



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
**Wednesday, September 28, 2022**  
**7:00 P.M.**

**Craig Hughes**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Jeff Aalfs**, Councilmember  
**Maryann Derwin**, Councilmember  
**John Richards**, Councilmember

**HYBRID MEETING**

**HISTORIC SCHOOLHOUSE - 765 Portola Road, Portola Valley, CA 94028**

**Remote Public Comments:** Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please submit your comments using this [online form](#) by 1:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission, or Committee members for consideration during the meeting and included in the public record. Additionally, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing \*9 on your phone to "raise your hand" and \*6 to mute/unmute yourself. The meeting Chair will call on people to speak by the phone number calling in.

**Assistance for People with Disabilities:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at [mthurman@portolavalley.net](mailto:mthurman@portolavalley.net). Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

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

**VIRTUAL PARTICIPATION VIA ZOOM**

**To access the meeting by computer:**

<https://us06web.zoom.us/j/87404680822?pwd=UURiUXorNm5yeJTOU1XK1RBUIp3QT09>

**Webinar ID:** 874 0468 0822

**Passcode:** 466312

**To access the meeting by phone:**

1-669-900-6833 or

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

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

*Residents have asked if they are able to see a list of participants in Zoom webinar-meetings. Craig Hughes has put together a simple website integrated with Zoom data to provide this for Town webinars. You can visit the site at <https://pv-zooms.rungie.com/> which will show a list of meetings. Clicking on a meeting will then display all participants in the meeting, as well as those who had been in the meeting but have left. The site will only show meetings once they have started and the first participant has joined.*

- 1. CALL TO ORDER**
- 2. REPORT OUT OF CLOSED SESSION**
- 3. ORAL COMMUNICATIONS**  
Persons wishing to address the Town Council on any subject may do so now. Please note, however, that the Council is not able to undertake extended discussion or action tonight on items, not on the agenda. *Speakers' time is limited to three minutes.*
- 4. ANNOUNCEMENTS/PRESENTATIONS**

- a. Receive Presentation from Race & Equity Committee Regarding Land Acknowledgment

**5. CONSENT AGENDA**

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

- a. **Approval** of Action Minutes for the Regular Meeting of September 14, 2022
- b. **Approval** of Warrant List
- c. **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
- d. **Waive** Second Reading and Adopt an Ordinance Amending Ordinance No. 1975-141 and Municipal Code Section 1.08.010 “Posting Places” of the Town of Portola Valley Municipal Code
- e. **Adopt** Biennial Resolution Updating Designated Positions and Disclosure Obligations in the Town's Conflict of Interest Code
- f. **Appoint** Anita Wotiz to the Sustainability Committee
- g. **Approve** a Charter Amendment for the Wildfire Protection Committee Authorizing Committee Meetings to be Held on the First Monday of Each Month

**6. PUBLIC HEARING**

- a. **Appeal** of Planning Commission Decision to deny an appeal of an Architectural and Site Control Commission Decision to Approve an Architectural Review and Site Development Permit to construct a new residence with detached garage, detached ADU, pool and landscape improvements; 1195 Westridge Drive; File # PLN\_ARCH0002-2022; Pursuant to Portola Valley Municipal Code Chapter 18.78

**7. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Oral reports arising out of liaison appointments to both in-town and regional committees and initiatives.  
*There are no written materials and the Town Council does not take action under this agenda item.*

**8. TOWN MANAGER REPORT**

*There are no written materials and the Town Council does not take action under this agenda item.*

**9. WRITTEN COMMUNICATIONS**

- a. **Town Council Digest**

**10. ADJOURNMENT**

The next Regular Town Council meeting will be held on October 12, 2022 at 7:00 p.m.

To: Mayor Hughes and council members  
From: Race & Equity Committee  
Date: September 14, 2022  
Re: Land acknowledgment revision and implementation

Regarding the land acknowledgment statement [adopted by the Council](#) (red page 19) on November 11, 2020 and recommended actions, the Race & Equity Committee recommends the following:

1. Approve revised land acknowledgment statement to include the Muwekma Ohlone, Ramaytush Ohlone, and Tamien Ohlone peoples and to clarify the intention.
2. Implement the use of the land acknowledgment statement:
  - a. Publish in the footer of the Town's website.
  - b. Begin the practice of reading the land acknowledgment at the beginning of all Town public meetings (Council, Committees, and events).

In the future, the Race & Equity Committee will seek ways to put the statement into action make further recommendations to the council.

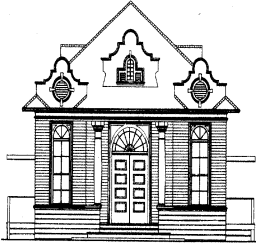
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*PV's current land acknowledgment:*

Occupying the traditional, ancestral, and unceded territory of the Ramaytush Ohlone peoples, Portola Valley both recognizes and acknowledges the violent colonial history of the land that it dwells upon. As a part of this history, Portola Valley recognizes that it has, and will continue to, profit from land stolen from the Indigenous Ohlone peoples, and commits to an ongoing effort to dismantle these legacies.

*Recommended revised land acknowledgment:*

The Town of Portola Valley acknowledges the colonial history of this land we dwell upon—the unceded territory of the Muwekma Ohlone, Ramaytush Ohlone, and Tamien Nation, who endured a human and cultural genocide that included removal from their lands and disrupted their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the social and ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
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**7:00 P.M.**

**Craig Hughes**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Jeff Aalfs**, Councilmember  
**Maryann Derwin**, Councilmember  
**John Richards**, Councilmember

**MINUTES**

- 1. CALL TO ORDER** – Councilmembers Derwin, Richards, Wernikoff and Mayor Hughes were present. Councilmember Aalfs was absent.

Due to technical difficulties in the Council Chambers, the meeting was called to order at 7:06 p.m.

- 2. REPORT OUT OF CLOSED SESSION** – There was no report out of Closed Session.
- 3. ORAL COMMUNICATIONS**

There were no speakers during Oral Communications.

- 4. ANNOUNCEMENTS/PRESENTATIONS**

- a. Issue Proclamation Recognizing September 2022 as Suicide Prevention Month

**Craig Hughes, Mayor**, presented the proclamation to **Frieda K. Edgette, Behavioral Health Commissioner and Youth Committee Chair**.

- b. Receive Presentation from Race & Equity Committee Regarding Land Acknowledgment

This item was moved to September 28, 2022.

- 5. CONSENT AGENDA**

**John Richards, Councilmember**, requested to pull Item 5.a. for a separate vote.

Item 5.a. - A correction to the meeting minutes of August 10, 2022 was requested to indicate the following members of Council who were appointed to the Sheriff's Contract Subcommittee: Sarah Wernikoff and Jeff Aalfs (removing John Richards).

M/S Derwin/Richards to approve Item 5.a., as amended. **Motion carried 4-0 by roll call vote with Councilmember Aalfs absent.**

M/S Richards/Derwin to approve the Consent Agenda, excluding Item 5.a. **Motion carried 4-0 by roll call vote with Councilmember Aalfs absent.**

- a. **Approval** of Action Minutes for the Regular Meetings of August 10, 2022
  - b. **Approval** of Warrant List
  - c. **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
  - d. **Adopt** a Policy Authorizing Additional COVID-19 Supplemental Paid Sick Leave per California Labor Code Section 248.6 and Direct the Town Manager to Adjust the Budget to Reflect this New Policy
  - e. **Adopt** the Attached Resolution Approving a Project List to Comply with SB-1 Funding Requirements as Required Annually
  - f. **Approve** a Letter of Thanks to Gary and Eileen Morgenthaler for Donation to Care and Maintenance of the Frog Pond Open Space
  - g. **Appoint** William R. Urban to the Finance Committee.

- h. **Adopt** a Resolution Authorizing the Annual Salary Schedule Update in the Town's Compensation Plan

## 6. REGULAR AGENDA

- a. **Approve** a Letter of Thanks to the Housing Element Committee for their Past and Ongoing Work on the Town's Housing Element

**Sarah Wernikoff, Vice Mayor**, presented the item.

M/S Richards/Wernikoff to approve the letter of thanks to the Housing Element Committee. **Motion carried 4-0 by roll call vote with Councilmember Aalfs absent.**

- b. **Waive** First Reading and Introduce an Ordinance Amending Section 1.08.010 "Posting Places" of the Municipal Code

**Melissa Thurman, Town Clerk**, presented the item.

The following members of the public spoke regarding the item:

- Rita Comes

M/S Richards/Derwin to waive the first reading and introduce the ordinance amending Section 1.08.010 "Posting Places" of the Municipal Code. **Motion carried 4-0 by roll call vote with Councilmember Aalfs absent.**

- c. **Adopt** an ADU Ambassador Program to Assist with Community Education and a Survey Regarding ADUs and JADUs in Portola Valley

**Sarah Wernikoff, Vice Mayor and Laura Russell, Planning & Building Director**, presented the item.

The following members of the public spoke regarding the item:

- Karen Askey
- Karen
- Danna Breen
- Judith Murphy

M/S Derwin/Richards to adopt an ADU Ambassador Program in Portola Valley. **Motion carried 4-0 by roll call vote with Councilmember Aalfs absent.**

## 7. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS

The Councilmembers below reported on attending the following committee and regional meetings:

**Maryann Derwin:** Council of Cities meeting in Pacifica; Back to School event in Portola Valley

**John Richards:** Emergency Preparedness Committee; Planning Commission; Back to School event in Portola Valley

**Craig Hughes:** Wildfire Preparedness Committee; Bicycle, Pedestrian and Traffic Safety Committee; Back to School event in Portola Valley

## 8. TOWN MANAGER REPORT

**Jeremy Dennis, Town Manager**, provided the report.

The following member of the public spoke regarding the report:

- Rita Comes

## 9. WRITTEN COMMUNICATIONS

- a. **Town Council Digest**

No comments were provided on the Town Council Digest.

**10. ADJOURNMENT** – The meeting adjourned at 8:31 p.m.

The next Regular Town Council meeting will be held on September 28, 2022 at 7:00 p.m.

The meeting minutes were prepared by Melissa Thurman, Town Clerk for approval at the meeting of September 28, 2022.

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11011-000						
2554	20	ALLIANT INSURANCE SERVICES	1,002.00	09/28/22		
2555	41	AT&T	358.62	09/28/22		
2556	67	BSN SPORTS	151.38	09/28/22		
2557	78	CALIFORNIA WATER SERVICE CO	18,403.80	09/28/22		
2558	80	CALPERS	25,360.63	09/28/22		
2559	124	COMCAST	276.44	09/28/22		
2560	128	COPYMAT	303.63	09/28/22		
2561	203	GREEN HALO SYSTEMS	114.00	09/28/22		
2562	214	HINDERLITER DE LLAMAS & ASSOC	751.35	09/28/22		
2563	227	INTERSTATE TRAFFIC CNTRL	1,109.22	09/28/22		
2564	234	J. W. ENTERPRISES	542.88	09/28/22		
2565	275	KRUPKA CONSULTING	3,150.00	09/28/22		
2566	323	MIG-TRA	5,492.50	09/28/22		
2567	332	N.C.E.	1,060.00	09/28/22		
2568	340	OGRADY PAVING INC.	205,743.40	09/28/22		
2569	364	PERS HEALTH	28,656.88	09/28/22		
2570	367	PG&E	769.13	09/28/22		
2571	403	RON RAMIES AUTOMOTIVE INC.	837.15	09/28/22		
2572	428	SHARP BUSINESS SYSTEMS	70.41	09/28/22		
2573	437	SMALL BUSINESS BENEFIT PLAN TR	2,931.90	09/28/22		
2574	441	SPARTAN ENGINEERING	900.00	09/28/22		
2575	447	STAPLES CREDIT PLAN	543.75	09/28/22		
2576	505	WOODSIDE FIRE PROTECTION DISTR	9,421.29	09/28/22		
2577	518	GOT GOPHERS?	1,050.00	09/28/22		
2578	690	CRUZ STRATEGIES	625.00	09/28/22		
2579	729	TOWNSEND MANAGEMENT INC	14,250.00	09/28/22		
2580	752	FEHR & PEERS	4,297.13	09/28/22		
2581	875	WESTERN TRUCK FABRICATION INC	5,304.49	09/28/22		
2582	904	THE BACKFLOW GUY INC	950.00	09/28/22		
2583	905	TAYLOR SOLENO	25.00	09/28/22		
Check totals:			334,451.98			
ACH totals:						
EFTPS totals:						
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			334,451.98			

Check totals:	334,451.98
ACH totals:	
EFTPS totals:	
Wire transfer totals:	
Payment Manager totals:	
<b>GRAND TOTALS</b>	<b>334,451.98</b>



Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 09/28/22	20 2554	ALLIANT INSURANCE SERVICES Annual Town Picnic Insurance, 9/17	1,002.00	1,002.00	2078835
Vendor:	41 2555	AT&T August Statement August Statement August Statement	358.62	244.87 56.88 56.87	000018736708 000018736707 000018736709
Vendor:	67 2556	BSN SPORTS Base Anchors - Town Center Softball Infield Base Anchors - Town Center Softball Infield	151.38	97.02 54.36	918124362 918124358
Vendor:	78 2557	CALIFORNIA WATER SERVICE CO Water Service 08/11/22 - 09/12/22	18,403.80	18,403.80	AUG-2022
Vendor:	80 2558	CALPERS June Retirement- CLASSIC June Retirement- PEPRA	25,360.63	17,346.17 8,014.46	100000016805250 100000016805276
Vendor:	124 2559	COMCAST WIFI 09.16.22 - 10.15.22	276.44	276.44	7290-SEPT22
Vendor:	128 2560	COPYMAT Zotts to Totts Mailers	303.63	303.63	CMB081822
Vendor:	203 2561	GREEN HALO SYSTEMS September Hosting/Access	114.00	114.00	3822
Vendor:	214 2562	HINDERLITER DE LLAMAS & ASSOC Sales Tax Audit Svcs - Q1 2022	751.35	751.35	SIN021069
Vendor:	227 2563	INTERSTATE TRAFFIC CNTRL Street Signs Street Signs	1,109.22	1,005.16 104.06	252756 252770
Vendor:	234 2564	J. W. ENTERPRISES Portable Lavs 07/28/22 - 08/24/22 Portable Lavs 07/28/22 - 08/24/22	542.88	313.44 229.44	243839 243840
Vendor:	275 2565	KRUPKA CONSULTING On-Call Traffic & Transportation - August 2022	3,150.00	3,150.00	1334
Vendor:	323 2566	MIG-TRA Consulting Svcs - 07/01/22 to 07/31/22, PV Ranch Frog Pond	5,492.50	5,007.50	0076845

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
09/28/22	2566	Consulting Svcs - 08/01/22 to 08/31/22, PV Ranch Frog Pond	5,492.50	485.00	0076946
Vendor:	332	N.C.E.			
	2567	2022-2023 Street Resurfacing Through 08/12/22	1,060.00	1,060.00	424275506
Vendor:	340	OGRADY PAVING INC.			
	2568	2022-2023 Street Resurfacing	205,743.40	205,743.40	6355
Vendor:	364	PERS HEALTH			
	2569	August Health September Health	28,656.88	14,339.62 14,317.26	100000016871652 100000016905580
Vendor:	367	PG&E			
	2570	August Statements	769.13	769.13	AUG-2022
Vendor:	403	RON RAMIES AUTOMOTIVE INC.			
	2571	August Fuel Statement	837.15	837.15	G20220831-03
Vendor:	428	SHARP BUSINESS SYSTEMS			
	2572	August Copies	70.41	70.41	9003965289
Vendor:	437	SMALL BUSINESS BENEFIT PLAN TR			
	2573	October Dental/Vision	2,931.90	2,931.90	OCT-2022
Vendor:	441	SPARTAN ENGINEERING			
	2574	Fire Alarm Monitoring 09/10/22 - 09/09/23 Security System Monitoring 09/10/22 - 09/09/23	900.00	480.00 420.00	10467M 10466M
Vendor:	447	STAPLES CREDIT PLAN			
	2575	August Statement	543.75	543.75	2814-AUG22
Vendor:	505	WOODSIDE FIRE PROTECTION DISTR			
	2576	CERP Coordinator July - September 2022	9,421.29	9,421.29	132_PV
Vendor:	518	GOT GOPHERS?			
	2577	Town Fields Gopher Trapping - August	1,050.00	1,050.00	33456
Vendor:	690	CRUZ STRATEGIES			
	2578	Government Relations Consulting - September	625.00	625.00	2416
Vendor:	729	TOWNSEND MANAGEMENT INC			
	2579	2022-2023 Street Resurfacing Inspection Services	14,250.00	14,250.00	200221-08-22
Vendor:	752	FEHR & PEERS			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
09/28/22	2580	PV Evacuation Study 06/25/22 - 07/29/22	4,297.13	4,297.13	157550
Vendor:	875	WESTERN TRUCK FABRICATION INC			
	2581	Truck Repairs	5,304.49	5,304.49	24651
Vendor:	904	THE BACKFLOW GUY INC			
	2582	Backflow Testing	950.00	950.00	19309
Vendor:	905	TAYLOR SOLENO			
	2583	CCAC - Nuts and Bolts Course Reimbursement	25.00	25.00	FRRS-22-10
Check Date Totals			334,451.98		
Grand Total			334,451.98		

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**September 28, 2022**

Claims totaling \$334,451.98 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date \_\_\_\_\_

\_\_\_\_\_  
Jeremy Dennis, Treasurer

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

Signed and sealed this (Date) \_\_\_\_\_

\_\_\_\_\_  
Melissa Thurman, Town Clerk

\_\_\_\_\_  
Mayor



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Cara Silver, Town Attorney

**DATE:** September 28, 2022

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

### **RECOMMENDATION**

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

### **BACKGROUND**

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

AB 361 applies to meetings during a proclaimed state of emergency and the legislative body has made a finding that meeting in person would "present an imminent risk to the health or safety of attendees". "State of emergency" is defined as a state of emergency declared by the Governor under Government Code Section 8625.

AB 361 requires several procedural safeguards, such as giving the public ability to address the legislative body directly, providing information on how to address the body, providing either a call-in or internet-based service option, requirement to stop meeting if call-in or internet-based option fails due to measures under the control of the Town, comments may not be required to be submitted in advance, and pre-registrations (except as required by call-in or internet platform) are prohibited.

Public members must be given a reasonable time to register to provide public comment and agencies that provide a timed public comment period shall not close the public comment period until that timed period has expired.

If the legislative body desires to continue using the teleconference exception, it must confirm the circumstances of the state of emergency 30 days after the first teleconference meeting and every 30 days thereafter.

### **DISCUSSION**

Town staff has installed a new system in the Schoolhouse to accommodate hybrid remote meetings. This system has also been installed in the Community Hall. On April 27, 2022, the Council conducted its first hybrid meeting and plans to continue meeting this way. However, some members of the Council, its commissions/committees, staff and the public may want to continue attending remotely. Given the continued presence of COVID-19 in the community, in person meetings would present an imminent risk to the health or safety of certain attendees.

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

### **FISCAL IMPACT**

There is no fiscal impact associated with continued remote meetings.

### **ATTACHMENT**

1. Resolution

RESOLUTION NO. \_\_\_\_\_

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

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

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

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

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

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

**WHEREAS**, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (“AB 361”), which provides that a local agency legislative body may continue to meet remotely without complying with otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body continues to make such findings at least every 30 days during the term of the declared state of emergency;

**WHEREAS**, Cal/OSHA COVID-19 Emergency Temporary Standards (“ETS”) require certain employers to implement social distancing requirements in the work place during the current COVID-19 pandemic; and effective February 14, 2022, the Town Manager issued updated work place guidelines imposing safety protocols on persons attending Town Hall facilities;

**WHEREAS**, in the last few months, while hospitalizations and severe illnesses have gone down, new COVID-19 variants have emerged and continued to impact the County’s hospital capacity;

**WHEREAS**, these variants are believed by medical experts to be even more contagious as previous variants, and data has shown the variant has increased transmissibility even among some vaccinated people;

**WHEREAS**, due to uncertainty and concerns about the continuing presence of COVID-19 variants, many workplaces that had announced a return to regular in-person operations have pushed back the full return date until later in the year or next year;

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

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

**WHEREAS**, the Council has again reconsidered the circumstances of the state of emergency and finds that the state of emergency continues to impact the ability of members of the Town Council, commissions and committees and public to meet in person because there is a continuing threat of COVID19 to the community, and because Town meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings);

**WHEREAS**, persons experiencing any potential symptoms of COVID-19, or who test positive but are asymptomatic, or who are exposed to someone with COVID19, should follow medical advice regarding self-isolation or self-quarantine, avoiding public gatherings such as in-person meetings of public agencies, and should be able to do so without sacrificing their right to participate in public business during periods of self-isolation or self-quarantine;

**WHEREAS**, the onset of symptoms of COVID-19 or a positive test may occur too close to the start of a meeting for alternative arrangements for attendance to be made consistently with the Brown Act, such that a remote attendance option for public meetings should be maintained for as long as COVID transmission remains a potential risk of in-person meetings;

**WHEREAS**, the Town Council has an important interest in protecting the health and safety of those who participate in public Town meetings; and

**WHEREAS**, the Town Council finds that this state of emergency continues to directly impact the ability of members of the Town Council and its commissions and committees to meet safely in person and that meeting in person would present imminent risks to the health or safety of attendees, and the Council will therefore continue to invoke the provisions of AB 361 related to teleconferencing for meetings of the Town Council and its commissions and committees in order to provide its members as well as staff and members of the public with



the option of participating in its meetings remotely whenever necessary or advisable for them to do so.

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

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

**PASSED AND ADOPTED** this 28th day of September 2022.

By: \_\_\_\_\_  
Craig Hughes, Mayor

ATTEST:


\_\_\_\_\_  
Melissa Thurman, MMC  
Town Clerk



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Melissa Thurman, Town Clerk 

**DATE:** September 28, 2022

**RE:** Waive Second Reading and Adopt an Ordinance Amending Ordinance No. 1975-141 and Municipal Code Section 1.08.010 "Posting Places" of the Town of Portola Valley Municipal Code

## **RECOMMENDATION**

Staff recommends that the Town Council waive the second reading and adopt an ordinance amending Ordinance No. 1975-141 and Municipal Code Section 1.08.010 "Posting Places" of the Town of Portola Valley Municipal Code.

