Got Junk?)
- Monitoring recordkeeping of all self-haulers
- Inspections of Tier One commercial edible food generators and food recovery organizations (to be performed by County)

In addition, SB 1383 regulations require the adoption and enforcement of various ordinances, such as Construction & Demolition and Model Water Efficient Landscaping requirements. The Town Attorney will be bringing forward an Administrative Penalty Ordinance to assist in the uniform enforcement of all Town ordinances. In addition, the Town's forthcoming SB 1383 implementing ordinance will also authorize the County to enforce the Food Recovery requirements of state law. The Town may also need to develop a self-hauler permitting scheme, though staff is exploring whether the small jurisdiction waiver would apply to this requirement.

CONCLUSION

SB 1383 is a significant piece of legislation that sets ambitious targets for organic waste reduction and leans heavily on local jurisdictions for implementation. While the Town complies with several of the mandates in SB 1383, there are still many details that need to be determined. The waiver from CalRecycle would enable staff to continue to work with CalRecycle, GreenWaste, and other organizations throughout the county to ensure the Town moves towards full compliance with SB 1383 in a thoughtful and sustainable way. If the Council so directs, the next steps will include filing a waiver with CalRecycle and returning to the Council in November with an ordinance implementing the remaining requirements of SB 1383. In addition, staff will consult with the Town Attorney in updating the relevant sections in the Town's Municipal Code to align with the new regulations.

FISCAL IMPACT

Staff and the Town Attorney time will be needed to file the SB 1383 waiver, understand how it impacts the ordinance provisions, draft the implementing ordinance, develop and implement recordkeeping mechanisms, and monitor and enforce the Food Recovery and other SB 1383 required programs. The full fiscal impact of SB 1383 implementation is not yet known, and staff is monitoring the application procedure for assistance with implementation provided by SB 170.

ENVIRONMENTAL REVIEW

The requested actions are exempt under the California Environmental Quality Act (CEQA) Guidelines sections 15378(b)(2) and 15378(b)(5) as ongoing administrative or organizational activities that will not result in direct or indirect physical changes in the environment.

ATTACHMENTS

1. [Resolution Adopting Memorandum of Understanding with County](#)
2. [Memorandum of Understanding with County to Establish and Edible Food Recovery Program](#)
3. [Updated Environmentally Preferable Purchasing & Practices Policy](#)

RESOLUTION NO. 2021-____

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY
AUTHORIZING THE TOWN MANAGER TO SIGN AND EXECUTE THE
MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF SAN MATEO TO
ESTABLISH AN EDIBLE FOOD RECOVERY PROGRAM IN PORTOLA VALLEY**

WHEREAS, Governor Brown signed SB 1383 (Lara, Chapter 395, Statutes of 2016) into law in September 2016 establishing statewide methane emission reduction targets; and

WHEREAS, SB 1383 requires a 75% reduction in the statewide disposal of organic waste from the 2014 levels by 2020 and a 75% reduction by 2025; and

WHEREAS, SB 1383 also requires that 20% of edible food is recovered for human consumption by 2025; and

WHEREAS, local jurisdictions are required to establish an edible food recovery program for large surplus food generators to recover as much edible food for human consumption as possible; and

WHEREAS, to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the creation of a countywide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the jurisdictions in the county;

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Portola Valley hereby authorizes the Town Manager to sign and execute the Memorandum of Understanding included as Exhibit A to the Resolution with the County of San Mateo to establish an edible food recovery program in Portola Valley.

PASSED AND ADOPTED at the regular meeting of the Town of Portola Valley on October 27, 2021.

By: _____
Mayor

ATTEST: _____
Town Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF PORTOLA VALLEY AND COUNTY OF SAN MATEO
FOR THE ESTABLISHMENT OF AN EDIBLE FOOD RECOVERY PROGRAM
CONSISTENT WITH CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION
7, CHAPTER 12 SHORT-LIVED CLIMATE POLLUTANTS**

THIS MEMORANDUM OF UNDERSTANDING (MOU), entered into this 1st day of December 2021, by and between the County of San Mateo, hereinafter called "the County" and the Town of Portola Valley "Jurisdiction", hereinafter called "the Jurisdiction";

W I T N E S S E T H:

WHEREAS, the County's Board of Supervisors has enacted a Mandatory Organic Waste Disposal Reduction Ordinance as required by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants; and

WHEREAS, to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the jurisdictions in the county; and

WHEREAS, the Town Council adopted this Memorandum of Understanding on October 27, 2021, and authorizes the County to operate an Edible Food Recovery Program on behalf of and within the Town of Portola Valley.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Tasks to be Completed by the Jurisdiction

- A. The County will create and coordinate the Edible Food Recovery program on behalf of the Town of Portola Valley, if the Town of Portola Valley performs each of the following actions:
 - a) adopts and makes part of its municipal code an enforceable ordinance establishing an Edible Food Recovery program as required under the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, including the specific provisions provided to the Town of Portola Valley by the County of San Mateo for edible food recovery definitions, requirements for Tier One and Tier Two Edible Food Generators, and requirements for Food Recovery Organizations and Food Recovery Services; and
 - b) enters into this Memorandum of Understanding; and

- c) provides the County with a list and schedule of “large events” as defined by the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants occurring in the Jurisdiction; and
- d) after consultation with the County, is responsible for coordinating the required edible food recovery regulations for those “large events” occurring in the Town of Portola Valley; and
- e) authorizes, by ordinance, the County to enforce California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants in Section (a) above, and to incorporate such authorization to include, without limitation, the authority to inspect, investigate, hold hearings, issue citations, and/or assess administrative fines on behalf of the Town of Portola Valley as its Designee for Edible Food Recovery; and
- f) shall develop a method to accept written complaints, including anonymous complaints, regarding an entity that may be potentially non-compliant with the Edible Food Recovery requirements as required under the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, and direct all such complaints to the County; and
- g) acknowledges, by ordinance, that, notwithstanding this Memorandum of Understanding, the Town of Portola Valley is, as stated in California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants, ultimately responsible for compliance with the said Code.

Note: Some County of San Mateo Jurisdictions are Member Agencies of the South Bayside Waste Management Authority (SBWMA), a joint powers agency located within San Mateo County that provides solid waste and recyclables processing services for its Members; nothing in this MOU precludes the SBWMA from assisting its Member Agencies with the Tasks described in this MOU.

2. Services to be Performed by the County

- A. The County shall create and coordinate an Edible Food Recovery Program compliant with California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants on behalf of the Town of Portola Valley so long as this Memorandum of Understanding is in effect in its entirety.
- B. The County shall provide such services and activities for the Town of Portola Valley as described in Exhibit A, attached hereto and incorporated by reference herein.
- C. The County shall offer only to provide services relating directly to the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants Edible Food Recovery regulations with the exception of a yearly analysis to be conducted by the County to estimate the amount of Green House Gas (GHG) emissions reduction to be attributed to edible food recovery activities in the Town of Portola Valley for use in their climate action plans.

- D. The County shall provide the Town of Portola Valley with the information and data necessary for the Town of Portola Valley to make their required reports to CalRecycle.
- E. The County will not be obligated to provide services if modifications are made to the ordinance by the Town of Portola Valley, which omits existing provisions and/or reduces the impact of the ordinance in any way.

3. Consideration

The benefit of this MOU to the Town of Portola Valley is that it alleviates the need for staff, cost analysis, capacity assessment, expenditures for infrastructure, labor, administration, and record keeping for the edible food recovery activities in their jurisdiction.

The benefit of this MOU to both the County and the Town of Portola Valley is that this approach will create one uniform, standardized, and coordinated effort throughout the incorporated and unincorporated areas of San Mateo County.

4. Relationship of Parties

It is expressly understood that this is an agreement between two independent entities, the County and the Town of Portola Valley, and that no individual agency, employee, partnership, joint venture, or other relationship is established by this MOU. The intent by both the County and the Town of Portola Valley is to create an independent collaborative relationship.

5. Hold Harmless

- A. Except as provided in subsection b. below, the [Town of Portola Valley] shall indemnify and save harmless the County and its officers, agents, employees, and servants from all claims, suits, or actions of every name, kind, and description resulting from this Memorandum of Understanding, brought for, or on account of, any of the following:
 - a) Injuries to or death of any person, including the [Town of Portola Valley] or its employees/officers/agents;
 - b) Damage to any property of any kind whatsoever and to whomsoever belonging; or
 - c) Any other loss or cost, including but not limited to that caused by the concurrent active or passive negligence of the County and/or its officers, agents, employees, or servants. However, the [Town of Portola Valley]'s duty to indemnify and save harmless under this Section shall not apply to injuries or damage for which the County has been found in a court of competent jurisdiction to be solely liable by reason of its own negligence or willful misconduct.

The duty of the [Town of Portola Valley] to indemnify and save harmless as set forth by this Section shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

- B. With respect to coordinating, implementing, and/or enforcing the required edible food recovery regulations for those "Large Events" (as defined by the California Code of

Regulations, Title 14, Division 7, Chapter 12) occurring in the [Town of Portola Valley] pursuant to section 1.A.d. above,

- a) The County shall indemnify, defend, and hold harmless the [Town of Portola Valley] and its officers, agents, employees, and servants against all damages, claims, liabilities, losses, and other expenses, including without limitation attorneys' fees and related costs, whether or not a lawsuit or other proceeding is filed, to the extent that they arise out of the negligence or willful misconduct of County staff arising out of coordinating, implementing, and/or enforcing the required edible food recovery regulations for those Large Events occurring in the [Town of Portola Valley].
 - b) The [Town of Portola Valley] shall indemnify, defend, and hold harmless the County and its officers, agents, employees, and servants against all damages, claims, liabilities, losses, and other expenses, including without limitation attorneys' fees and related costs, whether or not a lawsuit or other proceeding is filed, to the extent they arise out of the negligence or willful misconduct of [Town of Portola Valley] staff arising out of coordinating, implementing, and/or enforcing the required edible food recovery regulations for those Large Events occurring in the [Town of Portola Valley].
- C. A party seeking indemnity and defense under this section shall provide the indemnifying and defending party with prompt notice of any claim and give control of its defense and settlement to the indemnifying and defending party. The party seeking indemnity and defense shall also cooperate in all reasonable respects with the indemnifying and defending party, its insurance company, and its legal counsel in its defense of such claim. The obligation to defend and indemnify pursuant to this section shall not cover any claim in which there is a failure to give the indemnifying and defending party prompt notice, but only to the extent that such lack of notice prejudices the defense of the claim. The indemnifying and defending party may not settle any potential suit hereunder without the other party's prior written approval, which will not to be unreasonably withheld, conditioned, or delayed. If a party who owes indemnity and defense under this section fails to promptly indemnify and defend a covered claim, the other party shall have the right to defend itself, and in such case, the party owning indemnity and defense shall promptly reimburse the other party for all of its associated costs and expenses.
- D. The obligations imposed by this section shall survive termination or expiration of the Memorandum of Understanding.

