

PORTOLA VALLEY TOWN COUNCIL SPECIAL MEETING NO. 1020, 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 Garmeaux, 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

- (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

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 as 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 are 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 agendized 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 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