## **BACKGROUND**

On November 12, 1975, the Town Council of the Town of Portola Valley adopted Ordinance No. 1975-141 requiring the posting of all Town ordinances, resolutions, notices and other documents required by law to be posted at three posting locations around Town. Those posting locations were identified as:

1. Portola Valley Town Hall
2. Village Square
3. Portola Corners

Since the adoption of the ordinance in 1975, many changes in technology have occurred, namely the creation of a Town website, where all the aforementioned documents are posted, as well as updates to the Ralph M. Brown Act. At present, the Ralph M. Brown Act requires posting at one physical location and the town website.

Staff is recommending both ordinances be amended to identify the following two posting locations:

1. Portola Valley Town Hall
2. Portola Valley Town Website

**FISCAL IMPACT**

There is no fiscal impact associated with the proposed ordinance amendment.

**ATTACHMENT**

1. Ordinance 1975-141
2. Proposed Ordinance Amendment

## ORDINANCE NO. 1975-141

AN ORDINANCE OF THE TOWN OF PORTOLA VALLEY  
 ESTABLISHING OFFICIAL PLACES FOR POSTING  
 ORDINANCES AND RESOLUTIONS OF THE CITY  
 COUNCIL AND ALL OFFICIAL NOTICES

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

Section 1. Posting Places. The following are hereby established as the official places for the posting of all ordinances, resolutions, notices and other documents required by law to be posted, namely:

1. Portola Valley Town Hall, 765 Portola Road, Portola Valley, California.
2. Village Square, 884 Portola Road, Portola Valley, California.
3. Portola Corners, Alpine Road and Portola Road, Portola Valley, California.

Section 2. Date of Effect. This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage, and before the expiration of fifteen (15) days after its passage, it shall be posted in three public places within the Town of Portola Valley.

Section 3. Repeal of Inconsistent Ordinances. Ordinance No. 1964-29, adopted November 12, 1964, shall be, and it is hereby, repealed.

  
 Mayor

ATTEST:

  
 Town Clerk

I, the undersigned, hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 1975-141 of the Town of Portola Valley, entitled as shown thereon; that it was INTRODUCED on the 13th day of August, 1975, and PASSED and ADOPTED as an Ordinance of the Town of Portola Valley by the Council of said Town at a meeting held on the 20th day of August, 1975, by the following vote:

AYES, and in favor thereof, Councilmen: Anderson, ~~Boushey~~,  
Brown, Whitson, ~~Wilson~~

NOES, Councilmen: None

ABSENT, Councilmen: ~~None~~ *Boushey, Wilson*

That it was posted in three public places in the Town of Portola Valley on August 21, 1975.

Dated: August 21, 1975.

*Meredith Whitaker*  
Town Clerk

**ORDINANCE NO. 2022 - \_\_\_\_**

**ORDINANCE AMENDING ORDINANCE NO. 1975-141 AND MUNICIPAL CODE SECTION 1.08.010 "POSTING PLACES" OF THE TOWN OF PORTOLA VALLEY MUNICIPAL CODE**

The Town Council of the Town of Portola Valley, State of California, ORDAINS as follows:

**WHEREAS**, Ordinance No. 1975-141 was adopted by the Town Council of the Town of Portola Valley on November 12, 1975; and

**WHEREAS**, Ordinance No. 1975-141 listed three posting places in the Town of Portola Valley for all Town ordinances, resolutions, notices and other documents required by law; and

**WHEREAS**, Section 10.08.010 of the Town of Portola Valley Municipal Code identifies the three posting places as:

1. Portola Valley Town Hall
2. Village Square
3. Portola Corners; and

**WHEREAS**, The Ralph M. Brown Act currently requires posting at one physical location and the town website; and

**WHEREAS**, The amended Section 1.08.010 (EXHIBIT A) identifies the two posting locations in Portola Valley as:

1. Portola Valley Town Hall
2. Portola Valley Town Website.

**NOW, THEREFORE**, the Town Council of the Town of Portola Valley does ORDAIN as follows:

1. The above recitations are true and correct.
2. Based upon the above recitations, the two posting locations are appropriate for the Town of Portola Valley.
3. This ordinance shall become effective thirty (30) days after the date of its adoption and shall be posted within the Town of Portola Valley in two posting locations.

INTRODUCED: September 14, 2022

ADOPTED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

By:

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Craig Hughes  
Mayor

Approved as to Form:

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Cara Silver  
Town Attorney

Attest:

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Melissa Thurman, MMC  
Town Clerk

## EXHIBIT A

1.08.010 - Posting places.

Agendas for public meetings shall be posted at Town Hall and on the Town's website.






# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Melissa Thurman, Town Clerk 

**DATE:** September 28, 2022

**RE:** Adoption of Biennial Resolution Updating Designated Positions and Disclosure Obligations in the Town's Conflict of Interest Code

### RECOMMENDATION

Staff recommends that the Town Council adopt the attached biennial Resolution updating the designated position titles and disclosure obligations for the Town's conflict of interest code.

### BACKGROUND

The Political Reform Act ("Act") requires certain designated public officials, employees and consultants that make or participate in making governmental decisions to file statements of economic interests. These mandatory filers are: Town Councilmembers, Planning Commissioners, Architectural and Site Control Commissioners, Town Manager and Town Attorney. The Act also authorizes local agencies to require additional local officials to file statements of economic interest. The Act requires every agency to adopt a conflict of interest code and to review it every two years to determine if it is accurate or needs to be amended.

Ordinance 2015-406 contains the Town's conflict of interest code. The Town's local code requires the Council to review the designated position titles and disclosure obligations and make any necessary updates by resolution.

The Town's list of designated position titles and disclosure obligations was last updated on September 23, 2020. Since that time, the following positions warranting disclosure obligations have been added: Assistant Town Manager, Town Clerk and Finance Analyst. The current positions are reflected in the attached resolution.

### ATTACHMENT

1. Resolution

**RESOLUTION NO. \_\_\_\_-2020**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PORTOLA VALLEY DESIGNATING PUBLIC OFFICIALS AND  
EMPLOYEES AND THEIR DISCLOSURE CATEGORIES FOR THE  
TOWN'S CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1974, Government Code section 87100 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes and review those codes biennially; and

**WHEREAS**, the Town of Portola Valley ("Town") last updated its conflict of interest codes in September 2022; and

**WHEREAS**, on June 24, 2015, the Town Council adopted Ordinance 2015-406, amending Section 2.36.010 [Incorporation by reference] of Chapter 2.36 [Conflict of Interest] of Title 2 [Administration and Personnel] of the Portola Valley Municipal Code; and

**WHEREAS**, with the adoption of Ordinance 2015-406, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference and, along with the resolution approved by the Town Council in which public officials and employees are designated and their disclosure categories identified, constitute the Conflict of Interest Code of the Town; and

**WHEREAS**, the Town now desires to adopt the resolution identifying the current position titles for public officials and their disclosure requirements.

**NOW, THEREFORE**, the Town Council of the Town of Portola Valley does RESOLVE as follows:

**DESIGNATED POSITIONS  
AND DISCLOSURE OBLIGATIONS**

**DESIGNATED PUBLIC OFFICIALS**

- Member of Town Council
- Member of the Planning Commission
- Member of the Architectural and Site Control Commission
- Town Manager
- Town Attorney

**OTHER DESIGNATED EMPLOYEES, INCLUDING CONSULTANTS SERVING IN THESE POSITIONS**

- Assistant Town Manager
- Assistant to Town Manager
- Finance Director

Finance Analyst  
 Town Clerk  
 Public Works Director  
 Planning and Building Director  
 Senior Planner  
 Associate Planner  
 Assistant Planner  
 Town Engineer  
 Town Geologist  
 Consultant (if so determined)

**DISCLOSURE CATEGORIES**

**Disclosure Category 1:** Full Disclosure - All investments, business positions, interests in real property and sources of income, including gifts, loans and travel payments.

**Disclosure Category 2:** Limited Disclosure - The Town Manager may determine in writing that a particular consultant is required to provide Limited Disclosure. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Town Manager is public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**REQUIRED DISCLOSURES FOR DESIGNATED POSITIONS**

<b>Designated Position</b>	<b>Disclosure Category</b>
Member of Town Council	1
Member of the Planning Commission	1
Town Manager	1
Town Attorney	1
Member of the Architectural and Site Control Committee	1
Assistant Town Manager	1
Assistant to Town Manager	1
Finance Director	1
Finance Analyst	1
Town Clerk	
Public Works Director	1
Planning and Building Director	1
Senior Planner	1
Associate Planner	1
Assistant Planner	1
Town Engineer	1

Town Geologist	1
Consultant	2

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Portola Valley held on the 28th day of September 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

By: \_\_\_\_\_  
Craig Hughes  
Mayor

ATTEST:

\_\_\_\_\_  
Melissa Thurman, MMC  
Town Clerk

Submitter DB ID 6760  
IP Address 2600:1700:a460:53a0:b17d:e24b:50b3:5303  
Submission Recorded On 08/04/2022 8:23 PM  
Time to Take the Survey 30 minutes, 5 secs.

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**Page 1**

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

**Sustainability**

**Applicant Information**

**Full Name** Anita Wotiz

**Email Address** [REDACTED]

**Street Address** [REDACTED]

**City/Zip** Portola Valley / 94028

**Number of years in Portola Valley** 28

**Cell Phone** [REDACTED]

**Home Phone** [REDACTED]

**Other Phone** Not answered

**Emergency Preparedness** Not answered

**Preferred Phone Contact Number**

**Cell**

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

I've been on the Valley Presbyterian Church Earth Care Team (ECT) since it was created about 3 years ago. During that time, I, with 2 other members, created a set of information pages that provide our VPC community with information on Earth Care - related topics. (You can take a look at the pages at <https://www.valleypreschurch.org/earthcare>.) The ECT has held 2 events during the past 2 years, the most recent being on Earth Day Sunday 2022. (The description of these past events is on our Events page, accessed via the "Upcoming events" button on that same above page.) I consider Care for the Earth to be a large part of my passion for Social Justice. (I was the chair of VPC's Justice and Outreach Committee for about 10 years.) It would be my pleasure to share this important topic with my town's residents.

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

None.

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

**New Text Information**

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# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Melissa Thurman, Town Clerk

**DATE:** September 28, 2022

**RE:** Wildfire Preparedness Committee Charter Amendment

### **RECOMMENDATION**

The Wildfire Preparedness Committee recommends that the Town Council approve an amendment to their charter to reflect a new regular meeting time and date.

### **BACKGROUND**

On September 8, 2021, the Town Council approved an amendment to the Wildfire Preparedness Committee (WPC) charter, changing the committee from an ad-hoc to a standing committee, with a meeting date and time to be determined.

On October 13, 2021, the Town Council approved a second charter amendment for the WPC, designating the first Tuesday of each month at 4:00 p.m. the regular meeting date and time. However, in the eleven months since that approval took place, the committee members have determined this schedule to not be the best time to meet and are requesting a new charter amendment designating the new regular meeting date and time to be the first Monday of each month at 7:00 p.m.

Town Staff has confirmed that this proposed meeting date and time will not conflict with other committee or Council meetings.

### **FISCAL IMPACT**

There is no fiscal impact associated with the proposed charter amendment.

### **ATTACHMENT**

1. Proposed Wildfire Preparedness Committee Charter, with Redline Amendment

## Wildfire Preparedness Committee Charter

### MISSION

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

### DUTIES & FUNCTION

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

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

### RESPONSIBLE TO

Town Council

### COORDINATION

Staff Liaison – Town Manager and other assigned staff as needed

### MEMBERSHIP

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

### MEETINGS

Monthly meetings are to be held on the first ~~Tuesday of every month at 4:00 p.m.~~ Monday of every month at 7:00 p.m.

### REPORTS

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




# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Mayor and Members of the Town Council

**FROM:** Laura Russell, Planning & Building Director  
Jacob Garcia, Consultant Planner 

**DATE:** September 28, 2022

**RE:** Appeal of Planning Commission Decision to deny an appeal of an Architectural and Site Control Commission Decision to Approve an Architectural Review and Site Development Permit to construct a new residence with detached garage, detached ADU, pool and landscape improvements; 1195 Westridge Drive; File # PLN\_ARCH0002-2022; Pursuant to Portola Valley Municipal Code Chapter 18.78.

### RECOMMENDATION

Staff recommends, based on the decisions rendered by the ASCC and Planning Commission, as well as staff analysis, that the Town Council deny the appeal and uphold the Planning Commission's August 3, 2022 decision denying the appeal and upholding the ASCC's decision to approve the project subject to the revised conditions of approval as detailed in the attached draft Resolution (Attachment 1).

### BACKGROUND

Materials related to the ASCC and Planning Commission review are available on the Town's website at [www.portolavalley.net/projects](http://www.portolavalley.net/projects).

#### Project Timeline

On January 28, 2022 staff received an application for an Architectural Review and Site Development Permit for a new residence, detached garage, accessory dwelling unit (ADU), pool, hardscaping and landscape improvements at 1195 Westridge Drive. The application was deemed complete by Staff on April 27, 2022 and scheduled for review by the ASCC.

The Town received a public comment from Irene and Pedro Ruiz, appellants at 115 Meadowood, prior to the distribution of the meeting packet for the May 23 ASCC meeting. The comment raised concerns about the location of the residence at the top of the hill and requested that, if approved, the residence be further screened by planting new trees. That comment and accompanying photos can be seen in Attachment 15 of the May 23 ASCC Staff Report, linked here under Attachment 3.

The ASCC completed this review at its May 23, 2022 meeting. During this meeting. The written comment submitted by the Ruiz's was provided and Ms. Ruiz made additional public comment on



behalf of herself and the Hennefarths. Those additional comments focused on the loss of the view of the existing hillside from their property and impacts to wildlife. The Commission discussed the comments provided and developed an additional Condition of Approval that the applicant considers revising the height of the residence, the colors and materials used, the landscaping plan, or some combination of these details in order to address the concerns raised by the neighbors at 115 Meadowood. The project was approved with this added condition by a vote of four to zero, with one Commissioner absent from the meeting.

#### Appeal to Planning Commission

Pursuant to the provisions of Chapter 18.66 and Section 18.64.110 of the Portola Valley Municipal Code (PVMC), on June 4, 2022, Ronald and Lisa Hennefarth, owners of property at 470 Cervantes Road, and Irene and Pedro Ruiz, owners of property at 115 Meadowood Drive, appealed the ASCC's May 23, 2022 approval decision to the Planning Commission. The appeal contended that the ASCC approved plans:

1. Fail to comply with the Town of Portola Valley General Plan.
2. Fail to comply with the Town of Portola Valley Zoning Code.
3. Fail to follow the Town of Portola Valley's Design Guidelines.
4. Fail to incorporate neighbor concerns related to building mass, location, screening, lighting, impacts to wildlife and drainage.

The appellants submitted the appeal form, appeal narrative letters and photographs on June 4, 2022, contained as Attachment 6a within the Planning Commission Staff Report. Staff received addendums to the appeal information further detailing the appellants' objection to the approval, included as Attachments 6b-6f within the Planning Commission Staff Report. In response to the materials submitted by the appellant, the project applicant at 1195 Westridge submitted supplement material detailing communication with the applicant and proposed changes to the ASCC approved plans that were created in response to the concerns expressed by the appellants. Those materials were included as Attachments 7a-7i within the Planning Commission Staff Report. The Planning Commission Staff Report is linked below as Attachment 6.

Prior to and following the submittal of the appeal, the applicant and the appellants had several conversations between them regarding the issues raised by the appellants. The extent of these conversation is detailed within the appellants appeal narrative and supplemental material provided by the applicant in Attachments 6a-6c and 7c and 7d within the Planning Commission Staff Report. The parties were unable to resolve the issues raised through the conversations between them and the appeal proceeded.

The Planning Commission conducted a public hearing of the appeal on August 3, 2022 and were given the opportunity for site visits of the project location as well as appellants' homes. At the hearing, the applicant presented revised plans that had been prepared to address the ASCC's recommendations and in response to the conversations with appellants discussed above. The Commission denied the appeal by a vote of 4-0 (with one member absent) subject to revised conditions of approval. The revision to the conditions was to a recommendation of the ASCC for the applicant to *consider* revising the height of the building, materials and colors used, landscape screening, or some combination of these three elements to reduce the impact of the project on neighboring properties. The Planning Commission conditioned the project on the applicant being *required* to make changes to these three elements per the revised plans presented at the August 3, 2022 Planning Commission meeting and subject to re-review by two members of the ASCC (Attachment 2).

### Appeal to Town Council

Pursuant to the provisions of Chapter 18.78 of the PVMC, Irene and Pedro Ruiz filed an appeal on August 17, 2022 (Attachment 10) of the Planning Commission’s August 3, 2022 denial of the appeal of the ASCC approval of the project. The appeal is focused on the following primary considerations.

- Both the ASCC and the Planning Commission failed to take into consideration the view of the project from neighboring sites.
- The project is not consistent with the General Plan, Zoning Code and Design Guidelines.
- The project was reviewed using an irregular and biased procedure.

### **APPEAL SUMMARY**

#### Process for Appeal

Pursuant to Section 18.78.010 (A) of PVMC, The Town Council is required to hold a public hearing on any appeal of the Board of Adjustment’s<sup>1</sup> decision on an appeal. The Town Council is required to make findings and decisions in accordance with Section 18.34.130, Chapter 18.76, and Chapter 18.78 of PVMC. On appeal, the Town Council reviews the matter “de novo” and thus has the authority to use its judgement as to whether the project complies with the Town’s policy documents.

#### Appellants’ Arguments<sup>2</sup>

The appellants’ original narrative and addendum (Attachments 3 and 4 within the Planning Commission Staff Report) summarize the original grounds for the appeal. A supplement to these materials is included in the letter provided with the August 17 appeal of the Planning Commission decision (Attachment 10).

The appellants primary concerns are that the location and design of the new structure violate the General Plan, Town Code and Design Guidelines. Among the issues cited, the appellants’ materials note that the project does not comply by:

- Failing to minimize disturbances to the natural terrain
- Failing to maintain the rural character of the Town
- Failing to insure against adverse impact on neighboring residences
- Failing to maintain the present character of established residential areas

The appellants’ letters heavily cite the View Preservation and Ridgelines/Hilltops portions of the Town’s Design Guidelines. Those portions are copied verbatim and discussed below. The appellants discuss how the proposed main residence presents itself to their properties, locating a visible structure in what has previously been an empty hillside.

In addition to what the appellants believe is a misinterpretation of existing requirements, the appellants also note the following issues:

1. Drainage: The appellants are concerned that the project could result in excess water runoff which would adversely impact 470 Cervantes and 115 Meadowood.

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<sup>1</sup> The Planning Commission operates as the Board of Adjustment under the Town’s Code.

<sup>2</sup> The ASCC decision was appealed by two separate neighbors. Following the Planning Commission decision, one neighbor elected not to pursue an appeal to the Town Council, and so the subject appeal is only being pursued by the residents living at 115 Meadowood Drive.

2. Lighting: The large glass windows proposed for the residence will cause interior lighting to spill onto and disturb neighboring properties.
3. Wildlife: The new location of the residence would impede movement by wildlife across the property.
4. Landscaping: Proposed landscaping is not adequate to provide screening for neighboring properties. To provide adequate screening, the applicants new screening plan would have further adverse impacts on the existing meadow.
5. Review Process: Additional comments from the appellants and those submitted by the public speak more generally to concerns with the overall process for reviewing and approving projects within the Town.

## **PROJECT DESCRIPTION**

This section provides an overview of the project; a complete description can be found in the May 23<sup>rd</sup> staff report to the ASCC. Complete project plans as reviewed by the ASCC are provided in Attachment 3 of the May 23 Staff Report. A revised plan set submitted by the Applicant in response to comments from the ASCC is included in the Planning Commission Staff Report as Attachments 7g-7i. Per the Planning Commission conditions of approval, this updated set of plans will require review by Staff and two members of the ASCC should the Town Council uphold the original decision and deny the appeal.

### Site Background

The 2.03-acre (88,231 square feet) site is situated at the northeast corner of the intersection of Westridge, Mapache and Cervantes. The site slopes upward from the street, with the building site recessed into the top of the hill. The site has an existing 3,078 square foot residence, detached garage, pool and 6,473 square feet of impervious surfaces.

### Project Description

The applicant is proposing to demolish the existing structures and construct a new residence with a basement, detached garage, detached ADU, pool, entry gate and hardscaping and landscape improvements. The proposed residence has a 4,461 square feet main floor and a 3,663 square feet basement. A portion of the basement level exceeds the Town's standard for daylit basement (more than 18" above grade), which requires 575 square feet of the basement to be counted toward 85% of AMFA. The detached garage is 714 square feet, 400 square feet of which is counted toward the 85% of AMFA. The detached ADU is 640 square feet.

The project includes 106 cubic yards of soil movement subject to the Site Development Permit (SDP), triggering the need for review by the ASCC. Much of the overall site work involves cutting and off hauling soil for the building pad area. These totals are not subject to the SDP review.

A new pool, entry gate, fire pit, outdoor kitchen and driveway are also proposed. The pool and firepit are to the south of the main residence facing Cervantes, located closest to the neighboring property at 480 Cervantes. New hardscaping will increase the total amount of impervious area on the lot from 6,473 square feet to 9,573 square feet. The proposed project is within the allowed totals for 85% of AMFA, total AMFA, and impervious surface area.