6. Amendment of MOU and Merger Clause

This MOU, including the Exhibit attached hereto and incorporated herein by reference, constitutes the sole MOU of the parties hereto and correctly states the rights, duties, and obligations of each party as of this document's date. In the event that any term, condition, provision, requirement or specification set forth in this body of the MOU conflicts with or is inconsistent with any term, condition, provision, requirement, or specification in any exhibit

and/or attachment to this MOU, the provisions of this body of the MOU shall prevail. Any prior MOU, promises, negotiations, or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing and will become effective when signed by both parties.

7. Records

The County shall maintain and preserve all records relating to this MOU in its possession and those of any third-party performing work related to this MOU for a period of five (5) years from the termination of this MOU.

8. Assignability

The County shall have the right to assign this MOU or any portion thereof to a third party or subcontract with a third party to perform any act required under this MOU without the prior written consent of the Jurisdiction.

9. Notices

Any written notice, request, demand, or other communication required or permitted hereunder shall be deemed to be properly given when deposited with the United States Postal Service, postage prepaid, or when transmitted by email communication, addressed:

In the case of the County, to:

Carolyn Bloede, Director
 County of San Mateo Office of Sustainability
 455 County Center, 4th Floor
 Redwood City, CA 94065
 Email: cbloede@smcgov.org

In the case of the Jurisdiction, to:

Town Manager
 Town of Portola Valley
 665 Portola Road
 Portola Valley, CA 94028
 Email: jdennis@portolavalley.net

10. Controlling Law and Venue

The validity of this MOU, the interpretation of its terms and conditions, and the performance of the parties hereto shall be governed by the laws of the State of California. Any action brought to enforce this action must be brought in the Superior Court of California in and for the County of San Mateo.

11. Term and Termination

Subject to compliance with the terms and conditions of the MOU, the term of this MOU shall commence on January 1, 2022 and shall automatically be renewed from year to year on the same terms and conditions. This MOU may be terminated without cause by the Town of Portola Valley or the County’s Director of Office of Sustainability or the Director’s designee at any time upon thirty (30) days written notice to the other party.

12. Authority

The parties warrant that the signatories to the MOU have the authority to bind their respective entities.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

TOWN OF PORTOLA VALLEY

By: _____
Carolyn Bloede

Director, Office of Sustainability

By: _____
Jeremy Dennis
Town Manager

Date: _____

Date: _____

Approved as to Form:

By: _____
Cara Silver
Town Attorney

EXHIBIT A - SCOPE OF ACTIVITIES

The activity listed below relating to the County of San Mateo's Edible Food Recovery Program will be conducted by the County and the Town of Portola Valley.

I. Establishment

1. The County will develop and coordinate a standardized and uniform San Mateo County-wide Edible Food Recovery Program consistent with and compliant to California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants. The program will operate within the Town of Portola Valley's boundaries and replace the need for the Town of Portola Valley to create such a program on their own. This program will operate in the unincorporated areas of the county as well as all jurisdictions in the county agreeing to similar MOUs.

II. Enforcement

1. The County will conduct enforcement of the ordinance within the Town of Portola Valley using a complaint-based system consistent with the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants. The County will respond to complaints, investigate, and resolve reported issue(s).
2. The County will follow enforcement provisions detailed in the ordinance and described in the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants.
3. The County will keep detailed records of enforcement in the Town of Portola Valley for a minimum of five (5) years.
4. The County will provide the necessary records to the Town of Portola Valley for the Town of Portola Valley's required reporting about Edible Food Recovery work to CalRecycle.
5. The County will notify the Town of Portola Valley promptly about any related issues that arise that require the Town of Portola Valley's assistance or to request the Town of Portola Valley lead in resolving the issue(s) related to noncompliance.
6. The Town of Portola Valley will work with the County on any related issues requiring jurisdictional assistance or lead in resolving the issue(s) related to complaints and/or noncompliance by any Tier 1 and Tier 2 Edible Food Generator or Food Recovery Organization and Service as defined in the California Code of Regulations, Title 14, Division 7, Chapter 12 Short-Lived Climate Pollutants and operating within the Jurisdiction's boundaries.

TOWN OF PORTOLA VALLEY

Policy Concerning Environmentally Preferable Purchasing & Practices Adopted by Town Council on October 27, 2021

1.0 PURPOSE

This policy is intended to encourage the purchase and use of environmentally preferable products and services by Town staff, elected officials, volunteers, consultants and contractors.

This Policy is adopted in order to:

- Raise awareness about the environmental issues affecting procurement by providing relevant information and training;
- Conserve natural resources;
- Minimize environmental impacts such as pollution and use of water and energy;
- Eliminate or reduce toxics that create hazards to workers and our community;
- Promote overall human health and well-being;
- Support strong recycling markets;
- Reduce materials that are landfilled;
- Increase the use and availability of environmentally preferable products that protect the environment;
- Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices;
- Encourage providers of services to consider environmental impacts of service delivery;
- Create a model for successfully purchasing environmentally preferable products and services that encourages other purchasers in our community to adopt similar goals;
- Through the reduction of greenhouse gas emissions, minimize the Town's contribution to global climate change; and
- Address the Recovered Organic Waste Product and Recycled-Content Paper procurement requirements pursuant to SB 1383 Regulations.

2.0 DEFINITIONS

- 2.1 Annual Recovered Organic Waste Product Procurement Target: means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Town of Portola Valley is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the Town of Portola Valley's residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to The Town of its Annual Recovered Organic Waste Product

Procurement Target by posting such information on CalRecycle's website and providing written notice directly to the Jurisdiction

- 2.2 Compost: means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).
- 2.3 Direct Service Provider: means a person, company, agency, district, or other entity that provides a service or services to Jurisdiction pursuant to a contract or other written agreement.
- 2.4 Environmentally Preferable: A product or service that has a lesser or reduced negative effect on human health and the environment when compared with competing products and services that fulfill the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and product disposal.
- 2.5 Lead Staff Person: A Town Employee designated by the Town manager to oversee the implementation and record keeping required by this document. Includes other relevant and necessary personal.
- 2.6 Mulch: means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

2.6.1 Produced at one of the following facilities:

2.6.1.1 A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);

2.6.1.2 A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

2.6.1.3 A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

- 2.7 Paper Products: include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling
- 2.8 Practicable: Whenever possible and compatible with local, state and federal laws, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.
- 2.9 Procure Recovered Organic Waste Products: shall mean purchase or acquire (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the Town or others. The Town's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Town or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Town's behest.
- 2.10 Recovered Organic Waste Products: products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.
- 2.11 Recyclable Product: A product that, after its intended end use, can be diverted from the Town's solid waste stream for use as a raw material in the manufacture of another product.
- 2.12 Recycled Content Product: A product containing recycled material.
- 2.13 Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper: means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code
- 2.14 Renewable Gas: means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- 2.15 Reusable Product: A product, such as a washable food or beverage container or a refillable ballpoint pen, that can be used several times for an intended use before being discarded or recycled.

- 2.16 S.B. 1383: Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- 2.17 State MWELo Standards: Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELo, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015.
- 2.18 State: The State of California.
- 2.19 The Town: The Town of Portola Valley
- 2.20 Universal Waste: A product that cannot be disposed of in the normal recycling and waste stream (e.g., spent fluorescent light tubes and bulbs, electronic equipment and batteries).

3.0 POLICY

3.1 General

3.1.1 It is the policy of the Town of Portola Valley to:

Purchase products and services that, to the greatest extent practicable, minimize environmental impacts, toxics, pollution, and hazards to workers and the community; and

Purchase products that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, reduce greenhouse gas emissions, use unbleached or chlorine-free manufacturing processes, are lead-free and mercury-free and use wood from sustainably harvested forests;

Procure Recovered Organic Waste Products to meet the Annual Recovered Organic Waste Product Procurement Target outlined in SB 1383.

3.1.2 Nothing contained in this policy shall be construed as requiring a purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

- 3.1.3 Nothing contained in this policy shall be construed as requiring the Town, purchaser or contractor to take any action that conflicts with local, state or federal requirements.
 - 3.1.4 This Policy is set to meet, if not surpass, all specific Recovered Organic Waste Product procurement , record keeping and penalty requirements in S.B. 1383, including but not limited to the standards within this document.
- 3.2 Source Reduction, Recycling, & Disposal
- 3.2.1 Whenever practicable and cost-effective, without reducing safety, workplace productivity and/or effectiveness, the Town will reduce waste, and purchase fewer products.
 - 3.2.2 Whenever practicable, without reducing safety, workplace productivity and/or effectiveness, the Town will purchase remanufactured products such as laser toner cartridges, tires, furniture, equipment, automotive parts and supplies.
 - 3.2.3 Whenever practicable, the Town shall require all equipment bought after the adoption of this policy to be compatible with source reduction, recycling and disposal goals as referred to in section 3.2.
 - 3.2.4 Prior to purchasing products or services, the Town will consider their short- and long-term costs in comparing alternatives. This includes evaluation of total costs expected during the period of ownership, including, but not limited to acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.
 - 3.2.5 Preference will be given to products that are durable, long lasting, reusable or refillable.
 - 3.2.6 Vendors will be encouraged to take back and reuse pallets and packaging materials.
 - 3.2.7 Whenever practicable, all documents shall be printed and copied on both sides to reduce the use and purchase of paper. The default setting on all Town printers shall be set to duplex.
 - 3.2.8 The Town shall clearly label and co-locate recycle bins next to all garbage receptacles in all areas that generate waste and recycling. Whenever possible, garbage liners shall be reused. Cleaning staff, whether in-house or contracted, shall be provided training and required to keep recycling and waste separated and disposed of in the proper bins in the Town's Corporation Yard.

3.2.9 The Town shall properly store and recycle “Universal Wastes” as required by law. A storage area for spent Universal Wastes will be designated and a sign will be posted notifying employees of this area.

3.2.10 Whenever practicable, the Town shall take electronic equipment to a certified “e-Steward” for responsible recycling (www.e-stewards.org).

3.2.11 All used copier and printer toner and ink cartridges shall be recycled.

3.2.12 The Town shall maintain a supply of reusable dishware for the breakroom and no individual bottles of water shall be purchased for use by employees or guests.

3.2.13 Whenever possible, the Town shall donate, sell, exchange unwanted but usable items including furniture, electronics, office supplies, etc. in accordance with any existing Town policies on the retirement of equipment and assets.

3.3 Recycled Content Products

3.3.1 Copiers and printers will be compatible with recycled content materials and supplies.

3.3.2 Whenever practicable, the Town will use recycled, reusable or reground materials when specifying asphalt concrete, aggregate base or Portland cement concrete for road construction projects.

3.3.3 Whenever practicable, the Town will specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades.

3.3.4 Whenever possible, the Town will purchase paper products with the highest postconsumer waste (PCW) recycled content, with a minimum of thirty percent (30%). This includes, but is not limited to:

3.3.4.1 Copy/printer paper, office supplies, and janitorial paper products.

3.4 Energy and Water Savings

3.4.1 Where applicable, equipment will be purchased with the most up-to-date energy-efficiency functions. This includes, but is not limited to, high-efficiency space heating systems and high efficiency space cooling equipment.