Proposal	Square Footage	Address	Zone	Parcel Size	Avg. Slope
New residence with basement, detached garage, detached ADU, pool	<u>Main level</u> 4,461 <u>Basement</u> 3,663 SF (575 counted) <u>Garage</u> 714 SF <u>ADU</u> 640 SF <u>Total</u> 6390 SF	1195 Westridge	R-E/2a/SD-2a	2.03 Ac (88,231 SF)  Adjusted 1.65 Ac (71,795 SF)	18.53%

Project Data – Proposed New Residence

	R-E/1a/SD-1a Code Requirements	Existing	Proposed	Remaining
<b>Max Floor Area</b>	6,396	3,378	6,390	6
<b>85% of MFA</b>	5,437	3,078	5,436	1
<b>Max Impervious Surface</b>	10,109	6,473	9,573	536
<b>Vertical Height</b>	28'	12' 7"	27' 11"	--
<b>Maximum Height</b>	34'	17' 2"	33' 5"	--
<b>Front Setback</b>	50'	92' 3"	50'	--
<b>Side Setbacks</b>	20'	113' 9" to 169' 4"	58' 10" to 277' 11"	--
<b>Rear Setback</b>	20'	30' 3"	28' 11"	--
<b>Parking Spaces</b>	2 covered 2 uncovered 1 ADU	2 covered 2 uncovered	2 covered 5 uncovered 2 ADU	--

**ASCC REVIEW AND APPROVAL**

On May 23, 2022, the ASCC conducted a review of the project. Site visits were conducted via appointment for Commission members to view story poles, project plans, and other application materials on-site; there was no staff-lead discussion of the project on-site. Project review continued at the ASCC’s meeting, where staff presented their report on the project (see May 23<sup>rd</sup> staff report, Attachment 3, minutes, Attachment 4, and recording, Attachment 5).

The ASCC was generally supportive of the project, including its siting, design, landscaping, lighting and materials. Commissioners made comments to the effect that they found staff’s analysis of the project to be correct, and that it was evident that the applicants had made a meaningful effort to comply with the Town’s Design Guidelines. Overall, the Commission found the location of the main residence on the property to be appropriate to the site. The Commission

was sympathetic to the concerns of the downhill neighbors (470 and 480 Cervantes, 115 Meadowood) with respect to the increased visibility of the new structure from those properties and the change in the existing conditions on the site. With those concerns in mind, the Commission provided suggestions for how the applicant could minimize these concerns, as detailed below.

1. Massing

The applicant might consider a reduction in the overall height of structure by reducing plate heights for the basement and main levels. The Commission provided comment that the proposed plate heights of 10' for the basement and 14' for the main level were very tall, and that a reduction of 1' for the main level and a few inches in the basement level would be helpful in minimizing the view of the structure from the downhill neighbors.

2. Materials

The commission provided comment that the proposed materials, while of a natural palette and in conformance with the Town's requirements, are in contrast to the surrounding terrain. A warmer palette would help to mitigate the visual impact of the structures on the downhill neighbors.

3. Landscape Screening

The commission was overall pleased that the proposed landscaping would be concentrated around the structures, minimize changes to the native grasses surrounding the property, required modest water use and consisted of primarily native plantings. However, the applicants might consider working with the downhill neighbors to provide additional screening adjacent to those effected portions of the property.

As a Condition of Approval, the Commission added the condition that the applicants consider revising one or more of the above aspects of the project in consideration of the concerns raised by the downhill neighbors. The Commission then voted to approve the application by a vote of four to zero.

**PLANNING COMMISSION REVIEW AND DENIAL OF APPEAL**

On appeal, the Planning Commission had a similar discussion. The Planning Commission reviewed the project on August 3, 2022, where staff presented their report on the project (see August 3<sup>rd</sup> staff report, Attachment 6, supplemental comments, Attachment 7, draft verbatim minutes, Attachment 8, and recording, Attachment 9). In addition, the Planning Commission noted that the site was constrained due to the Woodside Fire Protection District's requirement for a hammerhead driveway turnaround and that the design was appropriately setback from the street and not visible from the uphill neighbors. The Commission reviewed changes to the proposed project presented by the applicant team in response to comments made by the ASCC. The Commission found the proposed changes to be reasonable accommodations to address the concerns raised by the appellant. The Commission discussed and agreed upon a revision to the ASCC conditions of approval to require the applicant to input the changes provided in the plan set presented to the Planning Commission on August 3<sup>rd</sup>, subject to re-review by two members of the ASCC. The Planning Commission also voted 4-0 (with one absence) to deny the appeal but added the noted condition (Attachment 2).

## **DISCUSSION AND STAFF ANALYSIS**

This section presents a summary of how the project complies with the General Plan, followed by detailed analysis of the Zoning Code and Design Guidelines since those are the subject of the appeal.

### Compliance with General Plan

The General Plan's Land Use Element describes development principles and objectives to achieve in Residential Areas, such as:

- In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental buildings be avoided (Section 2103 - #6, General Principles, Page 2)
- Grading shall normally be the minimum necessary to accommodate development; however, in those instances where increased grading can provide for greater compatibility of development with the natural setting and not cause significant adverse effects on the environment, such grading shall be preferred (Section 2103 - #14, General Principles, Page 3)
- To assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space (Section 2104 - #1, Objectives, Page 4)
- To provide for the grouping or clustering of residential buildings where this will maximize the opportunity to preserve natural beauty, habitat, and open space without generally increasing the intensity of development otherwise possible (Section 2104 - #3, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To control the occupancy of parcels so as to insure against adverse impact on neighboring residences. (Section 2104 - #5c, Objectives, Page 4)
- To control the size, siting and design of buildings so that they, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town. (Section 1010 - #16, Major Community Goals, Page 8)

The Planning Commission, ASCC and Staff found that the project meets both the principles and objectives described above as it integrates the building into its surroundings; concentrates the uses within the property to minimize disturbance to natural terrain; minimizes grading and site disturbance to the minimum necessary to accommodate the project; and maintains the natural beauty, habitat and open space of the majority of the site; is in keeping with existing development in the residential area; and accounts for impacts to neighboring residences through careful use of lighting and proposed new landscaping.

### Compliance with Zoning Code

Section 18.64.060 of PVMC outlines criteria/findings for approval of architectural and site plan review applications. The findings are listed below in **bold**, followed by a brief analysis of how the findings can be met.

#### **1. The structure is designed so as to minimize disturbance to the natural terrain.**

The principal excavation work for the project is for the building pad for the proposed structures and to accommodate a driveway and parking area that meets all relevant Fire

District requirements. Structures are centrally located around the parking area. The proposed driveway is replacing an existing driveway in the same location. The perimeter of the property is left mostly undisturbed. While the project will locate a larger structure toward the top of the hillside, the building location does not violate the limits on hillside developments and building locations are found to be appropriate to the site.

**2. Existing vegetation is preserved to the maximum extent possible.**

No significant trees are to be removed as part of the project. Existing native grass areas are left mostly undisturbed. New plantings are of mostly native varieties and the extent of new plantings is minimized to those areas immediately adjacent to the new structures.

**3. The structure is designed and located to allow adequate light and air for itself and its neighbors.**

The proposed project meets required setbacks and complies with maximum height requirements for the zoning district. The residence has two levels, a main level and partially daylight basement level.

**4. Landscaping, screening, and fencing preserve privacy and mitigate adverse effects on neighboring properties.**

Existing and proposed landscaping has been planned to assist in screening from other sites. The topography of the site also serves to screen portions of the site from the right-of-way and neighboring properties. No new fencing is proposed as part of the project.

**5. Entrances, exits, and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.**

The house, garage and ADU are accessed from a central parking area at the end of the driveway. The proposed driveway is replacing an existing driveway in the same location. New driveway and parking area are to meet all Fire District requirements. Internal pathways create safe and easy pedestrian circulation to the pool and other areas.

**6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.**

Fixtures direct light downward, use minimum lumens necessary, and warm color temperature to minimize light encroachment to surrounding areas. Fixture location and quantity are sufficient for safe internal circulation on site.

**7. Planting and site design mitigate the problems of drainage and soil erosion.**

Proposed planting schedule is made up of primarily native plants with low water usage and are grouped in a natural pattern. Proposed irrigation is designed to minimize water runoff and soil erosion on site and complies with Town's WELO requirements.

**8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.**

Proposed exterior materials comply with the Town’s requirements and provide a natural color palette for siding, doors, and exterior lights.

**9. Proposed grading minimizes the apparent disturbance to the natural terrain.**

Amount of grading is confined to amount necessary to accommodate new residence, garage, ADU and pool.

Compliance with Design Guidelines

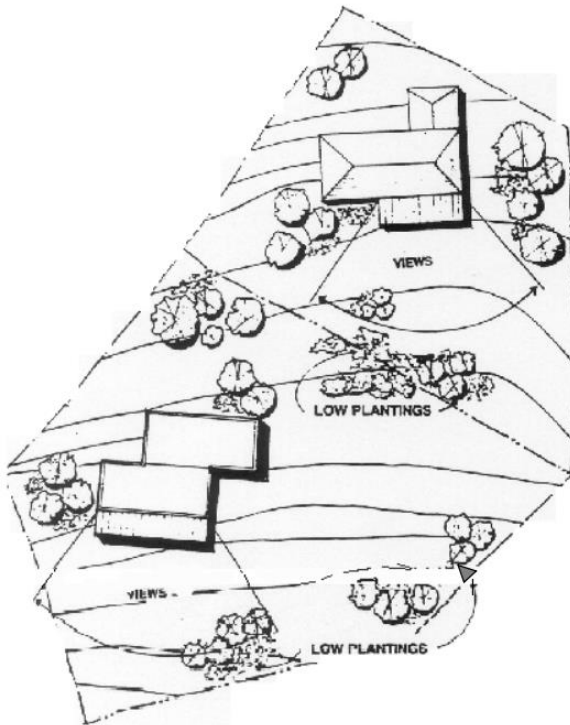
Pursuant to Section 18.64.045 of PVMC, the Town’s Design Guidelines are consistent with provisions of Sections 18.64.050 and 18.64.060 of PVMC but are in greater detail. The Design Guidelines are used by ASCC in review of all applications pursuant to Section 18.64.040 of PVMC.

The Guidelines include review criteria for three main aspects of a project: site design, architectural design, and landscape design. Under these main aspects, the Guidelines provide additional principles for certain aspects of the project. These principles are discretionary and subject to interpretation by the reviewing body.

The Guidelines are discussed below, including Staff’s analysis of how the project complies, the associated discussion of the guidelines by the ASCC, and the appellants’ concerns.

**SITE DESIGN- View Preservation**

Page 6 of the Town’s Design Guidelines notes the following requirements pursuant to view preservation and accompanying graphic.

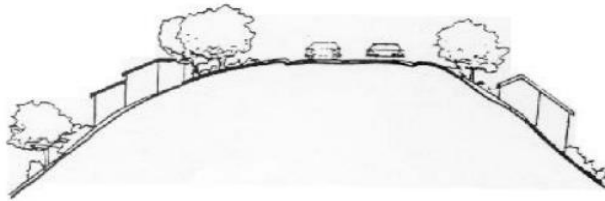


- Site structures to minimize adverse visual impacts when viewed from off the site. Do not locate structures in visually prominent locations.
- Maximize open space preservation.
- Protect view corridors on the site to maintain views of prominent scenic features.
- Prevent the obstruction of views of adjacent property owners by structures or additions to existing structures.
- Consider the future height of trees and shrubs so that you and your neighbors’ views on and off-site will not become obstructed.

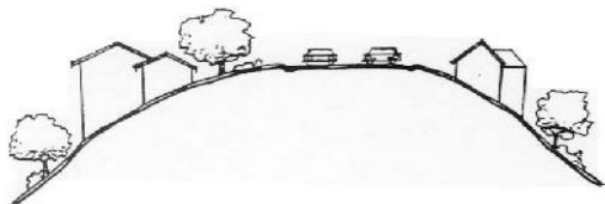


### SITE DESIGN- Ridgelines/Hilltops

Page 7 of the Town's Design Guidelines notes the following requirements pursuant to development on ridgelines and hilltops and includes the accompanying graphic.



*This*



*Not This*

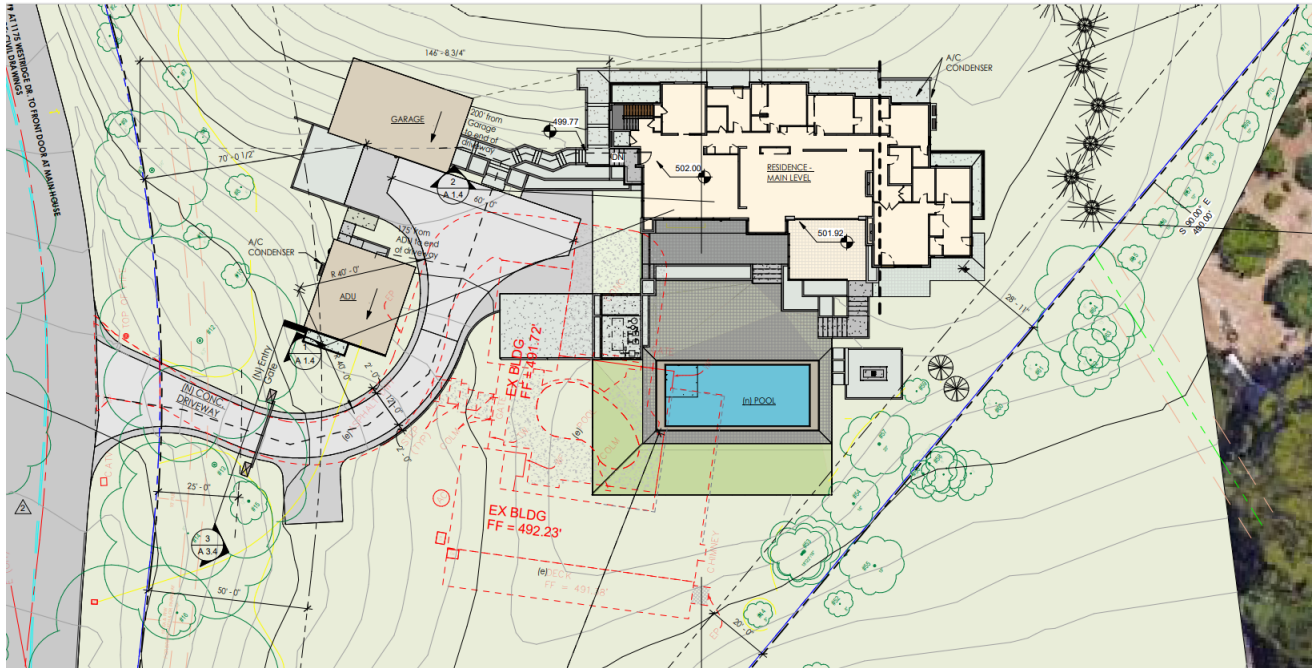
- Whenever possible, avoid siting structures on ridgelines and hilltops.
- Minimize removal of tree masses so as not to disrupt the natural silhouette.
- Minimize off-site visual impacts through use of natural colors and materials that blend with the natural environment.
- Keep rooflines of structures below the height of the existing tree canopy.
- Any construction on ridgelines should integrate with the natural context. Structures should be stepped with the hillsides and slopes of roofs should mirror slopes of the terrain.

Due to the prominent position of the lot, the project had to be conscientious of not siting the structures to have adverse visual impacts. The site slopes upward from Westridge and Cervantes and continues this upward slope towards the neighboring property at 1175 Westridge Drive. The proposal is replacing a modest existing residence with a new residence, detached garage and detached ADU that maximize the available floor area for the property. In their presentation to the ASCC, the applicants spoke to a few additional considerations that determined the preferred location of the structures on the property. Those included the accommodation of a hammerhead turnaround in the driveway per Fire District regulations and reducing the visual impact from all surrounding sides of the property. The existing residence, despite its modest size, is more visible from the public rights-of-way than the proposed larger residence.

The resulting proposal was to locate the structure further into the hillside, resulting in a position for the new structures closer to the north-east corner of the property than the existing residence. An overlay of the new proposed construction over the existing building locations is provided in Figure 1, which is also available on Sheet A1.1 of the updated plan set provided by the applicants as Attachment 7g of the Planning Commission staff report. The existing building locations are outlined in red.

The new building locations have the cumulative effect of reducing visibility from the public rights-of-way and the neighboring property uphill to the north at 1175 Westridge. However, the larger size and new position of the structures serve to increase the visibility of the structures from 470 Cervantes and 115 Meadowood, which is the issue at the center of this appeal.

**Figure 1: Proposed Locations of New Structures**



**Figure 2 (Left): Rendering of New Residence with Landscape Screening Viewed from 115 Meadowood**  
**Figure 3 (Right): View of Story Poles from 115 Meadowood**



## ARCHITECTURAL DESIGN

### a. Scale/Context

The proposed residence is two levels, a basement level with minimal daylit areas and a main level. This serves to principally present the residence as a single-story home. The residence does not feature projections or other obtrusive features. Structures are concentrated around a single

parking area, providing sufficient setbacks and creating a scale of development proportional to the surrounding lots.

b. Mass/Bulk

Structure design is almost entirely horizontal, reducing effective visible mass. Main residence and accessory buildings step with the natural terrain.

c. Accessory Structures

The detached garage is designed with the same form, exterior materials, and exterior colors as the main residence. The structures integrate with the natural terrain and vegetation of the site so as to have minimal visibility from surrounding properties and the right-of-way. The ADU is subject to staff level (ministerial) approval but is discussed here to provide more project context.

d. Entryways

Project includes a new driveway and four-foot vehicle entry gate at the required setback distance. No new lighting at the gate, right-of-way or along approach is proposed. New driveway will meet Town and Fire District requirements for width and access.

e. Additional Design Concepts

All proposed materials and treatments meet Town reflectivity guidelines and include a natural color palette and material choices. No new fencing is proposed as part of the project.

f. Lighting

The proposed lighting plan is provided on Sheets A1.2 and L-2 of the updated project plan set in Attachments 7g and 7h. All fixtures comply with Town guidelines, including for lumen output and that all fixtures be shielded or downlit. The applicant's original submission included additional fixtures along the driveway and exterior of the main residence. The applicant reduced this number of fixtures at the direction of Town Staff.

## **LANDSCAPE DESIGN**

a. Planting Concepts

Complete landscaping plans are provided within Sheets L1-L7 in the updated project plan set in Attachment 7h. Comments originally provided by the Conservation Committee noted that there is minimal landscaping overall, mostly concentrated around the structures. The native grass areas encircling the property are left mostly intact. Proposed landscaping complies with Town requirements for impervious surfaces and water use. Landscape lighting is intended to provide for safety for users of the walkways and steps. No new fencing is proposed as part of the project.

b. Plant Materials

Plantings that are proposed are primarily of native species, and the species selected also require low water use. The plan includes planting two olive trees, which are discouraged but allowed provided they are of the fruitless variety. The Committee did request the removal of one particular

invasive species (Pride of Madeira) from the landscaping plan, which the applicant did in their updated plans.

#### Staff Conclusion on Appeal

Consistent with the findings of the Planning Commission and ASCC, staff finds the proposed residence to be appropriate to the site given the existing conditions and similar projects that have been reviewed and approved by the Town. In accordance with the Town's Design Guidelines, the structures are not proposed to be located on the top of the hillside, and the top of the structures does not exceed the top of the hillside. The grading results in a project that is stepped with the hillside and integrated into the natural terrain. While the project will result in a structure that is more visible to some of the neighboring properties, the overall design is conscientious of its impact on the surrounding parcels and rights-of-way and makes appropriate accommodations for this increased visual impact through its selection of materials, limited outdoor lighting, design of the structures themselves and use of landscape screening. The new hammerhead driveway required by the Fire District, allows safer emergency access and better circulation. While the new driveway design has the consequence of shifting the footprint of the proposed house, the new location is less visible from the public right of way and not visible by the majority of the neighbors.

The project does not impact existing mature trees and vegetation. Exterior materials comply with the Town's requirements for a natural color palette. The concentration of the structures in a single area serves to preserve much of the natural terrain. Landscaping is also concentrated around the structures and makes use of primarily native species, limiting water use to an appropriate amount and helping to preserve much of the native grasses ringing the property. Drainage issues are addressed in the plan check process through review by the Town's consultant engineers and compliance with the Town's standard checklist for Site Development Permits. The property is not a designated wildlife corridor, though wildlife is present throughout Town. The siting of the structure allows wildlife to continue to pass through the property.

#### Next Steps

The Town Council should consider the details of the proposal and the context of this particular site to determine whether the proposed project complies with the General Plan, Town Code and cited portions of the Design Guidelines. The Council may use its judgement in making this determination.

If the Town Council determines that it cannot make any of the findings, it is permitted to impose additional conditions so that such findings may be met or it may grant the appeal and deny the project.

#### **ENVIRONMENTAL REVIEW**

Section 21084 of the Public Resources Code requires the California Environmental Quality Act (CEQA) Guidelines to include a list of projects which have been determined not to have a significant effect on the environment and are therefore exempt from CEQA. These are called Categorical Exemptions and are outlined in the CEQA Guidelines. The proposed project is to construct a new single-family residence in a residential zone, which is exempt under CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures. Specifically, Section 15303(a) defines the exemption as “one single family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.” The project is for a single-family dwelling.

CEQA Guidelines Section 15300.2 outlines Exceptions where the Categorical Exemption may not be used; these exceptions do not apply to this project. Section 15300.2(a) notes that due to

location, some projects may not be exempt from further review. The location exception is restricted to projects that “may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” The appellant has provided no evidence that the project is in an area “designated” as an “environmental resource of hazardous or critical concern” by any federal, state or local agency. The lack of such a designation defeats the application of this exception. Furthermore, the project does not include scenic highways, hazardous waste sites, historical resources, there is no likelihood of successive projects at the same location over time, and there are no unusual circumstances. (CEQA Guidelines Section 15300.2.)

**PUBLIC COMMENTS**

As part of its required noticing process, the Town sent out a notice to neighbors within 300 feet of the project regarding the ASCC’s project review on May 13<sup>th</sup>, 2022. Notice of the appeal to Planning Commission was sent to the same neighbors and posted at 1195 Westridge Drive on July 20, 2022. Notice of the appeal to Town Council was mailed and posted on September 16, 2022.

May 23<sup>rd</sup> ASCC Public Comments

The applicant did conduct neighbor outreach, which is detailed in their Neighbor Notification Letter dated January 13, 2022 (see Attachment 10 within the May 23 Staff Report linked as Attachment 3).

The Town received a public comment from Irene and Pedro Ruiz, neighbors at 115 Meadowood, prior to the distribution of the meeting packet. The initial comment and photos submitted by the neighbor at 115 Meadowood can be seen in Attachment 15 within the May 23 Staff Report linked as Attachment 3.

August 3<sup>rd</sup> Planning Commission Public Comments

Following the May 23 ASCC meeting, Staff received appeal forms and an initial narrative from the appellants included as Attachment 6a on June 4, 2022. Addendums to this information (Attachment 6b-6f) were submitted prior to the completion of this staff report.

In response to the materials submitted by the appellants, the applicants submitted additional information to Staff on July 28. That information is compiled within Attachments 7a-l within the Planning Commission Staff Report. A complete plan set was also resubmitted and is included as Attachments 7g-7i within the Planning Commission Staff Report.

Additional public comments were received regarding the appeal. The comments that have been received are listed in the table below and compiled within Attachment 8 of the Planning Commission Staff Report.

Attachment	Name	Address	Summary
8a	George Savage	1180 Westridge	Support of Project
8b	Mary Jo McCarthy		Support of Appeal
8c	Karel Urbanek	Iroquois Trail	Support of Appeal
8d	Becky Hilderbrand		Support of Appeal
8e	Beth & Tore Gillbrand	190 Escobar	Support of Appeal
8f	Jim Gogan	480 Cervantes	Support of Project
8g	Jim Gogan	480 Cervantes	Support of Project
8h	Loren Dakin	118 Mapache	Support of Project
8i	Ginger & Don Creevy	1175 Westridge	Support of Project

8j	Tricia & Gavin Christensen	50 Alhambra Court	Support of Appeal
8k	Sandi & Andy Engel	4590 Aline	Support of Appeal
8l	Mike Armsby	90 Iroquois	Support of Appeal
8m	Josh Alfaro	460 Cervantes	Support of Appeal
8n	Greg Goumas		Support of Project
8o	Don & Catherine Coluzzi	15 Navajo	Support of Appeal

Any comments that were received after packet distribution and provided to the Planning Commission as a supplemental item at the meeting. A summary list of those comments is provided here and included in this report as Attachment 7.

8p	Danna Breen		Support of Appeal
8q	Chrisi Fleming	145 Meadowood	Support of Appeal
8r	George Savage	1180 Westridge	Support of Project

September 28<sup>th</sup> Town Council Public Comments

No additional public comments were received prior to the publishing of the staff report. Any additional comments received after packet distribution will be provided to the Town Council prior to or at the meeting.

**ATTACHMENTS**

1. Draft Town Council Resolution
2. Planning Commission Conditions of Approval, August 3, 2022
3. Staff Report for May 23, 2022 ASCC Meeting
4. ASCC May 23, 2022 Meeting Minutes
5. ASCC May 23, 2022 Meeting Recording
6. Staff Report for the August 3, 2022 Planning Commission Meeting
7. Supplemental Public Comments for August 3, 2022 Planning Commission Meeting
8. Planning Commission August 3, 2022 Draft Verbatim Meeting Minutes
9. Planning Commission August 3, 2022 Recording
10. Appellant Submitted Materials, August 17, 2022

**RESOLUTION NO. XXXX-2022**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY  
APPROVING AN ARCHITECTURAL AND SITE DEVELOPMENT PERMIT FOR A NEW  
RESIDENCE WITH BASEMENT, DETACHED GARAGE, ADU, POOL, HARDSCAPING AND  
LANDSCAPING IMPROVEMENTS**

**1195 Westridge Drive, FILE #PLN\_ARCH0002-2022 APN # 077-022-050**

**WHEREAS** Sue and Farro Kaveh, owners, submitted an Architectural Review and Site Development permit application on January 28, 2022 to demolish an existing residence and construct a new residence with basement, detached garage, ADU, pool, hardscaping and landscaping improvements on property located at 1195 Westridge Drive; and

**WHEREAS** the Architectural and Site Control Commission (ASCC) held a duly noticed public meeting on May 23, 2022 and after reviewing and considering the staff report, all related information and public comment, approved the Architectural Review and Site Development Permits; and

**WHEREAS** Ronald and Lisa Hennefarth, owners of 470 Cervantes Road, and Irene and Pedro Ruiz, owners of 115 Meadowood Drive, filed an appeal on June 4, 2022 in accordance with provisions of Chapter 18.66 and Section 18.64.110 of the Portola Valley Municipal Code (PVMC); and

**WHEREAS** The Planning Commission, acting as the Board of Adjustment, is required to hold a public hearing on any appeal and make findings and decisions in accordance with Sections 18.66.070 and 18.70.080 of PVMC; and

**WHEREAS** the Planning Commission, acting as the Board of Adjustment, held a duly noticed public hearing on August 3, 2022 to consider the appeal and the entire record of proceedings, including the staff reports and public comment; and

**WHEREAS** the Planning Commission denied the appeal request and upheld the May 23, 2022 decision by the ASCC to approve the Architectural and Site Development Permits; and

**WHEREAS** Irene and Pedro Ruiz, owners of 115 Meadowood Drive, filed an appeal of the Planning Commission's decision on August 17, 2022 in accordance with Chapter 18.78 of the PVMC; and

**WHEREAS** the Town Council is required to hold a public hearing and make findings and decisions on any appeal of the Board of Adjustment's decision on an appeal in accordance with Sections 18.34.130, Chapter 18.76 and Chapter 18.78 of the PVMC; and

**WHEREAS** the Town Council held a duly noticed public hearing on September 28, 2022 to consider the appeal and the entire record of proceedings, including the staff reports and public comment; and

**WHEREAS** the proposed project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15303(a) of the Public Resources Code.

**NOW, THEREFORE**, be it resolved that the Town Council of the Town of Portola Valley does hereby RESOLVE as follows:

I. That the project is consistent with the General Plan, Zoning Code, and Design Guidelines as follows:

Compliance with General Plan

The General Plan's Land Use Element describes development principles and objectives to achieve in Residential Areas, such as:

- In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental buildings be avoided (Section 2103 - #6, General Principles, Page 2)
- Grading shall normally be the minimum necessary to accommodate development; however, in those instances where increased grading can provide for greater compatibility of development with the natural setting and not cause significant adverse effects on the environment, such grading shall be preferred (Section 2103 - #14, General Principles, Page 3)
- To assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space (Section 2104 - #1, Objectives, Page 4)
- To provide for the grouping or clustering of residential buildings where this will maximize the opportunity to preserve natural beauty, habitat, and open space without generally increasing the intensity of development otherwise possible (Section 2104 - #3, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To control the occupancy of parcels so as to insure against adverse impact on neighboring residences. (Section 2104 - #5c, Objectives, Page 4)
- To control the size, siting and design of buildings so that they, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town. (Section 1010 - #16, Major Community Goals, Page 8)

The Town Council finds that the project meets both the principles and objectives described above as it integrates the building into its surroundings; concentrates the uses within the property to minimize disturbance to natural terrain; minimizes grading and site disturbance to the minimum necessary to accommodate the project; maintains the natural beauty, habitat and open space of the majority of the site; is in keeping with existing development in the residential area; and accounts for impacts to neighboring residences through careful use of lighting and proposed new landscaping.

Compliance with Zoning Code

The project description and tables in the staff report, incorporated into this resolution, demonstrate how the project complies with the development standards of the Zoning Code. PVMC 18.64.060 outlines criteria/findings for approval of architectural and site plan review applications. The findings are listed below in bold, followed by how the findings have been met.



**1. The structure is designed so as to minimize disturbance to the natural terrain.**

The principal excavation work for the project is for the building pad for the proposed structures and to accommodate a driveway and parking area that meets all relevant Fire District requirements. Structures are centrally located around the parking area. The proposed driveway is replacing an existing driveway in the same location. The perimeter of the property is left mostly undisturbed. While the project will locate a larger structure toward the top of the hillside, the building location does not violate the limits on hillside developments and building locations are found to be appropriate to the site.

**2. Existing vegetation is preserved to the maximum extent possible.**

No significant trees are to be removed as part of the project. Existing native grass areas are left mostly undisturbed. New plantings are of mostly native varieties and the extent of new plantings is minimized to those areas immediately adjacent to the new structures.

**3. The structure is designed and located to allow adequate light and air for itself and its neighbors.**

The proposed project meets required setbacks and complies with maximum height requirements for the zoning district. The residence has two levels, a main level and partially daylight basement level.

**4. Landscaping, screening, and fencing preserve privacy and mitigate adverse effects on neighboring properties.**

Existing and proposed landscaping has been planned to assist in screening from other sites. The topography of the site also serves to screen portions of the site from the right-of-way and neighboring properties. No new fencing is proposed as part of the project.

**5. Entrances, exits, and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.**

The house, garage and ADU are accessed from a central parking area at the end of the driveway. The proposed driveway is replacing an existing driveway in the same location. New driveway and parking area are designed to meet all Fire District requirements, including a new hammerhead to facilitate emergency vehicle turnaround. Internal pathways create safe and easy pedestrian circulation to the pool and other areas.

**6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.**

Fixtures direct light downward, use minimum lumens necessary, and warm color temperature to minimize light encroachment to surrounding areas. Fixture location and quantity are sufficient for safe internal circulation on site.

**7. Planting and site design mitigate the problems of drainage and soil erosion.**

Proposed planting schedule is made up of primarily native plants with low water usage and are grouped in a natural pattern. Proposed irrigation is designed to minimize water runoff and soil erosion on site and complies with Town's WELO requirements.

**8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.**

Proposed exterior materials comply with the Town's requirements and provide a natural color palette for siding, doors, and exterior lights.

**9. Proposed grading minimizes the apparent disturbance to the natural terrain.**

Amount of grading is confined to the amount necessary to accommodate the new residence, garage, ADU and pool.

Compliance with Design Guidelines

**1. SITE DESIGN**

**c. View Preservation**

The overall design is conscientious of its impact on the surrounding parcels and rights-of-way and makes appropriate accommodations for this increased visual impact through its selection of materials, limited outdoor lighting, design of the structures themselves and use of landscape screening.

**d. Ridgelines/Hilltops**

The Town Council finds the proposed residence to be appropriate to the site given the existing conditions and similar projects that have been reviewed and approved by the Town. The structures are not proposed to be located on the top of the hillside, and the top of the structures does not exceed the top of the hillside. The grading results in a project that is stepped with the hillside and integrated into the natural terrain.

**2. ARCHITECTURAL DESIGN**

**a. Scale/Context**

The proposed residence is two levels, a basement level with minimal daylit areas and a main level. This serves to principally present the residence as a single-story home. The residence does not feature projections or other obtrusive features. Structures are concentrated around a single parking area, providing sufficient setbacks and creating a scale of development proportional to the surrounding lots.

**b. Mass/Bulk**

Structure design is almost entirely horizontal, reducing effective visible mass. Main residence and accessory buildings step with the natural terrain.

**c. Accessory Structures**

The detached garage is designed with same form, exterior materials, and exterior colors as the main residence. The structures integrate with the natural terrain and vegetation of the site so as

to have minimal visibility from surrounding properties and the right-of-way. The ADU is subject to staff level (ministerial) approval but is discussed here to provide more project context.

**d. Entryways**

Project includes a new driveway and four-foot vehicle entry gate at the required setback distance. No new lighting at the gate, right-of-way or along approach is proposed. New driveway will meet Town and Fire District requirements for width and access.

**e. Additional Design Concepts**

All proposed materials and treatments meet Town reflectivity guidelines and include a natural color palette and material choices. No new fencing is proposed as part of the project.

**f. Lighting**

The number and type of fixtures is found to be appropriate for the site and compliant with all Town requirements. All fixtures comply with Town guidelines, including for lumen output and that all fixtures be shielded or downlit.

**3. LANDSCAPE DESIGN**

**a. Planting Concepts**

Proposed landscaping complies with Town requirements for impervious surfaces and water use. Landscape lighting is intended to provide for safety for users of the walkways and steps. No new fencing is proposed as part of the project. The project does not impact existing mature trees and vegetation. Landscaping is also concentrated around the structures and makes use of primarily native species, limiting water use to an appropriate amount and helping to preserve much of the native grasses ringing the property.

**b. Plant Materials**

Plantings that are proposed are primarily of native species, and the species selected also require low water use. The plan includes planting two olive trees, which are discouraged but allowed provided they are of the fruitless variety.

**II.** The decision of the Planning Commission to deny the appeal of the Planning Commission and uphold the Architectural and Site Control Commission’s decision to grant Architectural and Site Development Permits PLN\_ARCH0002-2022 for 1195 Westridge Drive, subject to the conditions attached hereto as Attachment 2 and incorporated herein.

**PASSED AND ADOPTED** at the regular meeting of the Town Council of the Town of Portola Valley on September 28, 2022.

For:

Against:

Abstained:

By: \_\_\_\_\_  
Craig Hughes, Mayor

ATTEST: \_\_\_\_\_  
Melissa Thurman, MMC  
Town Clerk

**RESOLUTION NO. 2022-3**

**A RESOLUTION OF THE PLANNING COMMISSION ACTING AS THE BOARD OF ADJUSTMENT OF THE TOWN OF PORTOLA VALLEY DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE ARCHITECTURAL AND SITE CONTROL COMMISSION APPROVING AN ARCHITECTURAL AND SITE DEVELOPMENT PERMIT FOR A NEW RESIDENCE WITH BASEMENT, DETACHED GARAGE, ADU, POOL, HARDSCAPING AND LANDSCAPING IMPROVEMENTS**

**1195 Westridge Drive, FILE #PLN\_ARCH0002-2022 APN # 077-022-050**

**WHEREAS** Sue and Farro Kaveh, owners, submitted an Architectural Review and Site Development permit application on January 28, 2022 to demolish an existing residence and construct a new residence with basement, detached garage, ADU, pool, hardscaping and landscaping improvements on property located at 1195 Westridge Drive; and

**WHEREAS** the Architectural and Site Control Commission (ASCC) held a duly noticed public meeting on May 23, 2022 and after reviewing and considering the staff report, all related information and public comment, approved the Architectural Review and Site Development Permits; and

**WHEREAS** Ronald and Lisa Hennefarth, owners of 470 Cervantes Road, and Irene and Pedro Ruiz, owners of 115 Meadowood Drive, filed an appeal on June 4, 2022 in accordance with provisions of Chapter 18.66 and Section 18.64.110 of the Portola Valley Municipal Code (PVMC); and

**WHEREAS** The Planning Commission, acting as the Board of Adjustment, is required to hold a public hearing on any appeal and make findings and decisions in accordance with Sections 18.66.070 and 18.70.080 of PVMC; and

**WHEREAS** the Planning Commission, acting as the Board of Adjustment, held a duly noticed public hearing on August 3, 2022 to consider the appeal and the entire record of proceedings, including the staff reports and public comment.

**NOW, THEREFORE**, be it resolved that the Planning Commission of the Town of Portola Valley does hereby RESOLVE as follows:

I. The Planning Commission finds that the project is consistent with the General Plan, Zoning Code, and Design Guidelines as follows:

Compliance with General Plan

The General Plan's Land Use Element describes development principles and objectives to achieve in Residential Areas, such as:

- In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental buildings be avoided (Section 2103 - #6, General Principles, Page 2)
- Grading shall normally be the minimum necessary to accommodate development; however, in those instances where increased grading can provide for greater compatibility of development with the natural setting and not cause significant adverse effects on the

environment, such grading shall be preferred (Section 2103 - #14, General Principles, Page 3)

- To assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space (Section 2104 - #1, Objectives, Page 4)
- To provide for the grouping or clustering of residential buildings where this will maximize the opportunity to preserve natural beauty, habitat, and open space without generally increasing the intensity of development otherwise possible (Section 2104 - #3, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To maintain the present character of established residential areas (Section 2104 - #4, Objectives, Page 4)
- To control the occupancy of parcels so as to insure against adverse impact on neighboring residences. (Section 2104 - #5c, Objectives, Page 4)
- To control the size, siting and design of buildings so that they, individually and collectively, tend to be subservient to the natural setting and serve to retain and enhance the rural qualities of the town. (Section 1010 - #16, Major Community Goals, Page 8)

The Planning Commission finds that the project meets both the principles and objectives described above as it integrates the building into its surroundings; concentrates the uses within the property to minimize disturbance to natural terrain; minimizes grading and site disturbance to the minimum necessary to accommodate the project; maintains the natural beauty, habitat and open space of the majority of the site; is in keeping with existing development in the residential area; and accounts for impacts to neighboring residences through careful use of lighting and proposed new landscaping.

#### Compliance with Zoning Code

The project description and tables in the staff report demonstrate how the project complies with the development standards of the Zoning Code. PVMC 18.64.060 outlines criteria/findings for approval of architectural and site plan review applications. The findings are listed below in bold, followed by how the findings have been met.

#### **1. The structure is designed so as to minimize disturbance to the natural terrain.**

The principal excavation work for the project is for the building pad for the proposed structures and to accommodate a driveway and parking area that meets all relevant Fire District requirements. Structures are centrally located around the parking area. The proposed driveway is replacing an existing driveway in the same location. The perimeter of the property is left mostly undisturbed. While the project will locate a larger structure toward the top of the hillside, the building location does not violate the limits on hillside developments and building locations are found to be appropriate to the site.

#### **2. Existing vegetation is preserved to the maximum extent possible.**

No significant trees are to be removed as part of the project. Existing native grass areas are left mostly undisturbed. New plantings are of mostly native varieties and the extent of new plantings is minimized to those areas immediately adjacent to the new structures.

**3. The structure is designed and located to allow adequate light and air for itself and its neighbors.**

The proposed project meets required setbacks and complies with maximum height requirements for the zoning district. The residence has two levels, a main level and partially daylit basement level.

**4. Landscaping, screening, and fencing preserve privacy and mitigate adverse effects on neighboring properties.**

Existing and proposed landscaping has been planned to assist in screening from other sites. The topography of the site also serves to screen portions of the site from the right-of-way and neighboring properties. No new fencing is proposed as part of the project.

**5. Entrances, exits, and internal circulation shall be sited to promote traffic safety and ease and convenience of movement.**

The house, garage and ADU are accessed from a central parking area at the end of the driveway. The proposed driveway is replacing an existing driveway in the same location. New driveway and parking area are to meet all Fire District requirements. Internal pathways create safe and easy pedestrian circulation to the pool and other areas.

**6. Night lighting is located and fixtures chosen to promote public safety but minimize effects on adjoining properties.**

Fixtures direct light downward, use minimum lumens necessary, and warm color temperature to minimize light encroachment to surrounding areas. Fixture location and quantity are sufficient for safe internal circulation on site.

**7. Planting and site design mitigate the problems of drainage and soil erosion.**

Proposed planting schedule is made up of primarily native plants with low water usage and are grouped in a natural pattern. Proposed irrigation is designed to minimize water runoff and soil erosion on site and complies with Town's WELO requirements.

**8. Materials and colors are compatible with the rural setting of the town and the surrounding landscape and structures.**

Proposed exterior materials comply with the Town's requirements and provide a natural color palette for siding, doors, and exterior lights.

**9. Proposed grading minimizes the apparent disturbance to the natural terrain.**

Amount of grading is confined to amount necessary to accommodate new residence, garage, ADU and pool.

Compliance with Design Guidelines

**1. SITE DESIGN**

**c. View Preservation**

The overall design is conscientious of its impact on the surrounding parcels and rights-of-way and makes appropriate accommodations for this increased visual impact through its selection of materials, limited outdoor lighting, design of the structures themselves and use of landscape screening.

**d. Ridgelines/Hilltops**

The Planning Commission finds the proposed residence to be appropriate to the site given the existing conditions and similar projects that have been reviewed and approved by the Town. The structures are not proposed to be located on the top of the hillside, and the top of the structures does not exceed the top of the hillside. The grading results in a project that is stepped with the hillside and integrated into the natural terrain.

**2. ARCHITECTURAL DESIGN**

**a. Scale/Context**

The proposed residence is two levels, a basement level with minimal daylit areas and a main level. This serves to principally present the residence as a single-story home. The residence does not feature projections or other obtrusive features. Structures are concentrated around a single parking area, providing sufficient setbacks and creating a scale of development proportional to the surrounding lots.

**b. Mass/Bulk**

Structure design is almost entirely horizontal, reducing effective visible mass. Main residence and accessory buildings step with the natural terrain.

**c. Accessory Structures**

The detached garage is designed with same form, exterior materials, and exterior colors as the main residence. The structures integrate with the natural terrain and vegetation of the site so as to have minimal visibility from surrounding properties and the right-of-way. The ADU is subject to staff level (ministerial) approval but is discussed here to provide more project context.

**d. Entryways**

Project includes a new driveway and four-foot vehicle entry gate at the required setback distance. No new lighting at the gate, right-of-way or along approach is proposed. New driveway will meet Town and Fire District requirements for width and access.

**e. Additional Design Concepts**

All proposed materials and treatments meet Town reflectivity guidelines and include a natural color palette and material choices. No new fencing is proposed as part of the project.

**f. Lighting**

The number and type of fixtures is found to be appropriate for the site and compliant with all Town requirements. All fixtures comply with Town guidelines, including for lumen output and that all fixtures be shielded or downlit.



### 3. LANDSCAPE DESIGN

#### a. Planting Concepts

Proposed landscaping complies with Town requirements for impervious surfaces and water use. Landscape lighting is intended to provide for safety for users of the walkways and steps. No new fencing is proposed as part of the project. The project does not impact existing mature trees and vegetation. Landscaping is also concentrated around the structures and makes use of primarily native species, limiting water use to an appropriate amount and helping to preserve much of the native grasses ringing the property.