- 3.4.2 Whenever practicable, the Town shall purchase computers, laptops and monitors that are EPEAT certified (www.epeat.net).
- 3.4.3 Whenever practicable, the Town will purchase the most up-to-date water efficient products, equipment and devices.
- 3.4.4 Whenever practicable, the Town will require employees to shut down their computers and auxiliary equipment before leaving work for the day.
- 3.4.5 To measure and track energy and water consumption, the Town will enter building utility use data into the EPA's online Energy Star Portfolio Manager. The Town shall look for opportunities to reduce energy and water consumption based on this data.

3.5 Requirements for Direct Service Providers

- 3.5.1 Direct Service Providers of landscaping maintenance, renovation, and construction shall:

- 3.5.1.1 Use Compost and Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the Town. Whenever available, and capable of meeting quality standards and criteria specified. Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

- 3.5.1.2 Direct Service Providers subject to the Town's WELO pursuant to Chapter 15.32 of the Town's Municipal Code, must comply with the more stringent of the following, the Town's Green Building Ordinance, the Landscaping requirements of the Town's Environmentally Preferable Purchasing and Practices, or State MWELo Standards.

3.6 Green Building - Construction and Renovations

- 3.6.1 Where appropriate, building and renovations undertaken by the Town will follow the most up-to-date Green Building design, construction, and operation practices including any applicable regulations in the Town's Green Building Ordinance, current Building Code and CalGreen Code.

3.7 Landscaping

- 3.7.1 Whenever possible, all landscape renovations, construction and maintenance undertaken by the Town, including workers and contractors providing landscaping services, will employ Bay-Friendly Landscaping or sustainable landscape management techniques for design, construction and maintenance, including, but not limited to, integrated pest management, grass cycling, drip irrigation, composting, and procurement and use of mulch and compost produced from regionally generated plant debris and/or food waste programs.
- 3.7.2 Plants should be selected to minimize waste by choosing species that are appropriate to the microclimate, can grow to their natural size in the space allotted them, and are perennial rather than annual. Native and drought-tolerant plants that require no or minimal watering once established are preferred.
- 3.7.3 Wherever practicable, the Town will limit the amount of impervious surfaces in the landscape. Hardscapes and landscape structures constructed of recycled content materials are encouraged. Permeable substitutes, such as permeable concrete, asphalt or pavers are encouraged for walkways, patios and driveways.

3.8 Toxics and Pollution

- 3.8.1 Whenever practicable, use low toxic cleaning products in non-aerosol containers that are on the SF Approved list (www.sfapproved.org), Green Seal Certified (www.greenseal.org) or receive at least an 8.1 on the GoodGuide (www.goodguide.com). No cleaning or disinfecting products (i.e. for janitorial or automotive use) will contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.
- 3.8.2 The use of chlorofluorocarbon-containing refrigerants, solvents and other products will be phased out and new purchases will not contain them.
- 3.8.3 All surfactants and detergents will be readily biodegradable and, where practicable, will not contain phosphates. No products will be used that contain added antibacterial agents, such as triclosan. This includes products used for handwashing, dishwashing and cleaning.

- 3.8.4 Whenever practicable, the Town will manage pest problems through prevention and physical, mechanical and biological controls and contract only with pest control providers that possess an Integrated Pest Management Certification, such as those listed at www.ecowisecertified.com.
- 3.8.5 The Town will use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde when purchasing materials such as paint, carpeting, adhesives, furniture and casework.
- 3.8.6 Whenever possible, the Town will reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes, but is not limited to:
 - 3.8.6.1 Purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives.
 - 3.8.6.2 Prohibiting purchase of products that use polyvinyl chloride (PVC) such as, but not limited to, office binders, furniture, flooring, and medical supplies.
- 3.8.7 Whenever possible, the Town will purchase products and equipment with no lead or mercury. For products that contain lead or mercury, The Town will give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.
- 3.8.8 When replacing vehicles, The Town will consider less-polluting alternatives such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available.

3.9 Forest Conservation

- 3.9.1 Whenever practicable, the Town will procure wood products such as lumber and paper that originate from forests harvested in an environmentally sustainable manner. When possible, the Town will give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system will include independent third-party audits, with standards equivalent to, or stricter than those of the Forest Stewardship Council certification.

3.10 Agricultural Bio-Based Products

- 3.10.1 Whenever practicable, vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged.

3.10.1 Whenever practicable, paper, paper products and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged.

3.11 Town Functions & Events

3.11.1 All Town-sponsored functions and events must be conducted according to the zero waste practices outlined in this section that address waste reduction, reuse, recycling and composting.

3.11.2 Event organizers will submit a short plan describing actions to be taken for appropriate waste disposal during and after the Town event including the names of the person(s) responsible for waste management.

3.11.3 Event organizers must ensure that all event staff including vendors, volunteers, contractors and cleanup crews are educated on the contents of section 3.11 Town Functions & Events and how to properly identify and separate waste materials.

3.11.4 In accordance with 8.04.040 and 8.04.060 of the Portola Valley Municipal Code wherein Chapter 4.107 of County Code Sanitation and Health was adopted, polystyrene-based disposable food service containers and plastic bags are prohibited from all Town events.

3.11.5 Plastic water bottles of 2.5 gallons or less are prohibited at all Town functions and events.

3.11.6 Event organizers shall ensure that:

3.11.6.1 Reusable dishware is used when possible. If disposable dishware is necessary, use recyclable or compostable options for food and drink items such as cups, plates and cutlery and require the same of caterers.

3.11.6.2 Where practicable, drinks and condiments (sugars, ketchup, salad dressings, etc.) are dispensed in bulk instead of individual packages and servings.

3.11.7 Event organizers must designate a central waste collection area(s) for vendors and event staff to consolidate garbage and recycling materials. Depending on the size of the event, there may be multiple collection areas.

- 3.11.7.1 Garbage and recycling containers must be set up side by side and clearly marked with what items may be placed in each container.
- 3.11.7.2 Recycling containers must either be lined with clear plastic bags, or left unlined.
- 3.11.7.3 Event organizers should consider assigning monitoring staff at primary waste stations to assist event attendees in placing waste in correct container.
- 3.11.7.4 Any standalone garbage containers shall be paired with a recycling bin, removed or covered throughout the event area so they cannot be used.

3.11.8 If event organizers are using vendors with booths that require garbage containers, they must also be equipped with recycling containers.

3.11.8.1 Garbage and recycling containers in vendor booths must be set up side by side and clearly marked with what items may be placed in each container.

3.11.8.2 Recycling containers in vendor booths must either be lined with clear plastic bags, or left unlined.

3.11.9 Due to proximity to the creek, use of balloons is prohibited and event organizers should carefully consider the use of disposable decorations and the provision of giveaway items. If giveaway items are necessary, ensure packaging materials are limited to reduce waste and consider using items manufactured with recycled content.

3.11.10 Where practicable, event organizers should use recycled/compostable materials in any event advertising including promotional materials such as flyers, banners and displays.

3.11.11 Event Organizers shall adhere to all other applicable provisions of this policy as well as the Town's SB 1383 Implementing Ordinance.

3.12 Procurement of Recovered Organic Waste Products

3.12.1 The Town will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following:

- 3.12.1.1 Compost, Mulch, Renewable Gas, or Electricity Procured from Biomass Conversion, all meeting the SB 1383 Guidelines described in Section 2.0.

4.0 VENDOR REQUIREMENTS

4.1 All Town vendors that provide Paper Products shall,

4.1.1 Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and available at equal or lesser price.

4.1.1.1 Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4.1.1.2 Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

4.2 Where practicable, vendors and contractors shall be provided this policy and encouraged to comply with applicable sections of this policy for products and services provided to the Town. Instructors that participate in the Town's Parks & Recreation program will be notified of and encouraged to comply with this policy in their Instructor Agreement.

4.3 Any vendor or contractor that provides cleaning or pest control services to the Town shall be required to outline in their contracts how they will comply with this policy. Pest control providers shall be required to supply their IPM Certification.

4.4 If a vendor or contractor of the Town is no longer able to provide a product or service that meets the policy requirements, it shall notify the Town Manager and provide written justification for why compliance is no longer possible.

5.0 IMPLEMENTATION AND ENFORCEMENT

- 5.1 This policy is enforceable against third parties through the Town's SB 1383 Implementing Ordinance.
- 5.2 The Town Manager shall appoint a lead staff person to implement this policy in coordination with other appropriate personnel.
- 5.3 Implementation of this policy will be phased based on available resources and Town priorities.
- 5.4 As applicable, successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate.
- 5.5 To assist with making purchases that comply with the policy as well as to promote it to a wider audience, all new and existing Town staff, elected officials, volunteers, consultants and contractors will receive a copy of the policy.
- 5.6 To encourage employee awareness of the policy, a recognition program will be created to recognize those employees that comply with the goals of the policy and propose new, innovative measures.
- 5.7 Organizers of Town-sponsored functions and events will consult section 3.11 Town Functions & Events prior to planning any Town event to ensure the event meets the zero waste and SB 1383 requirements. Town staff will develop a guide to assist event organizers in complying with this policy.

6.0 EVALUATION AND INSPECTION

- 6.1 The Town Manager shall appoint a lead staff person to evaluate the success of this policy's implementation on an annual basis with other appropriate personnel.
- 6.2 The Appointed Lead staff person shall have the ability to inspect and monitor Town departments, vendors, and direct service providers involved in the procurement of all Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper, as required by S.B. 1383

7.0 RECORD KEEPING

- 7.1 The Town shall, keep records, including invoices or proof of Recovered Organic Waste Product, Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement and submit records to the lead staff person on a schedule to be determined by the lead staff person.

7.1.1 All Town vendors and direct service providers shall keep and provide records to the lead staff person

7.2 Records shall include:

7.2.1 General procurement records, including:

7.2.1.1 General description of how and where the product was used and applied, if applicable;

7.2.1.2 Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

7.2.1.3 Type of product;

7.2.1.4 Quantity of each product; and,

7.2.1.5 Invoice or other record demonstrating purchase or procurement.

7.2.2 For Compost and Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and Mulch provided to residents. Records shall be maintained and submitted to the lead staff person in accordance with the requirements specified in Section 3.2.A.3.

7.3 The lead staff person shall compile and submit to CalRecycle, an annual report on the Town's direct procurement, and vendor/other procurement on behalf of the Town, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2

Update Adopted by Town Council on October 27, 2021



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Mayor and Members of the Town Council
Chair and Members of the Planning Commission

FROM: Adrienne Smith, Senior Planner
Laura Russell, Planning & Building Director

DATE: October 27, 2021

RE: Study Session - Housing Element Update

RECOMMENDATION

Staff recommends that the Town Council and Planning Commission receive a staff report and public comments and engage in a discussion on:

1. Progress made to date on the community engagement strategy, and
2. Broad feedback to guide the work of the Ad Hoc Housing Element Committee

BACKGROUND

At its April 28, 2021 meeting, staff sought Town Council direction on a proposed Housing Element update plan including a comprehensive community engagement strategy. Additional information is available in the [staff report](#). Regarding community engagement, staff requested direction on the following:

- Formation of a Town Council Subcommittee and appointment of two members
- Proposed Ad-Hoc Committee composition and selection criteria
- Appropriateness of proposed community engagement strategy

Town Council agreed with staff's community engagement plan as proposed and Councilmembers Aalfs and Wernikoff were appointed to the Ad Hoc Housing Element Subcommittee. At its June 9, 2021 meeting, Town Council approved the appointment to the Ad Hoc Housing element Committee, of nine members of the public in addition to Architectural and Site Control Commission, Planning Commission and Equity Committee representatives. Staff is now providing a progress report on the Housing Element update work program and a look ahead at milestones to come.