#### b. Plant Materials

Plantings that are proposed are primarily of native species, and the species selected also require low water use. The plan includes planting two olive trees, which are discouraged but allowed provided they are of the fruitless variety.

II. The decision of the Architectural and Site Control Commission is therefore upheld and Architectural and Site Development Permits PLN\_ARCH0002-2022 are hereby granted for 1195 Westridge Drive, subject to the revised conditions attached hereto as Exhibit A and incorporated herein.

**PASSED AND ADOPTED** at the regular meeting of the Planning Commission of the Town of Portola Valley on August 3, 2022.

For: Chair Kopf-Sill, Commissioners Goulden, Hasko, Targ

Against: None

Abstained: None

Absent: Commissioner Taylor

DocuSigned by:  
*Laura Russell*  
E8115516EA7745F...

ATTEST: \_\_\_\_\_  
Laura Russell, Planning Director

DocuSigned by:  
*Anne Kopf-Sill*  
C21E12FEE1854C9...

By: \_\_\_\_\_  
Anne Kopf-Sill, Chairperson

## Exhibit A

Conditions of ApprovalNew Residence, Site Development, Garage, ADU, Pool, Driveway and Landscape Changes,  
1195 Westridge, Kaveh Residence, File # PLN ARCH0002-2022**A. PLANNING DEPARTMENT:**

1. Applicant will ~~consider~~ **implement** either a reduction in the proposed plate height, colors and materials chosen, landscape screening, or some combination of these mitigations to reduce the impact of the project on the neighboring properties on Cervantes Road and Meadowood Drive. Changes to the plans as approved at the ASCC regular meeting of May 23, 2022 **and reviewed by the Planning Commission at its August 3, 2022 meeting** are to be re-reviewed by two members of the ASCC prior to issuance of a building permit.
2. Construction shall otherwise be in strict compliance the plans submitted on April 15, 2022 and reviewed by the ASCC at their regular meeting on May 23, 2022 **and reviewed by the Planning Commission on August 3, 2022.**
3. No other modifications or revisions to the approved plans are allowed except as identified in these conditions and as otherwise first reviewed and approved by the Planning Director or the ASCC, depending on the scope of the changes.
4. All conditions of approval associated with the project approvals by ASCC on May 23, 2022 shall be met prior to final inspection.
5. A detailed construction staging, logistics, and tree protection plan for the construction shall be submitted to the satisfaction of the Public Works Director prior to building permit issuance.
6. Special attention shall be taken to keep invasive plant materials from entering the project site on construction equipment. Existing invasive plants shall be removed from the project site prior to final inspection.
7. The Architecture and Site Development Permits shall automatically expire two years from the date of issuance by the final decision making body, if within such time period; a Building Permit has not been obtained.
8. To the extent permitted by law, the Applicant shall indemnify and hold harmless the Town, its Town Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the Town for its actual attorneys' fees and costs incurred in defense of the litigation. The Town may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

**B. ENGINEERING/PUBLIC WORKS DEPARTMENT****A. General.**

1. Applicant shall review and comply with all conditions listed in the most current "Public Works & Engineering Department Site Development Standard Guidelines and Checklist". The project architect or engineer shall submit a completed and signed checklist with the

building plans. The checklist is available on the Town website at <https://www.portolavalley.net/building-planning/stormwater> (submitted form is acceptable).

2. Applicant shall review and understand all items listed in the most current "Public Works & Engineering Department Pre-Construction Meeting for Site Development." This document is also available on the Town website <https://www.portolavalley.net/home/showdocument?id=3317>
  3. The applicant shall resubmit any revisions to the Site Development permit plan set to the Town for review. The applicant must highlight the revised items on the plans and submit a letter noting each revised item.
  4. The applicant shall address all plan review comments and subsequent review comments from NV5 to the Town's satisfaction.
  5. Show and label all existing and proposed utilities within the project vicinity on the plans.
  6. The proposed entry gate structure should not be located within the existing 15' wide easement and right-of-way for bridle path. (Revised entry gate structure location is acceptable.)
- B. Specific (for consideration during building plan submittal).
1. Hydrology/Hydraulics (Calculations were submitted, and the calculations are acceptable).
  2. Refer to the current San Mateo County stormwater quality control requirements and demonstrate how the project complies with these requirements.
  3. The Town's Site Development Standard Guidelines include a requirement for mitigation of stormwater runoff if there is an overall increase in impervious surface area and for the installation of stormwater detention for projects that create or replace greater than 10,000 square feet of impervious surface. Provide documentation and a summary table showing the total overall impervious surface area for both the existing pre-construction site condition and the post-construction site condition, and provide mitigation measures, if required under these guidelines.
  4. If required, provide documentation as to how you determined the size of the detention system and its components.
  5. Provide a sediment capture inlet upstream of the detention basin connection.
  6. Provide documentation showing the existing condition and estimated post-development peak runoff. Post-development peak runoff must be less than or equal to the existing predevelopment condition or you must provide mitigation. For the runoff calculation for existing and post-construction conditions, please provide the watershed delineation, time of concentration for peak flow and the runoff coefficient used for the project site.
  7. Provide an evaluation to determine if the project increases peak flows into adjacent creeks and the Town's storm drainage system; and if so, you must provide mitigation.

8. Add the San Mateo County Water Pollution Program's construction BMP plan sheet to project plans and update the C3 checklist (submitted form is acceptable).
9. Provide calculations showing the flow velocity for sizing the proposed storm drainage pipes and provide information for the sizing of any proposed rock slope protection.
10. Sheet 4 Grading and Drainage Plan – Provide detention overflow for higher storm events.

### **C. TOWN GEOLOGY**

1. Structural Plans – Structural Plans should be generated that incorporate the recommendations of the geotechnical consultant.
2. Geotechnical Plan Review - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the development plans (i.e., including site preparation and grading, site drainage improvements and design parameters for building foundations and retaining walls) to ensure that their recommendations have been properly incorporated. The Structural Plans and Geotechnical Plan Review should be submitted to the Town for review by Town Staff and Town Geotechnical Consultant prior to issuance of building permits.

### **D. FIRE DEPARTMENT**

1. At start of construction a 2' x 3' address sign will be posted in front of project.
2. At time of final the permanent address will be mounted and clearly visible from street w/minimum of 4" numbers on contrasting background.
3. 100' defensible space from structure required prior to start of construction.
4. Upon final inspection 50' perimeter property line defensible space will be required per WFPD ordinance section 304.1.2.A
5. Approved spark arrestor will be required on all installed chimneys including outside fireplaces.
6. Install Smoke and CO detectors per 2019 CBC.
7. NFPA 13D Fire Sprinkler System to be installed in main house and ADU's. Sprinkler plans/calculations to be submitted separately to WFPD. Owner/Contractor are responsible for getting the correct water flow data and understand that Cal-Water requires a backflow device that can decrease the water flow pressure by 12-15 PSI due to friction loss of the backflow device.
8. Driveway as proposed must meet WFPD standards. If driveway dimensions are revised during construction, it must maintain compliance with WFPD standards.
9. GRADES: Driveways with less than 15% grade may be maintained all weather type and will support the weight of the heaviest fire apparatus during the wet season. Driveways greater than 15% grade need be rough grooved concrete or an alternate material approved by WFPD. NO driveway shall exceed a 20% grade. All driveway radius turns

must be 40-foot radius and the driveway transitions must be no more than 14% angle of departure.

10. Driveway over 150' are required to have a fire truck turnaround. Confirmed on plans
11. A Fire Hydrant will "MAY" be required and must be installed prior to rough framing. The minimum fire flow shall be 1000 GPM with 20psi residual pressure. A water supply for fire protection shall mean a fire hydrant within 600' from the building, capable of the required flow. Distance from hydrant to structure shall be measured via an approved roadway in which the engine can safely drive from the fire hydrant to front door of the structure. When a private fire hydrant is being installed it must be submitted separately to WFPD..

#### Landscape Requirements;

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

304.1.2.B Weed Abatement. Due to heavy growth of fuels, unmaintained lots are a hazard to the surrounding properties and the community. Woodside Fire Protection District shall carry out weed abatement program activities throughout the territory of the Woodside Fire Protection District. Vacant parcels, without any structures, shall be mowed of flashy fuels, consisting of dead weeds and dry annual grasses, in their entirety except for conservation areas, sensitive habitat, marsh land, creek banks and a minimum of 50 feet from any riparian corridor, prior to July 1 of every year.

Section 304.1.2.C Re-inspection of Violation. Re-inspections of the same violation shall incur an hourly fee of \$90.00 for every hour of re-inspection after the 3rd inspection of the same violation, at the same location, within a one-year period.

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

#### Fire Pit Requirements;

1. All vegetation to be cleared within 10'. No combustible materials within 10'
2. Gas shut off to be labeled and easily accessible and located near fire pit location.
3. Shut off will be labeled with a permeant placard.

1195 Westridge  
ASCC Conditions of Approval

May 23, 2022  
Page 5

Gate Requirements;

1. Knox Fire Access Key switch required Model #3502 mounted on side of intercom facing the street. Must be mounted at least 4' from finish grade.
2. Gate width shall be a minimum of 12' when opened. confirmed 19' on plans.

The permit(s) granted by this approval may be appealed if done so in writing within 15 days of the date of approval. The building permit cannot be issued until the appeal period has lapsed. The applicant may submit construction plans to the Building Department provided the applicant has completed all conditions of approval required prior to acceptance of plans for building plan check. Any and all story poles shall be removed no later than 10 days after the expiration of the appeal period.

## Attachment 8p

Hi Irene.

I'm glad you reached out to me to share the narrative of your experience of the approval of 1195 Westridge. I served on ASCC for twenty years and chaired it two or three times. It was always interesting and I have to say every generation of ASCC members did a superlative job. Our function has been to safeguard the PV design standards and to work within our General Plan.

Starting several years ago staff guided ASCC to help expedite processes, with more staff input to try and eliminate the preliminary review of new residences which were deemed superlative applications when received. I have to admit I was uncomfortable with new idea but tried to lean into it, because I wanted to facilitate the process for the public. I wasn't on commission very long as this change was occurring. There is a gaping hole in the process.

Your situation.

I tried to find minutes and there were none and this meeting was in late May but I was able to listen to the recording. The ASCC was thorough and did a good job in my opinion. It is a "one story house.", very little landscaping, no lawn, good lighting plan..all those things which we like to see.

The main issue is process. Because there was no preliminary review the planning department should have added another public comment after ASCC review. The meeting began, staff gave a report, architecture team and owners, then ASCC asked questions of the applicant team, then public comment where you made your comments. Then ASCC went to their commentary. This was the first time you heard their response to the project. In chair Dave Ross' comments he talked about the very high plate heights. 10' in basement and 14' on the main floor which are indeed very high, he talked about the cold color of the house in relationship to warmth of the land and the possibility of landscape mitigation which other members of ASCC had also mentioned. VERY critical feedback. Because there was no preliminary meeting, this was the first time you too were learning about the project through the Commissions eyes. Dave Ross' comments were edifying. During preliminary meetings the commission also visits neighbors sites to further understand their feedback or problems with the project, Following Dave Ross, the ASCC made a motion which included the desire for the applicant to meet with neighbors and discuss these three game changing concepts, but it was not conditional. Then the vote which was unanimous. There was no opportunity for any public comment and the house was approved with that suggestion and no further comment from you and other neighbors having just listened to the feedback from ASCC members which would have occurred in a preliminary review with your comments and feedback in the final meeting. You would have had time to work on ideas and hopefully mutual agreement to some changes.

The process is flawed. When there is no prelim, there needs to be additional public comment after the ASCC review. I think all new residences should return to having a preliminary if there is not the opportunity for the public to respond to the ASCC input which USED to happen. You had feelings about the project before the meeting and you had trouble with it. You were then informed about issues through the commission eyes and could not respond. It is incomplete and that is not fair. In terms of the design, as a former commissioner I would have advocated for several feet of plate height reduction and maybe turning the house a bit so there was not such an elevation facing you, but ASCC response is variable and subjective.

I hope if you do go to planning commission and I'm sorry if you do, because it costs a fortune and it is the flawed process which put you in this position. If you do go, you might ask the town refund you the appeal cost. This is a town error, not yours or the ASCC. They do a great job. You were deprived of the opportunity to talk.

If you do go to PC, I hope they listen carefully to the motion and the vote with the ideas here in my note and try to make the discussion with applicant, neighbors and 2 ASCC members conditional.

Good luck. Let me know.

Danna Breen



## ATTACHMENT 8q

We live at 145 Meadowood in Portola Valley. Our street is a great one with neat people, and we are very close knit. I am sad to see what is going to happen to the Ruiz family with the upcoming transformation of the lot overlooking their property. The way the house is going to be placed on that corner lot will really be overbearing to their backyard and the sunlight that will be blocked. It will be no fun to have that looking down on them. The same will be true for An who lives on Cervantes. It certainly will change the resale value of her home. When these homes were built in the fifties, there was careful consideration of preserving views of the beautiful hills and sticking to a more ranch style character. In the past decade it seems that Portola Valley has lost sight of some of its strict building rules which were meant to protect the country style character of the Town. This distinguished us from Atherton where homes are bigger with walls surrounding them for privacy and seclusion. What we have loved about Portola Valley is that it is truly a community. Families are friendly, and we have a neighborhood feel. Now, with the buying up of homes and tearing them down to include big basements with home theatres and huge structures that require years of construction, it certainly is elaborate and overbearing for a countrystyle setting. Often these homes become spec homes for sale at huge price tags, and long established neighbors are overshadowed. I know our country style town in bucolic Portola Valley is changing, however I wish there could be some more careful thought of what the impact might be for our future. It's a shame for the Ruiz's that the new home couldn't happily be placed on that lot above them in a similar fashion to the placement of the current house on the corner of Cervantes and Westridge. I am hoping for the Ruiz's sake that some kind of compromise could be made.

Sincerely,  
Chrisi Fleming

## ATTACHMENT 8r

Dear Mr. Robinson,

I regret that travel to a distant dinner commitment prevents Nancy and me from attending tonight's meeting in person.

I write once again to express our support for the Kaveh's proposed new home across from us at 1195 Westridge Drive. In our opinion, the proposed development fits in well with Portola Valley's rural character and abides with all Town requirements. We have found the Kavehs to be pleasant, cooperative and communicative throughout the approval process. We look forward to welcoming them as new neighbors.

Visual impact on adjoining properties can be addressed by appropriate landscaping of just the sort that the Hennessee's apparently just removed. If I read the photos correctly it appears that there was no view to obstruct prior to removal of a solar heating platform and a substantial amount of screening vegetation. I respectfully request that the Planning Commission get to the bottom of this discrepancy in the appeal.

I understand the inclination to keep things just as they are, or to face no discernible impact from a neighbor's changes. However, this position is not reasonable. We all have a right to improve and enjoy our property, subject to appropriate regulation. I believe that the Kavehs proposed project should go ahead without delay and as originally approved.

Thank you for your consideration.

George M. Savage  
1180 Westridge Drive

**NOTICE OF APPEAL TO BOARD OF ADJUSTMENT**  
**Town of Portola Valley, California**

For Official Use Only:

Acceptance for filing: B. of A. Sec'y \_\_\_\_\_, Date \_\_\_\_\_  
Fee \_\_\_\_\_  
B. of A. Hearing Date \_\_\_\_\_

The undersigned hereby appeals the following described action of \_\_\_\_\_ the Planning Commission (Administrative official) to the Board of Adjustment in accordance with the provisions of the Zoning Ordinance (Ord. 1967-80) and any amendments thereto, and submits the following information for consideration

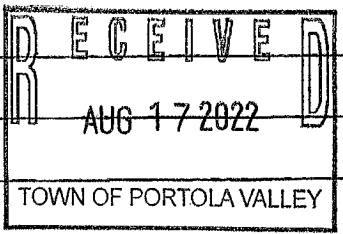
1. APPLICANT: Name (Print or type) Irene Ruiz + Pedro Ruiz  
Street Address 115 Meadowood Drive; City Portola Valley  
Business Telephone \_\_\_\_\_; Home Telephone (650) 690-0718  
Applicant is Owner X; Authorized Agent of Owner \_\_\_\_\_; Other \_\_\_\_\_  
(If authorized agent, complete item 2 below)

2. OWNER: Name (Print or type) Irene Ruiz + Pedro Ruiz  
Street Address 115 Meadowood Drive; City Portola Valley  
Business Telephone \_\_\_\_\_; Home Telephone (650) 690-0718

3. DESCRIPTION OF PROPERTY: Street Address 1195 Westridge Drive  
Subdivision Name \_\_\_\_\_; Lot No. \_\_\_\_\_; Block No. \_\_\_\_\_  
Assessor's Parcel Number \_\_\_\_\_; Zoning District \_\_\_\_\_

(Please check above description carefully with the Secretary of the Board of Adjustment in case of any doubt to insure accuracy.)

4. SPECIFIC ACTION BEING APPEALED: Planning Commission approval on August 3rd of the plot location of proposed new residence at 1195 Westridge Drive.

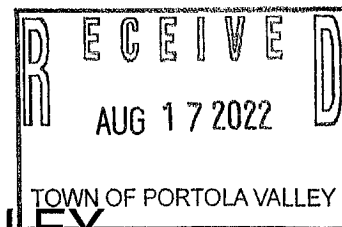


5. SPECIFIC GROUNDS FOR APPEAL: The approval of the location of the new home proposed for 1195 Westridge Drive, which was approved by the ASCC and whose approval was upheld by the Planning Commission on appeal by the neighbors, violates, or is an direct contradiction to, a number of provisions contained in the General Plan and Design Guidelines of the Town.

See attached.

I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Portola Valley, California on 8/17/2022 (date)

Note: This application cannot be accepted for filing unless it is accompanied by the required filing fee.  
Irene Ruiz  
(Signature of agent or owner)



## TOWN OF PORTOLA VALLEY

### Statement of Understanding

PLEASE COMPLETE, SIGN AND RETURN WITH YOUR APPLICATION  
The person responsible for payment of application charges must sign.

In signing this Statement of Understanding in conjunction with the attached application of the

Town of Portola Valley for 1195 Westridge  
(location of property)

I understand that charges for Town professional staff and consultant time spent processing this application will be based on an hourly rate and that costs necessary to process the application will be billed to me. Consultant charges are based on actual costs. Further, I understand that, in addition to an application fee, there is an initial deposit that these charges will be billed against. If my deposit is reduced to less than 30 percent of the original deposit, I understand I will be asked to increase the deposit to its initial amount. If the final costs are less than the deposit, the unused portion will be returned to me at the conclusion of the process.

I understand that if my deposit remains at or below 30 percent of the original deposit more than 10 calendar days after receipt of notice from the Town to increase the deposit, the Town will stop all processing of the application and will withhold any permits, except as necessary to meet statutory deadlines for action on the project.

If on-going costs ever exceed the deposit, I understand I will be billed for the additional charges at actual cost. I understand that payment is due upon receipt of billing.

I understand that money remaining in the deposit account will be returned to me, upon approval of the warrant list, following completion of the project. The account will remain open until all payment of invoices have been received from applicants; and:

- a. *Subdivisions* – when final maintenance bond is released by the Town or when all conditions of approval are fulfilled, whichever is later (the deposit may be reduced for subdivisions when a maintenance surety is placed with the Town).
- b. *All other applications* – when the Town issues final building inspection clearance, or when work for which the permit was issued is satisfactorily completed.
- c. *If application is denied* – after the appeal period has ended or processing of the appeal is completed.

d. *If application is withdrawn* – following completion of any remaining staff work on the application.

I assume full responsibility for all costs incurred by the Town in processing this application including, but not limited to charges by the Town Engineer and outside consultants including, but not limited to, the Town Geologist, the Town Planner, and the Town Attorney. I understand that I am responsible for payment of the costs involved with this application even though the property or project may be sold or assigned to other parties. It is my responsibility to have this agreement replaced by a new agreement if payment responsibility is to be transferred to another party.

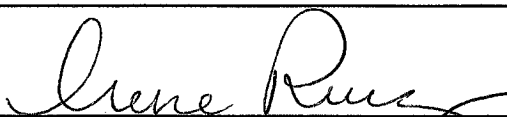
The following are **examples** of billable tasks performed by various staff or consultant personnel. This list is not intended to be complete.

- |                       |  |
|-----------------------|--|
| -- informal meetings  | -- scheduling                                |
| -- formal meetings    | -- action letters                            |
| -- posting            | -- counter or telephone explanations         |
| -- neighbor inquiries | -- consultant review of issues and documents |
| -- report preparation | -- consultant preparation of documents       |
| -- noticing           | -- condition enforcement                     |
| -- permit issuance    | -- site visits                               |
| -- referral inquiries | -- actions related to violations             |
| -- plan check         | -- building inspections                      |

**NAME AND CURRENT MAILING ADDRESS OF PERSON TO BE BILLED:**

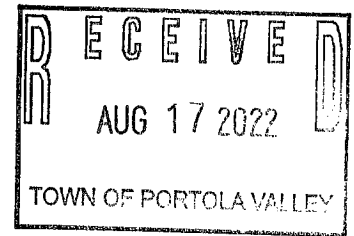
DATE: 8/17/2022

PRINT NAME: Irene Ruiz

SIGNATURE: 

ADDRESS: 115 meadowood drive  
Portola Valley CA 94028

PHONE: 650-690-0718



**NOTICE OF APPEAL  
TO THE TOWN COUNCIL  
August 17, 2022**

The Appellants, Irene and Pedro Ruiz, 115 Meadowood Drive, appeal the approval by the ASCC and, subsequently, by the Planning Commission, of the location of the new home proposed for 1195 Westridge Drive. The specific grounds for appeal, which are covered in greater detail in the original appeal, include:

- The approval failed to take into consideration views from other properties to the site.
- The ASCC and the Planning Commission failed to take into consideration the requirement in the Design Guidelines that structures be sited to minimize adverse visual impacts when viewed from off of the site and that structures should not be located in visually prominent locations.
- The project as approved fails to protect view corridors on the site to maintain views of prominent scenic features.
- The location as approved fails to avoid the requirement that structures not be sited on ridge lines and hilltops.
- The site Design Guidelines for ridge lines and hilltops require that roof lines and structures be below the height of existing tree canopy and that construction should integrate with the natural context, stepping with the hillsides and slopes of roofs should mirror slopes of the terrain.

Furthermore, the appellants contest the decisions made by both the ASCC and the Planning Commission because the process was irregular and biased, and disregarded town procedures. Specifically,

- There was no preliminary review, and no opportunity for public discussion prior to ASCC approval.
- Staff did not visit the site to determine impact on neighbors during the submission and approval process. Neighbors were misled and subsequently kept uninformed of development plans.
- ASCC did not address concerns of neighbors raised at the meeting, and as a result, these neighbors (we) were required to file an appeal and pay fees of over \$10,000 in order to have their input considered.
- None of the members of the ASCC or town staff visited the site prior to ASCC approval; For the appeal, only 2 members of the Planning Commission visited the site. Town staff

visited only *after* staff report had been submitted for that appeal, (staff report advised denial of the appeal).

- Appellants were instructed to base appeal on Town Guidelines, however none of these points were acknowledged or addressed in the appeal discussion.
- Appellants were given 15 minutes to present arguments; subsequently the applicants' architect was allowed over 70 minutes to present theirs. Since the ensuing discussion by Commissioners focused on the arguments of the architect, appellants request the option of presenting alternative architectural considerations.
- In the discussion, arguments for denying the appeal included the consideration that the project had gotten thus far. This logic is unfair and circular, as the reason we have come to this point is that the architect and town did not adhere to the standard prescribed process from the start.
- An additional argument discussed was that people who had paid so much for a property should not be thus limited in their options for development. However, we argue that guidelines set forth by public consensus should not be discarded simply because of an increase in property prices.

Finally, although we are appealing for the sake of our own home, we feel that this contest is a matter of the public interest. Many of the community who wrote in support of our appeal referred to their own experiences as well as to their concerns that if this project is allowed in our backyard, it could be permitted in theirs as well. The predominant sentiment expressed by visitors has been "we thought the town didn't allow this sort of thing..." Our collective faith in the town leadership to uphold rules and guidelines, and to safeguard the well-being of all residents, gives our community its goodwill. We realize that the issue of required affordable housing is weighing on everyone in unpleasant ways, however the sanctioning of another massive single-family home will not do anything to assuage that dilemma.

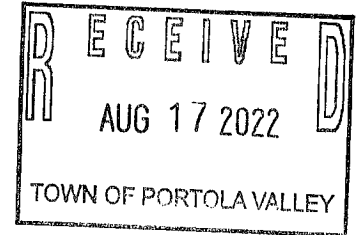
So, we ask that the Town Council thoughtfully consider all points of our appeal, and to recommend proper review of alternative site options. As stated above, we would be willing to present architectural expertise to further our interests and those of the community. We are grateful for discussion of any points on which there is disagreement or alternative perspective.

Sincerely,

Irene and Pedro Ruiz

June 5, 2022

Portola Valley Planning Commission  
Portola Valley Town Center



Appeal of plot location of proposed new residence 1195 Westridge Portola Valley, CA

Dear Planning Commission,

The neighbors at 470 Cervantes Rd., and 115 Meadowood Dr are appealing the lot placement, height design, and massive size of proposed new residence because we believe it to be in violation of the regulations and guidelines set by the town of Portola Valley (1) detail of guidelines below). The intention of these guidelines is to “promote the preservation of the visual character of Portola Valley, the stability of land values and investments, the public safety, and the general welfare by preventing the erection of structures or additions or alterations thereto of unsightly or obnoxious appearance or which are not properly related to their sites, adjacent uses, and circulation in the vicinity, .....” We believe the proposed project at 1195 Westridge is precisely the sort of development from which these guidelines are intended to protect us. The building sits on a ridgeline, blocking an existing view from the home at 115 Meadowood Drive; Furthermore, the bulk of the building is situated on the narrowest (and highest) position possible, forcing it to unnecessarily impose on the adjacent properties at 470 and 480 Cervantes. Its disproportionate mass and height will effectively loom over the home at 480 Cervantes and over the property at 470 Cervantes. The proposed structures severely impact the privacy, tranquility, and rural feel of the neighborhood, forever devaluing the surrounding properties. As such, we believe the building is not compliant with the guidelines set out by the town of Portola Valley.

(1)The following are pertinent excerpts from the Design Guidelines and General Plan of the Town of Portola Valley. We have underlined points which we believe were not considered in the design of the project in question.

**From Design Guidelines, Town of Portola Valley ,**

**page 2, Introduction**



Each site in Portola Valley presents specific constraints to development and also presents unique opportunities. Careful site selection and design allows for sensitive development consistent with Town policies, while satisfying most individual needs. Not every site can accommodate two-story structures or accessory uses such as swimming pools, tennis courts, or stables. Each site must be approached individually with careful consideration given to site conditions early in the development stage. Good site development must begin with a thorough analysis of:

- Soils and geology
- Drainage and water features
- Topography
- Existing vegetation
- Views from the site
- Views from other properties to the site
- Design relationships to adjoining parcels and development

#### page 6, **Site Design : View Preservation**

- Site structures to minimize adverse visual impacts when viewed from off the site. Do not locate structures in visually prominent locations.
- Maximize open space preservation.
- Protect view corridors on the site to maintain views of prominent scenic features.
- Prevent the obstruction of views of adjacent property owners by structures or additions to existing structures.
- Consider the future height of trees and shrubs so that you and your neighbors' views on and off-site will not become obstructed.

#### page 7, **Site Design : Ridgelines/Hilltops**

- Whenever possible, avoid siting structures on ridgelines and hilltops.
- Minimize removal of tree masses so as not to disrupt the natural silhouette.
- Minimize off-site visual impacts through use of natural colors and materials that blend with the natural environment.
- Keep rooflines of structures below the height of the existing tree canopy.
- Any construction on ridgelines should integrate with the natural context. Structures should be stepped with the hillsides and slopes of roofs should mirror slopes of the terrain.

#### page 9, **Architectural Design : Scale/Context**

- Site and design structures with respect to the natural environment and the surrounding residential area.
- Design structures in proportion to the size and configuration of the lots on which they are placed.
- Structures should be sited and designed to be unobtrusive and subordinate to the landscape.
- In relating structures to the surrounding environment pay particular attention to shapes, colors and textures.
- Avoid architectural features that increase visual prominence.

**From General Plan: Major Community Goals,**

4.To guide the location, design and construction of all development so as to:

a.Minimize disturbances to natural surroundings and scenic vistas.

**From General Plan, Land Use Element General Principles**

**2103.6.”** In order to maintain the rural atmosphere of Portola Valley, all buildings should be subordinate to their natural surroundings in size, scale and siting. Monumental buildings should be avoided.”

**2103.8** “In order to help minimize the adverse effects of higher intensity uses upon lower intensity uses, landscaping areas of primarily native plants appropriate to the site should be provided. Such buffers should be of a size and design that will provide an effective visual buffer.”

**2104.1** “To assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space. “

**2014.4.** “To maintain the present character of established residential areas. “

**2104.5.”** Insure against adverse impact on neighboring residences.

**2105.7.c.** If development does take place on highly visible barren slopes or ridges, it must be unobtrusive and of a scale and design to maintain the character of the natural setting, and with required planting of native trees and plants where appropriate.

**2105.8** “In all residential areas of the town, or its spheres of influence, particular attention must be given to the effects of approaching the maximum amount of development permitted on individual parcels. The cumulative effect of buildout under appropriate ordinances and policies should be examined and steps taken to ensure that its effect will not be injurious to the unique and desirable characteristics of each area. Overall development levels as measured by floor area ratios and impervious surfaces should be limited so as to preserve the rural setting. “

**2105.9.** To the extent feasible, the design of subdivisions should retain a representative composition of habitats on the site and their interrelationships.

### **General Plan Land Use Element Standards**

**2119. Residential Area No. 7.** This area is composed primarily of the Arrowhead Meadows, Alpine Hills, Hillbrook, Stonegate, Stonegate Meadows, Corte Madera Acres, Palmer Estates, Portola Terrace, Portola Heights, and Pine Ridge subdivisions. All of these subdivisions have minimum parcel sizes of 1 acre or more. In addition, there are unsubdivided areas of larger parcels, namely in the vicinity of Georgia Lane. The entire area is shown in the low intensity category.

**2120** As the unsubdivided areas are developed, attention should be given to ensuring careful integration into the largely already developed area so as to ensure compatibility. Particular attention will need to be given to land use relationships in the vicinity of the non-residential uses along Portola and Alpine Roads.

**2121 Residential Area No. 8.** This area is composed of the Westridge and Oak Hills subdivisions plus a steep undivided area between Westridge and Alpine Hills subdivision. The area is shown in the conservation residential intensity. Few lots are vacant in the subdivisions. The character and quality of the area should be conserved as the area plays an important part in maintaining the open space character of the town.

It can readily be appreciated that placing homes closer to the street is standard in this neighborhood for the precise reason that the impact on neighbors is minimized; being visible to the street is LESS impactful, and more easily remedied by strategic placement of native plants and trees. Our properties tend toward

keeping structures closer to the streets in order to maintain the rural feel of our shared back yards. Furthermore, when the property is above the level of the street, as in this case, the structure is far less visible than when it sits at or below street level (examples of homes set above street level include 205 Cervantes Rd, 1175 Westridge Dr, 1390 Westridge Dr, among many others). For this reason, the placement of the buildings at 1195 Westridge should be on the more expansive area closer to Cervantes and/or Westridge.

We would like to point out that permitting a project which so clearly violates the intentions and policies of the town General Plan and Design Guidelines will set a precedent for future proposals. It will become more and more difficult to maintain the feel of the town, as well as the trust and community spirit of residents. The town relies on the integrity and goodwill of neighbors to help keep the rural, family-friendly feel of Portola Valley (2). As we have now interviewed many friends and neighbors who either built- or whose neighbors built- new homes, the prevailing experience has been consideration and cooperation to achieve community compromise from the very start of the project. Such was not the case for us. We were uninformed and even misled as to the scope and impact of this project, for which reason we are now in a contentious situation. Our understanding of the values and guidelines set forth by the town gave us full confidence that the project would be considerate and in keeping with our existing land use environment. We are most aggrieved to discover the reality at hand.

**(2) From Code Compliance page of the Town of Portola Valley site:**

The Town of Portola Valley is founded on rural values, upstanding ethics and strong community; in that spirit, many issues considered to be code compliance concerns can easily be resolved by reaching out to a neighbor, maintaining composure and finding compromise.

Finally, regarding protocol, we were not properly informed from the beginning as to the scope, size, and most importantly, the relocation of the structure to the crest of the property and excessively close to the shared fence lines of 470 and 480 Cervantes.. The property owner did visit, and introduced herself several months ago. In that introduction, Ron Hennefarth was led to believe that plans were in early stages, and that he should not be concerned since the new owners shared his appreciation for open spaces, privacy and the rural feel of the neighborhood. Irene Ruiz had a similar experience, although she in fact raised the issue of preserving the hillside and ridge which form a significant feature of her back yard. Ms Kaveh assured her in the same way that they were equally

committed to preserving the existing landscape. Subsequently, none of the neighbors named here were informed of any meetings, proceedings, or decisions relating to the property. As a result, the erection of story poles on May 13 was an unpleasant shock.

See attached photos of views, from 115 Meadowood, 470 Cervantes, and 480 Cervantes, and

photos of 1195 Westridge Dr: (the structure on its proposed site will be much more imposing than if it were placed closer to the site of the existing house.)

In conclusion, we strongly urge the town to reconsider the approval of the proposed project at 1195 Westridge Drive. We feel that greater due diligence is required for a project of this size and impact on the immediate neighbors, as well as on the neighborhood. Based on discussions at the ASCC meeting on May 24, it did not seem that the members of the committee had actually been to see the site, or visited the neighboring properties. It would be difficult to determine the impact based solely on the perspective of the architect. We believe in upholding the design guidelines wherever possible, and we feel that there are many viable opportunities for the property which would not be so damaging to those adjacent. It is perhaps relevant that the house immediately next to ours at 460 Cervantes is currently being rebuilt: the house will be very close to ours and both sides will develop landscaping for screening. However, in that case the shape and size of the property leave no alternatives, and so we completely support the work of those owners. The situation of 1195 Westridge is the opposite: they *have* other options, but in order to maximize their own views, privacy and tranquility, are expecting us – 115 Meadowood, 470 and 480 Cervantes- to sacrifice ours. We ask for you to consider our appeal on these grounds.

Thank you for your consideration,

Irene and Pedro Ruiz

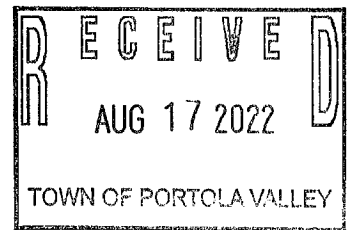
Dear Planning Commission,

I am writing in support of the appeal of the current proposal for siting a new house at 1195 Westridge. As is made clear by the story poles which are highly visible from many vantage points outside the property, the current proposal is in conflict with both the letter and the spirit of the town's design guidelines. A few of the points which are being violated are to "site structures to minimize adverse visual impacts when viewed from off the site," and to "prevent the obstruction of views of adjacent property owners." There is ample room on the parcel to site a new house in a way that complies with the guidelines, including the location of the existing house.

I hope that you will consider how the current proposal could be improved to ensure that it complies with the town's guidelines. There have been many new construction projects in our neighborhood recently, none of which has been appealed (to my knowledge) as they all have taken care to respect the town's design guidelines, which we all value.

Thank you for your service to the residents of Portola Valley.

Sincerely,  
Becky Hilderbrand



July 25, 2022

Dear Portola Valley Planning and Architectural & Site Control Commissions-

We are writing to provide input on the proposed design for a new house on the lot just behind Irene and Pedro Ruiz's property. We saw the story poles for the proposed design when we were at the Ruiz's house for a 4<sup>th</sup> of July party and it strikes us that, as currently designed, the new home would significantly degrade the view from the main living areas both inside and outside the Ruiz's house.

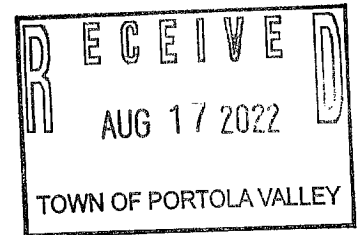
We're not experts on the town's design guidelines but we are familiar with the town's basic principles of maintaining scenic views and careful design around hilltops and ridgelines to ensure that new structures blend into the natural context.

We urge the town to work with the property owner to revise the design in order to minimize visual impact on surrounding properties and preserve existing scenic vistas.

Thank you all for your service to the town. We know that it takes many hours of volunteer work to run these important committees and appreciate the work that you do.

Sincerely,

Beth & Tore Gillbrand  
190 Escobar Road



July 22, 2022

Portola Valley Planning Commission  
Portola Valley Town Center

Re: In support of appeal of plot location of proposed new residence 1195 Westridge Portola Valley, CA

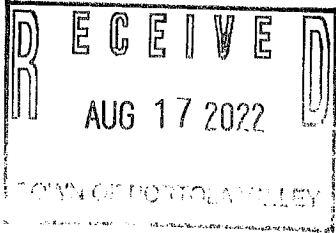
Dear Planning Commission:

I'm a long-time resident of central Portola Valley, writing concerning the proposed location of a new residence on the large parcel located at 1195 Westridge Drive. The proposed location, as evidenced by the story poles erected on the lot, appears to violate numerous guidelines set by the Town of Portola Valley in its Design Guidelines and General Plan. We support the appeal submitted by our neighbors on Cervantes and Meadowood Drive, and urge the Planning Commission to uphold the letter and spirit of these documents, which help to preserve the bucolic character of Portola Valley while allowing for thoughtful and necessary development, by granting the appeal and requiring modifications to the site plan to address the issues raised in the appeal.

We appreciate the challenging role of the Planning Commission in balancing the needs and interests of property owners in planning construction and the impact of the proposed construction on neighbors. In this case, we would point out that the property owners have a large lot that offers a wide range of options for siting their residence. The proposed site maximizes the obstruction of neighbors' views and the obtrusiveness of the structure from the standpoint of the surrounding residential area. As set forth in detail in the appeal documents, the location of the proposed site flies in the face of the Town's Design Guidelines and General Plan, which have been developed over decades and which carefully document the ethos of Portola Valley. There is no reasonable justification for exempting this project from the guidelines, and we urge the Town to work with the property owners at 1195 Westridge to find an alternative site that conforms to the guidelines.

Sincerely,

Mike Armsby  
90 Iroquois Trail, Portola Valley





July 27, 2022

Portola Valley Planning Commission  
Portola Valley Town Center

Re: Design criteria for new residence project, 1195 Westridge Dr, Portola Valley, CA

Dear Planning Commissioner,

I am the home owner at 460 Cervantes Dr, and just recently went through the ASCC process for our new home build. It was a great process, that thoroughly kept the Portola Valley "look and feel" in place before we could get approval. Even to the level that we were told we could not put synthetic turf in our front yard due to being the "center of campus" and too many people walk by my house, and the planning commission didn't want to see synthetic turf while walking by.

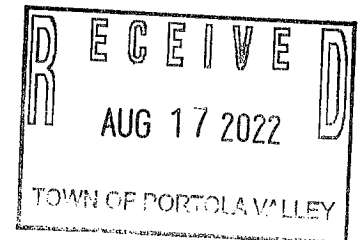
With that being said it looks like the new house at 1195 Westridge is effecting both of my neighbors line of sight with the location of the new structure. From talking to Ron (470 Cervantes) a simple fix would be shifting the structure closer to Westridge. The main concern from our property would be like leak at night. Again, while we were going through the process I know the exterior lighting was a hot topic and it sounds like the amount of lighting on this house is above the minimum.

I know Ralph Robinson from our ASCC review, and he is extremely diligent, follows all codes, guidelines, and was a pleasure to work with. I would just ask that Ralph can help assist both of our neighbors concerns, and that everyone enjoy the new neighbors once they complete the house and move in.

Sincerely,



Josh Alfaro  
460 Cervantes Rd



July 27, 2022

Portola Valley Planning Commission

Portola Valley Town Center

Re: appeal of a new residence project design at 1195 Westridge Drive.

Hello:

We have lived at 15 Navajo Place, Portola Valley for 45 years, and are friendly with our neighbors at 470 Cervantes Dr and 115 Meadowood Dr, who are appealing the approval of plans for the new proposed residence at 1195 Westridge Dr. We want to support their appeal, since we take daily walks past that property and drive the intersection a few times daily.

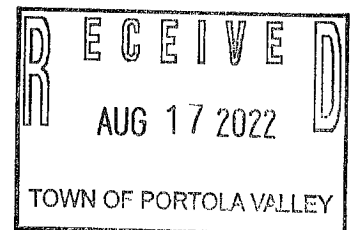
We understand that the placement of the main house involves a significant relocation of the previous house, would block a vista view from these neighbors. The ASCC report in fact admits that the structure's visibility be 'greatest' from those neighbors' views.

It is well known that the surrounding views from every residence make Portola Valley unique. It seems to us that the proposed residence's placement on the lot is not in compliance with the vision of the Town's rural nature as well. Moreover, we understand that one goal of any development in Portola Valley is for preservation of natural beauty and open space. Clearly, this planned residence ignores that goal by placing the structure well away from the existing one, impacting the existing meadow and surrounding land. The lot is large and there should be more options for the new residence's placement.

Please understand that we encourage this project—everyone should be able to live in a comfortable home. At the same time, we urge the Planning Commission to consider how this project fulfills our Town's General Plan and Design Guidelines. It seems to us that it doesn't. Thus, we wish for some rethinking of the site location so that everyone benefits, and our Town continues to be a special place to live and enjoy.

Sincerely,

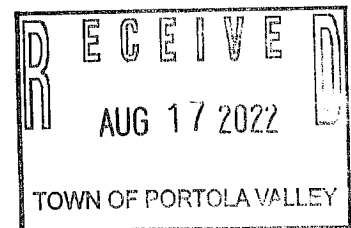
Don and Catherine Coluzzi



Dear Planning Commission,

We are writing to you in hopes that the new proposed residence at 1195 Westridge in Portola Valley can be modified to be more in line with building goals of Portola Valley. The Major Town Goal from the PV General Plan "To assure all building sites and residences are to be developed in a manner minimizing disturbance to natural terrain and vegetation, and maximizing preservation of natural beauty and open space" are not being met here. This new site also goes against the other community goal "to conserve the 'rural' quality of Portola Valley and maintain the Town as an attractive, tranquil family oriented community". As 20+ year residents of Portola Valley, we believe it is imperative to keep our priceless views of the hillsides, sunsets, and nature intact. Once this is built, the view is gone forever. We're not against building but believe that as a community we need to be careful how we build. We could end up just another Emerald Hills if we are not careful. As stated in the community goals, "Each site in Portola Valley presents specific constraints to the development and also unique opportunities". Views from the neighbor's sites and design relationships to the adjoining parcels will be affected by this new construction. For the current neighbors that are lower on the hill, this new structure blocks out the beautiful views of the mountains, hills, and western sunsets, and changes the aesthetic of their homes, affecting their views from both inside their homes as well from their backyards. In addition, the current neighbors are also losing privacy as the new construction looms from the second story over their lots. I am hopeful that building a new residence that thoughtfully considers all the neighbors will be good for the town and will make strong neighbors.

Thank you for your consideration,  
Sandi & Andy Engel  
4590 Alpine Rd. Portola Valley



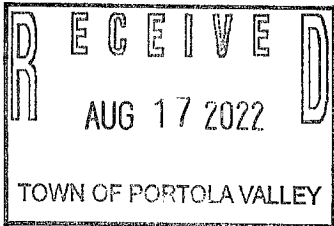
Dear Portola Valley Planning Commission,

We are writing in support of the appeal regarding 1195 Westridge Drive. We have known Irene and Pedro for many years. We have been in their backyard for school, charity, and social events many times. We have seen the story poles for the proposed home at 1195 Westridge, and we know it would adversely affect their view and privacy.