COMMUNITY ENGAGEMENT STRATEGY

Ad-Hoc Housing Element Committee

The Ad-Hoc Housing Element Committee meets the third Monday of each month and has now held three meetings. The Committee is chaired by Jocelyn Swisher and vice-chaired by

At Sill. Agenda materials are developed by staff in consultation with the Council Subcommittee, the committee's chair and vice-chair and Town Attorney Cara Silver. Each meeting agenda is focused on a variety of topics selected to ensure the committee is equipped with the information and resources needed to make recommendations on the Housing Element content including policies, programs and the housing sites inventory to meet the Town's Regional Housing Needs Allocation (RHNA). A typical meeting includes several staff presentations followed by associated public comment and committee discussion. A selection of topics the committee has reviewed to date includes:

- Portola Valley demographic and housing trends
- Organization and evaluation of the existing Town Housing Element
- Housing affordability income categories
- Housing sites selection process and housing sites scenarios

The Ad Hoc Committee has met three times since its creation, and is on monthly meeting schedule. The Ad Hoc Housing Element Committee agendas, minutes and meeting recordings may be viewed on the [committee page](#). The page also hosts a number of "Supplemental Resources" including links to Town planning documents, selected meeting presentations and other background information.

As the Ad Hoc Housing Element Committee is a Brown-Act body, the public is welcome to participate in its discussions at its meetings.

Continue with Direct Input from Town Council and Planning Commission

Staff proposes to continue direct check-ins with the Council and Planning Commission so the Ad-Hoc Housing Element Committee has the benefit of the feedback from these two bodies. Remaining meetings will likely be scheduled once there are key draft policies to review, and when the complete draft of the Housing Element is ready.

Community-Wide Outreach

The Town held its first community-wide Housing Element update meeting on October 14, 2021, via Zoom. The meeting was well-attended by over 70 participants including councilmembers Aalfs and Wernikoff and a number of Ad Hoc Housing Element Committee members. The meeting was administered by the Town's housing element consultant Urban Planning Partners (UPP) and the format consisted of an overview presentation covering the housing trends and basic requirements of a housing element. Meeting participants were later randomly assigned to breakout rooms to provide an opportunity for small-group discussion. Each breakout room was facilitated by either a Town staff person or a representative of UPP who posed various discussion questions to the group. After approximately thirty minutes of discussion, all breakout rooms rejoined the main meeting room where facilitators provided a summary of key discussion themes. The meeting concluded with a brief staff presentation of upcoming meetings and next steps in the Housing Element update process.

After the meeting, participants were sent a brief survey to gauge meeting experience and provide an opportunity for pose questions. As of the writing of this report, the survey is still open and staff will be collecting responses until October 22, 2021. Moving forward, staff will use the feedback to hone the community-wide meeting process.

The meeting presentation is available on the Town's website [here](#) and the meeting recording (excluding the breakout room discussions) is available to watch [here](#). At the joint meeting on October 27th, staff will present the overview of the community feedback received at the meeting. Staff will then prepare and publish an overall meeting summary, including key discussion themes from the break out rooms, and an FAQ document summarizing questions from meeting participants. Both documents will be released over the next few weeks and will be posted to the Town's website and Let's Talk Housing site (see discussion below).

Two more community-wide meetings are being planned for Winter and Spring/Summer 2022 where participants will consider draft Housing Element goals and policies and later, the draft Housing Element itself. Staff understands there is desire from some residents to resume in-person community meetings, but the format of subsequent community meetings depends upon the status of the pandemic and Council's direction regarding in-person meetings.

Committee Input

To draw on the rich experience of the Town's committees, a "Committee of Committees" is being formed. All Town committees were invited to delegate one or two members to serve in this capacity during their October meetings. The first all-committees meeting is expected to be held in November, where committee representatives will be invited to provide a summary of their committee's interests and bring forward any questions/comments. Two additional meetings will be scheduled later in the process.

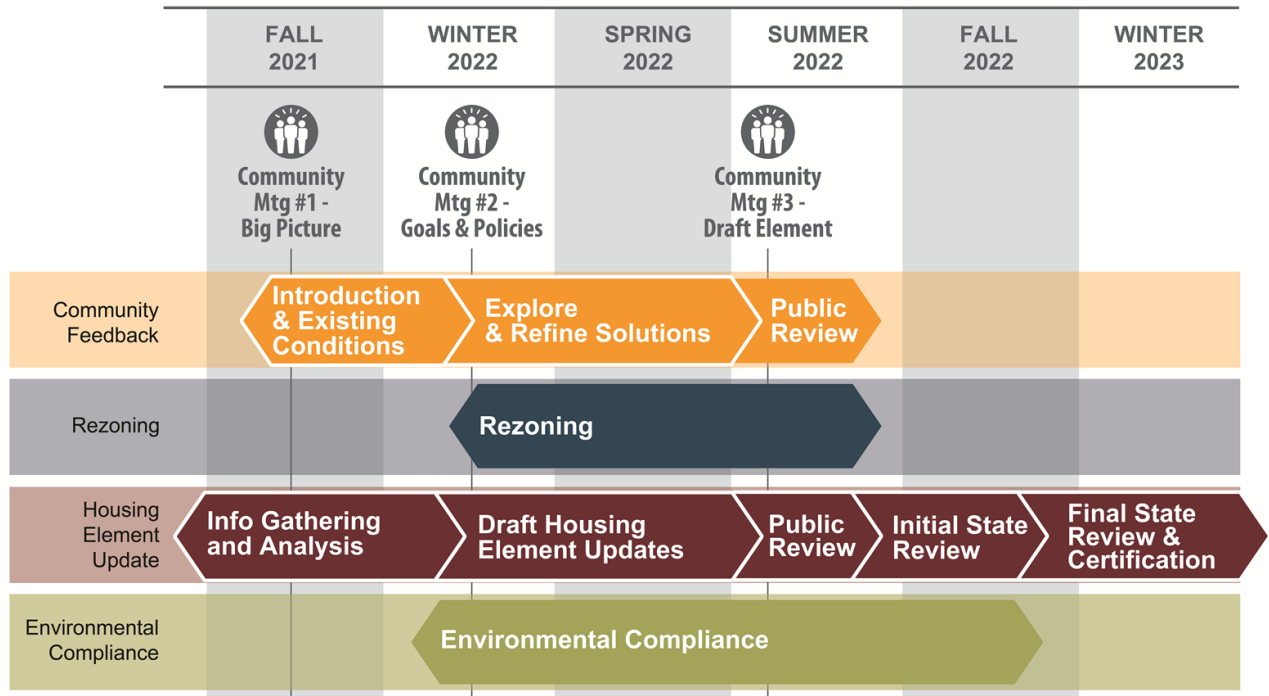
Communications

21 Elements has developed the [Let's Talk Housing](#) website to assist all jurisdictions with their outreach. It contains general information about the process and provides an opportunity for the Town to have its own information posted there. The site will have tools such as surveys, mapping, and a place to provide comments. 21 Elements is also providing handouts, sample text and other materials to assist cities/towns with outreach.

Town staff expects to post monthly web updates and distribute Town News at key milestones in the process. The eNotice system already has a topic for housing that will be used to notify residents of all meetings and major milestones. Residents can also email staff at housing@portolavalley.net.

TIMELINE

An updated timeline is presented below with the general tasks and overview of the process. The full draft Housing Element needs to be submitted to HCD in approximately September 2022. They will review and provide comments then the Town will revise and consider the final version in late 2022.



DISCUSSION AND FEEDBACK

This meeting is scheduled at this time to provide an opportunity for feedback on the community engagement strategy and for Town Council and Planning Commission to provide high level feedback on the Housing Element update process to help guide the work of the Ad Hoc Housing Element Committee.

Staff suggests the following questions for Town Council and Planning Commission discussion:

- What are some of the Town’s key housing needs and challenges?
- What policies and programs have the most promise to meet the Town’s housing needs?
- Would you rather see new units (aside from ADUs) spread throughout the Town or fewer projects in more concentrated locations?
- Imagine it’s the year 2031. What does success look like with this Housing Element update? What words describe the housing in your community now?

FISCAL IMPACT

None.

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 – October 14, 2021

1. Agenda – Ad-Hoc Housing Element Committee – Monday, October 18, 2021
2. Agenda – Trails & Paths Committee – Tuesday, October 19, 2021
3. Agenda – Finance Committee – Tuesday, October 19, 2021
4. Agenda – Planning Commission – Wednesday, October 20, 2021
5. Agenda – Sustainability Committee – Thursday, October 21, 2021
6. Correspondence from resident Peter Chargin re Fire Safety
7. Correspondence from residents re agenda item SB 9 of the October 13 Town Council agenda
8. Correspondence from resident Dale Pfau re SB 9 on the October 13 Town Council agenda
9. Correspondence from resident Jerrie Welch re SB 9 Fact Sheet from Livable California
10. Invitation to the San Mateo County’s 25th Annual Indicators Report – Tuesday, October 19, 2021

Attached Separates (Council Only)

(placed in your Town Hall mailbox)

1. None



TOWN OF PORTOLA VALLEY

4:30 PM – Ad Hoc Housing Element Committee Meeting
Monday, October 18, 2021

**THIS MEETING IS BEING HELD
VIA TELECONFERENCE ONLY**

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/83342167720?pwd=ZW03NE9YQlhxTHpid2JCYXQyT1I3Zz09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 833 4216 7720 **Passcode:** 644998

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 housing@portolavalley.net by 12:00 PM on the day of the meeting. All comments received by that time will be distributed to Committee Members 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 provide comments using the “raise your hand” feature when the Chair calls for them.

Approximate timeframes are provided for agenda items as a guide for the Chair, Committee Members, and the public. Actual times may vary.

Committee Members:

Jeff Aalfs - Town Council Subcommittee

Aimee Armsby

Sue Crane

Sarah Dorahy

Erik Doyle

William Kelly

Anne Kopf-Sill - Planning Commission Representative

Andrew Pierce - Race and Equity Committee Representative

Al Sill - ASCC Representative and Vice-Chair

Jocelyn Swisher - Chair

Nicholas Targ - Planning Commission Representative

Bob Turcott

Janey Ward

Sarah Wernikoff - Town Council Subcommittee

Helen Wolter

Staff Contacts:

Laura Russell - Planning & Building Director

Adrienne Smith - Senior Planner

4:30 PM - CALL TO ORDER AND ROLL CALL**ORAL COMMUNICATIONS**

Persons wishing to address the Ad Hoc Housing Element Committee on any subject not on the agenda may do so now. Please note however, that the Ad Hoc Housing Element Committee is not able to undertake extended discussion or action tonight on items not on the agenda. Comments will be limited to two minutes per person.