When we built our Portola Valley home about 12 years ago, an adjoining property was also being developed. In both cases, the neighbors benefitted from a robust, thorough design-review process. In both cases, there were multiple site visits with the ASCC and neighbors. The ASCC also visited neighbor houses to see the story poles and the potential impact on neighbors. We know the process may have changed, but we do believe that level of scrutiny is essential in this case as well.

Irene and Pedro are long-time members of our community who are kind, generous and respectful. Please give their appeal due consideration.

Respectfully,  
Tricia and Gavin Christensen  
50 Alhambra Court



Good Morning,

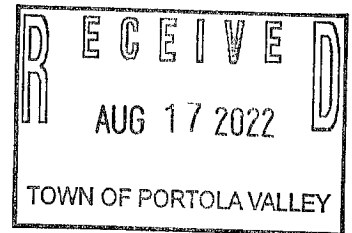
I'd like to express opposition to the current build layout at 1195 Westridge. The story poles clearly are in violation of the town guidelines with respect to grading and ridgelines. More importantly, the architect has designed a structure which goes against the spirit of the town. If built, the house will be visible from multiple adjacent lots, obstructing the view of the skyline.

We will not be directly affected, as we live on Iroquois Trail, but realize the implications if this house were to be built. We have a rental home in Monterey, and as lovely as it is, the biggest complaint we get from the renters is about the house behind it. Like the one being considered on Westridge, the house does sit on a hill above three homes. It feels obtrusive, especially at night when the lights are on inside the house. I've spoken to the neighbors around our rental house and they are all still livid that the construction was approved. Mind you, the house does not take away any view, except for that of some trees.

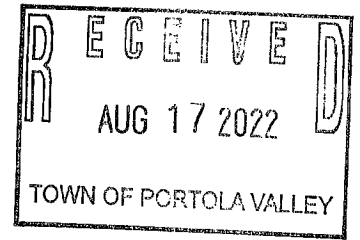
Sadly, it has led to a lot of animosity among neighbors, even 8 years after the house was completed. I don't think that the owners there knew that they would be so ostracized when they bought the property.

I grew up in an Eichler in Atherton at a time when the houses were modest, hidden by the wooded landscape. I still remember the first house that went up on Selby Lane which stuck out like a sore thumb because of its size and architecture. It towered over a 10' wall with a big round window as if the house itself was peering at all passers-by. Slowly but surely, that kind of home became the norm, and Atherton has lost its character. Now, that first blight looks modest and even small compared to what is being built. We live in Portola Valley for the same reason as many of our neighbors; please don't let this become another Atherton.

Thank you for your time.  
Karel Urbanek



July 10, 2022



**From:** Mary Jo McCarthy, Realtor  
 Golden Gate Sotheby's International Realty  
 640 Oak Grove Ave  
 Menlo Park, CA 94025  
[Mj.mccarthy@ggsir.com](mailto:Mj.mccarthy@ggsir.com)  
 650-400-6364 mobile

**Re:** 115 Meadowood Drive, Portola Valley

**To:** Town of Portola Valley Planning Commission

Dear Members of the Planning Commission,

My name is Mary Jo McCarthy; I am a realtor with Golden Gate Sotheby's International Realty in Menlo Park. As a bit of background, I have been a realtor for 20 years and was asked by Irene and Pedro Ruiz, owners of 115 Meadowood Drive in Portola Valley, to visit their property and provide an opinion of "impact on value" as it relates to plans for a new home on the property behind them which would result in the elimination of the view that they currently enjoy.

It is common knowledge that properties with views command a premium price, as not all properties can boast of a view. One only needs to look at the public remarks in the MLS listings to see the emphasis given to the view when it is an attribute of the property. The Ruiz's view is the primary focal point from their great room and is unique because they look "up to the top of a ridge" with the sky above and an open grassy area below. Because this view is visible only within a portion of their back property line, it appears that the proposed building as planned would completely obstruct their entire view.

It is my understanding that there are alternative locations for the proposed building that would enable the property owners to still enjoy views. I ask that you consider one of those alternative locations for the proposed building so that "all" property owners can enjoy views without taking the view away from the Ruiz's or lessening the value of their property.

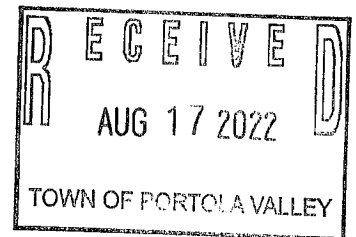
Sincerely,

Mary Jo McCarthy

We live at 145 Meadowood in Portola Valley. Our street is a great one with neat people, and we are very close knit. I am sad to see what is going to happen to the Ruiz family with the upcoming transformation of the lot overlooking their property. The way the house is going to be placed on that corner lot will really be overbearing to their backyard and the sunlight that will be blocked. It will be no fun to have that looking down on them. The same will be true for An who lives on Cervantes. It certainly will change the resale value of her home. When these homes were built in the fifties, there was careful consideration of preserving views of the beautiful hills and sticking to a more ranch style character. In the past decade it seems that Portola Valley has lost sight of some of its strict building rules which were meant to protect the country style character of the Town. This distinguished us from Atherton where homes are bigger with walls surrounding them for privacy and seclusion. What we have loved about Portola Valley is that it is truly a community. Families are friendly, and we have a neighborhood feel. Now, with the buying up of homes and tearing them down to include big basements with home theatres and huge structures that require years of construction, it certainly is elaborate and overbearing for a countrystyle setting. Often these homes become spec homes for sale at huge price tags, and long established neighbors are overshadowed. I know our country style town in bucolic Portola Valley is changing, however I wish there could be some more careful thought of what the impact might be for our future. It's a shame for the Ruiz's that the new home couldn't happily be placed on that lot above them in a similar fashion to the placement of the current house on the corner of Cervantes and Westridge. I am hoping for the Ruiz's sake that some kind of compromise could be made.

Sincerely,

Chrisi Fleming



NOTICE OF APPEAL TO BOARD OF ADJUSTMENT  
Town of Portola Valley, California

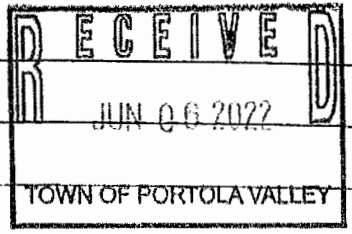
For Official Use Only:

Acceptance for filing: B. of A. Sec'y \_\_\_\_\_, Date \_\_\_\_\_  
Fee \$6907 + \$2500  
B. of A. Hearing Date \_\_\_\_\_

The undersigned hereby appeals the following described action of \_\_\_\_\_ (Administrative official) to the Board of Adjustment in accordance with the provisions of the Zoning Ordinance (Ord.1967-80) and any amendments thereto, and submits the following information for consideration:

1. APPLICANT: Name (Print or type) Irene and Pedro Ruiz  
Street Address 115 Meadowood Dr.; City Portola Valley  
Business Telephone \_\_\_\_\_; Home Telephone (650) 690-0718  
Applicant is Owner Yes; Authorized Agent of Owner \_\_\_\_\_; Other \_\_\_\_\_  
(If authorized agent, complete item 2 below)

2. OWNER: Name (Print or type) \_\_\_\_\_  
Street Address \_\_\_\_\_; City \_\_\_\_\_  
Business Telephone \_\_\_\_\_; Home Telephone \_\_\_\_\_

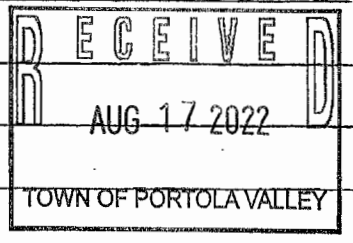


3. DESCRIPTION OF PROPERTY: Street Address 115 Meadowood Dr.  
Subdivision Name Arrowhead Meadows; Lot No. 5; Block No. 3  
Assessor's Parcel Number 077-022-010; Zoning District \_\_\_\_\_

(Please check above description carefully with the Secretary of the Board of Adjustment in case of any doubt to insure accuracy.)

4. SPECIFIC ACTION BEING APPEALED: See attached

5. SPECIFIC GROUNDS FOR APPEAL: See attached



I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at 115 Meadowood Dr. P.V., California on 6/4/2022 (date)

Note: This application cannot be accepted for filing unless it is accompanied by the required filing fee.

P. Ruiz Irene Ruiz  
(Signature of agent or owner)



NOTICE OF APPEAL TO BOARD OF ADJUSTMENT  
Town of Portola Valley, California

For Official Use Only:

Acceptance for filing: B. of A. Sec'y \_\_\_\_\_, Date \_\_\_\_\_  
Fee \$6907 + \$2500  
B. of A. Hearing Date \_\_\_\_\_

The undersigned hereby appeals the following described action of ASCC (Administrative official) to the Board of Adjustment in accordance with the provisions of the Zoning Ordinance (Ord.1967-80) and any amendments thereto, and submits the following information for consideration:

*ASCC approval of new residence 1195 Westridge Dr Portola Valley Ca*

1. APPLICANT: Name (Print or type) Ronald & Lisa Kennetarth  
Street Address 470 Cervantes Rd; City Portola Valley  
Business Telephone \_\_\_\_\_; Home Telephone 650 400-3534  
Applicant is Owner Yes; Authorized Agent of Owner \_\_\_\_\_; Other \_\_\_\_\_  
(If authorized agent, complete item 2 below)

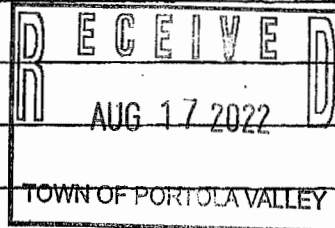
2. OWNER: Name (Print or type) Ronald & Lisa Sore & Farro Kaveh  
Street Address 1195 Westridge Dr; City Portola Valley  
Business Telephone \_\_\_\_\_; Home Telephone 650 799-6999

3. DESCRIPTION OF PROPERTY: Street Address 470 Cervantes Rd Portola Valley CA 94028  
Subdivision Name Arrowhead Meadows; Lot No. 3; Block No. 3  
Assessor's Parcel Number 077-022-030; Zoning District R1001A

(Please check above description carefully with the Secretary of the Board of Adjustment in case of any doubt to insure accuracy.)

4. SPECIFIC ACTION BEING APPEALED: see attached

5. SPECIFIC GROUNDS FOR APPEAL: See Attached



I, the undersigned, do hereby certify that the facts and information contained in this application are accurate and complete to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at 470 Cervantes Rd, California on 6-4-22 (date)

Note: This application cannot be accepted for filing unless it is accompanied by the required filing fee.

[Signature]  
(Signature of agent or owner)

# TOWN COUNCIL WEEKLY DIGEST

September 28, 2022

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1. End of Session Legislative Report

2. October 2022 Town Calendar:

<https://www.portolavalley.net/community/town-calendar>

3. Sign up for Town E-Notices:

<https://www.portolavalley.net/business/subscribe-to-town-enotices>

4. Stay Connected with the Town's Social Media Channels:

<https://www.portolavalley.net/community/stay-informed/town-social-media>



## CRUZ STRATEGIES

**September 12, 2022**

**TO:** Jeremy Dennis, Portola Valley

**FROM:** Audrey Ratajczak, Cruz Strategies

**RE:** End of Session Legislative Report

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### **UPDATES**

- General Legislative Update
- State Budget Update

### **LEGISLATIVE ITEMS**

- Brown Act Legislation
- Housing and Homelessness
- Transportation
- Climate-Energy
- Public Safety
- Health and Human Services
- Ballot Measures
- Public Health (COVID-19 and Monkeypox)



## CRUZ STRATEGIES

### General Legislative Update

Last month when the Legislature returned from the summer recess on August 1st, they had a month-long sprint until the end of session. The first two weeks of their return were focused on hearing all of the bills in the Senate and Assembly Appropriations Committees. All legislation with a state fiscal impact had to be considered during this time period. August 12th was the final day for bills to be heard in the Legislature's policy committee hearings. However, as usual, both houses held their suspense committee hearings on August 11 for their biannual financial culling. Known as the suspense file, these appropriation hearings allow lawmakers to review the financial costs of certain bills before they reach the Assembly or Senate floor for a vote. This year, approximately 800 bills were heard through this process.

After this deadline, the Legislature had two final weeks between August 15th-August 31st where they held nearly all-day floor sessions to take up the remaining bills for a final floor vote; no committees other than conference and Rules may meet for any purpose.

Given the 72-hour in-print rule established by the Constitution, bills cannot be amended in the final days of session. As such, the remaining budget trailer bills reflecting an agreement between the Legislature and Administration came out three days before the amendment deadline. These were mostly trailer bills with clean-up provisions on issues passed earlier in this year's budget, which was expected given the magnitude and volume of issues addressed in the summer budget. However, there were also some new funding items included related to drought and climate resiliency. More details on the budget trailer bills are included below. The 72-hour in-print rule also eliminates some of the last-minute controversial gut and amends that are usually customary during the end of session. There were a few high-profile items that were decided upon in the last few nights like the Governor's ambitious climate proposals and a bill that would extend the operation of PG&E's Diablo Canyon nuclear power plant - SB 846 (Dodd). August 31<sup>st</sup> at midnight was the last day for the State Legislature to pass bills for the 2021-22 Legislative Session. All bills that were passed by the Legislature are now on the Governor's desk for action, until September 30<sup>th</sup> to either veto or sign bills into law. There are approximately 900 bills awaiting on Governor Gavin Newsom's desk for action. Cruz Strategies staff will continue to monitor and advocate for priorities during the signing period, which ends on September 30, 2022.

The Legislature is now on recess and returns to their districts during the fall. The stakes are high this fall, as we enter into the November 8, General Election. All Assembly seats (80) and the (20) Senate seats are up for election or reelection in the newly established district boundaries in 2022. The current partisan breakdown is 31 democrats and 9 republicans in the Senate. The Assembly is made up of 60 democrats and 19 republicans. According to Secretary of State numbers voter turnout hit an extreme low at 16.0% as of June 8, 2022, see our previous [June 7th Primary Elections Memo](#) which outlines the election results by district. In addition, the Secretary of State recently released the [certified list](#) of candidates coming up on the



ballot. The last day to register to vote for the November 8, 2022, General Election is October 24, 2022.

Both the Senate and Assembly will return to the 2023 session on January 3rd.

There were a significant number of key appointments, a departure and changes to Governor Gavin Newsom's administration during the 2022-2023 legislative session. Most recently, Governor Newsom introduced former Los Angeles **Mayor Antonio Villaraigosa** as the Infrastructure Advisor to the State of California. Villaraigosa will be working with local, state and federal leaders to identify priority projects across all regions to leverage federal funding through the federal Infrastructure Investment and Jobs Act (IIJA).

Additionally, two key appointments within the climate/environmental arena were announced this month. The Governor [announced](#) **Amelia Yana Garcia Gonzalez** as the new Environmental Protection Secretary to replace Jared Blumenfeld in September and the chair of the CA Air Resources Board (CARB) [announced](#) **Dr. Steven** Cliff as CARB's new Executive Officer.

In the transportation area, there were two new appointments. **Toks Omishakin** was [appointed](#) Secretary of the California State Transportation Agency by Governor Newsom back in February. He previously served as Director of the California Department of Transportation (Caltrans) since 2019. Omishakin is an expert in the transportation industry with almost two decades of experience. Omishakin's vacancy at Caltrans was filled by the [appointment of Tony Tavares](#). In June, Tavares was sworn in as the 34th Director of the California Department of Transportation (Caltrans). Tavares manages a nearly \$20 billion budget and more than 22,000 employees who oversee California's critical transportation issues.

In July, Governor Gavin Newsom announced the departure of his Cabinet Secretary **Ana Matasantos**. For more than 15 years she has been an indispensable insider in Sacramento, depended on by politicians, parties, and agencies of all varieties for her expertise in the incomprehensible algorithms of state finance and systems. Matasantos has now been [appointed to the State Personnel Board](#) and the [University of California Board of Regents](#).

New legislative changes include the California Latino Legislative Caucus elected Assemblymember Sabrina Cervantes and Senator Lena Gonzalez as the next Caucus Chair and Vice Chair. Assemblymember Cervantes is the first openly LGBTQ+, the first Latina millennial, and the first Inland Empire representative elected as Chair of the Caucus. In addition the 39-member California Legislative Women's Caucus announced they have elected Senator, and current Vice Chair, Nancy Skinner as the new chair of the caucus, succeeding Assemblymember Cristina Garcia, and Assemblymember Cecilia Aguiar-Curry as vice chair.

### State Budget Update

In early August, the Legislative Analyst's Office (LAO) released its [Overview of the 2022-23 Spending Plan](#), a preliminary overview of the state's recently approved budget. The report provides information as to how



the state allocated [insert topline], as well as changes to ensure that the state remained below its State Appropriations Limit.

In addition, the LAO released a short [update](#) to their 22-23 revenue outlook, which suggests the state’s “big three” taxes - personal income, sales, and corporation taxes - are more likely than not to fall below the Budget Act assumption of \$210 billion. The LAO stresses that “significant uncertainty” remains. The state could ultimately end up collecting anywhere from \$25 billion less than anticipated to as much as \$15 billion more — likely ending up about \$5 billion below projections.

The Legislature passed a final budget package on June 29, 2022, this included the official 2022-2023 Budget Act in SB 154 (Skinner), AB 178 (Ting) which amended the Budget Act of 2022-2023, and AB 180 (Ting) which amended the Budget Act of 2021-2022. However, there were 27 additional trailer bills on a variety of subjects that were enacted into law on or before July 1, 2022, these trailer bills included issues like education, public safety, transportation, health and human services, housing and homelessness. Some additional budget trailer bills needed to be worked on over the summer recess, most significantly, the anticipation of the climate-energy trailer bill that was not included in the first batch of trailer bills. In late August, there were 13 new trailer bills and one new expenditure bill, known as the budget bill jr. The August trailer bills included clean-up provisions from some of the earlier budget items and also some new funding provisions, particularly related to energy and climate resiliency, public resources and various omnibus bills. Here are a few of the specific items of importance included in the budget trailer bills, but a full breakdown of the climate and resources funding is included here:

AB 179 (Ting) Budget Bill Jr.: The final budget bill jr., includes various technical adjustments to encumbrance periods, reversions, and reappropriations in various items in the 2022 Budget Act. Such as specification that \$75 million provided in the budget to the Office of Business and Economic Development is for Small Business Drought Relief Grants, however, if federal funds become available for this purpose, funds would be transferred to the General Fund or revert to the California Emergency Relief Fund.

AB 211 Public Resources Trailer Bill: This bill contains provisions necessary to implement the 2022 Budget Act. These provisions include establishing the Community Resilience Center Program, which is to be administered by the Strategic Growth Council, in coordination with the Office of Planning and Research. Allocates funding to various programs in the Budget Act of 2021 related to natural resources. This bill also allocates funding to various programs in the Budget Act of 2021 related to natural resources.

SB 140 Personal Income Tax Law: Corporation Tax Law: exclusions from income: Paycheck Protection Program: This trailer bill contains changes necessary to implement the 2022 Budget Act relating to taxpayer relief. The Personal Income Tax Law and the Corporation Tax Law allow a small business hiring credit to a qualified small business employer, as defined, calculated based on net increase in qualified employees, as defined, over a specified period of time.



## CRUZ STRATEGIES

AB 209 Energy and Climate Change Trailer Bill: Establishes various programs like the Hydrogen Program at the CEC to provide financial incentives to eligible in-state hydrogen projects and the Equitable Building Decarbonization program at the CEC that includes a direct installation program and a statewide incentive program for low carbon building technologies. This bill also establishes the Clean Energy Transmission Financing Account within the Climate Catalyst Revolving Loan Fund to support clean energy transmission projects.

AB 156 State Government Trailer Bill: Allows the Department of Financial Protections and Innovations to issue a conditional license to debt collectors until Jan 1, 2023. It extends the sunset date of the precision medicine program June 30 2029. Authorizes the Court Reporters Board of CA to issue shorthand reporting certificates for voice writers and clarifies that goat herders subject to the same alternative minimum wage as the shepherders. Lastly, it allocates \$100 million for the CA HOPE Opportunity, Perseverance, and Empowerment trust account program.

AB 157 State Government Trailer bill: Establishes the CA Small Agriculture Business Drought Relief Program to be administered by GO-Biz in consultation with the Department of Food and Agriculture to assist small agricultural business that are severely affected by drought. It expands the infill infrastructure grant program of 2019 to provide funding to local jurisdictions for large scale and infill development and adaptive use.

AB 204 Health Trailer Bill: Establishes the Workforce Stabilization Retention Payment Program by offering retention payments for clinic workers and eliminates copayments for Medi-Cal patients. The bill also clarifies that for practical support to access, abortion care services, financial or in-kind assistance is allowed in the program.

AB 207 Human Services: States legislative intent for the Department of Social Services (DSS) to implement a full passthrough of child support payments collected to families currently receiving CalWORKs benefits by January 1, 2025. Establishes, the Excellence in Family Finding, Engagement, and Support Program, administered by the DSS to conduct specialized permanency work with a focus on establishing and maintaining permanent connections for foster children

Cruz Strategies staff will continue to monitor established and extended state grant programs budgeted in the 2022-2023 state budget to keep track of details like eligibility and timeline for the release of applications.



## Other Legislative Items

### Brown Act Legislation

This year, there were a number of proposals introduced to make changes to the Brown Act, which addresses the rules governing public participation and attendance at meetings of local legislative bodies. There were three bills on this subject that ultimately passed the Legislature. SB 1100 by Senator Cortese has already been signed into law, but no action has been taken by the Governor yet on the other two bills (AB 2449 and AB 2647). Linked [here](#) is a more detailed memo that we previously provided that further outlines the impact of these bills, but for convenience, we have provided a shorten summary here too:

*SB 1100 (Cortese) Open Meetings: Orderly Conduct:* SB 1100 in certain circumstances permits the presiding member of a Brown Act legislative body, or their designee to remove or cause the removal of, an individual for disrupting the meeting. For purposes of this section “disrupting” is defined as: engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

- (A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.
- (B) Engaging in behavior that constitutes use of force or a true threat of force.

*AB 2449 (Rubio) Open Meetings: Local Agencies: Teleconferences:* AB 2449 provides that until January 1, 2026, under certain circumstances (just cause, as defined or emergency circumstances, as defined) and on a limited basis, a non-majority amount of members of a Brown Act body may utilize virtual teleconferencing without publicly noticing their location and making that location accessible to the public.

*AB 2647 (Levine) Local Government: Open Meetings:* AB 2647 allows writings that have been distributed to members of a legislative body of a local agency less than 72 hours before an open, regular meeting to be exempt from specified requirements of the Brown Act if the agency meets certain requirements.

### Housing and Homelessness

As previously reported, the budget provided an additional \$2 billion over the next two years in aid to counties, large cities and Continuums of Care through the Homeless Housing, Assistance and Prevention grant program (HHAP). HHAP is a source of funds for cities, counties, and continuums of care to create comprehensive plans to address their homelessness challenges in ways that best meet local needs.

AB 2011 (Wicks) and SB 6 (Caballero) were the two high-profile housing bills of the legislative session. After months of negotiations between the Carpenters and State Building Trades a deal was made with both





bills advancing to the Governor's Desk. These two bills would:

AB 2011 (Wicks) Affordable Housing and High Road Jobs Act of 2022: The bill makes affordable housing, and specified mixed-use housing, by right on commercially zoned lands if projects meet strict affordability, labor and environmental criteria. The growing housing crisis in this state needs to be urgently addressed with a combination of solutions and innovative policies to expedite the building process.

SB 6 (Caballero) The Middle-Class Housing Act of 2022: The bill requires that housing development proposals continue to abide by local parking, design, and other ordinances, and recognizes local inclusionary requirements. Further, SB 6 recognizes the need to provide a pathway for projects to move forward when the state's skilled and trained workforce requirements for contractors and subcontractors prove to be difficult to meet.

Please see below for a summary of other key housing legislation that was acted on at the end of session:

AB 2234 (Rivas) Planning and zoning: housing: post entitlement phase permits: The bill would impose short plan review timelines for large multi-unit housing developments and mandates local governments to offer a costly electronic permit submission system, but provides no state funding to support this mandate

SB 897 (Wieckowski) Accessory dwelling units: junior accessory dwelling units: The bill would make numerous changes to the laws governing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in ways that are unclear and difficult to interpret for counties.

AB 2221 (Quirk-Silva): This bill would accelerate Accessory Dwelling Units (ADUs, aka granny flats or casitas) development by clarifying ambiguities in existing law and removing arbitrary barriers that some cities have imposed on ADU development.

SB 886 (Wiener): SB 886 will help universities build student housing faster and at lower cost by streamlining the environmental review process for housing on university-owned land that is neither at risk of fire, nor in a sensitive habitat.

AB 2873 (Jones-Sawyer): This bill will advance diversity, equity, and inclusion by requiring developers that receive state affordable housing dollars to report if the firms they contract with are owned and operated by people of color, women, or LGBTQ+ people.

AB 2053 (Lee): AB 2053 would establish a new, statewide social housing program that would fund, build, and manage affordable housing for both rent and homeownership.

### CARE Court

Earlier this year, Governor Newsom announced his proposal to create a state CARE Court program, which



## CRUZ STRATEGIES

is a proposed framework to deliver mental health and substance use disorder services to the most severely impaired Californians who often suffer from homelessness or incarceration. The goal of this program is to connect a person in crisis with a court-ordered Care Plan for up to 12 months, with the possibility to extend for an additional 12 months. After introducing the idea, the Administration then sought a legislative vehicle to implement this proposal. After many months of difficult negotiations with the Administration and Legislature on this very issue, the two bills to implement the program (SB 1338 and AB 179) ultimately passed the Legislature and are now before the Governor for signature. Throughout the legislative process, individual local government agencies, along with the associations, have advocated for amendments to make the proposal workable, to provide the necessary resources and funding to counties to make this successful, and to help protect counties from potential liabilities associated with taking on this new responsibility. As a recap, the initial proposal (announced on March 3) required these new civil courts to be implemented with no state funding by July 1, 2023. However, local government advocates were able to secure the following improvements:

- Phased-in implementation: [SB 1338](#) now designates a first cohort of seven counties (Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne and the City and County of San Francisco) to implement by October 1, 2023, with the remaining counties slated to implement by December 1, 2024.
- Start-Up Funding: [AB 179](#) now includes \$57 million in new state funding to address start-up costs. This includes \$26 million for the initial cohort of counties and \$31 million for all counties to plan and prepare for implementation.
- Ongoing Funding: [SB 1338](#) includes a statutory commitment that the CARE Act will become operative only upon consultation with county stakeholders, and developing a CARE Act allocation to provide state financial assistance to counties to implement the CARE Court process. We anticipate this process will be developed this fall for inclusion in next year's budget.
- Structure:
  - lengthening the time for county behavioral health agencies to submit evaluations;
  - providing indemnity to counties for the actions of CARE Court respondents;
  - engaging the presiding judge of a superior court on possible sanctions;
  - ensuring that any fines paid as a result of sanctions are invested back into the sanctioned county for improvement of services, and
  - requiring health care services plans to reimburse counties for member evaluation costs.



## CRUZ STRATEGIES

### Transportation

As previously reported, the 2022-2023 budget includes \$4.2 billion High-Speed Passenger Train Bond Fund (Proposition 1A) to complete high-speed rail construction in the Central Valley. There was also an allocation of \$1 billion General Fund for Active Transportation Program projects that encourage the increased use of active modes of transportation, such as walking and biking, and increase the safety and mobility of non-motorized users.

### Climate-Energy

Two weeks before the end of session, Governor Newsom introduced five bold climate proposals and began to seek Senate and Assembly authors to champion his proposals before the session concluded for the year. The five climate "pillars" that the Governor touted included:

Codifying statewide carbon neutrality goal to dramatically reduce climate pollution. Establishes a clear, legally binding, and achievable goal for California to achieve statewide carbon neutrality as soon as possible, and no later than 2045.

Ramping up our 2030 climate ambition. Adopts a more aggressive 2030 greenhouse gas emissions reduction target - going from 40% to 55% below the 1990 level.

Protecting communities from the harmful impacts of the oil industry. Establishes a setback distance of 3,200 feet between any new oil well and homes, schools, or parks.

Ensures comprehensive pollution controls for existing oil wells within 3,200 feet of these facilities.

Establishing a pathway toward the state's clean energy future. Creates clean electricity targets of 90% by 2035 and 95% by 2040 with the intent of advancing the state's trajectory to the existing 100% clean electricity retail sales by 2045 goal.

Advancing natural and engineered technologies to remove carbon pollution. Establishes a clear regulatory framework for carbon removal and carbon capture, utilization and sequestration. Requires the state to develop an achievable carbon removal target for natural and working lands.

With numerous off the floor policy committee hearings late into the night on the final three days of session



## CRUZ STRATEGIES

coupled with opposition from many of the state's business groups, four of the five proposals advanced through the Legislature (AB 2133 was the only measure that failed). Here is a summary of the legislative vehicles that ultimately captured the Governor's climate ambitions:

SB 905 (Caballero and Skinner) – This bill is tied together with AB 1279 (Muratsuchi). SB 905 establishes the Carbon Capture, Removal, Utilization, and Storage Program (CCRUS) at the California Air Resources Board. By establishing a framework for CCRUS, this bill anticipates future requirements needed to meet California's emission reduction goals. Specifically, this bill includes the following:

- Requires CCRUS projects to minimize air and water quality impacts in surrounding communities.
- Requires the ARB to adopt regulation for unified permit application by January 1, 2025.
- Requires the ARB to promulgate regulations for financial responsibility for CCRUS projects and develop a database to track projects.
- Prevents double-counting of emission reductions by counting captured carbon as a reduction in carbon dioxide.

SB 1137 (Gonzalez and Limon) – This bill establishes health protective zones for oil and gas well setbacks. A health protective zone is considered an area within a 3,200-foot radius from a residence, school, community resource center, health care facility, or business that is open to the public.

SB 1020 (Laird, Atkins, et. al) – This bill established new targets under existing law requiring California to have 100% clean, zero carbon, and renewable energy policy for California's electricity system by 2045. Specifically, among other things, this bill:

- Adds 90% by 2035 and 95% by 2040 goals.
- Requires all state agencies to purchase 100% zero carbon electricity for themselves by 2035, this is specifically important for the State Water Project, which uses electricity to pump water over mountain ranges to Southern California and allows an extra 5 years for (until 2040) to come into compliance.
- Allows the California Independent System Operator to have confidential information on power purchase agreements to assist with transmission planning, as they are the entity in charge of maintaining the stability of our electric grid.

AB 2133 (Quirk) – This bill would have accelerated California's greenhouse gas reduction target for 2030 from 40% below 1990 levels to 55% below reduction levels, but ultimately failed on the Floor.



## CRUZ STRATEGIES

AB 1279 (Muratsuchi) – This bill codifies California’s carbon neutrality goals, but also requires a reduction of greenhouse gas emissions of 85% below 1990 levels by 2045. AB 1279 gives the California Air Resources Board the flexibility to chart a path on how to meet these goals, while ensuring accountability and transparency throughout the process, as well as an opportunity to correct course by reassessing the feasibility and tradeoffs of the 85% goal.

Diablo Canyon: On September 2nd, Governor Newsom signed [SB 846 \(Dodd\)](#) into law, providing a path forward to extend the operation of PG&E’s Diablo Canyon nuclear power plant for another five years past its 2025 scheduled retirement date. As an urgency bill, it took effect immediately upon the Governor’s signature. In signing the bill, the Governor [clarified](#) that the rate recovery component is applicable only to electricity a customer uses from the grid and *not* a customer’s self-consumption from rooftop solar. The Governor’s signing statement was issued in response to last minute concerns from the solar industry.

### **Public Safety**

In May, Governor Gavin Newsom, called on Legislative leaders to expedite gun reform and safety laws that will protect people from gun violence. The initial package of bills the Governor called for signature included:

AB 2571 (Bauer-Kahan): Firearms: advertising to minors: This bill prohibits firearm industry members from marketing or advertising firearm-related products to minors and authorizes public attorneys and injured plaintiffs to bring a civil action to enforce the prohibition, obtain injunctive relief, and seek either civil penalties, or, in some cases, damages for harms caused by a violation.

AB 1621 (Gipson) Firearms: unserialized firearms: This bill revises several definitions relating to firearm precursor parts and unserialized firearms and establishes various restrictions on the possession, sale, transfer, import, manufacture and assembly of serialized and unserialized firearms, and firearm precursor parts, subject to exceptions. Additionally, this bill repeals several provisions of law related to firearm precursor parts that are set to go into effect July 1, 2022.

SB 1327 (Hertzberg and Portantino): Firearms: private rights of action: This bill establishes a privately-enforced civil cause of action against any person who manufactures or causes to be manufactured, distributes, transports, or imports into the state, or causes to be distributed or transported or imported into the state, keeps for sale or offers or exposes for sale, or gives or lends certain firearms, including firearm precursor parts and assault weapons.

AB 1594 (Ting): Firearms: civil suits: This bill establishes the “firearm industry standard of conduct,” which places a series of requirements on industry members and prohibits specified practices.

Other important public safety bills include:



## CRUZ STRATEGIES

AB 1608 (Gipson): County Officers: Consolidation of Offices: AB 1608 would have removed counties' ability to consolidate the offices of sheriff and coroner and would have required the offices of sheriff and coroner that were consolidated before January 1, 2023, to be separated. This presented many logistical, financial, and personnel related concerns for the impacted counties, given the current shortage of medical examiners, particularly in rural areas of the state. For the counties that already have separate offices, this bill (and potential amendments from the California State Sheriff's Association) could have created an increased workload that was not associated with any guaranteed funding. Assemblymember Gipson brought the bill up for a vote at the very end of session, but he was not able to secure enough votes to move the measure off the Senate Floor.

AB 759 (McCarty): Elections: County Officers: This bill would change the election cycle for District Attorney and Sheriff races to be synced with the presidential election cycle, instead of gubernatorial election years, beginning with the 2028 presidential primary election. The author and sponsors claim that there is greater voter turnout during these election cycles, hence making the process more democratic. The original version of the bill also included County Assessors, but it was later amended to remove the bill from applying to that office. The District Attorney Association and the California State Sheriff's Association were both opposed to the measure. AB 759 passed the Legislature and is now before the Governor for consideration.

SB 262 (Hertzberg): Bail: SB 262 is the bail reform bill that became a two-year bill when Senator Hertzberg moved it to the inactive file at the end of 2021. The bill was revived again in the final days of this year's legislative session. Zero-bail was originally included in the initial version of the bill, but it was then amended to completely remove those provisions from the bill. It then proposed changes to court costs and how much surcharge a bail bondsman may retain in certain instances. SB 262 would have prohibited costs related to conditions of release from being imposed on someone being released on bail or on their own recognizance. The types of fees that could be prohibited include the costs of an ankle monitor, for example. The proposal would require the court to order the return of money or property paid to a bail bondsman by or on behalf of an arrestee to obtain bail under certain circumstances. Those include if the action or proceeding against the arrestee is dropped or if no charges were filed against the arrestee within 60 days of arrest. After a very heated debate in the final hours of session, SB 262 stalled on the Assembly Floor and didn't move forward.

### **Health and Human Services**

AB 179 Budget Bill Jr includes several wins for health and human services. It includes \$70 million to implement a clinic workforce stabilization retention payment program to provide funds to eligible qualified clinics, including but not limited to federally qualified health centers (FQHCs) and rural health clinics (RHCs), to provide retention payments to clinic employees. AB 204, the Health omnibus trailer bill, specifies retention payments of up to \$1,000 per eligible clinic employee to support the public purposes of providing stability in the California qualified clinic workforce and retaining qualified health care workers. The retention payment program would only be implemented to the extent DHCS determines that federal financial participation under the Medi-Cal program is not jeopardized. The budget also includes \$150 million for family finding, engagement, and support to assist counties in identifying permanent connections for foster children and



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youth. The funding will be distributed through an allocation schedule and counties that elect to receive the funding will be required to provide a local match for 50% of the funding.

AB 240 (Rodriguez) Local Health Department Workforce Assessment: This measure requires the Department of Public Health to conduct an evaluation of the adequacy of local health department infrastructure and to make recommendations for future staffing, funding, workforce needs, and resources, in order to accurately and adequately fund local public health.

AB 988 (Bauer-Kahan) Mental health: 988 Suicide and Crisis Lifeline: This measure implements a statewide 9-8-8 suicide prevention and mental health crisis hotline as required by federal law. As recently amended, the bill requires the California Health and Human Services Agency to convene a state 988 advisory group consisting of various participants, including county representatives, to advise the Agency on a set of recommendations to support a five-year implementation plan for a comprehensive 988 system. Recent amendments also require health plans and insurers to cover medically necessary treatment, as specified, provided by call centers and mobile crisis teams. To support ongoing costs, the measure establishes a new surcharge initially set at \$0.08 per access line per month, and beginning January 1, 2025, at an amount specified by formula to be capped at \$0.30 per access line per month. AB 988 was approved by the Legislature and moved to the Governor's desk for consideration.

SB 1302 (Portantino) School-based Health Centers: Grant Program: Mental Health Services Act: This measure appropriates \$250 million from the Mental Health Services Fund to support school-based health centers through grants issued by the Superintendent of Public Instruction. Although the intent of establishing and improving the provision of behavioral health services to students at school-based health centers is meritorious, counties oppose any effort to redirect Mental Health Services Act (MHSA) funding to other services instead of the local services for which it was originally intended. The bill is now at the Governor's desk for his consideration.

SB 1342 (Bates) Aging multidisciplinary personnel teams: This bill would authorize counties and area agencies on aging to create aging multidisciplinary teams (MDTs) to allow for information sharing among entities providing services to older adults. Modeled off of the homelessness MDTs authorized by 2017 legislation, these aging services MDTs would improve service delivery, increase coordination, and support integrated case management. This bill is also awaiting at the Governor's desk for action.

SB 872 (Dodd) Pharmacies: Mobile Units: This measure authorizes a county or a city and county to operate a licensed mobile unit to provide prescription medication to individuals within the county's jurisdiction, subject to specified criteria. This bill was signed by Governor Newsom on August 29.

SB 928 (Wieckowski) Public Administrators: Compensation: This measure increases the minimum fee a county Public Administrator may charge for managing estates and making final arrangements for descendants without known or willing relatives. The minimum compensation threshold of \$1,000, which was set nearly 20 years ago, will increase to \$3,000 beginning on January 1, 2023. SB 928, while modest, will



help Public Administrators recover some costs, where appropriate, associated with managing the estates and probate process for descendants.

## **COVID-19 Update**

### AB 152 COVID-19 relief: supplemental paid sick leave

This bill makes necessary changes to implement COVID-19 relief provisions adopted as a part of the Budget Act of 2022

1. Additional Changes to the COVID-19 Supplemental Paid Sick Leave program. Makes two changes:
  - a. Extends the expiration date for the provisions of 2022 COVID-19 Supplemental Paid Sick Leave program contained in SB 114 from September 30, 2022 to December 31, 2022
  - b. Under existing law if an employee is receiving additional Supplemental Paid Sick Leave, then an employer may require the employee to submit to a second diagnostic test on or after the fifth day after the first positive test that entitled the employee to the additional Supplemental Paid Sick Leave and provide documentation of those results. This bill further authorizes the employer to require, if that second diagnostic test for COVID-19 is also positive, the employee to submit to a third diagnostic test within no less than 24 hours and requires the employer to provide the second and third diagnostic tests at no cost to the employee. Finally, the bill specifies that the employer has no obligation to provide additional COVID-19 supplemental paid sick leave for the employee who refuses to submit to these aforementioned tests.
2. California Small Business and Nonprofit COVID-19 Supplemental Paid Sick Leave Relief Grant Program. Establishes this program within CalOSBA to assist qualified small businesses and nonprofits, with between 26 to 49 employees, for incurring costs for COVID-19 supplemental paid sick leave AB 152 (Committee on Budget) pursuant to Sections 248.6 and 248.7 of the Labor Code, through administration of grants. Defines qualified small business or nonprofit and outlines eligibility guidelines for the Program. Authorizes the Department of Finance to increase the appropriation for the grants by up to \$70 million if General Fund savings are achieved due to increases in federal funds and authorizes the Department of Finance to transfer this sum from the General Fund to the California Emergency Relief Fund for this purpose. This authorization would increase the total appropriation for the program to up to \$320 million.

## **Public Health Crisis - Monkeypox**

Governor Newsom proclaimed a state of emergency in response to the Monkeypox outbreak on August 1, 2022. The order helps coordinate a multi-agency government response and seek out additional vaccines to slow down the infections. Access to the antiviral prescription used to treat monkeypox has been severely limited. In addition, Senator Weiner led the submission of a letter signed by a group of legislators asking for





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approximately \$38 million in this year's budget for counties to address monkeypox. Following that, the state Senate formed a Select Committee on Monkeypox chaired by the senator. The committee held an oversight hearing on August 9 th to hear from the field on how the state can help improve its response to the ongoing outbreak. A memo with more detailed information from the August 9th hearing can be found [here](#).

Additionally, Budget Bill Jr. AB 179 provides a total of \$41.5 million of General Funds to the Department of Public Health for purposes related to the monkeypox state of emergency and includes provisional language authorizing the Department of Finance to request additional funding necessary for the State's response. Of this amount, \$15.75 million supports community response to monkeypox including \$1.5 million that shall be used for grants to community-based organizations to support the administration of monkeypox vaccinations.

### Qualified 2022-2023 Ballot Measures

California voters will decide the fate of seven statewide propositions on November 8 at the general election. The propositions, like all state ballot measures, require approval by a simple majority of voters for passage. Unless otherwise specified, propositions approved by voters will take effect once the election results are certified in December. Included below are brief summaries of the propositions that have qualified, and a more detailed memo that includes registered support and opposition for measures can be found [here](#).

- **Proposition 1:** Provides a state constitutional right to reproductive freedom, including the right to an abortion and to choose or refuse contraceptives.
- **Proposition 26:** Legalized sports betting at American Indian gaming casinos and licensed race tracks in California. Imposes 10% tax on sports-wagering profits at horse-racing tracks; directs portion of revenues to enforcement and problem-gambling programs.
- **Proposition 27:** Legalizes mobile sports betting and dedicates revenues to the California Solutions to Homelessness and Mental Health Support Account and the Tribal Economic Development Account.
- **Proposition 28:** Provides additional funding for arts and music education in all K-12 public schools (including charter schools) by annually allocating from the General Fund an amount equaling 1% of required state and local funding for public schools.
- **Proposition 29:** Would enact staffing requirements, reporting requirements, ownership disclosure, and closing requirements for chronic dialysis clinics. The measure would also prohibit clinics from refusing to care for a patient based on the patient's form of payment.
- **Proposition 30:** Increases the tax on personal incomes above \$2 million by 1.75% and dedicates revenue to Zero Emission vehicle projects and wildfire prevention programs.
- **Proposition 31:** This measure upholds the ban on flavored tobacco sales. The ban is upheld by Senate Bill 793 (SB 793), which was signed into law on August 28, 2020. SB 793 was designed to ban the sale of flavored tobacco products and tobacco product flavor enhancers, with exceptions for hookah tobacco, loose leaf tobacco, and premium cigars.



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### UPCOMING DEADLINES

- **Sept. 30** Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1
- **Oct. 2** Bills enacted on or before this date take effect January 1, 2023.
- **Nov 8** General Election.
- **Nov. 30** Adjournment *sine die* at midnight
- **Dec. 5** 2023-24 Regular Session convenes for Organizational Session at 12 noon.