COMMITTEE DISCUSSION

1. Values, Decorum and Public Comment – Published (5 Minutes)
2. Introduction to Housing Sites Inventory (45 Minutes)
3. Housing Sites Inventory Selection – Possible Scenarios (60 Minutes)

INFORMATIONAL PRESENTATION

4. Regional Housing Needs Allocation (RHNA) Zoning Target Concept (30 Minutes)

STAFF AND COMMITTEE REPORTS

5. Staff Updates/Announcements (10 Minutes)
 - *Upcoming Topics*
 - *Update on 10/13/21 Town Council discussion of SB9 and SB10*

APPROVAL OF MINUTES

6. Ad Hoc Housing Element Committee Meeting of 9/20/21

ADJOURNMENT

AVAILABILITY OF INFORMATION

For more information on the items to be considered by the Committee, please email housing@portolavalley.net. 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 Committee at, or prior to, the Public Hearing(s).



TOWN OF PORTOLA VALLEY
Trails and Paths Committee Meeting
Tuesday, October 19, 2021, 8:15 AM

Special Videoconference Meeting via Zoom

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/82345146983?pwd=NGNubXg4cjQxekIEK1A2TnV3bUNXQT09>

Meeting ID: 823 4514 6983

Password: 463119

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*

1. Call to Order
2. Welcome Liz Babb
3. Oral/Community Communications
4. Approval of Minutes from September 21, 2021, meeting
5. Old Business
 - a. Trail Conditions, Work, and Budget for September 2021: Howard Update/Discussion
 - b. Alpine Trail/Safe Route to Schools Subcommittee: Group – membership and charter/objectives discussion
 - c. PV Trail Map Subcommittee: Group – membership and charter/objectives discussion
 - d. Stanford Faculty Housing Subcommittee: Group – membership discussion
6. New Business
 - a. Committee Membership for 2022
7. Other Business
8. Adjournment



TOWN OF PORTOLA VALLEY
Finance Committee Meeting
Tuesday, October 19, 2021– 3:00 - 5:00 PM
Special Videoconference Meeting via Zoom

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/84567826384?pwd=NTNOa2QxMWpJUDMwM3ZHVUFxdzJ5UT09>

To access the meeting by phone, dial:

1-669-900-6833

1-877-853-5247 (toll-free)

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

Meeting ID: 845 6782 6384

Password: 456974

1. Call to Order
2. Roll Call
3. Oral Communications and Announcements
4. Approve minutes from August 30, 2021, meeting
5. Update to Finance Committee Charter: Quarterly Meetings
6. Climate Crisis and Fossil Fuel Divestment
7. FY 2021-22 First Quarter Report
8. New Committee Chair
9. Committee Membership for 2022
10. Adjournment



TOWN OF PORTOLA VALLEY

7:00 PM – Special Meeting of the Planning Commission
Wednesday, October 20, 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.

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Join Zoom Meeting Online:

Please select this link to join the meeting:

<https://us06web.zoom.us/j/85953799570?pwd=OU50Tk5SVWZYaXp3OEg0UjE5UjRlUT09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 859 5379 9570 **Passcode:** 115475

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.

PUBLIC HEARING

1. Review of grading in excess of 1,000 cubic yards associated with development of a new residence, File #PLN_SITE0007-2021, 857 Westridge Drive, RLD LAND LLC (D.Parker)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

2. Commission Reports
3. Staff Reports
 - a. Recent Legislation – SB 9 and SB 10

APPROVAL OF MINUTES

4. Planning Commission Meeting of October 6, 2021

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

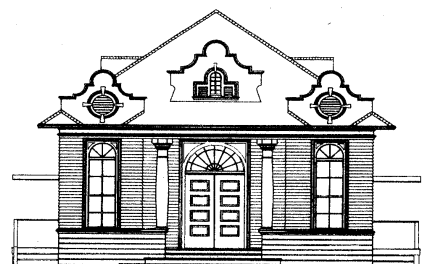
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this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

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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
Sustainability Committee Meeting
Thursday, October 21, 2021 7:00 PM
Special Videoconference 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/81404444302?pwd=Ym5oRDVZUEV4ckZ5RFhvYzhXMS9WUT09>

Meeting ID: 814 0444 4302

Password: 315082

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*

1. Call to Order
2. Oral Communications
3. Introductions
3. Approval of September 16, 2021 *(August 21, 2021 Minutes will be agendized once received)*
4. Old Business
 - a. Updates from Maryann
 - b. Updates from Brandi
 - c. Updates by Subcommittees
 - i. Climate Change Reading and Discussion Group
 - ii. Blackout Protection
 - a. Report on test of power backup system purchased (Stefan)
 - iii. Smart Water Meter Implementation
 - iv. Recruit New Members
 - d. Recap of Town Picnic Outreach
6. New Business
 - a. Appointment of Members to Housing Element Committee of Committees
 - b. Review of Housing Element Documents and Meetings (Rebecca and Scott)
 - c. Discussion of what the Sustainability Committee might want to represent to the Committee of Committees
7. Next Meeting and Proposed Agenda Topics: November 18, 2021, 7 pm
8. Adjournment

Sharon Hanlon

From: Pete Chargin
Sent: Tuesday, October 12, 2021 9:55 PM
To: Sharon Hanlon <shanlon@portolavalley.net>
Subject: Fire safety

Hi Sharon.

Will you please forward this to all members of the town council for their reading, and make it part of the public record?

Thank you all for your service to the town.

Please increase the priority of fire safety in our town.

Over the past few years, we have seen the climate change and the risk of fire in our town increase dramatically. According to all science I can find, it is very likely that the **risk of a catastrophic fire incident will increase substantially** over the next ten years, and the decisions we make now will have a direct impact on whether our homes and perhaps even many lives are lost.

There are many good ideas to improve fire safety, and I urge you to address this as a top priority now. We must determine how we can safely meet the demands for additional housing in the town before we adopt new guidelines for housing or before we approve any major new developments.

I am not anti-development, but I am pro-safety. Please figure out fire safety now.

Thank you.

pete

--

+++++

Peter Chargin
Portola Valley resident for 25+ years

To: Town Council
From: Bob Turcott
Date: October 13, 2021
Subject: Safe compliance with SB 9 - Agenda item 14

“California is on track for yet another record-breaking, climate-fueled wildfire season. As these mega-disasters become the norm, it is more critical than ever that we build responsibly. We can’t keep making the same mistakes.”

- California State Attorney General Rob Bonta

California’s constitution and SB 9 are clear: The entity with the authority and responsibility for ensuring safe development is the local municipality.

Dear Council Member,

SB 9 is described as effectively ending single-family zoning in the state. For example, the law allows 4 houses to be constructed on parcels that are zoned for single family homes.

It is time for the Town Council to take up and fulfill its responsibility and authority to protect the public safety of Portola Valley’s residents. **The Council must ensure that we have an objectively based, professionally enforced set of fire safety regulations in place by January 1, 2022 to prevent unsafe developments from jeopardizing public safety or worsening our already precarious fire hazards and evacuation routes.**

The State Legislature has made clear that SB 9 is not intended to override or preempt the Town’s inherent power to protect public safety.¹

Prudent municipal planning is a critically important component of achieving wildfire resilience in a WUI. Home hardening and vegetation management are not sufficient. They can’t compensate for poor municipal planning.

The fire hazard we face is clear, extensive, and well documented by multiple fire safety and insurance professionals

The significantly elevated hazard includes far more of Portola Valley than the approximately 10% addressed by our ordinance-defined “ADU-restricted area”.

1. Cal Fire

Maps published in 2007 and 2008 indicated that, by Cal Fire’s analysis at that time, 61% of Portola Valley’s area was in High or Very High Fire Hazard Severity Zones, as shown in Fig. 1.²

¹ The codification of SB 9 makes this explicit: “...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.” GOV 65852.21(d)

² osfm.fire.ca.gov/media/5985/portola_valley.pdf, osfm.fire.ca.gov/media/6801/fhszl06_1_map41.pdf

2. Woodside Fire Protection District

In 2008, the Woodside Fire Protection District conducted an independent investigation and identified 4 Very High Fire Hazard Severity Zones: the majority of the western hills, Westridge Hills, Alpine Hills, and the Ranch.³

3. Moritz Arboricultural Consulting

The Town retained Moritz Arboricultural Consulting, which in 2008 identified 19 highest hazard areas throughout Portola Valley (Fig. 2).⁴

4. Insurance industry

Perhaps the most rigorous and contemporary objective assessment of the risk we face comes from the insurance industry.

The prevalence of rapidly increasing premiums or outright cancellation due to excessive risk is well known to Portola Valley residents and the Town Council. Mayor **Derwin** frequently cites her own experience of twice losing coverage. Council Members **Hughes** and **Richards** suggest that if trends continue it may become impossible to insure new and existing homes.⁵ Council Member **Aalfs** estimates that close to 1/3 of Portola Valley’s homes have lost insurance.⁶

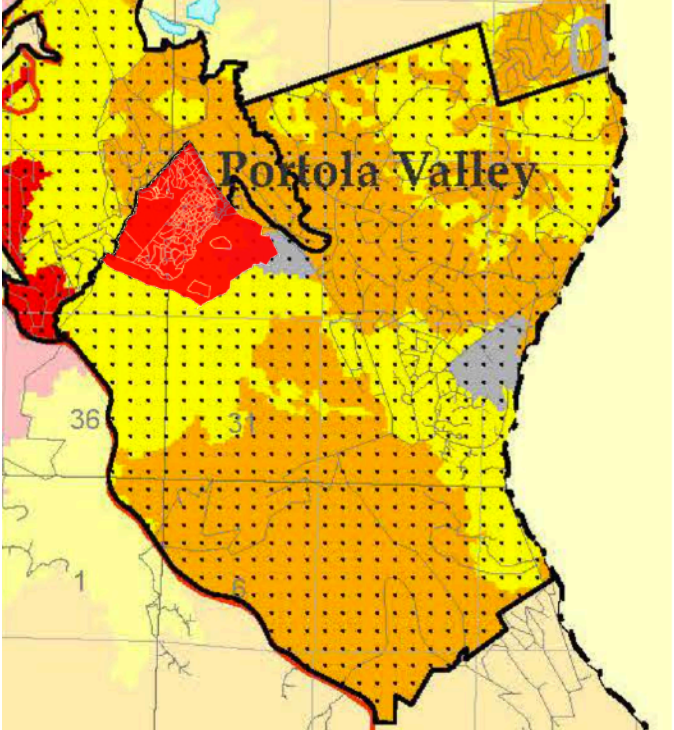


Fig. 1. Composite Cal Fire maps showing High (tan) and Very High (red) Fire Hazard Severity Zones, covering 61% of Portola Valley.



Fig. 2. Map from the 2008 Moritz Report. Circles show the areas within Portola Valley that the independent consultant deemed to be “highest hazard”.

³ Memorandum from Cara Silver, Town Attorney, dated June 17, 2021, in June 17, 2021 Town Council agenda, red page 161

⁴ drive.google.com/file/d/1ZK-7Yf86bKvsR16Ggh5fDeYu9vgdo-xC/view?usp=sharing

⁵ Letter by Hughes and Richards to Dept of Insurance Commissioner Lara, Dept of Housing and Community Development Director Velasquez, CalFire Chief Porter, dated August 23, 2021

⁶ As quoted in “Getting burned: Battles over the cost of climate change are scorching California homeowners” Fortune Magazine, September 28, 2021

The Town Council has failed to prioritize fire safety

Recent examples include the following:

- On July 14, 2021, the Council approved ordinance amendments that allow, in high hazard areas, construction of ADUs that fail to meet basic fire safety standards. Though the state mandates explicitly preserved the Town's authority to exclude such construction as needed for public safety, during their deliberations neither the Planning Commission nor the Town Council considered whether such construction was safe. Neither body sought nor heard expert guidance from fire safety professionals regarding where in town such non-compliant construction was acceptable, and from which areas it should be excluded.
- On June 23, 2021, the Council elected not to appeal our Regional Housing Needs Allocation (RHNA) - a state mandate for 253 additional housing units in the next 8 year housing cycle, representing an increase in housing stock of 15% if the entire area of Portola Valley is available for development, and a 37% effective increase if development is restricted to areas outside our High and Very High Fire Hazard Severity Zones, as previously determined by CalFire.

This decision was particularly perplexing in light of

- empirical analysis that revealed a systematic bias in the RHNA methodology against high-hazard communities.⁷
- lack of consideration of the extent of high hazard areas in Portola Valley by the RHNA methodology. Indeed, in the words of a senior ABAG planner: whether Portola Valley was 100% Very High hazard or 0%, our RHNA would be the same - 253 units.
- knowledge by the Town Council of the epidemic of insurance loss among Portola Valley residents, as cited above.

The Staff Report minimizes the potential for new construction

The Staff Report⁸ includes results from a Turner Center analysis that attempts to estimate the number additional market-viable housing units that will result from SB 9. Unfortunately, these results are irrelevant for us. Not only were towns of Portola Valley's size excluded from the analysis, but as one of the most expensive communities in the region, the differences in economic forces that exist in Portola Valley vs the larger communities on which the analysis was based are simply too great to allow accurate extrapolation.

The Staff Report includes speculation that SB 9 is not likely to significantly increase housing in Portola Valley. Quantitative analysis was not provided. In fact, there are reasons to suspect that the Report's conclusion is incorrect. The opportunity to liquidate half of a large, multimillion dollar parcel will no doubt be attractive for many residents.

In any case, the Town Council should not base its approach to safety on presumed knowledge of how many units will be constructed. Safe compliance with SB 9 should be the highest priority, regardless of the anticipated amount of new construction.

⁷ Letter by Turcott to Town Council, dated July 6, 2021. drive.google.com/file/d/1-w5ILUAmcqzZOX_g4hi72MalxNKF4m_o/view?usp=sharing

⁸ "Discussion of New Housing Legislation, including SB 9 regarding Urban Lot Splits and SB 10 exempting certain rezonings from environmental review", dated October 13, 2021, included in the October 13, 2021 Town Council agenda starting on red page 134.

The Staff Report ignores fire safety

Aside from quoting a portion of the the Government Code, the Staff Report does not acknowledge, let alone highlight, that the responsibility and authority for ensuring safe development lies with the Town Council. Nor does the report describe what must be done by January 1, 2022 in order for the Town to exercise this responsibility.

SB 9 identifies requirements to exercise our authority to preserve public safety

SB 9 details what the Town must do in order to put itself in a position to protect public health and safety against development projects that would endanger existing residents and neighborhoods.⁹

First, “objective, identified written public health or safety standards” must be established.

Second, a development proposal is compared against these standards.

Third, the proposal is rejected if a “specific, adverse impact” relative to the standards is identified.

NFPA 1140: Standard for Wildland Fire Protection

The National Fire Protection Association (NFPA) is an authoritative, national, nonprofit organization “devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards” through the development of **evidence-based** codes and standards.

NFPA 1140: Standard for Wildland Fire Protection is comprehensive, objective, evidence-based, and, having been recently revised, is up to date. It’s quality and scope far exceeds what could be developed *de novo* locally.

Importantly, NFPA 1140 fills many of the critical gaps that exist in the building code. Being based on objective, scientific study, the Standard removes the subjectivity, bias, and arbitrariness of *ad hoc* judgements by individuals. NFPA Standards are iterated frequently, on time scales much shorter than building codes, so they better reflect current knowledge. For these reasons and others, they are widely adopted.

Vegetation management and home hardening are not adequate mitigation for poor municipal planning

Town-wide and site-specific hazard and risk analysis, appropriate siting of structures within the fuel complex, appropriate structure-to-structure separation, and other elements of municipal planning are as important to wildfire resiliency as home hardening and vegetation management. All three elements are necessary. It is impossible to adequately mitigate risk when one component is neglected.

Challenges for the Town Council

Placing up to 4 housing units on parcels zoned for 1 in high fire hazard areas will impact public safety in obvious and potentially disastrous ways - from intensifying a wildfire through

⁹ Government Code 65589.5(d)(2)

significantly increased fuel loading and structure-to-structure ignition, to further degrading our already tenuous evacuation capacity.

These are literally issues of life and death.

The Town Council should:

1) Prioritize fire and geologic safety.

In its Report (page 6), Staff recommends adopting an implementing ordinance by January 1, 2022 which, the Reports states, should “ [1] Provide a process for acting on ‘urban lot splits’. [, and 2] Adopt objective standards for these mandatory, ministerial lot splits and two-unit development projects”

Rather than ignoring fire safety, the first objective of the ordinance should be to define the “objective, identified written public health or safety standards” by which the fire and geologic safety of proposed developments can be assessed, and, if found to pose an unmitigable impact on hazard and risk, be rejected.

NFPA 1140 should be adopted to protected us from hazardous development, with the authority to implement and enforce the Standards delegated to fire safety professionals such as WFPD’s Fire Marshal Don Bullard.

This needs to be done now. Not at some indefinite time in the future.

2) Educate itself on the fire hazards we face.

As our elected representatives, the Council should place “Wildfire Safety Standards” on the agenda, and should insist on hearing directly from our fire safety and prevention professionals - WFPD Fire Marshal Don Bullard or former WFPD Fire Marshal and current Fire Safe San Mateo County Executive Director Denise Enea. This is too important to rely on recommendations compiled by staff or committees.

Questions the fire safety and prevention professionals should address include:

- Are the Cal Fire, WFPD, and Moritz assessments from 2007-2008 representative of the hazard we face, or do they overestimate the hazard?
- What are the advantages of adopting NFPA 1140? What are the disadvantages?
- Can the risk incurred by construction that violates NFPA 1140 Standards be mitigated with home hardening and vegetation management?
- Should NFPA 1140 be adopted as the “objective standard” for wildfire safety called for by SB 9?
- What competent authority should be entrusted with adopting the NFPA Standard for our community?
- What competent authority should be entrusted with administering these Standards?

Sincerely,

Robert Turcott

Cc: Ad Hoc Housing Element Committee, Planning Commission, WFPD Fire Marshal Bullard, PV Forum

Sharon Hanlon

-----Original Message-----

From: Gene Chaput

Sent: Wednesday, October 13, 2021 10:41 AM

To: Sharon Hanlon <shanlon@portolavalley.net>

Cc: Susan Chaput

Subject: SB 9/Housing Element

To the PV Town Council -

In light of our State 'Representatives' short sighted decision to pass SB 9 and the resulting consequences, want to express our deep concerns that the PV Town Council strongly consider the safety issues inherent in the possible unabated housing growth that could result as it will seriously impact what we are already facing in terms of fire, earthquake, insurance, traffic evac issues (among many others). The Council needs to consider the needs of current residents and their SAFETY as this is paramount. Strongly urge the Council to 'SLOW THE ROLL'!

Susan and Gene Chaput

Alamos Road

Portola Valley, Ca 94028

Sharon Hanlon

From: Monika Cheney

Sent: Wednesday, October 13, 2021 10:04 AM

To: Jeremy Dennis <jdennis@portolavalley.net>; Craig Hughes <chughes@portolavalley.net>; John Richards <jrichards@portolavalley.net>; Jeff Aalfs <JAalfs@portolavalley.net>; Sarah Wernikoff <swernikoff@portolavalley.net>; Maryann Moise Derwin <mderwin@portolavalley.net>

Subject: Tonight's agenda - SB 9 10 and our RHNA allocation

Dear Portola Valley Town Council Members, Town Manager, Town Attorney and Town Planner,

I am writing to stress the critical importance of the Town of Portola Valley, via each of you, doing everything in our power to push back against the complete and utter usurpation of Portola Valley's local control over our local planning, and, if the Town does not act quickly, over our local fire and earthquake safety, heading our way through SB 9's urban lot splits and "by-right" two unit developments, and the Town's complete refusal (despite it being [the number one priority recommendation from the last Ad Hoc Committee on Housing](#) (page 69)) to push back against our RHNA numbers.

In the staff report prepared for tonight's Town Council meeting discussion of SB 9 and 10, staff acknowledges that SB 9 would potentially allow for a single lot in Portola Valley with one home on it to be split into two lots, and to have two residential homes on each lot. And then, when you add in ADUs in support of our absurdly high RHNA number, this turns into four units per lot. In other words, a single lot in nearly any neighborhood in Portola Valley (min lot size would only be 1,200 sq ft) could potentially go from having one home to eight. To say the least, this will be an earth-shattering change for the rural character of our community, and a massive increase to our fire hazard and emergency exit risks, which, as repeatedly highlighted for the Town by CalFire, Woodside Fire Protection District, Moritz Consulting, numerous concerned residents, and perhaps most palpably in the absence of a fire, the insurance industry cancellations of homeowners' insurance in PV due to fire hazard, is already an extremely frightening issue.

Our Town planning is centered around our General Plan, which has served us well since our founding. SB 9 and 10 and our extremely high RHNA allocation essentially tear that document to shreds. There can be no more pressing or urgent issue facing our Town Council at this time than doing everything we can to push back against both SB 9's 8x housing multiplier and the Town's RHNA allocation of 253 units of new housing. This would entail hiring legal counsel to provide a far more detailed analysis of SB 9 and our RHNA allocation, joining or leading litigation against SB 9 (SB 10 as well but it appears less controlling over local jurisdictions) and our RHNA allocation, not approaching land owners and encouraging additional high density housing in our community in areas like the Wedge (particularly before we fully understand what SB 9 means for Portola Valley), and very importantly, establishing significant "objective, identified written public health or safety standards" relating to fire and geologic safety, and emergency exit planning for our community such that the Town of Portola Valley can be positioned to get exemptions from SB 9's 8x multiplier in housing, using the "objective standards" exemption. (For this exemption to be potentially available these objective standards must be created now (see generally Government Code § 65589.5(h).))

Yet, in the memo prepared by staff for tonight's discussion of SB 9 and 10 (our RHNA allocation is not on the agenda but should be added since it is tied in to the 8x multiplier of SB 9), staff seems unconcerned about the 8x housing multiplier in PV, stating "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." There is no

explanation provided for the claim that SB 9 will not result in more than a few instances of additional urban lot splits or adding more units on a single lot. I urge you to provide a far more detailed, legal analysis of SB 9 and our RHNA allocation. Unless there is a legal basis for this hoped-for scenario in Portola Valley, it is hard to imagine how many owners of property Portola Valley would not split their parcels in two, and build two homes on each lot, with perhaps an ADU for each of those four homes (1 home becomes 8). You may think all homeowners in Portola Valley preference living in larger open spaces, however, many current owners and future buyers/developers would be very interested in the potential financial gains from such development.

Thank you for your attention to this important matter.

Sincerely yours,

Monika Cheney

Sharon Hanlon

Dear Sharon,

I request that you please forward to all Council members and include in the public packet the following letter for tonight's council meeting.

Dear Council Member,

It is time for the Town Council to take up and fulfill its responsibility and authority to protect the public safety of Portola Valley's residents. The Council must ensure that we have an objectively based, professionally enforced set of fire safety regulations in place by January 1, 2022 to prevent unsafe developments from jeopardizing public safety or worsening our already precarious fire hazards and evacuation routes.

The State Legislature has made clear that SB 9 is not intended to override or preempt the Town's inherent power to protect public safety.

I have spent the last year diligently hardening my home at 550 Westridge against wildfire, but all of this will have been done for nothing unless the town council creates prudent municipal planning which is a critically important component of achieving wildfire resilience in a WUI.

I feel you have your priorities backwards: you give first priority to new planning development over the safety of the town's residents—just look at where the staff time and money goes.

Robert Younge

Town Council

Portola Valley, CA

October 13, 2021

Subject: SB9 and SB10

1. I specifically asked three council members and the town manager to bring SB9 and SB10 to the council for discussion before they passed and were signed into law. For reference, 36% of the towns in CA opposed SB9 and SB10 while this council was **silent**. This council is now well behind the curve in understanding the implications and dealing with the aftereffects. Furthermore, the staff report for the 13 October meeting is based on conjecture and one study that was put out by proponents of SB9 and SB10; I completely reject the conclusions of the staff report and suggest that this council needs to do more work on understanding the dangers to the residents of Portola Valley. Perhaps reviewing the staff reports of the 36% of the towns in CA that opposed SB9 and SB10.
2. NFPA 1140, 2022 edition* section 12.2.1 calls for 30 feet separation between buildings and a 30 ft setback from property lines. Studies have continued to show that radiant heat from burning structures is hotter than crown or ground fire and leads to more destructive wildfires – thus the setback requirements. As NFPA 1140 is the accepted standard for wildland fire, anything less than 30 ft in future building requirements endangers the health and safety of everyone in Portola Valley. As SB9 has only minimal setbacks, this council must adopt policies and procedures that insure the safety of Portola Valley and reject the majority of SB9.

With best interests,

Dale Pfau

5030 Alpine Road

*For a discussion of NFPA and 1140, see notes from Wildfire Committee meeting of October 5, 2021

----- Forwarded Message -----

From: Livable California <contact@livableca.org>

To: Jerrie Welch

Sent: Wednesday, October 13, 2021, 07:31:15 AM PDT

Subject: SB 9 Fact Sheet: The Media Missed SB 9's Perilous Side. We're Correcting the Record.

October 13, 2021

Contact@LivableCa.org

SB 9 Fact Sheet: The Media Missed SB 9's Perilous Side. We're Correcting the Record.

Senate Bill 9 ends single-family zoning to allow four homes where one now stands. It was signed by Gov. Newsom, backed by 73 of 120 legislators and praised by many media. Yet a respected pollster found 71% of California voters oppose SB 9.

During the 2021 firestorms, SB 9 sailed through approvals. Yet it opens 1.12 million* homes in severe fire zones to unmanaged density — one-sixth of single-family homes in California. SB 9 could reshape, in unwanted ways, hundreds of [high-risk fire zones](#) that sprawl across California's urban and rural areas.

Proponents said fire-prone areas were exempted from SB 9. That is false. SB 9 applies in all severe fire zones such as Shasta, South Lake Tahoe, Paradise, Santa Rosa, Oakland, Ventura, Agoura Hills, Malibu, L.A., Ramona, Poway, San Diego and dozens more.

How Did We Get Here? Misreporting Helped SB 9 Become Law

As wildfires raged in 2021, an erroneous July report from Berkeley's Turner Center, "[Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?](#)" led the media to misreport that SB 9 density wouldn't apply to homes in evacuation-prone, high fire severity zones.

Turner Center Director **Ben Metcalf**, in an email to Livable California, said SB 9 projects aren't allowed in fire severity zones unless a city "proactively allows for them or has specifically adopted a fire hazard mitigation measure." **This is incorrect.** Turner is looking at an old law, struck in 2018. Cities no longer have that power. Metcalf said SB 9 has "ambiguity" and isn't "cut and dry on fire hazard severity zones." **This is incorrect.** In fire severity zones, SB 9 builders [must only follow rules they already must follow](#) in [Chapter 7A of the Building Code](#). Thus SB 9 density is allowed in fire severity zones.

Turner Center's errors nevertheless spread statewide:

- The California Senate Democratic Caucus website mistakenly says SB 9 "[excludes the provisions of the bill being used in very high fire hazard severity zones.](#)" Its Myth Vs. Fact section wrongly claims SB 9 "[excludes very high fire hazard severity zones.](#)"
- Aug. 18, *CalMatters* misreports, "[fire hazard zones ... would be barred from development.](#)"

- Aug. 20, *Mercury News* repeats, “[fire hazard zones ... would be barred from development.](#)”
- Aug. 22, *Los Angeles Times* editorial board endorses SB 9, erroneously stating “[The bill wouldn’t apply in ... certain high fire-risk areas.](#)”
- Sept. 7, *L.A. Times* misreports, “[land at high risk of fire](#)” is “[specifically exempt](#)” from SB 9.
- **Gov. Newsom’s signing of SB 9 in September was followed by more misreporting:**
 - Sept. 16, *San Francisco Examiner*, “[grants exceptions to ... fire zones.](#)”
 - Sept. 17, *Slate*, “[exemptions for ... fire hazard zones.](#)”
 - Oct. 3, *Bloomberg Opinion*, “[some exceptions, such as ... fire-prone areas.](#)”

SB 9's Impact in Fire Zones Was Hiding in a Loophole

Why did the 2021 legislative hearings fail to explore SB 9’s intent to allow density in severe fire zones?

The loophole is buried deep in a Government Code (existing state law) incorporated into SB 9. The loophole language seems to exclude severe fire zones from SB 9 density, but in fact does the opposite.

The [loophole can be found online](#) at Government Code 65913.4, paragraph (6), sub-paragraph (D) of subdivision (a). The sub-paragraph (D) allows development in fire severity zones *if builders merely abide by building standards they must already follow.*

The first sentence in “sub-paragraph (D)” says development is banned in fire severity zones. The second sentence undoes that safeguard: it “does not apply” where “fire mitigation standards” apply. And those fire mitigation standards are already applied in [Chapter 7A of the state Building Code.](#)

Now that SB 9 is law, how do communities and cities address the unplanned growth it allows in fire severity zones? Watch for our upcoming teleconference “Fire Zones and SB 9.”

*Next 10, an independent, non-partisan organization including UC Berkeley scholars, found in its June 10, 2021 “Rebuilding for a Resilient Recovery” report that 1.4 million housing units exist in high or very high-risk fire zones, 80% of which — or 1.12 million — are single-family homes.

Advocate for the empowerment of local governments to foster equitable, self-determined communities offering a path for all to a more livable California.

Livable California
2940 16th Street
Suite 200-1
San Francisco, CA 94103
United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).

Sharon Hanlon

From: Terry Nagel
Sent: Tuesday, October 12, 2021 10:35 PM
To: Brandi de Garmeaux <BdeGarmeaux@portolavalley.net>; Sharon Hanlon <shanlon@portolavalley.net>
Subject: Invitation to Indicators Launch Oct. 19

Hi Brandi and Sharon--

I'm writing to personally invite you to the unveiling of **Sustainable San Mateo County's 25th annual Indicators Report** from noon to 1 p.m. on **Tues. October 19** on Zoom. Each year we take a deep dive into one subject, and this year the report will focus on Equitable Housing and solutions for alleviating our housing crisis. Admission is free, but pre-registration is required at tinyurl.com/IR2021Launch.

Please share this invitation with colleagues and with residents via your city newsletter. **A suggested newsletter item is below.** Full details and a suggested graphic for social media are attached.

This online event from noon to 1 p.m. will feature:

- Rick Bonilla, Deputy Mayor of San Mateo
- Diana Reddy, Council Member, Redwood City
- Matt Franklin, Chief Executive, MidPen Housing

Hope to see you there!

Terry

Terry Nagel
Chair, Sustainable San Mateo County
| 650-678-7082

FOR IMMEDIATE RELEASE

Contact: Terry Nagel, 650-678-7082 or
Christine Kohl-Zaugg, christine@sustainablesanmateo.org, 650-918-1992

2021 Indicators Report Focuses on Solutions to the Housing Crisis

Sustainable San Mateo County's 25th annual [Indicators Report](#) will be unveiled **October 19** at a free online gathering featuring experts describing root causes of the current housing crisis in San Mateo County and ways to alleviate it.

Each year, Sustainable San Mateo County's Indicators Report does in-depth research on one aspect of sustainability performance in the county. This year's report on Equitable Housing includes comprehensive data, the historical context, driving forces, an analysis of the impact of climate change on housing, case studies and recommended solutions and policy initiatives for San Mateo County.

The [Indicators Report Launch](#) from noon to 1 p.m. on Zoom will feature three experts working on creating just and equitable housing for everyone: Rick Bonilla, Deputy Mayor, San Mateo; Diana Reddy, Council Member, Redwood City; and Matt Franklin, Chief Executive, [MidPen Housing](#).

The event will take place on Zoom and is free of charge, but attendees are required to register in advance at: tinyurl.com/IR2021Launch. For more information, visit <https://sustainablesanmateo.org>.

2021 INDICATORS REPORT LAUNCH

Equitable Housing

October 19, 2021

Noon - 1:00 p.m.

More info & registration:
<https://tinyurl.com/IR2021Launch>



**Sustainable
San Mateo County**
Economy. Equity. Environment.



TOWN COUNCIL WEEKLY DIGEST

Thursday – October 21, 2021

1. Agenda – Architectural & Site Control Commission – Monday, October 25, 2021
2. Agenda – Conservation Committee – Tuesday, October 26, 2021
3. Letter from the Mayor Derwin to the California Resource Board re Request for GHG Inventories for California Local Governments
4. Correspondence from resident Harriet Wrye re SB 9
5. Correspondence from Unidentified resident re excavation at Pinon Drive residence

Attached Separates (Council Only)

(placed in your Town Hall mailbox)

1. HIP Housing “Thank you” for your support for Fiscal Year 2020-2021
2. NorCal Carpenter Magazine August/September 2021



TOWN OF PORTOLA VALLEY

4:00 PM – Architectural Site Control Commission Meeting
Monday, October 25, 2021

TELECONFERENCE DETAILS WITHIN

SPECIAL ASCC FIELD MEETING HAS BEEN CANCELLED

2:00 PM 333 Canyon Drive – This site meeting has been cancelled.

2:30 PM 460 Cervantes Road – This site meeting has been cancelled.

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/83340820049?pwd=aXI0ZFZlWU1BMRk9SMDVJUEhZNzZ5QT09>

Or: Go to Zoom.com – Click Join a Meeting – Enter the Meeting ID

Meeting ID: 833 4082 0049 **Passcode:** 385614

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. Architectural Review of an application for an addition/remodel to an existing residence that would exceed 85% of the allowed floor area in the main residence, File # PLN_ARCH0013-2021, 333 Canyon Drive, Portner Residence (J. Garcia)
2. Architectural Review of an application for first floor additions, a remodel of an existing barn, a new storage shed, and landscape improvements, File # PLN_ARCH0016-2021, 460 Cervantes Road, Alfaro Residence (R. Robinson)

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

3. Commission Reports
4. Staff Report
 - a. Update on SB9

APPROVAL OF MINUTES

5. ASCC Meeting of October 11, 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, October 26, 2021 – 7:00 PM**

Special Videoconference Meeting via Zoom

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.

To access the meeting by computer, click on the link below:

<https://us06web.zoom.us/j/87986346446?pwd=UTBiMndsZ0tCYVp1MWNUSkVrT0lDdz09>

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: 879 8634 6446

Password: 020957

SPECIAL MEETING AGENDA

- 1) Call to Order
- 2) Oral Communications
- 3) Approval of Minutes for September 28, 2021
- 4) Old Business
 - a) Redwood Guidelines revision – Richards
 - i) Approved in August; slightly revised September for precision re microclimates. Sent to ASCC Appendix A
 - ii) Fee waiver for “stressed redwoods.”
 - (1) Criteria for approval. Subcommittee Heiple, Magill, Plunder and Walz.
 - (2) Does subcommittee need to see every one?
 - iii) Redwood Microclimate Map- Walz and Heiple
 - b) Ad Hoc Housing –input for our 2 representatives to Committee on Committees.
 - c) Committee/Town Cooperation
 - i) Fire AdHoc – Plunder
 - d) Tip of the Month – Magill (3 minutes)
 - e) What’s Blooming Now – Magill (3 minutes)
- 5) New Business
 - e) Membership for 2022
- 6) Next Meeting Tuesday November 23 7:00pm ?Zoom
- 7) Adjournment aspirationally 8:30, Hard Stop 9:00



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@lgec.org) and Michael McCormick, Special Advisor (mmccormick@lgec.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

Sharon Hanlon

From: Harriet K Wrye

Sent: Thursday, October 21, 2021 12:31 PM

To: Sharon Hanlon <shanlon@portolavalley.net>

Cc: Crane Sue; Barbara Creed; Kingdon Kirsten; Rob Hays; Tabor Kajsa Karin Eckelmeyer

Subject: SB9 Portola Valley

Dear Shanlon and the PV Town Council,

I regret having missed the opportunity to attend the PV Oct 13th meeting on SB 9, but as it is clear community engagement is important, I am writing in follow-up.

As a resident of the Sequoias, I love PV as it is, and I'm an avid horseback rider on our beautiful trails, but I'm very concerned about the lack of diversity and affordable housing here. I've become convinced that the best solution is to build more safe affordable housing. To an extent, while some concerns about the effects on evacuation and traffic may be used as NIMBY smoke screens, I am also convinced of the demonstrable risk of wildfire here, and the likely earthquake consequences of living atop the San Andreas Fault, having already personally experienced the destruction of the Santa Cruz Earthquake and Northridge quakes.

The main thing that I **don't** like about living here is the relative homogeneity of PV as to race, ethnicity, and economic status. I believe that more diverse communities are healthier for everyone. I published an article in [The Sequoian](#) last year about the history and causes of the lack of diversity in Portola Valley, and sent a copy to the PV Board. I offered to join the PV Town Council Diversity Committee, but have never heard back. With SB9 on all of our minds, I still hope to be invited to the Diversity Committee.

Thank you very much,

Harriet K. Wrye

Dr Harriet Kimble Wrye

501 Portola Road,

Portola Valley, CA 94028

OPENING TO DIVERSITY
THE SEQUOIAN ~ April, 2021

The Sequoias of Portola Valley is known for its open-hearted friendliness and welcoming spirit, as well as its beautiful campus and nearby hiking trails. Have you ever wondered, though, about the relative lack of racial and ethnic diversity in our community? Newcomers often ask that question, and apparently some prospective residents express disappointment and even misgivings about moving here from communities where there is more diversity. SPV is unfortunately unique in this regard compared to the other Sequoia Living communities which are more diverse. The answer has to do with residential development in San Mateo county.

Considerable local history is documented in *Life on the San Andreas Fault: A History of Portola Valley* by Nancy Lund and Pamela Gullard. In it is this story of an idealistic dream, and its demise. A Ladera story about real estate development is of particular interest in relation to deepening our awareness of local racial injustice and inequality. In the early 1940s, a broad-minded group of Stanford professors including Dr Murray Luck were inspired by his idea of forming an affordable multi-racial cooperative community. They came together, dreamers and practical folks who met, extensively researching and doggedly resolving conflicts and shaping their dream. Finally in 1945 these families, including mostly Whites but some Blacks, formed the Peninsula Housing Association (PHA), to locate and buy a tract of land where families of varied economic and racial makeup could build their dream houses, raise and educate their children, and live together in harmony. Wallace Stegner said they “had the spirit that used to animate barn raisings when democracy was younger and simpler.” They discovered available land on the old Ormondale Ranch, only four miles from Stanford, bordering on beautiful open space rolling hills with views in every direction. They hired an architectural firm to design a series of floor plans to blend in with the rural landscape, suitable for affordable housing for the more than 150 scientists, nurses, teachers, pilots, writers, and government employees who had already bought shares in the growing PHA. Over the next five years, Ladera, meaning slope in Spanish, was named. By 1949 roads were in, plans for a community center, school, and pedestrian pathways were designed, and houses were just beginning construction. Cost overruns alarmed many and by 1950, the Peninsula Housing Association, in financial difficulty, was unable to raise funds. Banks at the time still discriminated with “redlining,” refusing to lend to the PHA as the cooperative included African Americans. Heartbroken were the families whose dreams were dashed, especially

minority members who were reluctantly asked to withdraw, which they did, “not wanting to be the cause of their friends losing their investments.”

Thus, overt racial discrimination destroyed the dream of Ladera as an integrated, inclusive and affordable community. Neighboring communities of Woodside, Westridge and many others throughout San Mateo were similarly shaped by the same discriminatory practices including Covenants, Codes and Restrictions (CC&Rs) written into deeds prohibiting property ownership by people of color, even requiring those who worked as gardeners and maids to vacate by 5PM daily.

As it turned out, when Ladera was about to go bankrupt in 1950, the PHA turned to Portola Development Company, including SPV’s **Shirley Kelley**’s liberal minded husband as a principal, to rescue the Ladera project. The story becomes more personal, as the Kelley’s raised their family in the new housing project. Shirley suggested I talk with her son, Bruce Kelley, now Editor in Chief of *Reader’s Digest*, who grew up in Ladera. What an interesting long conversation we had! Bruce told me as a young boy, he already felt so strongly that segregation was wrong that rather than attend all-white Woodside High School, he volunteered to be bused across town to an experimental program in integration with Ravenswood High, a nearly all black school in East Palo Alto. He said it changed his life in a positive direction. He has many lifelong friends from Ravenswood who inspired him to become an active voice against discrimination and injustice of any kind. Interestingly, **Sue Crane** reports that her son Russell also opted for bussing to Ravenswood and felt his life course changed for the better.

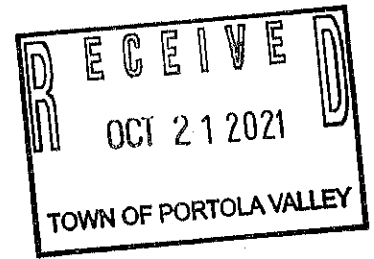
Bruce Kelly sent me a link to an apropos New York Times bestseller: Richard Rothstein’s *The Color of Law: A Forgotten History of How Our Government Segregated America* (2017). It helps illuminate how the residual shadow of those 1940s CC&Rs have colored (or discolored) our own Sequoian relative homogeneity. Another recent book, *Caste: The Origins of Our Discontents* by Pulitzer prizewinning author Isabel Wilkerson, sheds additional powerful light on the history of the problem.

In 1963, the Rumford Fair Housing Act aimed to end such egregious racial discrimination, but only a year later, via California Prop 14, Californians, overwhelmingly voted to defeat the Fair Housing Act, privileging landlords, developers and homeowners’ property rights over racial justice. In 1966, the California Supreme Court declared Proposition 14 unconstitutional supported by the U.S. Supreme Court in 1967.

De facto discrimination, however, continues even today, exemplified through the foreclosure crisis, in which people of color were disproportionately affected by predatory subprime loans. Moreover, Blacks and other racial minorities have been

limited by education, restrictive employment opportunities and investment in real estate from intergenerational accumulation of wealth, thus perpetuating the cycle. The point for our privileged Sequoian community is that by having been thus restricted, Blacks and other ethnic minorities are still unable to afford to live here. Today, there are still only 11 known Black homeowners in Portola Valley. Hopefully, in this time of greatly heightened awareness of the inequities and injustices suffered by racially and ethnically diverse people, we can, as a welcoming community, begin constructive conversations on fostering diversity.

Harriet Kimble Wrye



October 18, 2021

Mr. Jeremy Davis
~~Town Manager~~ *Town Council*
Portola Valley Town Hall
765 Portola Road
Portola Valley, CA 94028

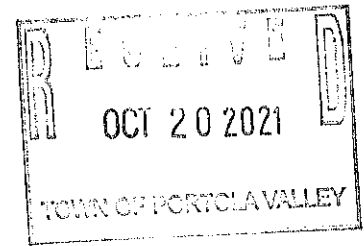
Re: 127 Pinon Drive, Portola Valley, CA 94028

A road has been bulldozed and a 10 foot excavation is being constructed today on the north hill at this location.

It can be seen from the road on public land on Ramoso Road.

There is a bobcat and heavy equipment continuing the work.

cc: Westridge Architectural Supervising Committee (WASC)
3130 Alpine Road #288, PMB 164
Portola Valley 94028



October 19, 2021

PLEASE DISTRIBUTE TO:

- Mayor
- Members of the Town Council
- Town Manager
- Commissioners of the Architectural and Site Control Commission (ASCC)
- Planning & Building Director

Has a Site Development Permit been applied for and approved?

There is major excavation on and road being cut into the hill at 127 Pinon Drive including the following:

- Grading
- Vegetation removal
- Excavation has already exceeded fifty (50) cubic yards
- Excavation has already exceeded four (4) feet in vertical depth at its deepest point
- A significant oak tree is and has already been affected which would tend to injure, destroy, or kill the tree. Its roots have and are being further ripped up

Did the Town know?

Will the Town act?